

# City Commission Meeting Minutes

August 16, 2022

(APPROVED)

8/16/2022 - 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

**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. COMMENTS AND PETITIONS

Michelle Threatt, resident and President of the Northwest Association, said the Back to School Bash went well and thanked the City for their assistance.

Becky Wynkoop, resident, shared concerns about the intersection at 3rd Street and Sessoms Ave. near the Christian School. She suggested switching stop signs.

Ben Wiles, resident, said he met with Mr. Bennett and Mr. Slaton regarding development issues. He said appreciates City staff assistance on this. He spoke on development concerns.

Pete Webber, property owner, said Lake Wales needs to find ways to grow smart.

Charlene Bennett, resident, shared about an article in a conservative paper that features comments from the Mayor. She distributed paper copies.

Juanita Zwaryczuk, resident, thanked the two Commissioners for vote against increase in salaries. She spoke about the article referenced by Ms. Bennett.

Al Goldstein, resident, spoke in favor of Judeo-Christian values and that we need to keep the City growing.

Pam Dorer, non-resident, spoke against mixing religion and politics. We need to maintain freedom of religion and diversity.

6. CONSENT AGENDA

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

by voice vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

6.I. Minutes - August 2, 2022

6.II. Agreement Renewal With The Polk County Board Of County Commissioners (BoCC) Fleet Management Division For City Vehicle And Equipment Maintenance Services.

[Begin Agenda memo]

**SYNOPSIS:**

Staff is requesting Commission approval to renew our existing maintenance agreement with the BoCC for an additional twelve month period.

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

1. Approve the agreement to extend the existing contract for an additional twelve month period.
2. Authorize the City Manager to execute the agreement on behalf of the City.

**BACKGROUND** In August of 2009, the City of Lake Wales (COLW) entered into an agreement with the Polk County Board of County Commissioners for fleet maintenance services. Per the agreement, BoCC's Fleet Management Division provides maintenance services on all City-owned vehicles and equipment at the City's fleet facility located on Crystal Avenue. The initial term of the agreement was for a twelve month period with the option to renew annually upon mutual agreement between the City and the BoCC. The agreement has been renewed each consecutive fiscal year since the initial agreement in 2009.

Under the terms of the agreement, Polk County Fleet Management (PCFM) provides:

- All labor, parts and outsourced services related to routine, breakdown and/or preventative maintenance. Repairs related to accidents and/or abuse are included but are not within PCFM's basic rate structure.
- Management of accident and/or abuse related repairs in coordination with COLW management personnel.
- Tire maintenance, replacement and/or repairs.
- Service and/or breakdown support, 24 hours/day 7 days/week.

- Repair and/or maintenance of allied tools, equipment and/or small engine machinery.
- Maintenance reporting through the current PCFM automated Fleet Management Information System (FMIS).
- Access to and service from all PCFM's network of garage facilities Countywide.
- Repair and/or maintenance of COLW owned generators, when requested.
- Repairs to shop equipment owned by the COLW if the failed equipment was rendered inoperative due to PCFM.

The Polk County Fleet Management Division provides the City with a fixed-rate fee schedule for maintenance services prior to the beginning of each fiscal year. These fees are based on historical equipment repair costs incurred by Polk County Fleet Management throughout the previous year.

Prior to the agreement with Polk County Fleet Management, the City operated its own Fleet Maintenance Department. A five-year summary of the City's total fleet maintenance costs are outlined below:

Fiscal Year Actual (Pre-County Contract 2004-2009)

Fiscal Year Actual (Pre-County Contract 04-09)	Salaries	M&R Vehicles	Operating Supplies	Vehicles M&R	Vehicles Refurbishment	Fleet Operating Budget	Total 5-Year Average
	126,744	153,571	33,928	3,808	49,778	367,829	

Fiscal Year Actual (Post- County Contract 2016-2021)	Fiscal Year Actual (Post- County Contract 17-22)	Salaries	M&R Fleet Contract	Operating Supplies	Vehicles/M&R Fleet Non-Contract (budget)	M&R Vehicles Refurbishment	Fleet Operating Budget	Total
2017/2018	N/A	295,006	22,300	0	21,583	338,889		
2018/2019	N/A	300,014	22,300	0	23,813	346,127		
2019/2020	N/A	249,641	22,300	0	25,827	289,768		
2020/2021	N/A	218,519	22,300	0	20,970	259,961		
2021-2022	N/A	293,031	22,300	0	24,837	340,168		
5-Year Average	N/A	227,538	22,300	0	23,406	314,983		

**OTHER OPTIONS** The City Commission may choose not to enter into this agreement and

1) direct staff to develop a request for proposal for fleet maintenance services or

2) direct staff to assume the responsibility of our own fleet maintenance services.

