

City Commission Workshop

Meeting Minutes

October 26, 2022

(APPROVED)

10/26/2022 - 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, reminded everyone of the Land Development Work session on Thursday at 6:00 p.m.. He announced Lake Night Cinema Saturday night in the Downtown Park near the Library. Pioneer Days is this weekend.

Mr. Slaton announced that he received the report from the Commission retreat. That will be disseminated for review and added to a future agenda for approval.

3. Presentation - MainStreet Update

Karen Thompson, Main Street Director, gave an update from Main Street. She reviewed the Goals and Objectives for 2023. They want to do a full blown business plan. They have hired Black Oak Creative to help with marketing and storytelling. They plan to coordinate Park Avenue Improvements with City Staff and merchants. They want to update historic structures. They want to become a Certified Local Government. They want to find a brewery or large scale anchor for downtown. They will have several events for the next year. She reviewed some of the upcoming events including Spooktacular, a downtown trick-or-treating event, shop small Saturday, and Make it Magical. The last Wine Downtown event was successful and there will be two more next year.

Ms. Thompson said they have come up with a solution to the problem of the Band Mural. There will be a new band mural to honor the band members at Lake Wales High School and then a new mural will be put in that spot.

Last year they got too many façade grant applications. They will try to do a new program this year to help with historic preservation. Ms. Thompson shared a draft copy of the new historic district survey done with a grant from the State.

Ronni Wood reviewed the draft document and the process for getting it done. Plusurbia was hired to do the work. Over 100 buildings were surveyed. The state Department of Historic Resources will review and approve the document. Ms. Wood explained that they next plan to apply to add buildings to the National Register and possibly expand the historic district.

4. Ordinance 2022-50, FY21'22 Budget Amendment #1, 1st Reading

[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider approval of the first amendment of FY 21'22 Budget that was adopted on September 21, 2021.

RECOMMENDATION It is recommended that the City Commission approve Ordinance 2022-50 after first reading.

BACKGROUND Ordinance 2021-16 estimating revenues and appropriating funds for Fiscal Year 2021'22 was adopted by the City Commission September 21, 2021. We are presenting Ordinance 2022-50 to modify the estimates of revenues and appropriations budgeted in various funds. This is primarily a housekeeping ordinance to conform the adopted budget to realized or expected changes within the current fiscal year. Explanation of change, for significant items, has been provided on both Exhibit A and B.

OTHER OPTIONS This is a required budgetary amendment for compliance purposes relating to the City's Charter and Florida State Statute. Per the Lake Wales City Charter, Section 6.07, upon written request by the City Manager, the City Commission may by ordinance transfer part or all of any unencumber appropriation balance from one department, office or agency to another. Per Florida State Statute, Section 166.241, the budget must regulate expenditures of the municipality. If a budget amendment is required the amendment must be adopted in the same manner as the original budget.

FISCAL IMPACT See Exhibit A and Exhibit B attached to Ordinance 2022-50.

[End Agenda memo]

Dorothy Abbott, Finance Director, reviewed this item.

Deputy Mayor Gibson asked if this includes the CRA budget? Ms. Abbott said yes. Deputy Mayor Gibson asked if the projections can be updated? Ms. Abbott said yes. Deputy Mayor Gibson said this should be a rolling 5 year document. Its very helpful. Ms. Abbott said the bond issue projections and how it affects the CRA will be available mid-December.

5. Lease Agreement With Mears Motor Leasing/The Bancorp

[Begin Agenda memo]

SYNOPSIS: Staff is requesting Commission approval to lease-purchase two (2) vehicles for the Fire Department through the City's master lease agreement with Mears Motor Leasing/The Bancorp.

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

1. Approve the sixty (60) month lease-purchase of the vehicles listed on the attached Schedule A's from Mears Motor Leasing/The Bancorp.
2. Authorize the City Manager to execute the necessary documents on behalf of the City.

BACKGROUND The City Commission approved funds for the vehicle lease-purchases within the FY22/23 adopted budget. The proposed new vehicles are as follows:

1. Quantity two (2) 2021 Ford F150 pickup trucks for the Fire Department. The new vehicles will be replacing:

1. Quantity two (2) 2014 Ford Escapes

The 2014 Ford Escapes, currently used by the Fire Marshal and Fire Inspector, have reached the end of their useful life in their current capacity. These vehicles will remain with the City and used for lower impact driving purposes.

Staff recommends the lease-purchase of these vehicles for the following reasons:

- If these new vehicles were purchased outright under the City of Tallahassee, Florida contracts, the total purchase price would be \$79,362. Under the Mears Motor Leasing/Bancorp agreement, these vehicles can be financed at an annual cost of \$17,832. An outright purchase would result in a current-year decrease in cash flow of \$79,362 compared to \$17,832.

