

City Commission Workshop
Meeting Minutes
October 12, 2022
(APPROVED)

10/12/2022 - Minutes

1. CALL TO ORDER & ROLL CALL

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

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

Mayor Hilligoss called the meeting to order at approximately 2:00 p.m.

2. City Manager Comments

James Slaton, City Manager, reported that grant application from the Police Department will be on next week's agenda. The funds will go towards the purchase of two golf carts.

3. Report - EDC/Chamber Of Commerce

Skip Alford, Director of the EDC and the Chamber of Commerce, gave the quarterly report. He shared a slide of the budget. He said they had some good leads from Enterprise Florida and CFDC. He said he meets regularly with other Chamber leaders in Polk County. He reported on a recent ad valorem tax exemption approved by the county to encourage more commercial development. He said that he is working with the Gables redevelopment project to provide student housing for local colleges. There are developers looking at the property behind the London inn. He shared about some of the recent chamber programs and events. Mr. Alford said the contractors at Dyer Chevrolet had positive things to say about working with the City.

Commissioner Howell said she was glad the presentation was about Lake Wales and not Lakeland or other areas.

4. Contract With Citrus Connection For Mass Transit Services For Lake Wales

[Begin Agenda Memo]

SYNOPSIS The proposed contract with the Lakeland Area Mass Transit District (aka Citrus Connection) provides for the City of Lake Wales "fair share" contribution towards the cost of providing mass transit service to the City for the next two years.

RECOMMENDATION Staff recommends:

1. City Commission approve entering into the attached contract and
2. City Manager be authorized to execute relevant documents.

BACKGROUND The mass transit provider for Polk County, the Citrus Connection, requires that each municipality that it serves make a "fair share" contribution toward the cost of such service. The Citrus Connection has been phasing in this contribution with the goal of each municipality paying its full share within the next three years. The contract that the City is being asked to enter into would provide for a level

contribution over the next two years at an amount that represents approximately two thirds of the City's full "fair share" amount.

OTHER OPTIONS The City could choose to not enter into the contract in which case Citrus Connection would end mass transit services to the City of Lake Wales.

FISCAL IMPACT The cost of the contract, \$143,182.37, has been provided for in the City's Fiscal Year 2022-23 budget.

[End Agenda Memo]

Erin Killebrew Kinlaw, Citrus Connection, gave an update on ridership of transit services in Lake Wales. The mall and Walmart are our most populous stops. She gave a history of how the City ended up paying 20% of the cost for transit services. Most likely the costs will be higher next year due to rising costs.

James Slaton, City Manager, said the money has been budgeted in next year's budget.

Commissioner Howell asked if Route 30 is the one to Mall. Ms. Kinlaw said it goes between the Mall and Legoland.

Commissioner Howell asked how many people use the transit services. Ms. Kinlaw said no as they track rides not people.

5. Report - Lake Wales Arts Council And 2022 Funding Agreement With The Lake Wales Arts Council (LWAC)

[Begin Agenda Memo]

SYNOPSIS:

The City Commission will consider entering into an agreement with the Lake Wales Arts Council granting \$50,000 to provide enhanced performing arts programs for the City of Lake Wales and its surrounding areas for the benefit of the community.

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

1. Approve the agreement with the Lake Wales Arts Council
2. Authorize the City Manager to execute the appropriate documents on the City's behalf

BACKGROUND

The City of Lake Wales provided a grant of \$50,000 to the LWAC last fiscal year. A requirement of that grant was to provide an adopted budget and present reports as required by the City Manager. Tommy Frank, Executive Director of the LWAC will be present to provide an update on the LWAC activities as it relates to the funds received last fiscal year 2021-2022 and to request funding of a new grant for fiscal year 2022-2023.

OPTIONS

1. The City Commission may choose not to grant the funds to the LWAC

FISCAL IMPACT The agreement calls for the City to pay: - A grant of \$50,000

[End Agenda Memo]

James Slaton, City Manager, reviewed this item and introduced Tommy Franks to give a report.

Tommy Franks, Director of the Lake Wales Arts Center, gave a report on the Arts Council over the past year. He said they have had a change in leadership. City funds were used for pottery wheels for classes. He reported on Summer Arts Camp and the exhibits, programs and concerts offered this past year. Concerts were held downtown and Bok Tower. They are trying to reach out with those that have not been involved with the Arts Council before. They want to encourage more people to make art. They are working on partnering with other organizations to support their programs. Many who attend and participate are from out of county. He reported on the annual Arts Show in the spring with 60 exhibitors, 16 sponsors and over 4500 attendees. They are working on a stained glass program to start soon.

