

City Commission Meeting Minutes

October 4, 2022

(APPROVED)

10/4/2022 - Minutes

1. INVOCATION

Rev Herb Schlenkler 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. PROCLAMATIONS AND AWARDS

5.I. Presentation - Certificates Of Appreciation

Mayor Hilligoss presented certificates of appreciation to Charlene Bennett for her long service on the Planning and Zoning Board. John Gravel was unable to attend.

6. COMMENTS AND PETITIONS

Becky Wynkoop, resident, recommended a Citizens Bill of Rights similar to what Polk County has when it comes to notifying citizens of proposed changes within so many miles.

She said trucks often need both lanes to turn into Wal-mart which causes a back-up. She recommended an additional access further South for delivery trucks.

7. CONSENT AGENDA

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

by voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Krueger "YES"

Mayor Hilligoss "YES"

motion passed 5-0.

7.I. Minutes - Commission Meeting September 20, 2022

7.II. Special Event Permit - Make It Magical December 9, 2022

[Begin Agenda Memo]

SYNOPSIS: The approval of the special event permit application will allow the Lake Wales Main Street to hold a holiday event "Make It Magical" on December 9, 2022 between the hours of 5:00 p.m. and 8:00 p.m. and allow for the temporary closing of the Marketplace, a portion of Stuart and Park Avenues and several city parking lots in the downtown area.

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

1. Approve the special event permit application from the Lake Wales Main Street to hold a holiday event "Make It Magical" on Friday, December 9, 2022 between the hours of 5:00 p.m. and 8:00 p.m. with set up beginning at 7:00 a.m.

2. Approve the temporary closing of the following on Friday December 9, 2022:

- Close a portion of Stuart and Park Avenues from First Street to Scenic Highway (SR17) from 2:00 p.m. – 8:00p.m..

- Close the Marketplace, the Marketplace parking lot, and both city lots on the east end of Stuart Avenue at Scenic Highway (SR17) from 7:00 a.m. – 8:00 p.m.

- Close the alley between Stuart Avenue and Park Avenue from SR17 to First Street from 7:00 a.m. – 8:00 p.m.

- Close Market Street at Park and Central Avenues for food vendors 2:00 p.m. – 8:00p.m. (Wells Fargo has agreed to close their drive through at 5:00 p.m.)

BACKGROUND Lake Wales Main Street submitted a special event permit application to hold their seventh annual holiday event "Make It Magical" on Friday, December 9, 2022 between the hours of 5:00 p.m. and 8:00 p.m. in the downtown area. Set up time for the event will begin at 7:00 a.m. with clean up and take down until 9:00 p.m. This event will provide a holiday destination for the entire family and will feature musicians and vocalists, numerous craft and food vendors in the Marketplace and a horse and carriage ride along Stuart Avenue. Local downtown restaurants will remain open providing a variety of food and refreshments and local shops will stay open as well giving the public an opportunity to shop while attending a special holiday event.

The Lake Wales Main Street is requesting the temporary closing of a portion of Stuart Avenue from South Market Street to Scenic Highway (SR17), the temporary closing of several parking spaces on the west side of South Market Street at Stuart Avenue, the temporary closing of the Marketplace and the Marketplace parking lot, the temporary closing of the alley between Stuart Avenue and Park Avenue, and the temporary closing of the two city lots on the east end of Stuart Avenue at Scenic Highway

(SR17).

The City's special event review staff has reviewed the application and has no issues with the event. The Streets Department will close the streets and parking lots, provide additional trash containers and at the conclusion of the event they will empty the trash containers and transport them back to the storage location. Main Street may request the assistance of the Lake Wales Police Department with off-duty officers for security reasons only. Any trash clean up during the event will be the responsibility of Main Street. Insurance has been provided as required. Main Street will be responsible for sanitary facilities and a dumpster.

OTHER OPTION Do not approve this special event permit application or the request for the temporary closing of a portion of Stuart Avenue, the Marketplace or three city parking lots.

FISCAL IMPACT The total cost for in-kind services from the City is in the proposed budget for FY22/23 in the amount of \$1535 of which Main Street would be responsible for 25% or approximately \$384.

