

**MINUTES
CITY OF LAKE ALFRED
CITY COMMISSION
REGULAR MEETING
MONDAY OCTOBER 19, 2020
CITY HALL**

Call to Order: Mayor Nancy Z. Daley at 7:30 pm.

Invocation and Pledge of Allegiance: Chief Bodenheimer

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 Maulsby.

Staff in attendance: City Manager Ryan Leavengood, Assistant City Attorney Drew Crawford, Community Development Director Ameen Bailey, Fire Chief Wallace Nix, Police Chief Art Bodenheimer and Public Works Director John Deaton.

City Manager Announcements:

City Manager Leavengood announced the ribbon cutting for Nini's Café on Wednesday October 21st at 9 am. and the ribbon cutting for the 7-eleven on Friday October 23 between 9:30 and noon. that social distancing.

Assistance City Attorney Crawford stated that Assistant City Attorney Claytor was absent due to the impending delivery of his third child.

Recognition of Citizens:

Stephanie Nape 330 South Goodman Ave., that the citizens were preparing an event for Halloween at Central Park 6-9 pm on Saturday October 31st.

City Manager Leavengood stated Parks and Recreation is preparing for the event.

Consent Agenda:

Mayor Daley requested that resolution 14-20 from the consent agenda.

Commissioner Maulsby moved to remove Resolution 14-20 from the consent agenda; seconded by **Vice Mayor Dearmin**. A unanimous voice call vote approved the motion.

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

Agenda:

1.) Ordinance 1438-20: Comp Plan Amendment: Capital Improvement Program

Assistance City Attorney Crawford read the Ordinance title.

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 Recommendation: Approve Ordinance 1438-20 on second reading.

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

Commissioner Lake moved to approve Ordinance 1438-20 on second reading, seconded by **Commissioner Eden**. A unanimous voice call vote approved the motion.

2.) Ordinance 1441-20: Developer's Agreement: Lake Gum Parcel

Assistance City Attorney Crawford read the Ordinance title.

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 139th 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 Recommendation: Approve Ordinance 1441-20 on second reading.

Mayor Daley about the connection from the City Property at the corner.

City Manager Leavengood stated the City had considered an access easement for both the City and the property owner in the past due the access issue.

Mayor Daley opened the public hearing.

François Jacobs 401 WGTO Tower Road, stated that the appraisal seemed low. He was concerned that the City was working with the property owner and that he would be interested in purchasing the property.

Richard Reeves 213 WGTO Tower Road asked if the agreement had anything to do with the area north of the lake. He asked when the hearing for the development would be heard. He stated two petitions had been provided to the City opposing any connections from the development to WGTO Tower Road. He was concerned that a connection would lower their property values and is not desired by the residents on WGTO Tower Road. He also asked about the emergency access lock. He requested that staff notify him of future development.

City Manager Leavengood stated the hearing was for property on the south. The residential development reviews would be held based on the application. The preliminary concepts for the future development include an access to WGTO Tower Road for emergency access only. Multiple access points are required for safety purposes. Police and Fire would have access to that access point. WGTO Tower Road is a County road and does not currently meet the standards for a large

access point. He stated he would contact Mr. Reeves. The City does not have any intentions of take over maintenance of WGTO Tower Road until such time as requested by the residents.

Community Development Director Bailey stated the property exchange allows the northern portion of the developer's property to be developed without having to access WGTO Tower Road. The property has rights to develop and the agreement allows for a alternate primary access location rather than utilizing WGTO Tower Road. The emergency access would be permitted by Polk County limiting the access due to the current condition of WGTO Tower Road. The NOX box is the same as used on gated communities to allow Public Safety to access the site in the case of an emergency.

Police Chief Bodenheimer stated the NOX box is a specialized lock and key or the community uses a knock-down gate. The box is very secure.

Kendal Burnum 351 WGTO Tower Road asked about mitigation of stormwater. The water levels are extremely high. He asked if the development would further hinder percolation.

