

**MINUTES  
CITY OF LAKE ALFRED  
CITY COMMISSION  
REGULAR MEETING  
THURSDAY SEPTEMBER 24, 2020  
CITY HALL**

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**Call to Order:** Mayor Nancy Z. Daley

**Invocation and Pledge of Allegiance:**

**Roll Call:** City Clerk Ameen Bailey

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

**Staff in attendance:** City Manager Ryan Leavengood, City Attorney Frederick “John” Murphy, Community Development Director Ameen Bailey, Finance Director Amber Deaton, Fire Chief Wallace Nix, Parks and Recreation Director Richard Weed, Police Chief Art Bodenheimer and Public Works Director John Deaton.

**City Manager Announcements:**

**City Manager Leavengood** provided an update on the City sculpture project and that Discovery High School has begun working on one.

**Mayor Daley** asked if the sculpture would receive a clear-coat finish.

**City Manager Leavengood** stated that a clear coat would be added after the sculpture was painted. The coating should last several years then the sculpture can be sanded and re-painted.

**City Attorney's Announcements:**

City Attorney Murphy stated the attorney’s office has been working with staff on several items including the ULDC Code re-write, which is exciting. He stated he hoped everyone was staying healthy.

**Recognition of Citizens:**

No citizen comments.

**Consent Agenda:**

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

## Agenda:

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### 1.) Public Hearing: Resolution 11-20: Final Millage Rate

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**City Attorney Murphy** read Resolution 11-20 in its entirety.

**City Manager Leavengood** stated the City is required to advise the Property Appraiser's Office of its final millage rate and rolled-back rate. The current millage rate is 7.2390 which is 7.63% increase over the rolled-back rate of 6.7257 per \$1,000 of taxable value.

The proposed final millage rate is equal to the current millage rate of 7.2390 and the proposed FY 2020-2021 budget is balanced utilizing this rate.

**Staff** recommended approve of Resolution 11-20.

**Mayor Daley** opened the public hearing. Seeing no one, she closed the public hearing and opened it to Commission discussion.

**Vice Mayor Dearmin** stated that he was pleased that the City could maintain the current millage rate.

**Commissioner Maultsby** moved to approve of the Resolution 11-20 for Final Millage Rate, seconded by **Vice Mayor Dearmin**. A unanimous voice call vote approved the motion.

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### 2.) Public Hearing: Ordinance 1437-20: FY 2020/2021 Annual Budget

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**City Attorney Murphy** read Ordinance 1437-20 in its entirety.

**City Manager Leavengood** stated beginning in April of this year the City Commission has been presented with and given approval to the various draft sections of the FY 2020/2021 annual operating budget including: Capital, Expenditures, Revenue, and Payroll.

The proposed FY 2020/2021 budget assembles the previously approved sections into the final budget with updates from July's experience and obtaining final revenue and expenditure projections. The proposed budget is consistent with the presentation on first reading and includes finalized formatting and supplemental information. The current budget is proposed at \$9,857,033 and the second-year budget is included for internal planning purposes.

**Staff** recommended approve Ordinance 1437-20 on second and final reading.

**Mayor Daley** opened the public hearing. Seeing no one, she closed the public hearing and opened it to Commission discussion.

**Vice Mayor Dearmin** stated that he appreciated staff for presenting a balanced budget.

**Vice Mayor Dearmin** moved to approve of Ordinance 1437-20 on second and final reading, seconded by **Commissioner Eden**. A unanimous voice call vote approved the motion. Commissioner Lake confirmed that he voted in the affirmative.

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### **3.) Ordinance 1438-20: Comp Plan Amendment: Capital Improvement Program**

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**City Attorney Murphy** read the title for Ordinance 1438-20.

**City Manager Leavengood** stated the City maintains a five-year Capital Improvement Program (CIP) which is updated and adopted through the annual budget process each year. A capital improvement program is also an element of the City's comprehensive plan. Periodically, the City updates the comprehensive plan to reflect the updates in the CIP which have taken place through the budget process.

The proposed ordinance updates the CIP element within the comprehensive plan to be identical to the CIP adopted as a part of the FY 20/21 Annual Budget. Having projects identified in the comp plan's CIP can be a positive factor when attempting to secure grant funding through state programs.

On Tuesday, September 8, 2020, the Planning Board held a public hearing on the proposed Comprehensive Plan Amendment and unanimously voted (5:0) to provide a recommendation of approval to the Lake Alfred City Commission. The CIP amendment will be transmitted to the Department of Economic Opportunity after the second reading as a courtesy notification.