- As with all purchases, if the City were able to purchase items without the use of financing this would result in the lowest overall cost, but the greatest single annual cash flow decrease. All of the vehicles and equipment will be purchased under the City of Tallahassee, Florida contract. Purchases made from City of Tallahassee, Florida contract are exempted from the competitive sealed bid requirement outlined in our Purchasing Ordinance, Sec. 2-418, which allows the City to capitalize on economy of scale and reduces the timeline of acquisition.

OTHER OPTIONS

1) An outright purchase would result in a current year decrease of cash flow of \$79,362.

FISCAL IMPACT

If the City Commission approves the vehicle lease agreements, the City is committed to yearly lease payments totaling \$17,832. If revenues are insufficient in future years, an option would be to return the vehicles under the non-appropriation of funds clause. If it becomes necessary to exercise this option, however, the individual departments would suffer the loss of the vehicles and equipment.

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

6. Purchase Of Law Enforcement Vehicles

[Begin Agenda Memo]

SYNOPSIS: Staff is requesting City Commission approval to purchase and lease purchase police vehicles

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

1. Approve the lease-purchase of eight (8) fully equipped 2023 Chevrolet Tahoe police vehicles from Allen Jay Chevrolet using Florida Sheriff's Association Competitive Bid Pricing.
2. Approve the purchase of five (5) fully equipped 2023 Chevrolet Tahoe Police vehicles with Police Service Impact Fees from Allen Jay Chevrolet using Florida Sheriff's Association Competitive Bid Pricing.
3. Authorize the City Manager to execute the necessary documents on behalf of the City

BACKGROUND Within the FY 2022/23 annual budget, the City Commission approved funding for additional police department vehicles. Vehicle and equipment supply chain issues along with market volatility made last year's budgeting difficult and continue to present challenges today. The FY 2022/23 annual budget noted the police department would use a combination of Police Service Impact Fees and leasing for these vehicles with commission approval.

Staff Recommendation:

1. Lease-purchase (8) fully equipped unmarked 2023 Chevrolet Tahoe police vehicles using Florida Sheriff's Association Competitive Bid Pricing. The capital cost of these vehicles, if purchased outright, would be \$450,948.48. Under the lease-purchase agreement, the monthly lease payment is \$8,504.00 for sixty (60) months, with a total cost of \$510,240.00. These vehicles will replace unmarked police vehicles removed from service through reassignment, sale or other means of disposal. The Bancorp Master Lease agreement proposal has an APR of 4.7% over the sixty (60) month term with a one (\$1.00) dollar residual buyout per vehicle at the end of the lease.

2 Purchase five (5) fully equipped marked 2024 Chevrolet Tahoe police vehicles for \$313,972.80 utilizing Police Service Impact Fees. These vehicles are necessary for additional officer positions previously approved by the City Commission.

OTHER OPTIONS 1) Purchase the additional police vehicles outright at a cost of \$764,921.28

FISCAL IMPACT The FY22/23 lease obligation of \$51,024.00 (6 months) provided by Bancorp 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 \$102,048.00 for five (5) years. 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]

James Slaton, City Manager reviewed this item.

Commissioner Howell asked why Tahoes and not something less expensive. Chris Velasquez, Police Chief, said there is a transition across the country to sport utility vehicles. Crown Victorias and Impalas that they used to use are no longer made. The Ford Explorers and the Chevy Tahoes trade off on being the cheapest. He said the SUVs are better for carrying around equipment and are safer. The Explorers and Tahoes get a good resale value.

Commissioner Howell asked how long until we get the vehicles in. Chief Velasquez said this past year it took a year. He shared some of the challenges in getting vehicles. Mr. Slaton said other departments are experiencing this problem as well.

7. Leoma's Landing Phase I Final Plat Approval

[Begin Agenda memo]

SYNOPSIS: Hawk Leoma's, LLC, owner, requests approval of the Leoma's Landing Phase I Final Plat.

RECOMMENDATION Staff recommends approval of the Final Plat. Neither a recommendation from the Planning Board, nor a public hearing is necessary for approval of a final plat. Provided the plat meets all of the requirements of state statutes and local ordinances, approval by the City Commission is a formality.

BACKGROUND The subject property is located on the north side of Chalet Suzanne Road, just north of Carlsberg Estates subdivision, and adjacent to Dinner Lake Shores subdivision on the project's eastern boundary.

