

**MINUTES
CITY COMMISSION
MONDAY, APRIL 4, 2022
7:30 PM
CITY HALL**

Call to Order: Mayor Nancy Z. Daley called the City Commission meeting to order at 7:30 p.m. in the City Commission Chambers located at 120 E. Pomelo Street, Lake Alfred, FL 33850.

Kim DuBreuil, the Senior Pastor of the Lake Alfred First United Methodist Church, provided the invocation and **Mayor Daley** led the Pledge of Allegiance.

Roll Call: City Clerk Linda Bourgeois

City Commissioners in attendance: Mayor Nancy Daley, Vice Mayor Jack Dearmin, Commissioner Mac Fuller, Commissioner Brent Eden, and Commissioner Albertus Maultsby.

Staff in attendance: City Manager Ryan Leavengood, Assistant City Attorney Seth Claytor, City Clerk Linda Bourgeois, Police Chief Art Bodenheimer, Public Works Director John Deaton, and Community Development Director Ameer Bailey.

City Manager Leavengood provided announcements. He said there was a new process for the calendar of events and the flyers would be updated before each City Commission meeting. He showed photos of the work on Mackay Blvd saying the intent was to install a raised and painted crosswalk. He provided an update on the Zip Code Boundary Survey and said he was working with the local Postmaster to schedule a meeting with the street addressing manager. He concluded by saying the City was working on submitting the FY23 Community Project Funding Applications with Congressman Darren Soto's office.

Assistant City Attorney Claytor said he remained grateful to represent the great City of Lake Alfred.

Recognition of Citizens:

Peg Pestone of 160 W Haines Blvd thanked the City Commission for a successful Grand Opening event. She said there were a lot of people in attendance and they served many hot dogs. She said she was grateful and owed a lot to the City Manager, the City Commission, and the City Staff for the wonderful job of getting them to this point. She concluded by saying thank you.

Thelma Baker, a resident of Lake Alfred spoke about the housing crisis and said the city needed affordable housing options. She said the city needed more affordable apartments and homes. She said she has lived in Lake Alfred and she loves where she lives.

City Manager Leavengood spoke about the State Housing Initiative Partnership program used in larger cities. The County or private developers with partnership funding would be the best entities to implement those types of projects.

Jane Brumbaugh of 655 E Pierce Street said the speakers in the City Commission Chambers were not clear. She said the volume was fine but was having difficulty hearing what the City Commissioners were saying. She suggested they speak into the microphones.

Brenda Arnold of 435 W Pierce Street thanked the City Commission. She said it was nice to see them at the city events. She thanked the Police Chief and his staff for doing a great job of directing

the traffic in the mornings. She concluded by saying she loved that the city was growing. Thank you.

Commissioner Fuller introduced a former exchange student from China and a member of the family since 2011 that came back to visit. William Dong. He graduated from All Saints High School and never made a B, and he lived with them for two years. He shared he has made them proud. He graduated from the University of Illinois in the top three percent of his class with an Engineering degree. He also worked with the Bain Consulting Firm and now he is flying back to China to see his parents. He shared about his anticipated travels and his intent on coming back and going to Harvard to obtain his master's degree in Business Administration. He addressed William recognizing his commitment and the importance of education. Thank you.

Mayor Daley read the Water Conservation Month Proclamation into the record and it was received by Sr. Government Affairs Regional Manager of the Southwest Florida Water Management District Cindy Rodriguez.

Cindy Rodriguez thanked the City Commission and said she was proud of Lake Alfred for its commitment to the Water Star standards. She then shared fun facts and tips for conserving water. She commended former Mayor Charles Lake, City Manager Leavengood, and the Vice Mayor for their service to the Polk Regional Water Cooperative initiative. She concluded by thanking the City Commission for the proclamation.

Consent Agenda:

- 1.) City Commission Meeting Minutes for March 21, 2022
- 2.) City Commission Announcements

Vice Mayor Dearmin made a motion to approve the Consent Agenda. The motion was seconded by **Commissioner Fuller**. The motion was unanimously approved.

Mayor Daley presented the first business item for consideration.

- 1.) Ordinance 1478-22: Waylanco Road Annexation (2nd Parcel)

Assistant City Attorney Claytor read the title into the record.

City Manager Leavengood read the analysis into the record. He said pursuant to Florida Statutes Chapter 171, the City may consider the annexation of unincorporated areas of a county that are contiguous to the municipality, compact, and will not create an enclave. The applicant has submitted to the City voluntary annexation petitions under Chapter 171.044 to request the annexation of one (1) parcel into the city limits of Lake Alfred. The property is 0 Highway 557, further described as north of Waylanco Road, east of Highway 557, and south of Polk City Road. The applicant is seeking annexation to receive city services and for the possible development of the properties.