Commissioner Williams said he might be interested in the pottery classes.

Mayor Hilligoss said he enjoyed the jazz concerts last year.

6. Fire Engine And Loose Equipment Lease Purchase

[Begin Agenda Memo]

SYNOPSIS: Approval of the lease purchase will authorize the ordering of the fire engine and all equipment

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

1. Approve the lease purchase with Truist for 10 year financing at 3.58% annual interest of the fire engine and equipment; and
2. Authorize the City Manager to sign all necessary documents related to this item.

BACKGROUND The approval to lease purchase the fire engine with equipment will allow for the replacement of a 2004 Ferrara fire engine. The purchase of the engine was approved in the FY 22'23 capital improvement plan.

Currently, station 2 has a 2008 engine as first out. The 2008 engine will be re-located to station 1 and used as a reserve. The current reserve engine is a 2004 and will reach its end of service life in 2024. The delivery time for the new engine is estimated at 12-18 months. The new engine will be located at station 2. The service life for an engine is 15 years as first out and 5 years as a reserve.

Ford & Associates solicited proposals for cost comparison purposes and those proposals are as follows:

Company	Annual Percentage Rate
Truist	3.58%
SouthState	3.76%
Pinnacle	3.97%
USBancorp	4.43%
Key Government Finance	4.53%
PNC	7yrs/4.52% - 10 yrs/4.74%

- Staff recommends the lease-purchase for the cost of the fire engine and all equipment.
- Staff recommends other professional fees be paid directly by the City. Not included within the lease

purchase agreement as the City has sufficient cash flow for these fees and there is no need to accrue interest expense on these items.

OTHER OPTIONS Purchase the engine and equipment outright.

FISCAL IMPACT Approval of the lease purchase will authorize the ordering of the fire engine and all equipment. A direct purchase of the fire engine would require a cash-flow reduction of \$700,000 in FY 2022-23. A lease purchase of the fire engine would require estimated annual cash-flow reduction of \$84,500 for 10 year period.

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

7. ORDINANCE 2022-47 Amending Chapter 21 Utilities First Reading

[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider Ordinance 2022-47 to amend Lake Wales Code of Ordinance Chapter 21, Section 21-27. – Connection to Sewer System and Section 21-71 Connection to Water System.

RECOMMENDATION Staff recommends that the City Commission approve the following action:

1. Approve Ordinance 2022-47 Amending Chapter 21 Utilities after first reading

BACKGROUND Ordinance 2021-11 was adopted to amend the distance establishing availability boundaries and requirement for mandatory connection to a public utility. The commission approved the distance increase to one mile (five thousand two hundred and eighty (5,280) feet) of an existing public utility on June 15, 2021. However, given the original wording in Ord. No. 96-06, § 1, 5-21-96, the rule was only added to section (3) Areas zoned or used for industrial or manufacturing purposes or its equivalent. The intent was for the one mile requirement to apply to new and existing development; residential, institutional, commercial, and industrial. Section (4) will be added to provide clarity regarding new development connection requirements. Changes were made to § 21- 71. Connection to water system. (a) Availability defined. 1, 2, and 3 to avoid redundant information and specify 1-3 is for existing development. This amendment will apply to both water and sewer connection requirements. Wording was added to 21-71. Connection to water system. (b) Mandatory connection. to allow for uniform requirements for water and sewer code.

Staff recommends the commission approve Ordinance 2022-47 amending Lake Wales code of ordinances Chapter 21 Utilities, Section 21-27 and 21-71 Connection to Sewer System and Connection to Water System; providing for severability; providing for an effective date.

FISCAL IMPACT No fiscal impact. The land developer will incur the cost of extending the utility system.

OTHER OPTIONS Do not approve Ordinance 2022-47. By not approving this update it allows for open interruption of connection requirements and allows for an unclear definition regarding new development.

[End Agenda Memo]

Sarah Kirkland, Public Works Director reviewed this item.

Deputy Mayor Gibson asked what part the City has in providing that sewer connection available. Sometimes we don't have lines. Ms. Kirkland said new construction will have to run their own lines. Developer will have to meet our services. Deputy Mayor Gibson asked about in the older area of town where there are gaps. Ms. Kirkland said it depends on what is involved.

8. ORDINANCE 2022-48 Amending Sections 21-121 Reclaim Intent, 21-124 Determination Of Property To Be Served, 21-125 Extension Of Reclaimed Water, 21-128 Requirements For Reclaimed Water Facilities. First Reading

[Begin Agenda Memo]

SYNOPSIS:

To encourage and promote water conservation, the City of Lake Wales is encouraged to implement programs for the use of reclaimed water. Where service is deemed available within designated service areas, staff is proposing that new development be required to install reclaim dry lines until such time that a main transmission becomes available for connection.

