

**MINUTES  
CITY OF LAKE ALFRED  
CITY COMMISSION MEETING  
MONDAY AUGUST 21, 2017  
7:30 P.M.  
CITY HALL**

**Call to Order:** Mayor Charles Lake

**Invocation and Pledge of Allegiance:** Pastor Strawn

**Mayor Lake** acknowledged and welcomed Tracy Mercer from The Lakes Region, Cindy Price and Nick Platt from TECO.

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

Staff attendance: City Manager Ryan Leavengood, City Attorney Frederick "John" Murphy, City Clerk Amée Bailey-Speck, Public Works Director John Deaton and Police Chief Art Bodenheimer.

**CITY MANAGER ANNOUNCEMENTS**

**City Manager Leavengood** stated that City offices and the Lake Alfred Public Library will be closed on Monday September 4<sup>th</sup>, in observance of Labor Day. The Monday trash route will be picked-up on Tuesday. All other routes and services will remain the same. Please contact Public Works with any questions.

The Mackay Gardens and Lakeside Preserve will host a free Master Gardener Workshop on Thursday September 7<sup>th</sup> at 10 am and a Nature Walk on Sunday September 9<sup>th</sup> at 2 pm. Contact the Parks and Recreation Department for more details or to sign-up for one of these events.

The City Commission dates in September have been changed to the 1<sup>st</sup> and 3<sup>rd</sup> Thursday (7<sup>th</sup> and 21<sup>st</sup>) to meet the Florida Statute requirement for the annual budget hearings. The City Commission will approve the final millage rate and 2017/2018 budget at the September 21<sup>st</sup> meeting.

The Library will be hosting a local author book signing & writer's workshop on Saturday, September 9<sup>th</sup> from 2 till 3 pm. Patricia "Patsy" Petronella Balinski will be signing & selling her book "The Manor's Eyes," as well as offering a writer's workshop for aspiring writers.

Staff contacted Habitat for Humanity and the donated property is currently in the engineering stage and is slated for construction in October.

Some upcoming City events include the Good ol' Days on October 14<sup>th</sup>; Veterans Day on November 11<sup>th</sup>; Mackay Gardens & Lakeside Preserve 100 year celebration on November 17<sup>th</sup>; the Christmas Parade on December 9<sup>th</sup> and the Blue Grass and BBQ Bash January 13<sup>th</sup>. Staff is planning an event summary for the utility bills and events will be posted on the digital sign.

**City Manager Leavengood** provided an update on the Lake Echo dock, which is now complete. This will be the standard for docks moving forward. The upfront cost is higher, but the docks will last longer. Staff also installed covered benches at the tennis court and is working on Central Park getting the fields ready for practice.

Haines City purchased a mobitrac and they demonstrated the amphibious vehicle at Lions Park. This may be available for staff to borrow.

### **CITY ATTORNEY ANNOUNCEMENTS**

**City Attorney Murphy** stated he attended some good sessions at the Florida League of Cities Conference.

### **RECOGNITION OF CITIZENS:**

### **PROCLAMATION: RECOGNIZING SEPTEMBER CANCER AWARENESS AND PREVENTION MONTH AND OVARIAN CANCER AWARENESS MONTH**

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

**Margaret Wheaton** accepted the proclamation and introduced Deb Shulty from Bay Care Cancer Center and Carol Vinish Co-founder of Polk County Ovarian Support Group, she stated their mission is to support all women with ovarian cancer in Polk County. They also provide education and empowerment to women, this disease is so dreaded and deadly, early diagnosis is the best way to prevent it. Their group meets once a month in both Lakeland and Winter Haven and they are planning an awareness event at Munn Park in Lakeland 3 – 7 PM on September 9, 2017.