Leoma's Landing preliminary subdivision plat was originally approved by Planning and Zoning Board as early as November 22, 2005, with conditions of approval. The original PDP depicted 256 townhomes and 139 single-family homes. In 2014, a major revision to replace townhomes with 281 single family homes was approved with conditions of approval and waivers of strict compliance. Since then, the project received four extensions of time on approval, with the latest request approved in 2019. The project was approved for

modification again in 2021, but modifications only affected future phases II & III.

The project entered into the Site Development process by submitting detailed engineering plans in February of 2020. The project has approved site construction plans to begin developing Phase I, consisting of 101 lots, in July of 2020. The development ran into complications when the instillation of utility infrastructure was placed under the roadway where the infrastructure, by code, is not permitted, and where such utilities are not allowed to be bonded. The developer met with the City to find resolve and a solution was agreed upon. Since then, the development obtained utility clearance as of September 30, 2022.

Pursuant to Section 23-223.4 of the City's Land Development Code, the City accepted a performance bond, as of late September 2022, in lieu of constructing certain improvements prior to approval of the final plat.

FISCAL IMPACT Approval of the final plat enables the construction of 101 new single-family homes. Conservatively estimating a taxable value of \$200,000 per unit, it could potentially result in over \$20 million in taxable value, and generate over \$136,000 in ad valorem taxes.

*Adjusted values for potential homesteaded properties have not been factored into this estimate.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

Mayor Hilligoss asked about the bond issue for Utility Improvements. Mr. Bennett explained that the bond is a guarantee that the work gets done. Sarah Kirkland, Public Works Director, said some utilities need to be moved due to the turn lane.

Commissioner Howell asked if there is a time limit for the homes to built out. Mr. Bennett said no they can go as slow or fast as they prefer.

8. Ordinance 2022-52 Petition To Establish The Ridgecrest Community Development District (CDD) – 1st Reading And Public Hearing

[Begin Agenda Memo]

SYNOPSIS: Ordinance 2022-52 proposes the establishment of the Ridgecrest Community Development District (hereinafter referred to as the "CDD"), as petitioned by Ridgecrest of Lake Wales, LLC.

RECOMMENDATION Staff recommends approval at first reading, and adoption after second reading of Ordinance 2022-52 following a public hearing. Public Hearing notice requirements have been met.

A recommendation from the Planning and Zoning Board is not required for the establishment of a CDD.

BACKGROUND Ridgecrest is a 312.7-acre unimproved site south of Russell Avenue, west of 1st Street South, north of Hunt Brothers Road, and east of US Highway 27. The property has development approval from the City for a 1,020-unit single-family Planned Development Project (PDP).

Staff reviewed the submittal for consistency with the "Uniform Community Development Act of 1980", Chapter 190, Florida Statutes, which sets forth the exclusive and uniform method for establishing a community development district for the land area for which the CDD would manage and finance the delivery of basic services. The proposed petition meets the requirements of Chapter 190.

The Ridgecrest CDD would be the third established in the City to date. Lake Ashton first developed as a Community Development District, and Leoma's Landing was approved for the establishment of a CDD in 2021.

The proposed Infrastructure Plan is listed below:

District Infrastructure Construction Ownership Capital Financing Operation and Maintenance

Offsite Improvements CDD FDOT & City (Roadways) City (Utilities) District Bonds FDOT & City (Roadways)
City (Utilities)

Stormwater Facilities CDD CDD District Bonds CDD

Water, Sewer, Lift Stations CDD City District Bonds City

Street Lighting / Conduit CDD CDD & Duke Energy

District Bonds CDD & Duke Energy

Roadways & Parking Areas CDD CDD District Bonds CDD

Entry Feature & Signage CDD CDD District Bonds CDD

Parks & Recreational Facilities CDD CDD District Bonds CDD

OTHER OPTIONS Decline request to establish Ridgecrest CDD.

FISCAL IMPACT Once the roads, water, and wastewater improvements are constructed at the developer's expense, these facilities will be subsequently dedicated to the City for operation and maintenance and will create a long-term fiscal impact.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

Deputy Mayor Gibson said this is a good deal for us. They work well. James Slaton, City Manager, said Leoma's Landing will be a CDD as well.

Deputy Mayor Gibson said he would like more information on the long-term fiscal impact. Mr. Bennett said they will work on it.

9. Lake Wales Care Center Redevelopment Of The 282 Park Avenue Parcel

[Begin Agenda Memo]

Synopsis: The City of Lake Wales and the Lake Wales Care Center, Inc. ("Care Center"), have negotiated a Redevelopment Agreement for the property located at 282 East Park Avenue which incorporates the Memorandum of Understanding ("MOU") for the redevelopment of distressed properties previously approved by the City and the Lake Wales Community Redevelopment Agency. The Care Center is party to a contract to purchase this property which has been the subject of a Code Enforcement foreclosure action for some time. Upon closing of the sale and purchase, the sum of \$200,000.00 will be deposited with the City to be disbursed as redevelopment occurs in accordance with the provisions of the MOU and the Redevelopment Agreement.