**FISCAL IMPACT** The annual maintenance fee for FY 22/23 is \$279,660. This fee is a decrease of \$13,371 from FY 21/22.

[End Agenda Memo]

[Begin Agenda Memo]

**SYNOPSIS:**

The City Commission will consider authorizing replacement of sections of the carpet in the Municipal Administration Building.

**RECOMMENDATION** It is recommended that the City Commission take the following action(s):

1. Authorize staff to expend budgeted funds in the amount of \$58,929.20 for the removal and replacement of carpet in the Municipal Administration Building.

**BACKGROUND** The carpet in the Municipal Administration Building is the original carpet installed when the building was remodeled in 1999. The carpets have been professionally cleaned on multiple occasions, and have passed their useful life span.

The City Commission approved \$100,000 in the FY'21-22 Capital Improvement Program budget to replace the carpet in the Municipal Administration Building. The City Commission approved a proposal submitted by SEMCO Construction, Inc. in the amount of \$35,460 for the main hall and most of the City Manager's office area. \$64,540 was left the budget line for additional areas of the building to have carpet removed and replaced. The City requested a quote to reflect what the cost would be to replace carpet in all remaining areas of the building. The total for the rest of building totaled \$128,082.60.

Staff recommends the City Commission approve the carpet replacement of the following from SEMCO's Proposal:

- Alternate #1 Add Offices and HR - \$31,624.00
- Alternate #2 Add Building Department – \$16,284.00
- Alternate #6 Meeting Bid Room - \$11,021.20

Totaling \$58,929.20

The City of Lake Wales entered into agreements for General/Licensed Building Contractor Services with SEMCO Construction, Inc. and Miller Construction Management, Inc.

**OTHER OPTIONS** The City Commission may reject the proposal submitted by SEMCO Construction, Inc. and direct staff to initiate a sealed bid solicitation.

**FISCAL IMPACT** SEMCO's proposal of \$58,929.20 of the \$64,540 available from the \$100,000 budget appropriation.

[End Agenda Memo]

6.IV. Pilot Services Agreement Amendment – Kayaks And Paddleboards

[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider amending the Pilot Services Agreement with Rent.Fun for Kayaks and Paddleboard Rentals.

**RECOMMENDATION** It is recommended that the City Commission take the following action(s): 1. Approving the Amended Pilot Services Agreement with Rent.Fun. 2. Authorize the City Manager to execute the Amendment on behalf of the City.

**BACKGROUND** City Commission approved the Agreement with Rent.Fun and authorized a \$15,000 activation fee for an 8 unit Kayak and Paddleboard System. The Rent.Fun has been affected by substantial cost increases and delays of the electrical components following their supplier's Covid-related shutdown. Rent.Fun has provided the following information:

"COST INCREASES We have been hit with unexpected and substantial cost increases on our electronic components following our supplier's Covid-related shutdown in Shanghai. While we now have access to the supply that we need, our hardware costs have increased substantially, and inflation and gas prices have hit us hard at the same time. To ensure our programs are sustainable for the long-term, we've been forced to increase our list prices. It is now \$15,000 for a 4-unit station, and \$25,000 for an 8-unit station.

#### **4-UNITS STATIONS ARE NOW OUR STANDARD OFFERING**

Furthermore, after an in-depth analysis of utilization patterns across our 10 live locations, we've discovered that 4-units are sufficient to meet the demand in the vast majority of locations, as it is extremely rare for more than 4-units to be checked out at once. (On average, this occurs less than once per month at each of our programs). For this reason, we are now recommending to all of our customers to start with a 4-unit rental station, as 4-unit stations take up less space in your parks and generate just as much revenue as an 8-unit station.

YOU'RE IN GOOD COMPANY WITH A 4-UNIT STATION.

Below is a list of customers who have already signed on at the new list price of \$15,000 for a 4-unit station.