### **CONSENT AGENDA**

**Commissioner Dearmin** moved to approve the Consent Agenda, seconded by **Commissioner Maultsby**. The motion was approved by unanimous voice call vote

<b>MAYOR LAKE</b>	<b>AYE</b>
<b>VICE MAYOR DALEY</b>	<b>AYE</b>
<b>COMMISSIONER DEARMIN</b>	<b>AYE</b>
<b>COMMISSIONER DUNCAN</b>	<b>AYE</b>
<b>COMMISSIONER MAULTSBY</b>	<b>AYE</b>

### **AGENDA**

#### **1.) PUBLIC HEARING ORDINANCE1386-17: UNIFIED LAND DEVELOPMENT CODE (ULDC) TEXT AMENDMENT ON PHARMACIES**

**City Attorney Murphy** read the Ordinance title.

**City Manager Leavengood stated** in 2016 the Florida voters approved a ballot initiative to allow the sale and use of marijuana to treat debilitating medical conditions for eligible patients.

On January 3, 2017, the City Commission adopted a moratorium on the placement and permitting of medical marijuana dispensaries in the City for a period of 180 days to allow time for the State to provide guidance on implementation. On June 23, 2017, the Governor signed the medical marijuana bill into law the provisions of which went into effect on July 1, 2017.

Following the adoption of state law on medical marijuana dispensaries the City has the option of either banning their placement within the City or to permit them in the same manner as pharmacies. Following direction from the City Commission at the June 19<sup>th</sup> regular meeting, staff has drafted an ordinance that adds “pharmacies” to the table of uses in the Unified Land Development Code (ULDC) to be permitted in the C1, C2, C3 zoning districts. The proposed ordinance also includes medical marijuana dispensaries in the definition of pharmacies.

The proposed ordinance also includes provisions for medical marijuana distribution facilities required by the State including: location requirements (minimum 500 ft from school property); hours of operation (not allowed between 9pm-7am); and safety provisions (alarm system, video surveillance, secured storage, outdoor lighting, at least 2 employees on-site).

On Tuesday, July 18, 2017, the Planning Board held a public hearing on the proposed Amendments and recommended approval with changes. The Planning Board recommended that the location of pharmacies be approved through a public hearing process such as a Special Exception. On July 24, 2017 the suggestion was presented to the City Commission to provide direction to staff. The current ordinance reflects the changes suggested by the Planning Board and the change from pharmacies as a permitted use to a conditional use.

**STAFF RECOMMENDATION:** Approval of Ordinance 1386-17 on second and final reading.

**Mayor Lake** opened the public hearing

**Dr. Kwame Fosu**, Pharmacist and advocate for medical marijuana stated he has patients with cancer he is in favor of medical marijuana because it has no ceiling, unlike opioids, most cause respiratory depression. He has founded the Coalition of Consent Pharmacists and Citizens, they feel that citizens should have accessibility to safe treatment. He explained the way marijuana clinics have been approved to dispense marijuana, stating the same pharmacy that can dispense opioids is not permitted to dispense marijuana. He considers this a disservice since the clinics will not be able to keep track of other prescriptions and may not be aware of drug interactions.

**Donna Webster**, 1202 7<sup>th</sup> Street NW Winter Haven, asked where a pharmacy could go in the city.

**City Manager Leavengood** stated this is a zoning matter; the City is setting the stage for the future. Any pharmacy could locate in the commercial corridor.

**Mayor Lake** closed the public hearing.

**Commissioner Duncan** moved to approve of Ordinance 1386-17 on second and final reading, seconded by **Vice Mayor Daley**. The motion was approved by unanimous voice call vote.

<b>MAYOR LAKE</b>	<b>AYE</b>
<b>VICE MAYOR DALEY</b>	<b>AYE</b>
<b>COMMISSIONER DEARMIN</b>	<b>AYE</b>

**COMMISSIONER DUNCAN**  
**COMMISSIONER MAULTSBY**

**AYE**  
**AYE**

## **2.) PUBLIC HEARING: ORDINANCE 1389-17: THE LAKES TRACT 4 AND 4A REZONING**

**City Attorney Murphy** read the Ordinance title.

**City Manager Leavengood** stated the Lakes Tracts 4 and 4A are existing platted subdivisions located off of Mackay Blvd. The current owner of the vacant lots has requested an Official Zoning Map amendment on the approximately 20.2 acres from Single Family District Clustered (R-1AC & R-1AAC) to Single Family District (R-1B). The only substantive change between the two zoning districts is the side building setback which is reduced by 5ft in the proposed zoning designation.