**Staff** recommended approve Ordinance 1438-20 on first reading.

**Mayor Daley** asked when the ordinance would return for second reading.

**City Manager Leavengood** stated the ordinance would be heard at the next meeting and sent to DEO as a courtesy after the adoption.

**Mayor Daley** opened the public hearing. Seeing no one, she closed the public hearing and opened it to Commission discussion.

**Commissioner Eden** stated he was glad to see the City plan for the future.

**Vice Mayor Dearmin** moved to approve of Ordinance 1438-20 on first reading, seconded by **Commissioner Eden**. A unanimous voice call vote approved the motion.

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### **4.) Ordinance 1439-20: Comp Plan Amendment: Comp Plan Amendment: ULDC Rewrite**

### **5.) Ordinance 1440-20: Unified Land Development Code Rewrite**

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**City Attorney Murphy** read the titles for Ordinance 1439-20 for Ordinance 1440-20.

**City Manager Leavengood** stated in December of 2018, the City Commission awarded a task order to GAI consultants to assist with a rewrite of the City's land development code. In January of 2019, the City Commission approved a grant received from the Florida Department of Economic Opportunity to assist the City with updating the comprehensive plan and ULDC in relation to the Green Swamp Area of Critical State Concern. The Central Florida Regional Planning Council performed the tasks associated with the grant.

In February of 2019 a joint workshop was held between the City Commission and Planning Board. Key concepts and goals of the rewrite were presented in collaboration with GAI, the CFRPC, city staff, the water management district, and other stakeholders. The next year and a half have been spent undertaking the Herculean task of rewriting a 450 page document originally adopted in 1993 to not only bring it up to date with current concepts but to lay the foundation for future growth for the next twenty-five years.

The proposed ordinances represent a milestone achievement in the completion of the original goal of the rewrite. The substantive goals including: streamlining the development approval process; consolidating zoning districts into fewer categories with wider standards to allow better flexibility and responsiveness to the market now and in the future (i.e. future proofing the code and hopefully reducing the need for site specific custom zoning/PUDs); increasing design standards for roads and new residential development (i.e. water star, garage setbacks, design variation, traffic calming/design speed, streetscaping/aesthetics, vehicle/pedestrian connection hierarchies) have all been addressed. Modernizing the code to reflect changes since 1993 has also been accounted for including provisions for: using GIS data for wetland boundaries, food trucks, micro-breweries, and home occupations.

While the proposed ordinances represent a substantial completion of the original goals of the rewrite the job isn't entirely complete. City staff and the city attorney will continue working on other sections of the code that were largely untouched in this round including signage and concurrency. Future cleanups on these sections in addition to any fine-tuning of current proposed code will be presented in 2021.

On Tuesday, September 8, 2020, the Planning Board held a public hearing on the proposed Comprehensive Plan text Amendment and the Unified Land Development Code text amendment. Both received a unanimous vote (5:0) to provide a recommendation of approval to the Lake Alfred City Commission.

If approved on first reading, the Comp Plan and ULDC text amendment will be transmitted to the Department of Economic Opportunity for review. Map amendments related to the text amendments will be presented at future meetings. The proposed text amendments considered tonight will likely be presented for second reading in January of 2021.

**Community Development Director Bailey** reviewed the reasons for the update, such as outdatedness and excessive zoning districts. Several goals were included and met such as the consolidation of zoning districts, addition of conservation design standards, and maintaining the Lake Alfred sense of community. Stakeholders were interested in flexibility. The code was reorganized and graphics were added to provide clarity. The graphics are designed to provide future handouts for each district.

Within Chapter 2 the zoning districts were reduced from 39 to 13 and grouped into four categories which correspond with the merging of the land use districts within the Comprehensive Plan. One new district was created, the Urban Residential (UR) district to accommodate high-density

residential uses and transit. Overlay districts were added to Chapter 2, and includes the Downtown Overlay, Green Swamp and Planned Unit Development (PUD). The Joint Planning Areas were added as an overlay because of the existing airport zoning district. The Zoning and Overlay maps are part of the map amendments that will be presented in October. The nonconforming use section has been added to Chapter 2, and was largely rewritten by the City Attorney's Office.

**City Manager Leavengood** stated that having the PUDs and other areas as an overlay preserves the integrity of the Zoning map.

**Community Development Director Bailey** stated that uses that were throughout the old code and now all located in the Article 3. The article also provides the determination on the level of review. Categories that were new or updated included agriculture, residential, civic, lodging and restaurants, live/work, multi-family units, accessory, and temporary uses.