The total area is approximately 16.7± acres. The site is currently developed as a citrus grove. The property is located in the Green Swamp Area of Critical State Concern (GSACSC) and contains areas of wetlands and flood zone 'AE.' The property to the west, across County Road 557, is the site of a planned subdivision. The subdivision development has submitted plans to extend the City's potable water and wastewater lines to serve the site. Future development of the annexed site would be able to extend and connect to the City's potable water and wastewater lines. Future developments would also be able to connect to the extended utility services.

The action currently before the City Commission is only on the annexation of the property into the City. If approved, establishing Future Land Use and Zoning designations would be considered in future action items presented to the Planning and Zoning Board and City Commission. If approved on the first reading, the proposed Ordinance will be presented for the second and final reading on April 18, 2022.

He said the staff was recommending approval of Ordinance 1478-22 on the first reading.

Commissioner Maultsby asked if there was only one acre of uplands and wanted to know if the same developer owned the first Waylanco Road parcel. The answers were yes to both questions.

Mayor Daley asked about the open space component when developing within the Green Swamp Area of Critical State Concern and wanted to know if it would apply when they developed.

Community Development Director Bailey said that it would apply.

A discussion ensued regarding the property was under contract to build on the upland area for a cold storage facility, the differences between residential and commercial pertaining to the 30% open space requirement, the 30% in the Green Swamp can include wetlands as open space, and the 30% is an aggregate of the Green Swamp. The further discussion encompassed the Eden Hills development being a residential cluster development, the housing in the Green Swamp has to be a master-planned community, and the Green Swamp Overlay District.

City Manager Leavengood said he would put the information in an update to the City Commission.

Mayor Daley opened the floor to public comments.

There were none.

Mayor Daley closed the floor to public comments.

Commissioner Maultsby made a motion to approve Ordinance 1478-22 Waylanco Road Annexation (2nd Parcel) on the first reading. The motion was seconded by **Vice Mayor Dearmin**. The motion was unanimously approved.

Claire Clements (via Zoom) as a representative for the developer said thank you for the approval and they would be glad to talk about the open space component. She stated her name for the record and said her partner Saxon Evans was on Zoom as well.

Mayor Daley introduced the next business item for consideration.

2.) Ordinance 1479-22: Lake Lowery Road Annexation

Assistant City Attorney Claytor read the title into the record.

City Manager Leavengood read the analysis into the record. He said pursuant to Florida Statutes Chapter 171, the City may consider the annexation of unincorporated areas of a county that are contiguous to the municipality, compact, and will not create an enclave. The applicants have submitted to the City voluntary annexation petitions under Chapter 171.044 to request the

annexation of seven (7) parcels into the city limits of Lake Alfred. The property is 0 and 4970 Lake Lowery Road, further described as northwest of Lake Lowery Road, east of White Road, and north of Old Haines City / Lake Alfred Road. The applicant is seeking annexation to receive city services and for the possible development of the properties.

The total area is approximately 37.81± acres. The site is currently developed as a residence, agriculture, and agricultural support business. The property is located in the Green Swamp Area of Critical State Concern (GSACSC) and contains areas of wetlands and flood zone 'AE.' A subdivision is planned for the southern end of Lake Lowery Road, which would include this additional area if annexed. The subdivision development would extend the City's potable water and wastewater lines to serve the site. Future development of the annexed site would be able to extend and connect to the City's potable water and wastewater lines. Future developments would also be able to connect to the extended utility services.

The action currently before the City Commission is only on the annexation of the property into the City. If approved, establishing Future Land Use and Zoning designations would be considered in future action items presented to the Planning and Zoning Board and City Commission. If approved on the first reading, the proposed Ordinance will be presented for the second and final reading on April 18, 2022.

He said the staff was recommending approval of Ordinance 1479-22 on the first reading.

Mayor Daley asked if this was a voluntary annexation, and City Manager Leavengood replied yes.

Mayor Daley opened the floor to public comments.

Claire Clements commented and said on this property they are exceeding the 30% on this project as a whole. She said she can't remember the exact number but said it is a good number.

There were no other comments from the public and the floor was closed.

Vice Mayor Dearmin made a motion to approve Ordinance 1479-22 Lake Lowery Road Annexation on the first reading. The motion was seconded by **Commissioner Eden**. The motion was unanimously approved.