City Manager Leavengood stated all new development must address on-site runoff. The stormwater system may improve the attenuation and treatment of water in the area. The entire City is concerned with the current lake levels in the City. The developer will need to address and maintain the current flows from the lake downstream.

Community Development Director Bailey stated the water management district is aware of the concerns and they have discovered that there are areas in between Gum Lake and Lake Haines where the water is being retained. The City has voiced concerns about the lake levels collectively. The City has engineering staff that reviews the development plans.

Kristin Able 320 WGTO Tower Road asked about the sale of the property without public notice. She stated that other could have purchased the property, even though the property is land locked they have access from the lake. The current residents also do not want a public boat ramp on the lake.

Assistance City Attorney Crawford stated the action item would approve the purchase and sale of the property. The City does not have any surplus property obligations. The ordinance states that the City finds it in the best interest of the citizens to provide public access to the lake.

City Manager Leavengood stated the City is not in the habit of selling surplus property. In order to do so, there must be a greater good. In this case it is not the \$105,000, but rather the ability to development the property. The City has millions of dollars in investment in utilities to serve the areas along CR 557. In addition, the rooftops will add to the economic stability of the City. The appraisal determined the fair value amount.

François Jacobs 401 WGTO Tower Road, stated he understood the reasons to sell the property, however the property is in the Green Swamp and is the source of water for the area. He has flood insurance on his property. When development in the area occurred, the lake levels rose. The water management districts want the water level higher. He thought there would be other areas for a secondary access for the residential development. He asked about future annexations in the area and on WGTO Tower Road. He also asked about the requirement for a public boat ramp. He was a so stated concerned that his insurance rates would increase due to a public boat ramp and public access to his property.

City Manager Leavengood stated there are other developments along CR 557. In addition, the City receives request from the Commission and citizens regarding access to lakes. Most of the lakes in Lake Alfred have public access.

Community Development Director stated there are several organizations that work to achieve public access to lakes without access including the Florida Fishermen's Association, the Polk County Lake Access Committee and our citizen. Whenever a development is considered staff always evaluates the opportunities for public lake access. The City will need to get state permitting.

Assistance City Attorney Crawford stated the agreement would require the developer to install a boat ramp and if they are unable to build the boat ramp the property would revert back to the City. The agreement states that there is a 10-year requirement for the boat ramp to be built.

Chuck Gable 320 WGTO Tower Road asked sole sourcing of public property and the price seems low. He asked about a guarantee for the access to WGTO Tower Road to be limited. He was concerned about the value of his property. He was concerned about flooding on his property due to the developer's property not draining property. He would like to be involved with any research regarding drainage. He also asked about future annexation of the area. He asked why there is a requirement regarding a secondary access for the development.

City Manager Leavengood stated the City can assist with getting information from the water management district since water drainage and lake levels are in the jurisdiction of the state.

Mayor Daley stated that the City generally annexes after receiving annexation request from the majority of property owners in the community. Generally, it revolves around taxes and utility requests.

Community Development Director stated there is a proposed access point at the southern end of the development, however there is not sufficient frontage to allow for a secondary access. In addition, if there was space, if the secondary access point is too close it may not be accessible if there was an accident near the entrance. The ULDC requires the secondary access and the gridded system is the safest system. Construction traffic will not occur on WGTO Tower Road.

John "Mike" Noonan of Gum Lake Grove LLC. stated the property was appraised and the value of the boat ramp, road, and parking far exceed the value of the property. The ULDC rewrite requires the developer to evaluate the environmental impacts. The Commission may not be able to answer questions regarding the development since they have not entirely been provided to the City.

Kendal Burnum stated the 40-acre parcel is a swamp and would not be a good location for a boat ramp without impacting the wetlands.

Community Development Director stated that staff would be working with the developer on the most suitable location for the boat ramp, and that it is not expected to occur on the actual 40 acres under consideration.

Richard Reeves stated the water management district has a staff gauge near his property and the level is at 132.5. He stated the height should be 128.5. He stated the culvert on the southwest is not flowing. The retaining wall on Experiment Station Road is washed out by the discharge from Gum Lake.