Six of the lots in Tract 4 have occupied houses on them under the current zoning. To avoid variations in zoning within the same development City staff had proposed a zoning change on the entire tract.

On July 18, 2017, the Planning Board held a public hearing on the proposed rezoning and following public comment from the current residents in the development in opposition to the change gave a unanimous recommendation to **deny** the proposed zoning change.

Following the Planning Board meeting, City staff has worked with the current owner to establish a compromise to accommodate the concerns of the existing six residents within Tract 4. At the City Commission meeting on August 7<sup>th</sup> the developer made further concessions to create a “block” of twenty-three lots that would retain the existing zoning category (shown in red) and buffer the existing residents from the change in the side yard setback.

Since the request is within an existing, platted subdivision staff was not concerned with the density allowed in the proposed zoning category. However, to address the concerns for future development within The Lakes an additional whereas clause was added to the ordinance. This serves to document the reasons for allowing the change and that any future development does not automatically get increased density based on this zoning action. Any future development would need to consider a PUD to increase densities.

**STAFF RECOMMENDATION:** Approval of Ordinance 1389-17 with changes on second and final reading.

**Mayor Lake** opened the public hearing.

**Bart Allen, Land Use Attorney with the Peterson and Myers Law Firm, representing the Lake Alfred Land Partners LLC.** stated the applicant believes that the compromise suggested addresses the concerns of the citizens and the City Commission. Mr. Lindsey and Daniel Kovac are available for any questions. He also agreed with staff about the process for future development.

**Vice Mayor Daley** stated she appreciates the comments and compromise. Her only objection was the reasonable expectations by the neighboring property owners. She is happy that the property will be developed and utilized.

**Patrick Butler**, 1110 Alexander Way stated that they have fought to stop the change in the zoning. They had no idea about the previous comprise that was brought to the last meeting and they would like to counter with asking for five additional lots bringing the total to twenty eight lots that will keep the original setbacks.

**City Attorney Murphy** stated as a matter of procedure; the ordinance has been advertised with specific lots delineated. If there were any changes in this meeting he recommended that the ordinance would have to come back again through the entire process including the Planning Board. He would prefer this ordinance be voted upon as is.

**Erwin W. Schmidt**, 605 E. Thelma St, stated he was surprised to see the Planning Board suggested this be turned down and then the recommendation was not followed. He proceeded to read a letter expressing his concerns and reservations about the rezoning of the sub-division. His concerns included fire safety and access from the cul-de-sac in Tract 4 to the existing community to the north.

**George Lindsey** stated he would not be in favor of starting over in order to accommodate the additional lots. However, he is willing to add the same restrictions to the lots that were presented tonight.

**Community Director Bailey** stated the previous citizens' concern regarding the two cul-de-sacs connecting would require a re-plat of the subdivision and is not included in this proposal.

**City Attorney Murphy** stated that Mr. Lindsey's comments are not part of the Ordinance to be considered and may not be enforceable.

**Mayor Lake** closed the public hearing.

**Commissioner Duncan** moved to approve Ordinance 1389-17 as presented this evening on second and final reading, seconded by **Commissioner Maultsby**. The motion was approved by unanimous voice call vote.

<b>MAYOR LAKE</b>	<b>AYE</b>
<b>VICE MAYOR DALEY</b>	<b>AYE</b>
<b>COMMISSIONER DEARMIN</b>	<b>AYE</b>
<b>COMMISSIONER DUNCAN</b>	<b>AYE</b>
<b>COMMISSIONER MAULTSBY</b>	<b>AYE</b>

### **3.) PUBLIC HEARING ORDINANCE 1388-17: THE LAKES TRACT 8 REZONING**

**City Attorney Murphy** read the Ordinance title.

**City Manager Leavengood** stated tract 8 was previously designed for attached multi-family units (townhomes). The development has preliminary platting and the infrastructure (roads, water, sewer, stormwater) is in place. The new owners have proposed single-family detached units and request a zoning of Planned Unit Development – Residential (PUD-R). The PUD zoning allows for greater flexibility than the standard zoning districts. This flexibility is needed in order to accommodate the change from multi-family-attached units to single-family detached units within the existing infrastructure. The PUD-R request proposes the following development standards.