RECOMMENDATION Staff recommends that the City Commission approve the following action:

1. Approve Ordinance 2022-48 to amend sections: 21-121 Reclaim Intent, 21-124 Determination of property to be served, 21-125 Extension of reclaimed water, and 21-128 Requirements for reclaimed water facilities after First Reading

BACKGROUND Our potable water source is a precious commodity and valuable resource that needs to be conserved. Highly treated wastewater is a viable water resource which can safely be used for irrigation and other non-potable purposes, thereby substantially contributing to the conservation of potable water. The City of Lake Wales is determined to continue to expand its reclaimed water system to make treated wastewater available to areas of the City. This effort coupled with requirements for new development will enable the City to make reclaim water available to the growing community. These revisions will provide clarity for connection requirements and the determination of properties to be served as well as require new development to install reclaim dry lines for irrigation purposes.

Staff recommends the commission approve Ordinance 22-48, an ordinance of the City of Lake Wales, Polk County, Florida, amending Lake Wales' code of ordinances Chapter 21 Utilities, Section 21-121, 21-124, 21-125 and 21-128; providing for severability; providing for an effective date.

FISCAL IMPACT No fiscal impact. The land developer will incur the cost of extending the reclaimed water system.

OTHER OPTIONS Do not approve Chapter 21 Sections 21-121, 21-124, 21-125, and 21-128. By not approving these updates it allows for open interruption of connection requirements, and allows for an unclear definition of availability. As the community continues to grow residents will utilize our precious potable water source for irrigation purposes.

[End Agenda Memo]

Sarah Kirkland, Public Works Director reviewed this item.

9. ORDINANCE 2022-49 Chapter 21, Division 2 And 3 First Reading

[Begin Agenda Memo]

SYNOPSIS: Staff proposes an amendment to Chapter 21, Sewer Regulations, Division 2. In conjunction with this amendment, staff proposes the addition of Division 3, Industrial Pretreatment. The addition of Division 3 will satisfy the Florida Department of Environmental Protection Permit Renewal requirement for industrial pretreatment. STAFF

RECOMMENDATION It is recommended that the City Commission consider taking the following action: 1. Approve Ordinance 2022-49 Amendments to Chapter 21 Division 2 and 3 after First Reading

BACKGROUND Domestic wastewater, commonly referred to as sanitary wastewater or sewage, is wastewater derived principally from dwellings, business buildings, institutions, and the like. In an effort to protect both surface and ground waters, the Florida Department of Environmental Protection ("FDEP") requires that discharges of both domestic and industrial wastewater be permitted and monitored. Any wastewater facility proposing to discharge wastewater to surface or ground waters or into the distribution system for irrigation, must demonstrate to the DEP that all required minimum levels of treatment will be provided and that all water quality standards will be met. If this demonstration is made, the FDEP will issue a permit to the wastewater facility, which will include conditions for monitoring the discharge, as well as conditions for reporting the monitoring results (Discharge Monitoring Reports). FDEP approved the permit renewal on August 29, 2022, however, one of the conditions of approval would be that the City of Lake Wales implement a Code of Ordinance for Industrial Pretreatment. Implementing Division 3 Industrial Pretreatment to the City's code of ordinance will satisfy this requirement. In order to prevent conflicting or duplicate information sections of Division 2 will be removed.

Staff recommends the commission authorize the approval of Division 3 Industrial Pre-treatment in order for the City to maintain compliance with FDEP for the Wastewater Use Permit.

OTHER OPTION None. FDEP requires the implementation of a Code of Ordinance to be in compliance with the Wastewater Use Permit requirements.

FISCAL IMPACT No fiscal impact.

[End Agenda Memo]

Sarah Kirkland, Public Works Director, reviewed this item.

10. 319 Grant Agreements NF108 & NF109

[Begin Agenda Memo]

STAFF RECOMMENDATION Staff recommends the City Commission take the following action: 1. Approve entering into the 319 Grant agreements NF108 and NF109. 2. Authorized the Mayor to sign 319 Grant agreements NF108 and NF109.