Lois Barnum 351 WGTO Tower Road stated she was concerned about the safety of the residents who utilize the road for recreation if traffic levels are increased on WGTO Tower Road.

Closed public hearing

Commissioner Eden asked about the location of the boat ramp and the size of the lake. He also asked about the purpose of the sale if the boat ramp was not on the 40-acre parcel.

Community Development Director stated the proposed boat ramp location is near the sw side of the lake.

Kristin Able stated that it is used by the sea plane base.

City Manager Leavengood stated that there is a liability to provide access through the City property, therefore it is more logical to dispose of the property. For consideration, the boat ramp will be built. If the City does not sell the property, the area will still develop. The property owner already has development right, and the sell of this property provides an access location to protect WGTO Tower Road for further development.

Assistance City Attorney Crawford stated if the City was required to provide an easement, there would be more liability.

Commissioner Maultsby stated with impact fees, property taxes, and utility fees, the property values is more than the \$105,000.

Chuck Able asked why the access to WGTO Tower Road would be needed if they build in phases.

Commissioner Maultsby moved to approve Ordinance 1441-20 on second reading, seconded by **Vice Mayor Dearmin**. A unanimous roll call vote approved the motion.

3.) Ordinance 1443–20 Comprehensive Plan Map Series

4.) Ordinance 1444-20: Unified Land Development Code Map Series

Assistance City Attorney Crawford read each Ordinance title.

City Manager Leavengood stated on September 24, 2020, the City Commission approved on first reading the proposed rewrite of the Unified Land Development Code (ULDC) and the associated amendment to the Comprehensive Plan. As part of the text amendments sever maps needed to be updated and others needed to be created. The primary maps for the Comprehensive Plan and the ULDC include the future land use and zoning district associated with each parcel in the City. The revisions to the ULDC and the Comprehensive Plan necessitate changes to the map series to make maps compatible with the new future land use designations and zoning districts proposed in the ULDC rewrite. The updated map series also identifies areas associated with the proposed development standards, including the Overlay Districts for the Green Swamp Area of Critical State Concern, Downtown Overlay District, Historic Districts,

Planned Unit Developments, and Joint Planning Areas. Lastly the map series include two new specialty maps for the Development Limitations and Roadway Classifications.

On Tuesday, October 13, 2020, the Planning Board held a public hearing on the proposed Comprehensive Plan Map Series and the Unified Land Development Code Map Series and unanimously voted (5:0) to provide a recommendation of approval to the Lake Alfred City Commission with the staff recommended changes.

If approved on first reading, the Comp Plan and ULDC Map Series amendments will be transmitted to the Department of Economic Opportunity for review. The proposed map amendments will accompany text amendments considered in September and will likely be presented for second reading in January of 2021.

Staff Recommendation: Approve Ordinance 1443-20 on first reading.

Mayor Daley asked about the delineation between the residential districts.

Community Development Director stated the tables in the staff report show the break down between the land use categories and the zoning districts. For example within the Residential Future Land Use Category there are three zoning districts: Rural Residential, Vintage, and R-1. The goal is to maintain the one to many ratio between the Future Land Use Categories and the zoning districts.

Mayor Daley opened the public hearing for Ordinance 1443-20. Seeing no one, she closed the public hearing and opened it to Commission discussion.

Commissioner Maultsby moved to approve Ordinance 1443-20 on first reading, seconded by **Commissioner Eden**. A unanimous roll call vote approved the motion.

Staff Recommendation: Approve Ordinance 1444-20 on first reading.

Mayor Daley opened the public hearing for Ordinance 1444-20. Seeing no one, she closed the public hearing and opened it to Commission discussion.

Vice Mayor Dearmin moved to approve Ordinance 1444-20 on first reading, seconded by **Commissioner Maultsby**. A unanimous roll call vote approved the motion.