Article 4 provides the site specific design standards while Article 5 addresses public improvements. Article 4 addresses access, the layout of blocks and lots, parking, landscaping, and site lighting. While Article 5 addresses street design, utilities, and stormwater. Staff worked to implement the items discussed during the workshops along with addressing items that surfaced during review. The standards focused on beautification of the City, walkability, and maintain the City character. Ace Hardware was used as a test for the landscaping and the new code provided assistance with designing the landscape elements for that site. Elements were added to create a complete street design with different elements and design flexibility to ensure design speeds. The street category will be a collaborative process with the developer based on the street need and connections. The City would like to ensure pedestrian safety while addressing the unique development sites. Parking and landscaping standards have been provided by the inclusion of traffic calming elements.

**City Manager Leavengood** expanded on the block layouts and the hierarchy of streets and interconnectivity of the traditional neighborhood grid designs. The landscape requirements are more uniform across the districts and the overlays provide additional standards.

**Mayor Daley** asked about the requirement for sidewalks on both sides of an interior neighborhood road.

**Community Development Director Bailey** responded that the primary requirement was for sidewalks on both sides of the street, however pedestrian access and safety could be addressed through an alternative design.

**City Manager Leavengood** expanded on the need for flexibility and yet to have a base design. The new design standards will also be used to retrofit the existing roads within the City. The elements will be used to ensure that the design speed and the posted speed are in sync. Pierce Street was used as an example of a street that would be retrofitted based on the new standards. The FDOT also reviewed the Code and was involved with reviewing the code.

**Community Development Director Bailey** discussed Article 6 for signs. There were very few changes other than to reformat the code and remove content based requirements that conflict with state statutes. Content specific signs were grouped together under a new broader category.

**City Manager Leavengood** stated that signs will be addressed in a future amendment to the Code in discussion with the City Attorney's Office.

**City Attorney Murphy** stated that after the 2015 Supreme Court decision that the City code should focus on the time, place, and manner of signs rather than content.

**Community Development Director Bailey** discussed Article 7 for resource protections and Article 8 for public facilities monitoring. These articles were updated and reformatted with minor changes to the content. Conservation buffers were evaluated and made consistent through the code. Article 9 was a collaboration between staff and the City Attorney's Office. The Article brings together processing requirements from throughout the code to one location. The article provides check list and new appeals process. The Development Review Special Magistrate process was added.

**City Manager Leavengood** stated that the new processes professionalize the implementation of the code and is proactive in planning for the future growth in the City.

**City Attorney Murphy** stated that the new processes also utilize the full benefit of Florida Statutes for the City's to establish a method of appeal that incorporates the Special Magistrate. It ensures that the staff has followed a rigorous process.

**Community Development Director Bailey** stated that the Special Magistrate removes the responsibility for the lay board to hear a administrative appeals. The Planning and Zoning Board can focus on ensuring that new development maintains the character of the City and their actions can be appealed to the Special Magistrate to ensure the processes were followed. The review process was briefly discussed and that the Site Plan review process will establish the development rights. A table was added to create a starting point for where to find the process provisions. The special exceptions have been narrowed and are still under development. The definitions article continues to be updated to ensure consistency within the Code. A definition hierarchy was developed to help resolve conflicts.

**City Attorney Murphy** complimented staff regarding the code product and process.

**Mayor Daley** opened the public hearing for the ULDC text discussion.

**Commissioner Maultsby** asked about utilizing an emergency ordinance to have the code adopted before January.

**City Manager Leavengood** stated that the Comprehensive Plan and the Green Swamp Area of critical state concern standards require the 60 day state review process. In addition, the map amendments will not be heard until next month.

**Commissioner Eden** asked what the developers thought the proposed code.

**John Mike Noonan** from Orlando is the managing partner for Gum Lake Grove LLC. Stated it has been a long process but the Code does take into consideration the market. Since only 20% of the land area in the Green Swamp is developable, he hopes that the code will allow property owners to develop as much of that area as possible. He stated that the developers have been

patient and that there is interest in the area. He is in support of the code revisions. He also asked about the land use and zoning maps and the wetland lines for development.

**Community Development Director Bailey** stated the goal was to present the maps to the Planning Board in October. The new data will be incorporated into the map series.

**Rennie Heath** with the Cassidy group stated that the Code has come a long way and he complimented City manager Leavengood on spearheading the project.