[End Agenda Memo]

7.III. Lake Wales Main Street Special Event "Spooktacular Halloween Bash" 2022

[Begin Agenda Memo]

SYNOPSIS: The approval of the special event permit application will allow the Lake Wales Main Street to hold a holiday event "Spooktacular Halloween Bash" on October 29, 2022 between the hours of 5:00 p.m. and 8:00 p.m. and allow for the temporary closing of the Marketplace, a portion of Stuart and Park Avenues and several city parking lots in the downtown area.

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

1. Approve the special event permit application from the Lake Wales Main Street to hold a holiday event "Spooktacular Halloween Bash" on Saturday, October 29, 2022 between the hours of 5:00 p.m. and 8:00 p.m. with set up beginning at 7:00 a.m.

2. Approve the temporary closing of the following on Friday December 9, 2022:

- Close a portion of Stuart and Park Avenues from First Street to Scenic Highway (SR17) from 2:00 p.m. – 8:00p.m..

- Close the Marketplace, the Marketplace parking lot, and both city lots on the east end of Stuart Avenue at Scenic Highway (SR17) from 7:00 a.m. – 8:00 p.m.

- Close the alley between Stuart Avenue and Park Avenue from SR17 to First Street from 7:00 a.m. – 8:00 p.m.

- Close Market Street at Park and Central Avenues for food vendors 2:00 p.m. – 8:00p.m. (Wells Fargo has agreed to close their drive through at 5:00 p.m.)

BACKGROUND Lake Wales Main Street submitted a special event permit application to hold their seventh annual holiday event "Make It Magical" on Friday, December 9, 2022 between the hours of 5:00 p.m. and 8:00 p.m. in the downtown area. Set up time for the event will begin at 7:00 a.m. with clean up and take down until 9:00 p.m. This event will provide a holiday destination for the entire family and will feature musicians and vocalists, numerous craft and food vendors in the Marketplace and a horse and carriage ride along Stuart Avenue. Local downtown restaurants will remain open providing a variety of food and refreshments and local shops will stay open as well giving the public an opportunity to shop

while attending a special holiday event.

The Lake Wales Main Street is requesting the temporary closing of a portion of Stuart Avenue from South Market Street to Scenic Highway (SR17), the temporary closing of several parking spaces on the west side of South Market Street at Stuart Avenue, the temporary closing of the Marketplace and the Marketplace parking lot, the temporary closing of the alley between Stuart Avenue and Park Avenue, and the temporary closing of the two city lots on the east end of Stuart Avenue at Scenic Highway (SR17).

The City's special event review staff has reviewed the application and has no issues with the event. The Streets Department will close the streets and parking lots, provide additional trash containers and at the conclusion of the event they will empty the trash containers and transport them back to the storage location. Main Street may request the assistance of the Lake Wales Police Department with off-duty officers for security reasons only. Any trash clean up during the event will be the responsibility of Main Street. Insurance has been provided as required. Main Street will be responsible for sanitary facilities and a dumpster.

OTHER OPTION Do not approve this special event permit application or the request for the temporary closing of a portion of Stuart Avenue, the Marketplace or three city parking lots

FISCAL IMPACT The total cost for in-kind services from the City is in the proposed budget for FY22/23 in the amount of \$1535 of which Main Street would be responsible for 25% or approximately \$384.

[End Agenda Memo]

7.IV. Alternative Water Supply Implementation Task Order #6

[Begin Agenda Memo]

SYNOPSIS: Hoyle Tanner & Associates, Inc. will prepare the testing specifications, develop the aquifer test plan for submission to SWFWMD, assist with well contractor bidding and selection, Engineering assessment regarding producing and distributing the additional water supply at the Water Treatment Plant #1 Location, and attend meetings and offer optional technical support.

