

## **LAKELAND CITY COMMISSION**

**Regular Session  
October 17, 2022**

The Lakeland City Commission met in Regular Session in the City Commission Chambers. Mayor Bill Mutz and Commissioners Chad McLeod, Bill Read, Stephanie Madden, Sara McCarley, Mike Musick, and Phillip Walker were present. City Manager Shawn Sherrouse, City Attorney Palmer Davis, Finance Director Mike Brossart, and City Clerk Kelly Koos were present.

### **CALL TO ORDER - 9:00 A.M.**

### **PRESENTATIONS**

USPCA Nationals - LPD K-9 Recognition (Asst. Chief Lehman)

Citrus Connection Update (Tom Phillips, Executive Director)

### **PROCLAMATIONS**

- Commissioner Walker
- Chairman of Transportation Planning Organization offered parting comments for Commissioner Phillip Walker.
- Kiwanis Club of Lakeland Centennial Anniversary
- World Polio Day

### **COMMITTEE REPORTS AND RELATED ITEMS**

Municipal Boards & Committees 10/14/22

Commissioner Stephanie Madden presented the recommended appointments.

**Motion: Commissioner Phillip Walker moved to approve the appointments. Commissioner Mike Musick seconded.**

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

**Action: Mayor Bill Mutz called for the vote and the motion carried unanimously.**

### **APPROVAL OF CONSENT AGENDA**

All items listed with an asterisk (\*) were considered routine by the City Commission and were enacted by one motion following an opportunity for public comment. There was no separate discussion of these items unless a City Commissioner or Citizen so requested,

in which event the item was removed from the consent agenda and considered in its normal sequence.

**Motion: Commissioner Bill Read moved to approve the Consent Agenda. Commissioner Mike Musick seconded.**

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

**Action: Mayor Bill Mutz called for the vote and the motion carried unanimously.**

#### **APPROVAL OF MINUTES (with any amendments)**

\* Commission Minutes – October 3-10, 2022

**Action: The Commission approved these minutes as part of the Consent Agenda.**

**REQUESTS TO APPEAR FROM THE GENERAL PUBLIC - None**

**EQUALIZATION HEARINGS – None**

#### **PUBLIC HEARINGS**

##### **Ordinances (Second Reading)**

**Ordinance 596; Proposed 22-046; Amending Ordinance 3440, as Amended; Major Modification of PUD Zoning to Increase the Maximum Number of Multi-Family Dwelling Units Allowed from 152 to 288, Increase the Maximum Allowable Building Height from Two-Stories to Three-Stories, and Adopt a Site Plan for a New Multi-Family Development Project on Approximately 26.8 Acres Located South of the Polk Parkway, East of Harden Boulevard and West of Old Highway 37 (1st Rdg. 10-03-22)**

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 3440, AS AMENDED, TO PROVIDE FOR A MODIFICATION TO PLANNED UNIT DEVELOPMENT (PUD) ZONING TO INCREASE THE MAXIMUM NUMBER OF MULTIFAMILY DWELLING UNITS ALLOWED FROM 152 TO 288, INCREASE THE MAXIMUM ALLOWABLE BUILDING HEIGHT FROM TWO-STORIES TO THREE-STORIES, AND ADOPT A SITE PLAN FOR A NEW MULTI-FAMILY DEVELOPMENT PROJECT ON APPROXIMATELY 26.8 ACRES LOCATED SOUTH OF THE POLK PARKWAY, EAST OF HARDEN BOULEVARD AND WEST OF OLD HIGHWAY 37; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

**Motion: Commissioner Phillip Walker moved to approve the ordinance. Commissioner Mike Musick seconded.**

Planning & Transportation Manager Chuck Barmby gave a brief presentation on the development. A development agreement will be required.

Mark Wilson of Kimley-Horne & Assoc. offered comments on behalf of the applicant. They held neighborhood meetings. They met with FDOT and learned they had work to do with regards to access to the property.

The Commission discussed:

- The increase in number of units. The developer needed the higher density to make the project viable. This was less controversial than other projects.
- Objections from the neighborhood.
- Parking.
- The traffic analysis, Oakbridge Development of Regional Impact remaining vested trips and the 2% annual growth factor. The 2% was an industry standard used locally.
- Build out was not expected until 2026.

Mayor Bill Mutz asked for comments from the audience.

Sherrin Smyers asked about exiting the development. Chuck Barmby explained staff was in discussion with FDOT. FDOT has moved away from the slow merge lanes that require drivers to look back over their shoulder for safety purposes.