Mayor Daley introduced the next business item for consideration.

3.) Ordinance 1480-22: Lynchburg Road Annexation

Assistant City Attorney Claytor read the title into the record.

City Manager Leavengood read the analysis into the record. He said pursuant to Florida Statutes Chapter 171, the City may consider the annexation of unincorporated areas of a county that are contiguous to the municipality, compact, and will not create an enclave. The applicant has submitted to the City voluntary annexation petitions under Chapter 171.044 to request the annexation of two (2) parcels into the city limits of Lake Alfred. The property is 1403 Lynchburg Road and 462 Chamberlain Dr., further described as west of Lynchburg Rd, south of Pine Wood Ln, and north of Stewart Ave. The applicants are seeking annexation to receive city services and for the possible development of the properties.

The total area is approximately 13.6± acres. The site is currently undeveloped waterfront property that contains areas of wetlands and flood zone 'AE.' City potable water and wastewater lines are available to serve the site. Future development of the annexed site would be able to extend and connect to the City's potable water and wastewater lines.

The action currently before the City Commission is only on the annexation of the property into the City. If approved, establishing Future Land Use and Zoning designations would be considered in future action items presented to the Planning and Zoning Board and City Commission. If approved on the first reading, the proposed Ordinance will be presented for the second and final reading on April 18, 2022.

He said the staff was recommending approval of Ordinance 1480-22 on the first reading.

Commissioner Maultsby asked if the annexation would create an enclave and City Manager Leavengood said no, the properties were contiguous.

A brief discussion ensued regarding the county not having issues with creating enclaves however the cities are not allowed to create enclaves.

Mayor Daley opened the floor to public comments.

There were none.

Mayor Daley closed the floor to public comments.

Commissioner Fuller made a motion to approve Ordinance 1480-22 Lynchburg Road Annexation on the first reading. The motion was seconded by **Commissioner Maultsby**. The motion was unanimously approved.

Mayor Daley introduced the next business item for consideration.

4.) Resolution 04-22: Urban Services Report (South of Clark Road)

Assistant City Attorney Claytor addressed the City Commission and said it was determined that Commissioner Maultsby had a voting conflict of interest due to owning several parcels within the annexation area. He said he could engage in discussion but needed to abstain from voting. He will need to fill out the Form 8b and return it to the City Clerk. He then read the title into the record.

City Manager Leavengood read the analysis into the record. He said several property owners within the Serdjeanian Subdivision have requested the annexation. The subdivision is located at the western edge of the city limits. Polk County has consented to the annexation of the right-of-way for the roads within the subdivision without a transfer agreement. Together there are 25 parcels proposed for annexation, totaling approximately 25.15± acres. The additional right-of-way of approximately 2.55± acres creates a total of approximately 27.7± acres for annexation.

The City can pursue annexation of the parcels according to Section 171.043 subsections (1) and (2) (c) respectively.

- The total area to be annexed must be contiguous to the municipality's boundaries and reasonably compact, and no part of the area shall be included within the boundary of another incorporated municipality.
- It is developed and at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less.

Section 171.042 of the Florida Statutes requires that the City Commission prepare and file a report with the Board of County Commissioners of Polk County, Florida, setting forth the City's plans to provide urban services to the proposed annexation area. This Resolution adopts the Urban Services Report for the annexation of the proposed area and authorizes the City Manager to file the Urban Services Report with the Board of County Commissioners of Polk County, Florida. If approved by the City Commission, the annexation ordinance would follow in May.

He said the staff was recommending approval of Resolution 04-22.

Mayor Daley asked if the city attempted to contact the involuntary property owners and the response was yes.

Community Development Director Bailey explained there were seventeen properties with voluntary petitions totaling 19.72 acres. Nine properties did not have petitions and it was for a total of ~8 acres. This exceeded the 60% requirement. She continued and spoke about the vacant vs. developed land, the properties owned by non-registered voters, and said the vast majority of the residents were tenants. She said there were three properties owned and lived in by voters. There are only eighteen voters that would be eligible to vote.

Mayor Daley asked about a mini referendum and it was shared that the City Attorney's office was working on the process and they would be in contact with the City Manager.

Commissioner Eden asked if there were any reasons cited as to why some of the residents did not want to be annexed into the city.

Community Development Director Bailey said there were only three she had spoken with and it appeared they were not just sure and one was not opposed but not sure about the form.