5.) Street Resurfacing Priority List

City Manager Leavengood stated the Public Works Department maintains a list of all city owned streets which it periodically updates to reflect the relative condition of each road as they relate to cracks, potholes, and thin pavement. The list creates the prioritization schedule for our biennial road resurfacing project.

The City receives approximately \$100,000 each year in local option gas tax revenue which is used for street resurfacing. In order to improve efficiency and economies of scale the City banks the funding for one year and then performs the project in the following year allowing for a \$200,000 project (e.g. single mobilization cost, lower linear foot cost for a larger project).

The proposed resurfacing budget for FY 20/21 is \$154,000. The reduction in the total project amount was due to the railroad crossing improvements that were made in FY 19/20 that were approximately \$45,000.

The top ranked streets on the list will be included in the scope that is bid out and the combination of roads that fit within the budget will be proposed to the Commission to be resurfaced in a future action item. While not specifically listed, staff is proposing to carve out a small portion of the funding to implement traffic calming design features on Pierce Street consistent with design speed elements that will be proposed for 'neighborhood collector' streets.

Staff Recommendation: Approve the updated Street Resurfacing Priority List.

Public Works Director Deaton outlined the possible grouping to reduce mobilization costs. The bid will be sent out in November with resurfacing in December.

Mayor Daley asked about improvements on the fitness trail.

Sherry Parker 450 S. Glencruiten Ave. stated that although she is happy that the road was paved it is often used as a speedway. She asked about a speed study or traffic calming.

City Manager Leavengood stated that the trail would be improved with outer funding. He also stated the City will be evaluation traffic calming on ideas for Pierce Street. The Maps Series previous presented establishes the road types and how roads will be improved in the future. Glencruiten Ave. is also identified a neighborhood collector and will be evaluated as part of the process. The speed trailer can be moved from Pierce to Glencruiten.

Police Chief Bodenheimer stated that speeds have increased around town. The Police will remain after the speed trailer is removed and enforcement has been increased around the City.

Commissioner Lake moved to approve the Street Resurfacing Priority List, seconded by **Commissioner Maultsby**. A unanimous roll call vote approved the motion.

Commissioner Lake asked about the corner at Even House and Experiment Station road. He also asked about paving Experiment Station Road.

Police Chief Bodenheimer stated that the County has a private company evaluating those improvements.

Consent Item

3.) Resolution 14-20: Acceptance of Sand Dollar Property Purchased

Assistance City Attorney Crawford read each Resolution title.

City Manager Leavengood stated at the September 10, 2020 regular meeting the City Commission approved Resolution 10-20 and agreed to purchase approximately 0.3 acres. The closing was completed on September 28 through a Special Warranty Deed in consideration for

the purchase price of \$31,001 plus fees totaling \$53,587.02. The proposed resolution formally accepts the conveyance of real property to the City.

Staff Recommendation: Approve Resolution 14-20.

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

Commissioner Eden moved to approve Resolution 14-20, seconded by **Vice Mayor Dearmin**. A unanimous voice call vote approved the motion.

Assistance City Attorney Crawford stated that Seth Clayton Jr. had been born during the meeting.

Sherry Parker stated that Lake Alfred is a great place to live and November is the Green Light Month. She also thanked the City for support of the Halloween event at Central Park.

Police Chief Bodenheimer thanked the City for the sendoff of Captain Dempsey.

Commissioner Questions and Comments:

Commissioner Lake stated that FDOT will have a workshop on the I-4 interchange improvement on Thursday. He also bragged on the TPO trail presentation which included several pictures of Lake Alfred.

Community Director Bailey stated that City Hall is the remote location for the FDOT meeting on Thursday October 22 at 6:30 pm.

Commissioner Eden thanked the Police Department and the work of the City.

Commissioner Maultsby had no comment.

Mayor Daley stated she enjoyed the online ethics training.

Vice Mayor Dearmin stated the car show was great and there was a good turn-out.

With no other business, **Mayor Daley** adjourned the meeting at 9:37 pm.

Respectfully Submitted,



Amée Bailey
City Clerk