- A change in housing product from townhomes to single family detached dwelling units for a total of 59 units on 59 residential lots. (previously approved for 105 units)
- Side yard setbacks of 5 feet.
- Rear yard setbacks of 15 feet.
- A minimum lot size of 6,400 square feet.
- A minimum lot width of 65 feet.
- Dedication Tract A to the City of Lake Alfred.

A provision for the acquisition of lot 39 will be included in upcoming development agreement tied to the PUD. On July 18, 2017, the Planning Board gave a unanimous recommendation to approve the proposed zoning change.

**STAFF RECOMMENDATION:** Approval of Ordinance 1388-17 on second and final reading.

**Mayor Lake** opened the public hearing.

**Bart Allen, Land Use Attorney with the Peterson and Myers Law Firm, representing the Lake Alfred Land Partners LLC.** stated they have reached an accord dealing with lot 39 and the developers have begun revising their site plan and inclusion in the Developers Agreement.

**Mayor Lake** closed the public hearing.

**Vice Mayor Daley** moved to approve Ordinance 1388-17 on second and final reading, seconded by **Commissioner Duncan**. The motion was approved by unanimous voice call vote.

<b>MAYOR LAKE</b>	<b>AYE</b>
<b>VICE MAYOR DALEY</b>	<b>AYE</b>
<b>COMMISSIONER DEARMIN</b>	<b>AYE</b>
<b>COMMISSIONER DUNCAN</b>	<b>AYE</b>
<b>COMMISSIONER MAULTSBY</b>	<b>AYE</b>

#### 4.) **ORDINANCE 1387-17: THE LAKES TRACT 8 FUTURE LAND USE MAP AMENDMENT**

**City Attorney Murphy** read the Ordinance title.

**City Manager Leavengood** stated Tract 8 currently has a Future Land Use designation of Medium Density Residential (MDR) on approximately 16.94 acres and Conservation (CON) on 1.51 acres. The MDR designation would allow up to 12 dwelling units per acre on the property that would have allowed for townhomes to be built consistent with the previous property owner's intentions.

The new property owner intends to build single family detached homes with a preliminary site plan showing 3.2 units per acre which is more suitable to a Low Density Residential (LDR) Future Land Use designation that allows 6 units per acre. The applicant also provided a wetland jurisdictional survey approved by the Southwest Florida Water Management District that indicates there are no wetlands on the subjected property resulting in the removal of the 1.51 acres previously marked as conservation.

The proposed ordinance changes the 18.45 acre tract to a Future Land Use designation of Low Density Residential (LDR).

On July 18, 2017, the Planning Board gave a unanimous recommendation to approve the Low Density Residential (LDR) Future Land Use designation on the entire site and the applicant has agreed to the proposed change.

**STAFF RECOMMENDATION:** Approval of Ordinance 1387-17 on first reading and to transmit to the Florida Department of Economic Opportunity for review.

**Mayor Lake** opened the public hearing.

**Mayor Lake** closed the public hearing.

**Vice Mayor Daley** moved to approve Ordinance 1387-17 on first reading and to transmit to the Florida Department of Economic Opportunity for review, seconded by **Commissioner Dearmin**. The motion was approved by unanimous voice call vote.

<b>MAYOR LAKE</b>	<b>AYE</b>
<b>VICE MAYOR DALEY</b>	<b>AYE</b>
<b>COMMISSIONER DEARMIN</b>	<b>AYE</b>
<b>COMMISSIONER DUNCAN</b>	<b>AYE</b>
<b>COMMISSIONER MAULTSBY</b>	<b>AYE</b>

**City Attorney Murphy** stated that the item will come back for second reading in approximately one month.

#### **5.) ORDINANCE 1390-17: POLICE OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM**

**City Attorney Murphy** read the Ordinance title.

**City Manager Leavengood** stated the Police Officers' and Firefighters' Retirement Board discussed and determined the need to develop and adopt a written investment policy. The proposed ordinance gives the board members more flexibility, with certain limitations, on what type of investments to pursue based on the recommendations of the board's financial advisors.