South Bend, IN Warsaw, IN Olmsted County, MN Bay City, TX Lenexa, KS Mt Dora, FL (pending)

WE STILL EXPECT 100% COST RECOVERY FOR LAKE WALES.

Based on average rental revenues from our other programs, we are still confident that Lake Wales will achieve 100% cost recovery (and more) on its investment of \$15,000. As demonstrated by the gross revenue figures below, each of our locations are currently averaging between \$1500 and \$2200 per month.

#### MONTHLY RENTAL REVENUE BY LOCATION

June 2022 July 2022

Warsaw IN - Pike lake \$1,470.00 \$2,580.00

Warsaw IN - Center Lake \$1,005.00 \$810.00

Akron, Ohio \$1,050.00 \$1,730.00

Minster, Ohio \$1,160.00 \$1,570.00

Genesee County, MI \$998.00 \$2,145.00

South Bend, IN \$1,064.00 \$1,029.00

Harvard Town Beach \$3,700.00 \$5,870.00

La Porte, IN - Stone Lake Beach \$2,100.00 \$2,060.00

Carbondale IL - Cedar Lake Boat Ramp \$1,540.00

AVERAGE \$1,568.45 \$2,148.22

Even if the Lake Wales location performs half as well as our current averages, (aka \$750 per month), with the proposed revenue share arrangement, the City would be collecting \$7200 per year and would make its money back in year 3 of the agreement. Supporting calculation: \$750 per month \* 12 month operating season = \$9000 per year \* 80% revenue share = \$7200 per year for Lake Wales, FL. "

**OTHER OPTIONS** 1. The City Commission may choose to no longer move forward with the Agreement with Rent.Fun 2. The City Commission may choose to move forward with the 8 – unit piece for an additional \$10,000.

**FISCAL IMPACT** The Commission approved the Activation Fee for an 8 - unit system in the amount of \$15,000. The City shall receive 80% of the gross rental revenue received from Watercraft Rentals until the City recoups the Activation in full. After the City recoups the Activation Fee, the City shall receive 20% of program revenue for the duration of the contract.

[End Agenda Memo]

6.V. Special Event Permit: Wine Downtown September 9, 2022

[Begin Agenda Memo]

**SYNOPSIS** This is a request by Main Street to have a wine walk event called Wine Downtown on Friday, September 9, 2022 from 4:00 p.m. – 8:00 p.m. The event will include alcohol.

**RECOMMENDATION** Staff recommends 1. That the City Commission approve the permit request to allow Main Street to host an event in the downtown on Stuart and Park Avenue and Scenic HWY and First Street to include the serving of alcohol on Friday, September 9, 2022 from 4:00 p.m. – 8:00 p.m.

**BACKGROUND** Lake Wales Main Street is planning to host a wine walk type of event on Friday, September 9, 2022 from 4:00 p.m. – 8:00 p.m. This event will allow participants to stroll through downtown with alcohol. Police officers will be present for the event. No streets will be closed.

**OTHER OPTIONS** Do not approve the Special Event Permit.

**FISCAL IMPACT** None. Lake Wales Main Street will cover the cost of off-duty officers.

[End Agenda Memo]

6.VI. Law Enforcement Vehicle Purchase

[Begin Agenda Memo]

**SYNOPSIS:** Staff is requesting Commission approval to lease purchase one (1) additional police vehicle from Ford Credit's Municipal Lease Plan

**RECOMMENDATION** It is recommended that the City Commission take the following action(s):

1. Approve the sixty (60) month lease-purchase of one (1) additional fully equipped 2022 Ford F150 Police Responder from Bartow Ford based upon Florida Sheriff's Association Fleet competitive bid pricing.

2. Authorize the City Manager to execute the necessary documents on behalf of the City.

3. Authorize a budget amendment for \$5,139.00.

**BACKGROUND** On July 12, 2022, a three vehicle crash occurred on CR 540 involving unit 223, an unmarked Chevrolet Impala, damaging it beyond repair. Although the City will pursue reimbursement from the at fault driver's insurance, the department must replace this vehicle as soon as possible. In October, the City Commission approved the lease/purchase of eight (8) police vehicles from Bartow Ford. Bartow Ford has agreed to add the cost of a replacement vehicle into the existing lease agreement.

- The fully equipped 2022 Ford F150 Responder police vehicle can be lease-purchased using the Florida Sheriff's Association competitive bid pricing. The capital cost of this vehicle, if purchased outright, would be \$43,987.00.