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

1. Approve Engineering services with Hoyle Tanner & Associates, Inc. for \$132,000.00.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND The City owns and operates a public, municipal drinking water system serving approximately 29,600 people providing roughly 3 MGD (million gallons per day) including the City and Park Water service area. The current water source is groundwater from the Upper Floridan aquifer, which is treated by aeration and chlorination at several water treatment facilities. The City's ability to withdraw groundwater from the current source, the Upper Floridan Aquifer, is limited by the City's Water Use Permit (WUP). Besides the withdrawal limits, the WUP contains 24 special conditions requiring, among other things the provision for determining and implementing an alternative water source. Task order 6 deals with Hoyle Tanner & Associates, Inc. creating testing specifications, development of the aquifer test plan for submission to SWFWMD, assisting with well contractor bidding and selection, providing an Engineering assessment regarding producing and distributing the additional water supply at the Water Treatment Plant #1 location, attend meetings and offer optional technical support. Moving forward with task order #6 will provide the City Commission with the necessary information needed to make an informed decision whether to move forward and become a Project Participant with the Polk Regional Water Coop or to move forward with a City of Lake Wales alternative water source project.

Staff recommends the Commission take the following action, approve entering into a contract with Hoyle Tanner & Associates, Inc. to prepare the testing specifications, develop the aquifer test plan for submission to SWFWMD, assist with well contractor bidding and selection, prepare an Engineering assessment regarding producing and distributing the additional water supply at the Water Treatment Plant #1 Location, attend meetings and offer optional technical support, and authorize the City Manager to execute the appropriate documents, on the City's behalf.

OTHER OPTIONS None. It is a requirement of the City's Water Use Permit issued by the Southwest Florida Water Management District. One of the special conditions of the permit is to participate in and existing or develop an alternative water source.

FISCAL IMPACT The 2022-23 Utilities Capital Improvement Plan has a line item which was funded by the American Rescue Plan Act to fund the exploration of an alternative water supply source.

[End Agenda Memo]

7.V. Storm Water Inlet And Box Repair – Washington & F Street

[Begin Agenda Memo]

SYNOPSIS: The storm inlet at Washington and F Street was found to be damaged in August of 2021. Staff attempted to have the inlet repaired but once it was excavated it was determined that the structure was unrepairable and extensive work would be required to rectifying the problem.

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

1. Approve expending funds for the repair of the storm inlet at Washington & F Street to Evans & Lyles, Inc. in the amount of 25,550.00.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND The City currently operates Storm water management facilities and programs within the incorporated city limits. In August of 2021 staff observed a storm inlet on Washington and F Street to be damaged and requested quotes to have the inlet repaired. Grove Construction was awarded the repair for \$4,800.00. After the inlet was excavated it was discovered that the inlet was unrepairable and would require extensive work to correct the damage. Money was allocated to the budget for restoration repairs such as this. Staff requested new quotes to repair the damage and Evans and Lyles is the apparent low bidder.

Staff recommends the Commission take the following action, approve expending funds for \$25,550.00 for the repair of the inlet on Washington and F Street, and authorize the City Manager to execute the appropriate documents, on the City's behalf.

OTHER OPTIONS The Commission could choose not to approve the expenditure of funds listed above; in the meantime, the inlet is not functioning correctly and has to be blocked off which poses public hazard.

FISCAL IMPACT \$107,000 was placed in FY 2021-2022 Stormwater Capital Improvements Budget for these types of repairs. To date, \$71,390 has been used for other repairs leaving \$35,610 to cover the cost of the current expenditure.

[End Agenda Memo]

7.VI. Piggyback Agreement – Retail Strategies

[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider approval of a piggyback agreement with Retail Strategies for Retail Analysis and Recruitment.

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

1. Approve the piggyback agreement.
2. Authorize the expenditure of \$40,000 for Retail Strategies to create and implement a retail recruitment strategic plan.
3. Authorize the City Manager to execute the necessary documents on behalf of the City.

BACKGROUND Through the proposed agreement, Retail Strategies will create a comprehensive retail recruitment strategic plan for the City and will provide services to recruit new, quality of life enhancing retailers and restaurants to the community.

The plan will be created and implemented in three phases: Discovery, Connect, and Advance. During the initial Discovery phase, data analytics, real estate analysis, and community vision assessments will be collected. In the second, Connect phase, Retail Strategies will create the City's retail recruitment strategic plan based on the combined information collected in the initial Discovery phase. The plan will identify top retail prospects and match them with real estate and market opportunities in Lake Wales. Also included in the plan will be a customized marketing guide to highlight critical local market intelligence, data, real estate information, and advanced analytics to better position the community for retail-sector economic growth.

The third phase, Advance, involves actual retail recruitment by connecting property owners, brokers, developers, retailers, restaurants and other industry players. Retail Strategies will additionally represent Lake Wales at national retail conferences for the term of the contract.