Maria Mahoney questioned the traffic level of service "F" determinations at the Harden Boulevard/Parkway Frontage Road intersection. She encouraged the City to look at all traffic in that area. She did not believe there was enough parking at that location.

Chuck Barmby explained the traffic study included remaining approved trips from the Oakbridge Development of Regional Impact and a 2% growth factor in the analysis so that will accommodate future development in the area not tied to a specific project. Parking requirements are 520 spaces. The site planned showed 562 parking spaces. Staff was looking for the balance between enough parking but not too much impervious surface which contributes to flooding.

**Action: Upon roll call vote Commissioners Phillip Walker, Mike Musick, Sara McCarley, Stephanie Madden, Chad McLeod, Mayor Bill Mutz voted aye. Commissioner Bill Read voted nay. Ayes-six. Nays-one. The motion carried.**

**Ordinance 5957; Proposed 22-047; Small Scale Amendment #LUS21-007 to the Future Land Use Map to Change Future Land Use from Residential Low (RL) and Neighborhood Activity Center (NAC) to Residential Medium (RM) on Approximately 29.73 Acres on Property Located South of Towne Park Boulevard and West of Yates Road (1st Rdg. 10-03-22)**

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; MAKING FINDINGS; PROVIDING FOR SMALL SCALE AMENDMENT #LUS21007 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP OF THE LAKELAND COMPREHENSIVE PLAN: OUR COMMUNITY 2030; CHANGING THE FUTURE LAND USE DESIGNATION ON APPROXIMATELY 29.73 ACRES LOCATED SOUTH OF TOWNE PARK BOULEVARD AND WEST OF YATES ROAD FROM RESIDENTIAL LOW (RL) AND NEIGHBORHOOD ACTIVITY CENTER (NAC) TO RESIDENTIAL MEDIUM (RM); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

**Motion: Commissioner Mike Musick moved to approve the ordinance. Commissioner Phillip Walker seconded.**

Chuck Barnaby gave a brief presentation. This ordinance was related to proposed ordinance 22-048. He described the changes in the application since it was first submitted. Today's application has decreased by over 100 units. The building height has lowered to 3-stories. A single-family development would generate more trips than this multi-family development.

Tim Campbell came forward on behalf of the applicant. The primary entrance was on Yates Road, and they were working with the County to make improvements. He shared unit counts and parking information.

The Commission discussed:

- The location related to the Mosaic project. The entrances were across from each other on Towne Park Boulevard.
- Yates Road will reduce in lanes as it nears the school.
- Single family homes allowed under a Residential Low land use designation would generate 50% more trips than this multi-family development.
- Cross walk location on Towne Park Boulevard at Song Sparrow Court.

Attorney Tim Campbell thanked Commissioner Phillip Walker for his 13 years of service to the City.

Nicki Pereda of the Lunz Group presented slides on the project. The applicant was adding retention ponds in addition to the existing wetlands, which will remain.

Mayor Bill Mutz asked for comments from the audience.

Linda Wiggs was concerned about parking. She did not support a reduction in parking for bicycle parking. It was not sufficient parking. She asked the Commission to delay approval until the parking was addressed. She wanted the courtesy notice requirement of 500 feet to be changed. The City needed to notify more people.

**Action:** Upon roll call vote Commissioners Chad McLeod, Bill Read, Stephanie Madden, Sara McCarley, Mike Musick, Phillip Walker, and Mayor Bill Mutz voted aye. Ayes – seven. Nays – zero. The motion carried unanimously.

**Ordinance 5958; Proposed 22-048; Amending Ordinance 4471, as Amended; Major Modification of PUD Zoning for Towne Park Estates to Allow a Three-Story, Multi-Family Residential Development with a Maximum of 252 Dwelling Units on 29.73 Acres Located South of Towne Park Boulevard and West of Yates Road (1st Rdg. 10-03-22)**

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 4471, AS AMENDED, TO PROVIDE FOR A MODIFICATION TO PLANNED UNIT DEVELOPMENT ZONING FOR TOWNE PARK ESTATES TO ALLOW A THREE-STORY, MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITH A MAXIMUM OF 252 DWELLING UNITS ON APPROXIMATELY 29.73 ACRES LOCATED SOUTH OF TOWNE PARK BOULEVARD AND WEST OF YATES ROAD; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

**Motion:** Commissioner Phillip Walker moved to approve the ordinance. Commissioner Mike Musick seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

**Action:** Upon roll call vote Commissioners Phillip Walker, Mike Musick, Sara McCarley, Stephanie Madden, Bill Read, Chad McLeod, Mayor Bill Mutz voted aye. Ayes-seven. Nays-zero. The motion carried unanimously.