Recommendation: That the City Commission approve the Redevelopment Agreement and authorize the Mayor to sign it on behalf of the City.

Fiscal impact: None other than a future financial benefit to the City due to the fact that the Care Center has agreed to enter into a Payment in Lieu of Taxes Agreement as a condition of the Redevelopment Agreement.

Alternatives: To continue the foreclosure action. In doing so, the City might not be the purchaser at the foreclosure sale and would not have the control which comes about by virtue of the subject agreement.

[End Agenda memo]

James Slaton, City Manager, reviewed this item. Albert Galloway, Jr., City Attorney, reviewed the redevelopment agreement. He said its a win-win. Mr. Slaton said the Care Center is non-profit but will make payments to the City in lieu of taxes.

Mayor Hilligoss asked about the \$200,000. Is it held or released as improvements are made? Mr. Slaton said they are released as improvements are made. Mr. Galloway said they will provide documentation as funds are expended. If the project is not completed the money goes to the City. Deputy Mayor asked to confirm the money would go to the City? Mr. Slaton clarified that the money would go to the CRA for redevelopment. The liens on the property will remain. Deputy Mayor Gibson said he will be interested in how this goes.

Rob Quam, Care Center, said the renovation costs will be more than \$200,000.

Mr. Galloway explained that Commissioner Williams, as a Care Center board member, must recuse himself as he cannot participate in the discussion and vote.

Mr. Quam said the Care Center got a grant from the County for this project. He said City staff has been very cooperative. This will be next-level supportive housing. it will not be a homeless shelter.

Deputy Mayor Gibson said this is a new strategy to help distress properties. He is interested to see how it goes.

Commissioner Krueger confirmed the Care Center a non-profit, will make payments to the City instead of paying taxes. Deputy Mayor Gibson confirmed this.

10. Ordinance D2022-33 Future Land Use Amendment For 0.16 Acres Of Land South Of Park Avenue East And West Of 3rd Street North First Reading And Public Hearing

[Begin Agenda Memo]

SYNOPSIS: Owner requests approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on approximately 0.16 acres of land.

RECOMMENDATION Approval at first reading, and adoption at second reading, following a public hearing to re-assign the following land use designation: Current Land Use: Low Density Residential (LDR) Proposed Land Use: Downtown District (DD) The Planning and Zoning Board heard this item at a regular meeting on October 25, 2022.

BACKGROUND The subject property is located south of Park Avenue East and west of 3rd Street South. The property is situated east of Scenic Highway North, south of the City Library and Crystal Lake, and surrounded by the First Presbyterian Church's parking lot.

The property contains an 8-unit multifamily building that sat vacant for over a year. Section 23.372.2(d) states "If any nonconforming use of land ceases for any reason for a period of one year, no nonconforming use may be re-established on those premises, unless a time extension is granted by the planning board prior to the end of the one-year period." Since the property sat vacant for over a year, the non-conforming status of the property has expired. The owners are requesting a zoning and land use amendment to support the prior, multifamily use.

A Zoning designation of C-1 and Land Use designation of DD is appropriate and consistent with the existing

designation in the surrounding area. The property sits south of the City's Library which also has designations of C-1 and DD, and is across from the downtown core.

CODE REFERENCES AND REVIEW CRITERIA The City Commission assigns future Land Use designations by ordinances upon a recommendation from the Planning & Zoning Board. The adopted ordinance is transmitted to the state's Department of Economic Opportunity (DEO) for review. The DEO reviews the designations as appropriate with reference to the City's Comprehensive Plan.

FISCAL IMPACT Assignment would enable the use of this property and potentially increase property value which would increase taxable value.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item. The Planning Board last night recommended approval.

Deputy Mayor Gibson said this creates more mixed use in downtown.

11. Ordinance D2022-34 Zoning Map Amendment For 0.16 Acres Of Land South Of Park Avenue East And West Of 3rd Street North – 1st Reading And Public Hearing

[Begin Agenda Memo]

SYNOPSIS: Owner requests approval of City Commission to amend the Zoning Map on approximately 0.16 acres of land.

RECOMMENDATION Approval at first reading, and adoption at second reading, following a public hearing to re-assign the following zoning designation:

Current Zoning: R-1A

Proposed Zoning: C-1 The Planning and Zoning Board heard this item at a regular meeting on October 25, 2022.