BACKGROUND As a part of serving the residents of the City of Lake Wales, and expanding the existing wastewater system, the City frequently looks for opportunities to extend sewer service to unsewered areas within the city's service boundary. The areas identified was Hillcrest Avenue, Grove Avenue, and Bel Ombre Circle. The City applied and was awarded \$2,947,895.00 in SRF funding. The SRF agreement provides the funding mechanism for any infrastructure that is to be installed in the public rights-of-way. To alleviate the expense the property owners would incur to connect to the public facilities, staff contracted with Kimley Horn & Associates and applied for 319 Grant funding, for which the City has been awarded \$274,512.00. This appropriation is intended to cover all costs associated with the connection and abandonment of the septic systems on the property owner side of the right-of-way. Staff is recommending the City Commission take the following action; approve entering into 319 Grant Agreement NF108 and NF109, and authorize the signing of the both agreements by the Mayor.

OPTIONS None. The City would not be able to take advantage of the grant funds without the approval and signature of 319 Grant Agreements NF108 & NF109.

FISCAL IMPACT The total for the construction and the associated construction phase services approved by SRF is \$2,947,895.00. The approval of the grant funds has the potential of reducing the final amount the City would potentially be taking for the construction of this project.

[End Agenda Memo]

Sarah Kirkland, Public Works Director, reviewed this item.

11. Watermain Break Road Repair – Sessoms Avenue

[Begin Agenda Memo]

SYNOPSIS: As the result of a 24” watermain break, Sessoms Avenue suffered extensive roadway damage.
STAFF

RECOMMENDATION It is recommended that Commission take the following action:

1. Approve expending funds for the roadway repair of Sessoms Avenue for \$35,526.55 to G & G Site Development Inc.

2. Authorize the City Manager to execute the appropriate documents, on the City’s behalf.

BACKGROUND On September 20, 2022, the 24” watermain on Sessoms Ave was damaged, causing it to rupture and cause extensive damage to Sessoms Ave near the intersection of Wetmore Street. This 24” watermain is the largest and one of the major distribution mains that come from the Market Street water plant. The intersection has been blocked off until the contractor can get in and perform the repair. Staff reached out to several contractors for pricing. G & G Site Development Inc. is the only contractor to give staff a quotation and could be on site quickly for the repair. Staff recommends the Commission take the following action, approve expending funds for \$35,526.55 for the Sessoms Avenue roadway repair, and authorize the City Manager to execute the appropriate documents, on the City’s behalf.

OTHER OPTIONS None. The delay in repair for the roadway is cause to continue to have the roadway closed for thru traffic. The roadway must be repair

FISCAL IMPACT This repair will be expensed from the water division G/L line item for roadway repair. The result of the water main rupture is the direct result for the cause of damage to the roadway.

[End Agenda Memo]

Sarah Kirkland, Public Works Director, reviewed this item.

Deputy Mayor Gibson asked about the recommended company. Ms. Kirkland said the price was reasonable and can get to us first.

12. ORDINANCE 2022-46 Amendments To Chapter 5 – Alcoholic Beverages 1st Reading

[Begin Agenda Memo]

SYNOPSIS: The proposed amendments to Chapter 5, Alcoholic Beverages, will provide for flexibility in allowing restaurants to serve Alcohol, and implement recently adopted changes to the Land Development Regulations for downtown.

RECOMMENDATION Staff recommends that the City Commission approve Ordinance 2022-46 on first reading.

BACKGROUND Over the past few years, there has been increased interest in allowing for the sale of alcoholic beverages in the downtown. The adoption of Lake Wales Connected included an Action Item (15#) that included revising local zoning restrictions on bars in downtown.

On September 7, 2022, the Commission approved amendments to Chapter 23, the Land Development Regulations (LDRs) (i.e., the “Downtown Design Standards”) to begin implementation of this Action Item. However, to fully implement the provisions of Lake Wales Connected and the recently adopted LDR changes, it is necessary to revise Chapter 5 (Alcoholic Beverages) of the Code of Ordinances.

Listed below is a summary of the proposed changes:

Definitions:

A definition of "Bar" is proposed. This same definition was recently adopted as part of the Downtown Design Standards.

The current definition of "Wine and Beer Bar" is proposed to be amended to exclude liquor and distilled spirits. This will further differentiate between the two types of bars currently in our regulations.

Distance Requirements – Section 5.5 contains a requirement that businesses, locations or establishments that serve alcohol must be located 500 feet away from an established church, or private/public elementary, middle, or secondary school. Additional text is proposed that would exempt bars and wine and beer bars located in the Downtown-Mixed Use (D-MU) Zoning District from these distance requirements. If approved, this would then allow for the location of more bars/wine and beer bars in the downtown.