## **COMMUNITY REDEVELOPMENT AGENCY**

### **CITY MANAGER**

#### **Verbal Reports:**

1. Congratulated K-9 Unit. They were competing against other units across the country and internationally.
2. The Citizen Survey is now open at [www.colcsurvey.com](http://www.colcsurvey.com). He encouraged the public to participate. Paper copies are available here at City Hall and at the libraries.
3. Announced Michael Beckham is now General Manager of Lakeland Electric. He then reviewed Mr. Beckham's biography. Mr. Beckham introduced his special

guests: his wife Teresa and his daughter Nicky. Appreciated the support of the executive LE team.

**CITY ATTORNEY - None**

**FINANCE DIRECTOR - None**

**UTILITY**

**Ordinances – None**

**Resolutions – None**

**Miscellaneous**

**Memo re: Agreement with Turbine Diagnostic Services, Inc. to Upgrade the Digital Control Systems for McIntosh Diesel Generators and Gas Turbine 1**

This was an Agreement with Turbine Diagnostic Services, Inc. (TDS) to upgrade the TurboNet Dash1 control systems utilized on the McIntosh Plant diesel generators and Gas Turbine 1 (GT1). The control system components, which were last upgraded in 2008, are now obsolete and difficult to maintain. These upgrades are not only necessary but will help ensure the reliability of the diesel generators and GT1.

The City's Purchasing Department approved TDS, the original equipment manufacturer of the TurboNET Dash 1 system, as a sole source vendor for these control systems. Upon approval by the City Commission, the planning for this upgrade will begin. The control systems will be installed and integrated by TDS during a scheduled outage in 2023. The exact date of the outage will be determined based on system component availability and unit demand.

This Agreement, which includes training for the City's Plant operators and engineers, will be governed by TDS's proposal 4626, Revision A, dated September 2, 2022. The total cost of the work and services is \$237,086 and is included in Lakeland Electric's FY23 budget.

Staff recommended that the City Commission approve this Agreement with TDS to upgrade the digital control systems for the McIntosh diesel generators and GT1 and authorize the appropriate City officials to execute all corresponding documents on behalf of the City.

Deputy City Attorney Ramona Sirianni presented this item to the Commission.

**Motion: Commissioner Sara McCarley moved to approve the recommendation. Commissioner Mike Musick seconded.**

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

**Action:** Mayor Bill Mutz called for the vote and the motion carried 6-0. Commissioner Phillip Walker was absent at that time.

**AUDIENCE – None**

**MAYOR AND MEMBERS OF THE CITY COMMISSION**

**Selection of Interim City Commissioner**

Mayor Bill Mutz on behalf of the City Commission was grateful to have 8 excellent candidates to fill the upcoming vacancy on the City Commission created by Commissioner Phillip Walker's resignation. He explained the process to select an interim commissioner to fill the vacancy. City Attorney Palmer Davis further explained that Commissioner Phillip Walker's effective date of resignation was November 7th. The next regular City election is November 2023. The vacancy created by Commissioner Walker's resignation will be filled by appointment per the City Charter until Commissioner Walker's successor is elected in November 2023 and subsequently takes office. The Commission has determined a process to select an interim commissioner. The process is not binding on the City Commission, but is designed only to facilitate the Commissioner's decision-making process. The Commission has decided to choose their top 4 choices without ranking them. The Commission will then rank the top 4 in order of preference. The Commission was not bound by the ranking, however. Ultimately, the interim commissioner will be chosen by the majority vote of the City Commission irrespective of the rankings.

Palmer Davis recommended the Mayor call for public comment before submission of the shortlist by Commissioners. Mayor Bill Mutz asked for comments from the audience and the Commission. There were no comments.

The Commission submitted their list of top 4. There was a tie for the 4<sup>th</sup> seat. The results were (alphabetically) Faison, LaLonde, Rountree, Shirah, and Simmons.

The Commission ranked the top 5 by choice. City Attorney Palmer Davis reiterated that the ranking of the applicants was not binding on the Commission but was intended merely to facilitate the Commission's deliberations and that the Commission was free to select any of the applicants, including those not ranked or included on the shortlist. The ranked order was Simmons, Rountree, Faison, LaLonde, and Shirah.

**Motion:** Commissioner Mike Musick moved to appoint Samuel Simmons as interim city commissioner. Commissioner Chad McLeod seconded.

The Commission discussed how to proceed:

- Some wanted to discuss the top 3 candidates.
- There was no bad choice.