BACKGROUND The subject property is located south of Park Avenue East and west of 3rd Street South. The property is situated east of Scenic Highway North, south of the City Library and Crystal Lake, and surrounded by the First Presbyterian Church's parking lot.

The property contains an 8-unit multifamily building that sat vacant for over a year. Section 23.372.2(d) states "If any nonconforming use of land ceases for any reason for a period of one year, no nonconforming use may be re-established on those premises, unless a time extension is granted by the planning board prior to the end of the one-year period." Since the property sat vacant for over a year, the non-conforming status of the property has expired. The owners are requesting a zoning and land use amendment to support the prior, multifamily use.

A Zoning designation of C-1 and Land Use designation of DD is appropriate and consistent with the existing designation in the surrounding area. The property sits south of the City's Library which also has designations of C-1 and DD, and is across from the downtown core.

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

FISCAL IMPACT Assignment would enable the use of this property and potentially increase property value which would increase taxable value.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

12. ORDINANCE 2022-46 Amendments To Chapter 5 – Alcoholic Beverages – Second Reading And Public Hearing

[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 adopt Ordinance 2022-46 after second reading and public hearing.

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.

On October 18, 2022, The City Commission approved Ordinance 2022-46 on first reading.

OTHER OPTIONS Decline to approve the Ordinance.

FISCAL IMPACT None

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

13. ORDINANCE 2022-47 Amending Chapter 21 Utilities 2nd Reading And Public Hearing

[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. Adopt Ordinance 2022-47 Amending Chapter 21 Utilities after second reading and public hearing

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]

James Slaton, City Manager, reviewed this item.

14. 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. 2nd Reading And Public Hearing

[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. Adopt 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 2nd Reading and Public Hearing.

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]

James Slaton, City Manager, reviewed this item.

15. Ordinance 2022-49 Chapter 21, Division 2 And 3 2nd Reading And Public Hearing

[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. Adopt Ordinance 2022-49 Amendments to Chapter 21 Division 2 and 3 after 2nd Reading and Public Hearing

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]

James Slaton, City Manager, reviewed this item.

16. Special Event Permit For Lake Wales Jr. Woman's Club Friendsgiving Event

[Begin Agenda Memo]

SYNOPSIS: Lake Wales Jr. Woman's Club has submitted Special Event application to host a Friendsgiving event on November 19, 2022 from 12:00 p.m. – 5:00 p.m. This application requests the closure of Cypress Garden Lane between the Library Entrance and First Street. The event will include alcohol.

RECOMMENDATION Staff recommends approval of the application, the request to have alcohol and closure of Cypress Garden Lane between the Library Entrance and First Street from 8:00 a.m – 6:00p.m on Saturday November 19, 2022.

BACKGROUND The Lake Wales Jr. Woman's Club organization wants to host a community event called Friendsgiving. This event will include food, games, vendors, music and other activities. Set up will begin at 8:00 a.m. This portion of Cypress Garden Lane between First Street and the Library Entrance will be closed between 8:00 a.m. and 6:00 p.m. The sponsor will provide sanitary facilities, dumpster and will notify area businesses of the closure.

OTHER OPTIONS Do not approve the application.

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

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item. She explained that the Circle of Friends has been approved for a Friendsgiving event on the same day and time on Stuart Avenue. This is not a good situation for either event but as far as the City is concerned there is no problem with the two events. Staff recommends approval simply because we have no rule against this.

Commissioner Howell asked about the conflict with the Circle of Friends and the Farmers market on the 12th. Ms. Nanek said because it was the same place. Commissioner Howell expressed concern about this duplication.

Commissioner Williams asked if the Commission could deny their application. Ms. Nanek said if the Commission did not approve the event, the event could go on but they can't close the road or have alcohol outside.

Commissioner Krueger said the second group should be denied.

17. ORDINANCE 2022-51 Removing Commission District Numbers Second Reading And Public Hearing

[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 Adopt Ordinance 2022-51 Removing Commission District numbers after second reading and Public Hearing.

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]

James Slaton, City Manager, reviewed this item.

18. CITY COMMISSION AND MAYOR COMMENTS

Commissioner Howell asked if Citizens will be able to give comment at the Workshop Thursday. James Slaton, City Manager, said yes. The whole point is getting public input. Mark Bennett, Development Services Director, said input can be received online as well.

Deputy Mayor Gibson asked if the draft report from the retreat can be made available at the work shop. Mr. Slaton said yes.

19. ADJOURN

The meeting was adjourned at 3:15 p.m.

Mayor

ATTEST:

City Clerk