- Ford Credit Municipal Finance's proposal has an APR of 4.85% over the sixty (60) month term with a one (\$1.00) dollar residual buyout per vehicle at the end of the lease.

- Under the Ford Credit Municipal Finance Agreement, the additional vehicle will increase the annual lease payment from \$75,682.22 to \$85,960.22 and the overall lease cost from \$378,431.10 to 391,836.00 at the end of 60 months.

**OTHER OPTIONS** 1) Purchase the additional police vehicle outright at a cost of \$43,987.00

**FISCAL IMPACT** The FY21/22 lease obligation of \$43,987.00 (6 months) provided by Ford Credit is based upon a lease-purchase option for public safety vehicles. If the City Commission approves the vehicle lease agreement, the City is committed to a yearly lease payment of \$85,960.22 for the sixty (60) month lease. If revenues are insufficient in future years, the City has the option to return the vehicles under the non-appropriation of funds clause. If it becomes necessary to exercise this option the Police Department would suffer the loss of the vehicles

[End Agenda Memo]

## 7. OLD BUSINESS

### 7.I. ORDINANCE 2022-39 To Increase Commissioner Salaries – Second Reading And Public Hearing

[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 Second Reading and Public Hearing.

**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.**

OPENED PUBLIC HEARING

Becky Wynkoop, resident, spoke against the Ordinance. She recommended Commissioners submit reports for reimbursement.

Juanita Zwaryczuk, resident, spoke against the Ordinance.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt ORDINANCE 2022-39 after second reading and public hearing. Commissioner Krueger seconded the motion.

by roll call vote:

Commissioner Howell "NO"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "NO"

Mayor Hilligoss "YES"

Motion passed 3-2.

7.II. ORDINANCE 2022-38 Multi-Modal Transportation Impact Fee 2nd Reading And Public Hearing

[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 adopt Ordinance 2022-38 on second reading after public hearing.

**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 thru the development review process. It will also provide a funding mechanism to promote redevelopment thru the provisions of Lake Wales Connected.

On August 2, 2022, The City Commission approved Ordinance 2022-38 on First Reading.

**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 2022-38** 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 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.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2022-38** after second reading and public hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Krueger "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

## 8. NEW BUSINESS

### 8.1. ORDINANCE 2022-37 –First Reading And Public Hearing Proposed Amendments To Land Development Regulations – Downtown Design Standards

[Begin Agenda Memo]

**SYNOPSIS:** Staff proposes amendments to Chapter 23 of the Land Development Regulations (LDRs) to establish architectural and building design standards for downtown. Specific amendments to the following sections of the Land Development Regulations (LDRs) (Chapter 23, Lake Wales Code of Ordinances) are as follows:

- 1) Section 23-303 Sidewalks
- 2) Section 23-306 Off-street and vehicular areas
- 3) Section 23-307 Landscaping
- 4) Section 23-342 Alcoholic Beverage Sales and Services
- 5) Section 23-353 Outdoor Seating Areas
- 6) Section 23-401 District Classifications
- 7) Table 23-405 Correspondence of Zoning Districts to Comprehensive Plan Land Uses
- 8) Section 23-421 Permitted Uses
- 9) Table 23-422B Dimensional and Area Standards – Nonresidential Districts
- 10)Section 23-423 Downtown Mixed-Use Design Standards (NEW)
- 11)Section 23-545.3 Signage Design

12)Table 23-545 Location, Area, and Height Requirements for Signs for Nonresidential Uses

13)Section 23-802 Definitions

**RECOMMENDATION** Staff recommends that the City Commission approve Ordinance 2022-37 on First Reading.

**BACKGROUND** The Lake Wales Connected Plan contains 43 Near-Term (Years 1-3) Action Items for implementation. Action Items 14 & 15 are specifically related to downtown design guidelines and zoning:

Action Item # Description

14 Adopt urban form and design guidelines for downtown streets (Park, Lincoln, Stuart, Orange, Central Avenues; Scenic Highway. 1st Street), and for historic restoration and infill of new buildings, based on the urban design recommendation of the Lake Wales Connected Plan.

15 Draft and adopt changes to zoning to implement Plan recommendations, in the form of strategic changes to the existing ordinance or a new Form-Based Code for the core of Lake Wales (include next 3 items)

- Revised local zoning restrictions of bars in Downtown
- Update zoning requirements to permit infill building according to the Plan vision. Reduce or eliminate minimum parking requirements in the core of Lake Wales.
- Streamline development approval process to reduce uncertainty.