City-Specific Requirements for Special Food Service Establishments – Chapter 561.20, Florida Statutes, allows local governments to adopt different standards for Special Food Service Establishments. The proposed ordinance would decrease the standards as follows:

- Change in minimum service area from 2,000 to 1,000 Square Feet
- Reduction in restaurant service area from 150 to 75 persons

The existing requirement that restaurants derive at least 51% of revenue from food-non-alcoholic beverages would remain. This proposed ordinance changes will provide flexibility to allow restaurants in the downtown to sell liquor, and thereby assist with business development. The proposed regulations will also implement the recent LDR changes, and provide for more activity in the downtown.

OTHER OPTIONS Decline to approve the Ordinance.

FISCAL IMPACT None

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

Commissioner Howell asked about C1 Lincoln Avenue area? Mr. Slaton said this will apply to the C1 area.

Mayor Hilligoss asked about the 51% of revenue requirement. Mr. Slaton said that is a requirement for restaurants. Commissioner Howell said its state law. Albert Galloway, Jr. City Attorney, confirmed this said the state statute allows this kind of change.

13. Ordinance 2022-51 Removing Commission District Numbers

[Begin Agenda Memo]

SYNOPSIS Ordinance 2022-51 will remove the district numbers as references to the areas in which Commissioners reside. Only their seat numbers will refer to those areas.

RECOMMENDATION Approve Ordinance 2022-51 Removing Commission District numbers after first reading.

BACKGROUND District numbers 19, 27, 28 & 122 are old precinct numbers that were used as district numbers for Commission seats after the 2022 redistricting. Commission members have recommended

removing the district numbers and use just seat numbers to reference the areas represented by Commission members.

OTHER OPTIONS Do not approve Ordinance 2022-51 and keep the district numbers.

FISCAL IMPACT None

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

Commissioner Howell confirmed that the seat areas will be the same. Ms. Nanek confirmed this.

14. Board Appointments To Airport Authority

[Begin Agenda Memo]

SYNOPSIS: Appointment to fill vacancies on the Airport Authority

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

1. Reappoint Charles (Chuck) Clegg to the Airport Authority to a new term to expire July 1, 2025
2. Appoint Manuel Grimaldo to a term on the Airport Authority expiring July 1, 2023

BACKGROUND 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). Airport Authority (City Code Sec. 2-41) – The board consists of seven (7) voting members and one (1) non-voting member who is a City Commissioner. At least two (2) voting members must be qualified electors of the City. The remaining members chosen may be persons owning property located within the City of Lake Wales or persons having a business tax receipt issued by the City of Lake Wales, are airport tenants, or have general aviation experience. (3-year term) The non-voting City Commission member serves for the duration of his or her term as City Commissioner, unless such Commissioner desires to serve a shorter period of time. In such event, the Lake Wales City Commission shall appoint another city commissioner to serve in the same manner.

- 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: 2 Vacancies due to resignation and an expired term

Current Members:

Fred Halde, resident 08/04/21--07/01/24, 1

Herb Gillis, non-resident, 07/01/21--07/01/24, P+1

Clarke Gerard, non-resident chair 06/05/18--07/01/25, P+2

Charles N. Clegg, resident 06/19/16--07/01/22, 1 expired

AJ Goin, non resident 08/04/21--07/01/24, 1

Phillip Weikert, non-resident 11/17/20--07/01/23, 1

Barbara Pelisek, non-resident 07/01/20--07/01/23, P+2 resigned

Commissioner Danny Krueger, non-voting member 05/03/22 - 05/07/24,

The Airport Authority recommends both appointments.

Applying for reappointment: Chuck Clegg, resident for a term expiring on 7/1/2025. Applying for Appointment: Manuel Grimaldo, non-resident for a term expiring on 7/1/2023.

OPTIONS Do not appoint those that have applied.

FISCAL IMPACT None. These are volunteer boards.

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

15. CITY COMMISSION AND MAYOR COMMENTS

Commissioner Williams said the extension items on the CRA agenda yesterday were handled very professionally.

Commissioner Howell said she is glad for the change concerning alcohol.

Commissioner Howell confirmed that the retreat Monday and Tuesday will start at 9am at the Country Club. James Slaton, City Manager, confirmed this. Deputy Mayor Gibson asked if there will be a facilitator. Mr. Slaton said yes Strategic Government Resources will conduct the retreat. Commissioners will have interviews with the facilitators. Anything the Commissioners want to bring up that's the time to talk about it.

15.I. Discussion - Electric Vehicles

James Slaton, City Manager, said this item was requested by Commissioner Krueger who could not attend. So this will probably come back.

16. ADJOURN

The meeting was adjourned at 2:53 p.m.

Mayor

ATTEST:

City Clerk