The proposed ordinance was prepared by the pension board attorney and received a recommendation of approval by the board. The general employee retirement plan made a similar change in establishing an investment policy in 2011.

**STAFF RECOMMENDATION:** Staff recommends approval of Ordinance 1390-17 on first reading.

**Mayor Lake** opened the public hearing.

**Mayor Lake** closed the public hearing.

**Commissioner Dearmin** moved to approve Ordinance 1390-17 on first reading, seconded by **Commissioner Duncan**. The motion was approved by unanimous voice call vote.

<b>MAYOR LAKE</b>	<b>AYE</b>
<b>VICE MAYOR DALEY</b>	<b>AYE</b>
<b>COMMISSIONER DEARMIN</b>	<b>AYE</b>
<b>COMMISSIONER DUNCAN</b>	<b>AYE</b>
<b>COMMISSIONER MAULTSBY</b>	<b>AYE</b>

**City Attorney Murphy** stated this Ordinance will come back to the Commission for a Public Hearing second reading at the next City Commission meeting September 7<sup>th</sup>, 2017.

### **RECOGNITION OF CITIZENS:**

No citizen comments.

### **COMMISSIONER QUESTIONS AND COMMENTS**

**Commissioner Maultsby** stated the Commission has just completed a successful City Conference and there are a few things he would like the citizens know. There will be an initiative on the ballot on November 2018 that will appear to reduce taxes, but it will actually increase the taxes.

**Mayor Lake** stated the convention last week focused on Home Rule there are a number of issues the legislators passed that effect the City. One is the amendment for the Homestead Exemption that will raise the exemption to \$75,000 it may seem like it will reduce property taxes when it may result in a tax increase. We had a good session, and it was very productive.

**Vice Mayor Daley** stated it was a good conference the City's Commission, City Manager and the City Attorney was in attendance and attending work-shops, learning things from other cities that might be good for Lake Alfred. She thanked her fellow Commissioners, City Manager and the City Attorney because they care and are making things better for the citizens.

**Commissioner Duncan** stated he would like to echo Vice Mayor Daley's statement, and he thanked Dr. Fosu for speaking. He encouraged Dr. Fosu to present his presentation to the state, so they can make the changes to the statute.

He also asked about traffic in the Lakes and access onto 17/92. He also said he's been working with the City Manager on a proposal or an idea, to present to the Commission, for the acquisition of a statue.

**City Manager Leavengood** stated the City has started that process with FDOT and the City has requested an operational study for the Mackay intersection. They will look at the different criteria for intersections in terms of what warrants a traffic light. The City does not meet the criteria on some of the intersections, but until the study comes in we won't know anything. The Mayor has been active in representing the City's interest on the TPO board, they have fast-tracked us for the study.

**Community Director Bailey** stated that she has spoken to FDOT and it was decided to wait till school was back in session to have an operational study. It is scheduled for September.

**Commissioner Dearmin** stated it's a privilege and an honor to represent Lake Alfred and to work together. It was a very interesting night and that as a Commission and as a City. Both parties were remarkable in their effort to come together.



**City Manager Leavengood** stated he would like to recognize Cindy Price she stayed for the entire meeting. Also, the stormwater project that the City has been working with FDOT on, the flooding issue at the Cummings Street intersection will begin construction the first week in September.

**Public Works Director Deaton** stated the only work on the Cummings Street project up to this point has been relocation work. Moving utilities, and getting ready, there has been no pipe work done to date. Demolition for the duplex and the junk trunk is scheduled to start next Monday, August 28<sup>th</sup>, 2017. The demolition will not affect traffic however the construction part will. Part of 557 will be blocked due to the road being dug up.

With there being no further business to discuss, Mayor Lake adjourned the meeting at 8:54 pm.

Respectfully Submitted,



Ameé Bailey-Speck  
City Clerk