To accomplish the above-listed action items, the proposed amendments to Chapter 23, Lake Wales Code of Ordinances) are proposed.

### **Section 23-423 Downtown Mixed-Use Standards**

This new section will implement most of the provisions in the Lake Wales Connected Action Items. Included in this section are the following:

Purpose & Applicability – a description of the proposed new Downtown Mixed Use (D MU) Zoning District, plus descriptions of the Downtown Historic Overlay and the Crystal Lake Overlay. The D-MU zoning district is intended to replace the existing C-1 and C-1A zoning district currently in place throughout downtown. This new zoning district contains standards for rehabilitating, restoring and preserving buildings in this district. The D-MU zone will also shape new development to be consistent with the design principles contained in Lake Wales Connected.

Downtown Historic Overlay - The Downtown Historic Overlay will replace the C-1A zoning district, but will retain the existing requirements for historic structures outlined in Section 23-653. The downtown design standards will supplement, but will not replace, the required review and approval by the Historic District Regulatory Board.

Crystal Lake Overlay – This section is included to recognize the unique environmental and historical character of the commercially zoned properties fronting Crystal Lake.

Building Form Standards – These standards address location of buildings on property, plus lists Primary Frontages and applicable requirements.

Building Height – 3 stories/45' maximum

Parking – No minimum parking requirements are proposed in the D-MU district, but applicants will be required to provide a parking analysis.

Architectural Standards – This section contains design guidelines for building facades, to include façade transparency and shopfront design. This section also contains criteria for building walls, roofs/parapets, doors/windows, columns/railings, and entrance elements.

Review Process & Administrative Waivers – the Section contains criteria for the Administrative Official to conduct review, and grant waivers when deemed appropriate.

### **Other Changes to Chapter 23**

The other revisions proposed to Chapter 23 are modifications to existing sections. These modifications are proposed to further implement the new D-MU section. Significant changes to this section include the following:

Bars – This use will be defined as “Any establishment with a principal or predominant use of selling, providing, or allowing the consumption of alcoholic beverages on the premises”. Bars are proposed as a Special Exception Use in the D-MU zoning. Within the Downtown Historic Overlay, up to three bars would be permitted at one time, and tracked using Business Tax Receipts. This is intended to be an incentive to promote the further redevelopment of this area. Additional bars would be allowed in the Downtown Historic Overlay, but only by Special Exception approval.

Outdoor Seating Areas on Public Sidewalks – Currently, this is allowed in the C-1 zoning district, subject to Commission approval. The proposed changes would allow this use in the Downtown Historic Overlay as an administrative approval. This is an example to further incentivizing redevelopment in this area, plus reduce the amount of regulatory requirements (as contemplated by Lake Wales Connected).

Table of Permitted Uses – This table has been modified to include the D-MU district.

Definitions – New definitions are proposed to provide clarity to new and existing uses as a result of these changes.

### **Lake Wales Main Street**

Development Services Staff, along with the project consultant (Dover, Kohl, and Partners), worked closely with Main Street to obtain feedback, plus develop additional text for these changes. Due to these efforts, Lake Wales Main Street has provided a letter of support (please see attachment).

In their letter, Main Street is requesting that the City consider changes to the City's sign regulations. Given the complexity of signage regulations, Staff determined that it was not appropriate to include signage as part of the Downtown Design Standards project.

However, Staff recognizes the need for a review of the City's signage, and has formed a Steering Committee to re-examine the current regulations. The intent is to present changes in the next few months.

### Historic District Regulatory Board

Section 23-208.4. Functions, Power, and Duties (of the Historic District Regulatory Board) Includes the following requirement:

*d. To make recommendations to the Planning Board and City Commission for amendments to the code of ordinances and the comprehensive plan on matter relating to historic preservation.*

Because the proposed changes involve historic preservation, the proposed changes were presented to the Historic District Regulatory Board. At their May 19th and June 16th meetings, the Board unanimously recommended approval of the changes to the Planning Board and City Commission.

### **Planning Board**

On July 26, 2022, the Planning Board recommended approval of this request. As previously mentioned, the proposed changes to Chapter 23 will implement certain Action Items listed in Lake Wales Connected. More importantly, it will ensure that redevelopment/new development in this part of Lake Wales is of the highest quality, and is an asset to the community.