- They appreciated all the candidates coming forward. It is hard to put yourself forward.
- The candidate selected should be prepared to participate in the budgetary process.
- The successful candidate must remember they would be elected by all the voters in the City. They will serve the City as a whole.
- The candidates not selected should not be discouraged but rather consider running for the seat in 2023.
- The successful candidate should be well rounded and aware of all the districts in the City.
- Dr. Simmons had an accounting background and a heart for the City.

Mayor Bill Mutz asked for comments from the public.

Sherrin Smyers came forward and asked whether all ballots would be made public. Palmer Davis responded that all of the ballots were public records.

All the ballots were labeled with each Commissioner's name and made part of the public record.

**Action: Upon roll call vote Commissioners Chad McLeod, Bill Read, Stephanie Madden, Sara McCarley, Mike Musick, Phillip Walker, and Mayor Bill Mutz voted aye. Ayes – seven. Nays – zero. The motion carried unanimously.**

#### **MAYOR AND MEMBERS OF THE CITY COMMISSION**

Commissioner Phillip Walker addressed the Commission.

Veronica Rountree and Mayor Bill Mutz presented Commissioner Phillip Walker with a Key to the City.

Everyone at the dais offered parting comments.

Commissioner Mike Musick was thankful to sit by Commissioner Phillip Walker. They share a common faith and a love for the City. Commissioner Phillip Walker made public service a way of life.

Commissioner Sara McCarley and Commissioner Phillip Walker were friends for a long time. Her late husband was a huge Phillip Walker fan. He was a guiding light on how to have fortitude and faith. Her father was always so complimentary of Commissioner Phillip Walker and his faithfulness to Ridge League.

Mayor Bill Mutz appreciated Commissioner Walker's persistence to move on when things do not go his way. That has been a wonderful role model for the Commission.

Commissioner Stephanie Madden stated that bridge builders are so necessary and rare. It is hard to be a bridge because they get walked on and they do not join a side. On the national front there was a call to not erase history, but history had already been erased in communities like Moorehead. It is important to be memory keepers. She will miss Commissioner Phillip Walker's memories. She thanked him for being a beautiful bridge and memory keeper for Lakeland.

Commissioner Bill Read appreciated the words of wisdom Commissioner Walker provided. Now that Commissioner Phillip Walker is off the Commission, they can do things together.

Commissioner Chad McLeod appreciated Commissioner Phillip Walker's sense of humor, even in challenging moments and tough issues. He will miss hearing him say "we've been here before y'all." He had the history and context most of the Commission had not been through. Commissioner Phillip Walker was a true statesman. We need more of that in politics today.

Palmer Davis did not know how Commissioner Phillip Walker had not aged since 2010. They have been through a lot and Palmer will sincerely miss him.

Shawn Sherrouse first met Commissioner Phillip Walker at Ridge League many years ago. He was always friendly and encouraging. Commissioner Phillip Walker shared with him that he was not sure about him in the beginning and that Shawn Sherrouse had earned his confidence. That meant a lot. Phillip Walker is a great man and a great role model.

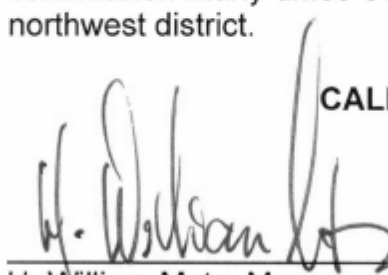
Mike Brossart will miss Commissioner Phillip Walker. He enjoyed sitting next to him. He always cared no matter who it was, and he treated everyone with such respect. He truly cares about his community. He was at the top.

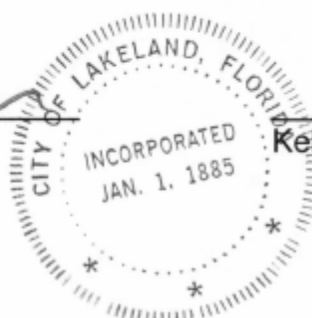
Kelly Koos appreciated Commissioner Phillip Walker's servant heart and his friendship.

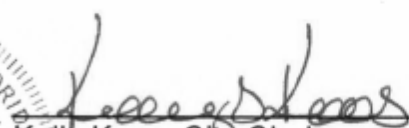
Commissioner Phillip Walker congratulated Sam Simmons. He offered his help and would not stand in his way.

Sam Simmons thanked the Lord for the appointment and the Commission for their confidence. He was glad some of their memories were short. He has come before the commission many times over the last 20 years and argued for the quality of life in the northwest district.

**CALL FOR ADJOURNMENT - 12:20 p.m.**

  
H. William Mutz, Mayor



  
Kelly Koos, City Clerk