

**MINUTES
CITY OF LAKE ALFRED
CITY COMMISSION
MONDAY, AUGUST 17, 2020
CITY HALL**

Call to Order: Mayor Nancy Z. Daley

Invocation and Pledge of Allegiance: Pastor Bamburg

Roll Call: City Clerk Ameé Bailey

Those in attendance were Mayor Nancy Daley, Vice Mayor Jack Dearmin, Commissioner Brent Eden, Commissioner Charles Lake, and Commissioner Albertus Maultsby.

Staff in attendance: City Manager Ryan Leavengood, Assistant City Attorney Seth Claytor, Community Development Director Ameé Bailey, Fire Chief Wallace Nix via Zoom, and Police Chief Art Bodenheimer.

City Managers Announcements:

City Manager Leavengood stated the City offices and the Library would be closed on Monday, September 7th, in observation of Labor Day.

The City Commission dates in September have been changed to Thursday, September 10th and Thursday, September 24th, to meet the Florida Statue requirement for the annual budget hearings.

The staff has contacted the Charter Review Committee, and the first meeting will be August 27th at 2:00 pm. The Committee will set the schedule going forward. It will tentatively continue for three to four meetings on Thursday.

City Attorney's Announcements:

No comments.

Recognition of Citizens:

No citizen comments.

Proclamation: Cancer Awareness and Prevention Month

Mayor Daley read the proclamation and urged all citizens to rededicate themselves to the urgent work of increasing awareness, prevention, and care for those with cancer.

Consent Agenda:

Commissioner Maultsby moved to approve the Consent Agenda, seconded by **Commissioner Lake**. A unanimous voice call vote approved the motion.

Agenda

1.) Presentation & Discussion: Draft ULDC Rewrite

City Manager Leavengood stated the City of Lake Alfred, is considering text amendments and overall revisions of the City of Lake Alfred's Unified Land Development Code (ULDC). The amended and updated version of the ULDC will be restructured and reformatted in its entirety, along with revisions to critical concepts, policies, regulations, and processes throughout the ULDC.

The City Commission and Planning Board were previously presented with Chapters 2, 3, 4, 5, and 7 of the Unified Land Development Code (ULDC). These chapters represent the substantive policy elements and cover District Regulations, Use Standards, Site Development, Public Improvements, and Resource Protection.

On August 11, 2020, the Lake Alfred Planning Board discussed the proposed text for Chapter 9 regarding Administration and Procedures. The City Commission is being presented with the same chapters tonight for discussion and feedback.

The ULDC draft is scheduled to go before Planning Board on Tuesday, September 8th, and first reading before City Commission on September 24th. If approved, it will be transmitted to the state for a sixty-day review and, if accepted, come back for second and final reading tentatively on December 7th.

Director Bailey introduced chapter 9 of the ULDC and reviewed the stakeholder's comments and concerns. She pointed out that there were several articles from other chapters that had been moved into chapter 9, grouping the Administrative Review and Procedures.

City Manager Leavengood stated that chapter 9 now combines several different areas that previously were scattered throughout the original ULDC. The consolidation and simplification of the Code is an essential goal for the rewrite.

Director Bailey explained that in Chapter 9, the Administrative Staff is outlined, who they are and what they do. The most significant change in this chapter is the role of the Fire Official. They are involved with the approval of site plans and building permits and inspections. The second change is with the Technical Review Committee detailing the departments involved, and other resources such as the City Attorney and Engineer. There are more detail regarding Committees and their approval processes. Staff recommended disbanding the Board of Adjustment and dividing their tasks between the Planning Board and a new Development Special Magistrate. After discussions with the two boards, it was found that the Planning Board can act as the Board of Adjustments. Combining the two will serve several purposes; it will open up the possibility for residents to serve on a more active board. There have also been changes to the Development Review Special Magistrate, and the Code Enforcement Special Magistrate. The Development Review Special Magistrate is being used more frequently in other jurisdictions. It is similar to the Code Enforcement Magistrate; there will be an attorney that rules over that board, serving the same purpose, and the attorney will make sure that staff has followed the administrative procedures.

Mayor Daley asked about a commercial project in a commercial district going through the approval process.

Director Bailey stated the Table 3.1 within the ULDC would determine what approval process each application would go through. Commercial use in a commercial district would go through the administrative review process. Criteria have been established, that developers will be required to meet. If they are exceeding criteria in Article 3, they will have to ask for a waiver, variance, or a special exception.

City Manager Leavengood stated the strength of the City Commission is they will be writing the ULDC. If there is a concern, the Commission needs to increase the standards, not the level of review.

Director Bailey stated the process would go from the site plan review to the development process that will be construction plans with staff, the preliminary plat with staff. Before building starts, the Commission will see the plat. It is being proposed as a consent item, like most other jurisdictions, to allow the City Commission to sign off on the documents. She went on to explain the Special Exception applications and their use.

Mayor Daley asked who would be approving the Special Exception applications.

Director Bailey stated it would be the Planning and Zoning Board.