**CODE REFERENCES AND REVIEW CRITERIA** Section 23-303 Sidewalks Section 23-306 Off-street and vehicular areas Section 23-307 Landscaping Section 23-342 Alcoholic Beverage Sales and Services Section 23-353 Outdoor Seating Areas Section 23-401 District Classifications Table 23-405 Correspondence of Zoning Districts to Comprehensive Plan Land Uses Section 23-421 Permitted Uses Table 23-422B Dimensional and Area Standards – Nonresidential Districts Section 23-423 Downtown Mixed-Use Design Standards (NEW) Section 23-545.3 Signage Design Table 23-545 Location, Area, and Height Requirements for Signs for Nonresidential Uses Section 23-802 Definitions

**FISCAL IMPACT** None

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-37** by title only.

### **ORDINANCE 2022-37**

**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 SIDEWALKS, SECTION 23-306 OFF-STREET AND VEHICULAR AREAS, SECTION 23-307 LANDSCAPING, SECTION 23-342 ALCOHOLIC BEVERAGE SALES AND SERVICES, SECTION 23-353 OUTDOOR SEATING AREAS, SECTION 23-401 DISTRICT CLASSIFICATIONS, TABLE 23-405 CORRESPONDENCE OF ZONING DISTRICTS TO COMPREHENSIVE PLAN LAND USES, SECTION 23-421 PERMITTED USES, TABLE 23-422B DIMENSIONAL AND AREA STANDARDS – NONRESIDENTIAL DISTRICTS, SECTION 23-423 DOWNTOWN MIXED-USE DESIGN STANDARDS (NEW), SECTION 23-545.3 SIGNAGE DESIGN, TABLE 23-545 LOCATION, AREA, AND HEIGHT REQUIREMENTS FOR SIGNS FOR NONRESIDENTIAL USES, SECTION 23-802 DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

### **OPENED PUBLIC HEARING**

Ben Wiles, resident, asked about public input. Mark Bennett, Development Services Director, reviewed steps on gathering public input including public hearing and review by various boards. Deputy Mayor Gibson said Dover-kohl also provided expertise.

### **CLOSED PUBLIC HEARING**

Deputy Mayor Gibson made a motion to approve **ORDINANCE 2022-37** after 1st reading. Commissioner Howell seconded the motion.

by roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Krueger "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

8.II. Ordinance 2022-40 – 1st Reading Chapter 180 Utility Service Area Boundary

[Begin Agenda Memo]

**SYNOPSIS:**

Staff proposes an amendment to Chapter 21, Utilities, to create the Lake Wales Exclusive Utility System Service Area.

**RECOMMENDATION** Staff recommends approval of Ordinance 2022-40 on first reading.

**BACKGROUND**

In 1994, the City entered into a water and wastewater interlocal agreement with Polk County to define service area boundaries. This agreement was not renewed when it expired in 2014.

In 1998, the City adopted Ordinance 98-06, which created the utility service area lying five (5) miles outside the corporate limits of the City. This ordinance was passed in accordance with the provisions of Chapter 180, Florida Statutes. Ordinance 2005-22, passed on June 21, 2005, subsequently revoked the previous ordinance.

On January 6, 2009, Ordinance 2008-42 was passed. This Ordinance established a Chapter 180 Utility Service Area along State Road 60 west of US Highway 27.

Currently, the City has experienced an increase in development activity on the periphery of the City. To address this activity, and ensure that the City is the primary provider of utilities in this area, Ordinance 2022-40 is proposed. This ordinance, which would create an Exclusive Utility System Service Area, allows the City to be the exclusive provider of water, wastewater, alternative water supply, reclaimed water, aquifer storage and recovery, and desalination systems and services within this area.

The establishment of the Service Area is key to the City's planning efforts. The Service Area designation, combined with the work occurring as part of the Land Use Study, along with the pending Multi-Modal Transportation Impact Fee and Mobility Plan, will ensure that the necessary planning is in place to account for future growth and development.

**OTHER OPTIONS** Keep existing boundary.

**FISCAL IMPACT** There is no fiscal impact at this time.

[End Agenda memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-40** by title only.