**Mayor Daley** asked about the timing for the new developments in the Green Swamp and if DEO has every denied an application

**City Manager Leavengood** stated that approval on first reading provides the developers with a guideline for the new code. They may, at their own risk, submit plans for review. The plans could then be formally reviewed and approved in January after second reading.

**Community Development Director Bailey** stated that state reviewers have been included in the discussions and have already provided some comments. DEO approved the grant, saw draft language, and are excited to see the revisions.

**City Manager Leavengood** stated that there continues to be development interests and the new code will meet the needs of new development. Modernizing the code will provide for the future. Although there is flexibility, there are also requirements such as water star, connection hierarchies, street standards, garage setbacks. The developer's feedback has been very helpful.

**Community Development Director Bailey** began the Comprehensive Plan amendment presentation stating that the amendments are to ensure that the Comprehensive Plan the Unified Land Development Code are consistent with each other. DEO will review for consistency. The future land use categories were streamlined in the same manner as the Code. The goal is to create a one to many relationship between the Plan categories and the Code districts. Categories were merged and some were removed. Language associated with the 20-year-old Chapter 380 agreement were removed. Applicable standards remain. Some standards have been replaced by the Development Limitations map to protect the Green Swamp Area of Critical State Concern. There are some general updates to names and levels of services.

**Mayor Daley** opened the public hearing for the Comprehensive Plan amendments. Seeing none, she closed the public comment and asked for a motion from the Commission.

**Vice Mayor Dearmin** moved to approve of Ordinance 1439-20 Comprehensive Plan Amendments on first reading, seconded by **Commissioner Eden**. A unanimous voice call vote approved the motion.

**Commissioner Lake** moved to approve of Ordinance 1440-20 ULDC Rewrite on first reading, seconded by **Commissioner Maultsby**. A unanimous voice call vote approved the motion.

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## **6.) Ordinance 1441-20: Developer's Agreement: Lake Gum Parcel**

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**City Attorney Murphy** read the title for Ordinance 1441-20.

**City Manager Leavengood** stated original concepts for the Lake Gum development date back to ~2006 prior to the 2008 housing collapse. The project went dormant during the recession but for the past several years the City has been working with representatives from Gum Lake Grove, LLC to prepare their parcels located to the south and east of Lake Gum for development.

The developer owns the land to the east and to the south of Gum Lake. The City of Lake Alfred owns a 40 acre parcel on the southeastern part of the Lake that effectively separates the proposed development area between its southern and eastern sections. The 40 acre parcel is adjacent to the City's spray field tied to our wastewater operations. The 40 acre parcel is approximately 20 acres of lake, 10 acres of wetland, and 10 acres of upland. The 40 acre parcel is surplus in nature and is not tied to our current wastewater permit or spray field operations.

The City had an appraisal performed in May of 2020 that determined the value of the parcel to be \$105,000. The proposed ordinance enters into a developer's agreement to convey the City owned 40 acre surplus to Gum Lake Grove, LLC in consideration for the construction and maintenance of a public access boat ramp and associated facilities similar in nature to other city boat ramps (e.g. parking, small pavilion, etc.). The agreement contains a reverter clause in the event that the boat ramp is not constructed within ten years of the effective date of the agreement. Additionally, construction of the ramp must be substantially complete by issuance of the 139<sup>th</sup> certificate of occupancy.

While the boat ramp itself is fair consideration for the value of the surplus parcel, the ancillary and true value of the conveyance is to unlock the development potential of the eastern side of the lake.

**Staff** recommended approve Ordinance 1441-20 on first reading.

**Mayor Daley** asked about the construction material for the dock and if the ramp would be public.

**City Manager Leavengood** stated the ramp would be for public access and the design would need to be approved by the City

**City Attorney Murphy** stated the dock and ramp would need to meet the City specification.

**Commissioner Maultsby** asked how many units would be provided in the development and this proposal is a win for both the developer and the City of Lake Alfred.

**John Mike Noonan** stated the proposed development would have a combination of different lot sizes and products and proposing 644 lots on 33.47 acres of land. The original plan included 363 lots 80' wide. The boat ramp and public access will be at the front of the property and there will be drainage ponds along CR 557.

**Mayor Daley** opened the public hearing. Seeing no one, she closed the public hearing and opened it to Commission discussion.

**Commissioner Maultsby** moved to approve of Ordinance 1441-20 Development Agreement for Gum Lake parcel on first reading, seconded by **Vice Mayor Dearmin**. A unanimous roll call vote approved the motion.

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## **7.) Emergency Ordinance 1442-20: Mask Requirement**

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**City Attorney Murphy** read the title for Ordinance 1442-20.