The City received a proposal from Retail Strategies to create and implement the retail recruitment plan for \$40,000 with a three-year commitment. The proposal received from Retail Strategies is based on a competitively bid agreement with the City of Lauderdale Lakes for similar services and staff is requesting approval to piggyback that agreement. Section 2-404 of the City Code exempts the City from the competitive seal bid requirement outlined in the City's purchasing ordinance when piggybacking another public entity's previously competitively bid contract.

OTHER OPTIONS

1. Do not approve the proposed agreement and direct staff to search for an alternative retail recruitment firm.
2. Do not approve the agreement.

FISCAL IMPACT \$40,000.

[End Agenda Memo]

8. OLD BUSINESS

- 8.1. ORDINANCE 2022-30, Accepting The Report And Recommendation Of The 2022 Districting Commission – Second Reading And Public Hearing

SYNOPSIS: This Ordinance creates revised Commission Districts based on the 2020 Census.

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

1. Adopt Ordinance 2022-30 after 2nd reading and Public Hearing accepting the Report and Recommendation of the 2022 Districting Commission.

BACKGROUND Within a year of the release of each decennial census, the City Commission is required by Charter to appoint a districting commission to provide a recommended plan for adjustment of the allocation of commission seats within each commission district or adjustment of commission district boundaries. The purpose of these adjustments is to equalize population within the areas represented by each commission seat if population growth has occurred over the previous decade. Members of the 2022 Districting Commission were appointed in September of 2021 to develop a districting plan and recommendation utilizing data from the 2020 Census. In accordance with charter amendments approved by voters in April 2011, five commissioners will be elected from four geographical districts as equal as possible in population effective with the 2023 election. Seat 1 will be elected at-large and this commissioner will serve as mayor.

According to the 2020 Census the current population by seat is as follows:

Seat 2 4036 23.9%

Seat 3 3462 20.5%

Seat 4 5023 29.8%

Seat 5 4354 25.8%

Total 16,875

The recommended allocation of population to the four seats is as follows:

Seat 2 - District 19 4,039 23.9%

Seat 3 - District 122 4,092 24.2%

Seat 4 - District 27 4,393 26.1%

Seat 5 - District 28 4,354 25.8% Total 16,875 100.0%

Each of the four commission seats will represent nearly the same number of citizens, with a difference of 354 persons between the largest commission district or area represented and the smallest. This difference equals 8.4% of the population residing in the smallest area represented. Charter requires that The area represented by each commission seat does not differ in population by more than ten percent

OPTIONS Regarding the adjustment of commission district boundaries, there are no other options as Federal law requires that elected officials represent as nearly as possible an equal number of citizens. Regarding the actual lines, changes could be recommended to the redistricting commission to consider.

FISCAL IMPACT None.

[End Agenda Memo]

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

ORDINANCE 2022-30

AN ORDINANCE ACCEPTING THE REPORT AND RECOMMENDATION OF THE 2022 DISTRICTING COMMISSION; ADJUSTING COMMISSION DISTRICT BOUNDARIES AND ADJUSTING THE ALLOCATION OF COMMISSION SEATS WITHIN COMMISSION DISTRICTS TO COMPLY WITH THE CHARTER OF THE CITY OF LAKE WALES AND APPLICABLE FEDERAL LAWS; PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt ORDINANCE 2022-30 after second reading and public hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

8.II. ORDINANCE 2022-41 Annexation – 2nd Reading And Public Hearing 0.30 Acres Of Land North Of Belleview Drive And West Of Santa Maria Road

[Begin Agenda Memo]

SYNOPSIS: Ordinance 2022-41 proposes the voluntary annexation of approximately 0.30 acres of land north of Belleview Drive and west of Santa Maria Road, and contiguous to the incorporated City limits.

RECOMMENDATION Staff recommends adoption after second reading of Ordinance 2022-41 following a public hearing. City Commission approved Ordinance 2022-41 at first reading on September 20, 2022. A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

BACKGROUND The Peak Family petitioned annexation into the corporate city limits of Lake Wales on July 28, 2022. "Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along its eastern boundary.

OTHER OPTIONS Decline to annex the property.