**ORDINANCE 2022-40**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE LAKE WALES CODE OF ORDINANCES, CHAPTER 21, UTILITIES, AMENDING SECTIONS 21-2 and 21-3, RELATED TO THE CITY'S EXCLUSIVE UTILITY SYSTEM SERVICE AREA IN ACCORDANCE WITH CHAPTER 180, FLORIDA STATUTES; PROVIDING FINDINGS, PURPOSE, & INTENT; PROVIDING FOR LIBERAL CONSTRUCTION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

James Slaton, City Manager, reviewed this item.

Deputy Mayor Gibson asked if adopted what is the City obligated to do? Mr. Slaton said the Ordinance does not obligate the City to do anything. It just stops other cities from encroaching.

Albert Galloway, Jr., City Attorney, this precludes another area from creating an area in our service area. If its reasonable to serve then the City can do so or they can decide not to and release areas to other entities. The cost would be to developers not taxpayers.

Deputy Mayor Gibson confirmed that the City still has the discretion to decide to expand services or not. Mr. Slaton confirmed this.

Mayor Hilligoss said he understands that this gives us more control over development. Mr. Slaton confirmed this. Commissioner Krueger said this helps us stake our claim and gives us right of first refusal to provide service. Mr. Slaton said that is a simple way to put it.

Commissioner Howell said we don't want other cities coming into our city. We need to protect our land.

Deputy Mayor Gibson made a motion to approve **ORDINANCE 2022-40** after 1st reading. Commissioner Howell seconded the motion.

by roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Krueger "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

8.III. Commission Appointment Of Polk County Library Cooperative Governing Board Members

[Begin Agenda Memo]

**SYNOPSIS:**

The Commission will consider the appointment of primary and alternate members to serve on the Polk County Library Cooperative Governing Board.

**STAFF RECOMMENDATION:**

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

1. Approve the appointment of Belle Reynoso as the primary member and Marie Zero as an alternate member to the Polk County Library Cooperative's Governing Board effective September 1, 2022.

**BACKGROUND:**

In 1997 thirteen Polk County cities entered into an Interlocal Agreement with the Polk County Board of County Commissioners to provide public library services to residents of unincorporated Polk County. The 1997 Interlocal Agreement stipulated that library service to non-city residents be provided by the 16 municipally funded public libraries.

The Polk County Library Cooperative is led by a policy-making board, the Polk County Library Cooperative Governing Board. This board consists of one Commission appointed representative from each participating municipality and one representative from the Polk County Board of County Commissioners. Additionally, each participating municipality may appoint alternates to attend meetings of the Governing Board when the primary member is unable to attend. The City Manager recommends the appointment of Belle Reynoso as the primary PCLC's Governing Board Member and the alternate as Marie Zero. Staff recommends approval.

**OTHER OPTIONS:** None

**FISCAL IMPACT:** No fiscal impact

[End Agenda Memo]

Belle Reynoso, Library Director, reviewed this item.

Deputy Mayor Gibson made a motion to approve this item. Commissioner Howell seconded this item.

by voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Krueger "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

9. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, reported on the status of the Park Avenue Apartments. This project is moving along.

10. CITY MANAGER

James Slaton, City Manager, said the groundbreaking for keystone phase 3 will be rescheduled for next week.

10.I. Commission Meeting Calendar



James Slaton, City Manager, said the next work session is August 31 and the next Commission Meeting is Wednesday September 7.

11. CITY COMMISSION COMMENTS

Commissioner Krueger reviewed research on the ineffectiveness of masks.

Commissioner Krueger said the incubator is taking applications and will open in October. He shared efforts to promote this.

Commissioner Williams commended staff for willing to meet with citizens.

Commissioner Williams reviewed some of the expenses to serve as a Commissioner. They didn't ask for a raise. Staff brought this up. He doesn't have time to submit expenses requests. He expressed support and appreciation for the increase in pay.

Commissioner Howell thanked the Police Department for help with controlling traffic at the schools.

Deputy Mayor Gibson spoke on how the new standards will improve downtown and raise property values. He thanked everyone's help with this.

12. MAYOR COMMENTS

Mayor Hilligoss said the code updates, land use study, utility service area and other steps give him confidence that we can grow in a responsible way. Hopefully we can partner with the Chamber and EDC to encourage more businesses to become part of our city.

13. ADJOURNMENT

The meeting was adjourned at 7:04 p.m.

---

Mayor

ATTEST:

---

City Clerk