A discussion ensued about the properties being on wells, most of the parcels being renters, the education of our benefits such as the septic to sewer programs, the existing utility lines being close to the proposed annexation area, and the city providing a higher quality of services.

Mayor Daley opened the floor to public comments.

There were none.

Mayor Daley closed the floor to public comments.

Vice Mayor Dearmin made a motion to approve Resolution 04-22 for the adoption of the Urban Services Report (South of Clark Road). The motion was seconded by **Commissioner Fuller**.

The City Clerk conducted a roll-call vote.

Commissioner Eden	AYE
Commissioner Fuller	AYE
Vice Mayor Dearmin	AYE
Mayor Daley	AYE

Commissioner Maultsby abstained from voting. The motion carried.

Recognition of Citizens:
There were none.

Commissioner Questions and Comments:

Commissioner Maultsby asked Public Works Director Deaton if we owned the brush grabber that did the cleanup on Lake Swoope Drive.

Public Works Director Deaton said the city did own the equipment and it was an attachment purchased to fit on the mini-excavator. He said the staff was going to clean the other side next week.

Commissioner Maultsby said they did a fantastic job clearing the area. He concluded by saying Director Deaton's department does a great job and he appreciated him.

Vice Mayor Dearmin said he noticed it as well. He said the apparatus does a great job. He said he was excited about the movement here in Lake Alfred. This city does a great job and he thanked everyone involved from the city staff, the city commission, and the city manager. He said It was getting hot already and it is only the first week of April. He concluded by thanking everyone.

Mayor Daley thanked the City Manager and the staff for working on the crosswalks on Mackay Boulevard. She said she noticed we needed one here in front of City Hall because all the parking is on the other side of the street. She said it may give the drivers a little more awareness to look and see if anyone is walking across the road. She said they did not necessarily need speed humps or tables everywhere but at least have a dedicated crosswalk from the development over to the fitness trail. She mentioned Rochelle Park needed paving with all the boat trailers that are park there.

City Manager Leavengood said we would scale into those features after the complete streets study is completed. He addressed Lake Rochelle Park and said that may be a project we get done going into the next budget year and it is something we are currently evaluating.

Commissioner Fuller thanked the department directors and said to the Police Chief he appreciated his staff. It is a pleasant relationship and they do a great job. He said the Public Works staff was doing a great job. He said everyone that works for the City makes it a great place to be. He said he enjoyed the ribbon cutting at the Lake Alfred Packinghouse. He spoke about the upcoming Spring Fling dance and asked Brenda Arnold, if she was interested, to reach out to the Chamber's President for her to assist with the organization of the event. He encouraged attendance and volunteers to help with the dance. He concluded by saying thank you for welcoming William Dong to our meeting and our community.

Commissioner Eden thanked all of the first responders saying he appreciated everything they do and all of the employees of the city. He requested for the City to reach out to the community on Experiment Station Road to educate them on the programs and benefits of being in the city.

He said sometimes the people think they are in Lake Alfred and they don't know that they are not.

City Manager Leavengood said we will make another attempt at the area and we are also talking about entering into a Joint Planning Agreement with the County that may make it easier to take in some of these enclaves. We do provide a higher level of service. He spoke about the Kings Pointe subdivision and how the residents wanted to be annexed but the owner, Sun Communities, wouldn't sign off on it. He continued and spoke about the opportunity to initiate an involuntary annexation and also look at Experiment Station Road. He concluded by talking about hiring one person to do the City of Lake Alfred annexations in order to fill in the box, that day is coming sooner rather than later.

Commissioner Eden suggested they start by talking about the cost savings and benefits and then they will also be able to vote in city elections.

Commissioner Maulsby spoke about the people thinking Lake Alfred had a high water bill and said that is not true.

City Manager Leavengood said it depends on the amount of water that is used and Lake Alfred is average, if not below average for Polk County. He said the coastal cities were higher because they have to deal with desalination and said that is a part of the education process. He spoke about the outside resident's surcharge and said by coming into the city they would see a reduction in the utility bill, and yes you may pay a little bit more on the ad-valorem side but you are not paying the 200+ dollars in the county fire assessment fee. He concluded by saying we would continue to look for those opportunities.

Mayor Daley gave a shout-out to Assistant City Attorney Claytor and the City Attorney's office for doing a great job. She asked him to convey our appreciation to Frederick John Murphy, Jr. and the Boswell and Dunlap staff. Thank you very much.

Without further comments, at 8:54 p.m. the City Commission meeting was adjourned.

Respectfully Submitted,



Linda Bourgeois, BAS, MMC, City Clerk