**City Manager Leavengood** stated on July 20, 2020 the City Commission adopted an emergency ordinance requiring masks to be worn based on CDC recommendations and a request from a local charter school that a municipal requirement would assist them as they reopened.

The ordinance was modeled after the City of Winter Haven's ordinance and required persons in businesses or other indoor locations except for residences to wear masks unless social distancing from individuals outside of their party. A number of exceptions to this requirement were granted ranging from children under the age of 8, people eating/drinking, ADA accommodations, health conditions, and several others.

The ordinance allowed for the issuance of a \$150 citation but emphasis was given within the ordinance to seek voluntary compliance. No citations have been issued under this ordinance to date and we have experienced no substantive incidents regarding the ordinance.

Other jurisdictions in the area have taken varying actions regarding mask requirements. The City of Auburndale did not have the super majority necessary to pass the emergency ordinance; The City of Winter Haven has renewed their mask requirements through October 15<sup>th</sup>, Lakeland has renewed their mask requirements through October 5<sup>th</sup>, Lake Wales has passed a regular ordinance requiring masks until the ordinance is repealed. Lakeland and Winter Haven's emergency ordinances are effective for thirty days requiring monthly renewals so the above dates may be further extended.

Lake Alfred's mask ordinance expires(ed) on September 21<sup>st</sup>. The presented ordinance would allow for the renewal of the previous requirements to be extended up to an additional sixty (60) days if the City Commission so desires.

From a functional standpoint, the mask ordinance and all of the previous outreach on a local, state, and national level have probably achieved the maximum effect in terms of modifying behavior. The Commission may see a residual benefit in renewing the ordinance or determine that the maximal benefit has been achieved and allow it to remain expired.

**Staff** did not have a recommendation.

**Mayor Daley** stated there seems to be some success however there are still new cases in the City. A super majority is needed to extend the emergency ordinance. Although 60 days seems like a long time, the City Commission could terminate the ordinance at a future meeting. The schools have also requested the continuance.

**City Manager Leavengood** stated that 60 days would end right before the Thanksgiving Holiday and if approved, staff would redistribute signs and masks to the businesses.

**Mayor Daley** opened the public hearing.

**Brenda Arnold** 435 W. Pierce Street stated the Dollar Stores are not following the requirements.

**City Manager Leavengood** stated he would follow up with Police Chief Bodenheimer regarding the ordinance.

**Commissioner Lake** stated that masks disposal also needs to be addressed.

**Commissioner Maultsby** moved to approve Emergency Ordinance 1442-20, seconded by **Commissioner Eden**. A unanimous roll call vote approved the motion.

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## 8.) RESOLUTION 12-20: BAD DEBT WRITE OFF

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**City Attorney Murphy** read the title for Resolution 12-20.

**City Manager Leavengood** stated As a part of the closeout process for the end of the current fiscal year city staff is requesting authorization to expense any outstanding utility billing accounts as bad debt. Overall, the percentage of the accounts to be expensed as bad debt is less than 1% of budgeted utility billing revenue. The total amount for the current fiscal year is \$6,540.79. In years past the write off has ranged from approximately \$9,500 to \$15,000 so this amount is on the low end compared to previous write offs. While the debt is written off for accounting purposes collection efforts continue after the debt is written off the ledger.

**Staff** recommended approval of Resolution 12-20.

**Mayor Daley** opened the public hearing. Seeing no one, she closed the public hearing and opened it to Commission discussion.

**Vice Mayor Dearmin** moved to approve of Resolution 12-20 Bad Debt Write-Off, seconded by **Commissioner Maultsby**. A unanimous voice call vote approved the motion.

### Recognition of Citizens:

No comments.

### Commissioner Questions and Comments:

**Mayor Daley** stated she participated in the Mayors Roundtable and they discussed diversity and that more diversity is needed in management. She also attended the FLC meeting on Zoom. She also complimented staff on the budget.

**Commissioner Eden** agreed with Mayor Daley's statements and congratulated Chief Bodenheimer for his public press appearance. He encouraged everyone to be kind during the election season.

**Commissioner Lake** stated he will also attend Zoom meetings. He congratulated staff on the ULDC.

**Commissioner Maultsby** had no comments.

**Vice Mayor Dearmin** stated he also attend his first Zoom meeting with the FLC. He thanked the staff for all their work.

With no other business, **Mayor Daley** adjourned the meeting at 9:35 pm.

Respectfully Submitted,



Ameé Bailey  
City Clerk