FISCAL IMPACT The annexation will add to the City's tax roll. The property is valued at \$162,590 which would bring in additional property taxes.

[End Agenda memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-41** by title only.

ORDINANCE 2022-41 (Annexation – 0.30 acres of land north of Belleview Drive and west of Santa Maria Road.) Parcel ID: 273011-915500-001150

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 0.30 ACRES OF LAND, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON ATTACHMENT "A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Gibson made a motion to adopt ORDINANCE 2022-41 after second reading and public hearing. 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.

8.III. ORDINANCE 2022-45 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):

- Table 23-421 Permitted and Special Exception Uses in Standard Zoning Districts
- Table 23-422A DIMENSIONAL AND AREA STANDARDS – RESIDENTIAL DISTRICTS
- Section 23-223 Land Subdivision
- Section 23-227 Certificate of Appropriateness
- Table 23-705 Level of Service Standards
- Section 23-802 Definitions

RECOMMENDATION At a regular meeting on August 23, 2022, the Planning and Zoning Board made a recommendation of approval to City Commission for the proposed changes to the Land Development Regulations. At a regular meeting on September 20, 2022, City Commission approved Ordinance 2022-45 at first reading.

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

Table 23-421 Permitted and Special Exception Uses in Standard Zoning Districts *Background and justification:*

In October of 2021 the City Commission adopted code language which allows lots of record within the CRA III to be subdivided to its originally-platted dimensions, and considered buildable single-family lots, so to encourage new single-family development on infill lots and the creation of more affordable housing opportunities.

Per code, a "lot of record" is "A lot which is duly recorded in the office of the clerk of the circuit court or a parcel described by metes and bounds, the description of which has been so recorded on or before the effective date of these zoning regulations or of prior zoning and subdivision regulations governing the creation of lots".

The following is further proposed:

- 1.) Expand the lot of record provision to CRA areas I and II, so to continue to encourage development and redevelopment of vacant lots within all CRA areas.
- 2.) Move the lot of record provision from the Permitted Use Chart where it was previously codified (Table 23-421), to Table 23-422A Dimensional and Area Standards – Residential Districts, as this is where the language is more appropriately located.

Proposed note to Table 23-422A *Within CRA3, CRA areas I, II, and III Lots of Record shall be allowed to have one single-family residence, based on the R-1D zoning district standards. Approval of this use shall be granted by an Administrative Waiver, approved by the City Manager, using the criteria contained in Section 23-422.*

Section 23-223 Land Subdivision *Background and justification:* Sec. 23-22.4.a. Final subdivision plat and supplementary information, Pre-requisites lists certain improvements which may be eligible for the contractor or developer to bond in lieu of constructing prior to final plat approval. The Utilities Director has asked for the removal of water and sanitary sewer from the list of bondable improvements.

Sec. 23-223.4 Final subdivision plat and supplementary information. Plats must be prepared by a registered surveyor and shall comply with the requirements of F.S. ch. 177. Application forms, deadlines for submission, and the number of copies of documents required shall be as set forth in the procedures manual maintained by the administrative official. The fee shall be as required per section 23-242.

a. Pre-requisites. Unless the proposed subdivision is exempt pursuant to subsection 23- 223.1(a)3, a final plat application shall not be accepted for review unless a preliminary plat has been approved by the city commission under section 23-223.2, and site improvements have been completed pursuant to a site development permit under section 23-217. Although not preferred, the City of Lake Wales will may accept a performance bond, letter of credit or other surety in lieu of constructing street improvements, drainage improvements, water, sanitary or storm sewer facilities, street lights or traffic signs prior to the approval and recording of the final subdivision plat. The surety shall be a minimum of 120% of the cost of the improvements, based on the engineer's cost estimate that is approved by the City.

Section 23-227 Certificate of Appropriateness *Background and justification:* Sections 23-227.2.b. and 23-227.3.4. reference a "procedures manual maintained by the administrative official". Staff searched city code, our master file, and verified with the City Clerk and found that no record of such a document exists. After consulting with a Lake Wales Main Street employee who specializes in historic preservation efforts, it has been determined that a procedures manual is not necessary; therefore, Staff proposes to remove the reference to the manual.