Assistant City Attorney Claytor stated it is good that the City has an experienced Planning Board. This change in the Code will give them two functions from making a quasi-judicial decision, which is rule application, to acting in a legislative capacity. The board is experienced, and they can switch between the two functions, which is a benefit to the City.

Mayor Daley asked if an HOA, from a developed subdivision, asked for a variance to be allowed livestock would the Planning and Zoning Board approve or disapprove the request. She also asked if the Commission would see the request.

Assistant City Attorney Claytor stated that would be a quasi-judicial decision. The Planning and Zoning Board could render quasi-judicial decisions as well as provide recommendations on legislative actions.

Director Bailey stated the Commission would not see the request, but the Commission would have established the criteria for the review.

Mayor Daley said the Commission should be careful the City does not want to be in the situation of the residents misconstruing the intent of the Code.

Commissioner Eden asked what impact the new Code will have on displays or signage.

Director Bailey stated outdoor displays would be the ones that come and go. Store owners would place displays out during the day and take them inside in the evening.

City Manager Leavengood stated staff knew the development standards had contractors waiting to move forward with their project. Concurrency and signage have been taken out for now. Both are still being worked on and will be presented at a later date.

Director Bailey stated both would be included in the overall presentation of the Code rewrite.

Mayor Daley clarified that the Special Exceptions would be decided by the Planning and Zoning Board. If someone gained approval from the Planning and Zoning Board, the Commission would hear all of the backlashes from their decision.

City Manager Leavengood said the City Commission does not hear variances at present. Staff works with the Planning and Zoning Board to ensure the criteria will be met. Special Exception would be limited more to temporary requests with a time frame tied to the approval.

Vice Mayor Dearmin asked when the Planning Board and Board of Adjustment be combined.

City Manager Leavengood stated it could be up for adoption, potentially in December.

Commissioner Eden asked if Director Bailey could name some of the things that will bring the City up-to-date. Where does the City stand on the signage will there be changes. He also asked, there are some expensive, flashing signs with pictures and text, does the City allow those. He would like to consider allowing electric signs.

Director Bailey stated the Special Exceptions designation has been clarified and improved. Identifying everyone involved in the reviewing process and outlining their contribution.

Assistant City Attorney Claytor stated DOT regulations dealing with signs with changing images or bright flashing colors have to meet precise criteria. We will be updating the sign code, maintaining a content-neutral sign code. The signs can not contain viewpoints. The City will regulate the size and the location, but not the content.

Mayor Daley opened the public hearing.

John Duncan, 200 S Ramona Ave., stated his concern about dismantling the Board of Adjustments and the inclusion of ADA requirements. He also asked about the state approval process.

City Manager Leavengood stated state approval would depend on the Code. Some changes will require state approval others may not.

Mayor Daley closed the public hearing.

The City Commission Meeting was recessed at 8:45 pm.

The City Commission meeting reconvened at 8:59 pm.

Those in attendance were Mayor Nancy Daley, Vice Mayor Jack Dearmin, Commissioner Brent Eden, Commissioner Charles Lake, and Commissioner Albertus Maultsby.

Recognition of Citizens:

Brenda Arnold 435 W. Pierce St. asked who would enforce the mask mandate in the stores.

City Manager Leavengood stated the City would enforce the ordinance. The City tried to help the businesses by enacting the ordinance, but we will need assistance from the business. He said someone would give Dollar Tree a call and remind them of the ordinance.

Assistant City Attorney Claytor stated there are exceptions to the ordinance such as when social distancing is achieved or when eating. If a patron did not follow the instructions by the business, it could lead to other violations.

Commissioner Maultsby stated the masks are helping bring down the number of new cases.

Commissioner Questions and Comments:

Vice Mayor Dearmin acknowledged the first responders and asked when the 7-Eleven would be opening.

Mayor Daley thanked the Commission and the Vice Mayor for covering during her absence. She said she was pleased with the 7-Eleven. It looks very nice because of the work that went into the planning of the site. She pointed out the new houses in Tract 5 in The Lakes. She attended the virtual Florida League of Mayors meeting and attended the Florida League of Cities meeting as a voting delegate. She was pleased to see Philip Walker become the First Vice President of the FLC.

Commissioner Eden stated he is glad Mayor Daley is back. He wanted to thank the Police Department for passing out masks. He agrees with the Mayor's comments on the 7-Eleven.

Commissioner Lake stated 7-Eleven is big news in the City and everyone is asking when they will open. The Gapway Grove Industrial Park has already placed a street sign that says Government Blvd. He attended the TPO meeting Thursday, and no one mentioned the widening of CR 557.

Commissioner Maultsby stated he noticed north of CR557 that construction workers are leveling the property, removing a hill. He asked if that is part of Eden Hills.

Director Bailey stated the contractors have been performing site work in preparation for the different activities along the property.

Mayor Daley reminded everyone school would be opening next Monday. Please be aware of the kids and the buses.

With no other business, the meeting was adjourned at 9:27 pm.

Respectfully submitted,



Mamie Drane
Deputy City Clerk

Reviewed by,



Ameé Bailey
City Clerk