Sec. 23-227.2. Application. a. Pre-application conference. A pre-application conference with the administrative official is required prior to submission of an application for a certificate of appropriateness for construction of a new building or an addition or for any alteration of the exterior of a building within an

historic district designated under this chapter. An applicant for any work within an historic district may request a pre-application conference with the administrative official or with the historic board to obtain information or guidance regarding a proposed project. The purpose of the pre-application conference is to discuss and clarify preservation objectives and guidelines of the historic board in relation to a proposed project.

b. Application for certificate of appropriateness. Application shall be made on forms supplied by the administrative official and shall be accompanied by the fee as set forth in section 23-242. The number of copies of required support documents, application deadlines, and review guidelines shall be set forth in the procedures manual maintained determined by the administrative official.

Sec. 23-227.3. Review of application for certificate of appropriateness. a. Administrative review.

1. All applications for certificates of appropriateness shall be reviewed by the administrative official within ten (10) working days of receipt to determine that the application is complete in accordance with the requirements of this section. Incomplete applications will be returned to the applicant with reference to deficiencies.

2. Upon a finding that an application is complete, the administrative official, in consultation with other department as necessary, shall review the application for compliance with the purpose and intent of these regulations including the provisions of article IV, Resource Protection Standards, division 5, Historic Preservation (section 23-651 et seq.). The administrative official may request modifications or additional information if necessary.

3. After completion of review the administrative official may approve transmittal of the application to the historic board or require re-submittal with modifications or corrections.

4. If the administrative official approves transmittal of the application to the historic board, the applicant will submit additional copies or information as required by the procedures manual maintained by the administrative official. The the administrative official shall prepare a report with recommendations and shall submit the report to the historic board in advance of its next scheduled meeting in accordance with the schedule established for agendas and public notice.

Table 23-705 Level of Service Standards *Background and justification:* The Level of Service (LOS) standards for roads as listed in the Comprehensive Plan are not consistent with the standards in the Land Development Regulations. The proposed changes to the Table lower the minimum acceptable levels of service for each roadway for peak hour, reflecting the standards found in the 2020 Comprehensive plan;

Table 23- 705 has not been amended since 2008. Reducing the LOS standard will ensure that project applicants share a great burden for road improvements. Florida Statutes 163.3180(5)(h)(2) states that "An applicant shall not be held responsible for the additional cost of reducing or eliminating deficiencies." This means that if the LOS for a road is already failing at time of development approval, then the new project must still be approved. If a higher LOS standard exists, then there is a greater possibility that roads will reach a failing LOS sooner (if nothing else, due to increases in background traffic).

However, if there is a lower LOS standard for roads, then more development projects will be obligated to improve the road, thereby avoiding a situation where the road could fail. If the road does eventually fail, then it will take longer for this to occur. While reducing the LOS standard may seem counter-intuitive by allowing for more traffic on the road network, it will have the effect of ensuring that applicants will be more responsible for completing improvements to preserve capacity on the road network.

Section 23-802 Definitions *Background and justification:* The City's Comprehensive Plan and Land Development Regulations frequently reference the term "compatibility" as it pertains to zoning and land use; however, compatibility is not defined in the definitions section of the Land Development Regulations. Staff recommends the follow definition of compatibility, consistent with the State's

definition of compatibility found in Chapter 163 FS:

Compatibility means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

CODE REFERENCES AND REVIEW CRITERIA

Table 23-421 Permitted and Special Exception Uses in Standard Zoning Districts

Table 23-422A DIMENSIONAL AND AREA STANDARDS – RESIDENTIAL DISTRICTS

Section 23-223 Land Subdivision

Section 23-227 Certificate of Appropriateness Table 23-705 Level of Service standards

Section 23-802 Definitions

FISCAL IMPACT The lot of record provision would allow for new residential development on infill lots within all CRA areas, resulting in an increase in property values.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-45** by title only.

ORDINANCE 2022-45

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 23-421 PERMITTED AND SPECIAL EXCEPTION USES IN STANDARD ZONING DISTRICTS, SECTION 23-422A DIMENSIONAL AND AREA STANDARDS – RESIDENTIAL DISTRICTS, SECTION 23- 223 LAND SUBDIVISION, SECTION 23-227 CERTIFICATE OF APPROPRIATENESS, SECTION 23-705 LEVEL OF SERVICE STANDARDS, AND SECTION 23-802 DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Gibson made a motion to adopt ORDINANCE 2022-45 after second reading and public hearing. Commissioner Krueger seconded the motion.

by roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Krueger "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

9. NEW BUSINESS

9.I. ORDINANCE 2022-43 Annexation – 1st Reading And Public Hearing 19.18 Acres Of Land North Of C F Kinney Road And West Of Scenic Highway North

[Begin Agenda Memo]

SYNOPSIS: Ordinance 2022-43 proposes the voluntary annexation of approximately 19.18 acres of land north of C F Kinney Road and west of Scenic Highway North, and contiguous to the incorporated City limits.

RECOMMENDATION Staff recommends approval at first reading and adoption after second reading of Ordinance 2022-43 following a public hearing. A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

BACKGROUND Trust No. 22020 22030, owner, petitioned annexation into the corporate city limits of Lake Wales on August 12, 2022. "Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along its eastern boundary.

OTHER OPTIONS Decline to annex the property.

FISCAL IMPACT The annexation will add to the City's tax roll. The property is valued at a total of \$194,758 which would bring in additional property taxes.

[End Agenda Memo]

Mayor Hilligoss announced that this item will be tabled.

9.II. RESOLUTION 2022-30 Rescinding Utility Agreement With Pack Rat Mini Storage Inc.

SYNOPSIS: The Pack Rat Mini Storage Inc. has requested that the utilities agreement be terminated due to the current owner has sold the business.

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

1. Approve Resolution 2022-30, Rescinding the Pack Rat Mini Storage Inc. Utility Agreement.
2. Authorize the Mayor to execute the appropriate documents, on the City's behalf.

BACKGROUND On January 16, 2008, the City of Lake Wales entered into a City of Lake Wales and Developer Utilities Agreement with Pack Rat Mini Storage, Inc. The Developer has requested that the Utilities Agreement be terminated, being the Owner has sold the business. Staff has determined that the Utilities Agreement is no longer needed by the City and raises no objection to its termination. Staff recommends the Commission take the following action, approve Resolution 2022-30, Rescinding Utility Agreement with Pack Rat Mini Storage Inc., and authorize the Mayor to execute the appropriate documents, on the City's behalf.

OTHER OPTIONS The Commission could choose not to rescind the Pack Rat Mini Storage Inc. Utility Agreement, but to do so would not be in the best interest of the City.

FISCAL IMPACT None

[End Agenda Memo]

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

RESOLUTION 2022-30

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, TERMINATING A DEVELOPER UTILITIES AGREEMENT WHICH IS NO LONGER NEEDED BY THE CITY.

Commissioner Krueger made a motion to adopt **RESOLUTION 2022-30**. Deputy Mayor Gibson seconded the motion.

By roll call

Commissioner Krueger "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Mayor Hilligoss "YES"

motion approved 5-0.

10. CITY ATTORNEY

11. CITY MANAGER

James Slaton, City Manager, reported on Hurricane Ian recovery efforts and said Lake Wales fared pretty well. Staff did a good job with preparations.

The Land Use Study workshop has been rescheduled. The Commission Retreat will be Oct 17-18. The facilitator will do advance interviews with the Commission.

11.I. Commission Meeting Calendar

12. CITY COMMISSION COMMENTS

Commissioner Krueger reported that there are 5 individuals being considered for the BizLinc Incubator which is a good start.

Commissioner Krueger said that he would like to discuss electric vehicle charging stations at the next Commission Work session.

Commissioner Williams commended the City preparation and response to the recent hurricane.

Commissioner Williams asked that we look into the Citizens Bill of Rights idea.

Deputy Mayor Gibson agreed that the City did a good job on hurricane prep and clean up. Everyone has done a good job with clean up.

Deputy Mayor Gibson commended the civil discussion at the last meeting. We are getting closer to a grand plan instead of doing things piece-meal.

13. MAYOR COMMENTS

Mayor Hilligoss said he is excited about the agreement with Retail Strategies and hopes to bring in more retail. He hopes the Land Use Study will be beneficial and address some concerns.

14. ADJOURNMENT

The meeting was adjourned at 6:24 p.m.

Mayor

ATTEST:

City Clerk