

**AGENDA
CITY OF LAKE ALFRED
CITY COMMISSION
REGULAR MEETING
MONDAY NOVEMBER 2, 2020
CITY HALL**

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

Invocation and Pledge of Allegiance: Chief Art Bodenheimer

Roll Call: City Clerk Ameen 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 Ameen Bailey, 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 announced the opening and ribbon cuttings for 7-Eleven and Nini's Café. He also provided an update on the bass sculptures and showed pictures of two pictures for the school sculptures.

The City Manager and staff meet with the Southwest Florida Water Management District regarding the flooding issues with Lake Gum. He also met with residents on WGTO Tower Road. He will generate a report for the City Commission.

The Chamber of Commerce will meet on and the City Manager will provide a State of the City presentation. The City will also host Veterans Day on Wednesday at 11 am at Gardner Park. The Art show will be up for the next City Commission meeting he will announce the reception at the next meeting. City Hall will be the local polling place for Election Day tomorrow.

Commissioner Lake asked where the bass sculpture would be located.

City Manager Leavengood stated the City is evaluating locations in downtown and out of the FDOT right-of-way. City-owned properties would be preferable, and the school may request that they are temporarily located at the school.

He also recognized the organized of the Trick-or-Treat event at Central Park.

City Attorney Announcements:

Thanked everyone for sending a gift after the birth of his fourth child.

Recognition of Citizens:

Stephanie Meath 330 S. Goodman thanked the City for allowing the citizens to host Trick-or-Treating at Central Park. The event was a great success.

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Sherry Parker 445 S. Glencruiten elaborated on the event and many people express their appreciation at the event. They also had goodie bags from one of the business. They hope to grow the event in the future. She also appreciated the presence of the Police Department in regard to speeders.

Veterans Day Proclamation

Mayor Daley read the joint proclamation with the City of Auburndale and encouraged all citizens to recognize the valor and sacrifice of our veterans through this public ceremony and private prayers.

Consent Agenda:

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

AGENDA

- 1.) **Ordinance 1445-20: Polk County Government Center: Future Land Use**
 - 2.) **Ordinance 1446-20: Polk County Government Center: Zoning**
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Assistant City Attorney Claytor read the title for Ordinance 1445-20.

City Manager Leavengood stated the property currently owned by the Polk County Board of County Commissioners was voluntarily annexed into the City in 2008 as part of a larger tract. In 2009, the future land use classification of Industrial. The zoning district of Light Industrial (I-1) was also assigned to the site in 2009. The Industrial development was limited after the EAR-based amendments in 2010 because water and wastewater lines had not yet been extended to the area. In 2018, Gapway Groves received site plan approval for the road, utilities, and stormwater improvements. In 2020, the water and wastewater lines were extended to the property.

Polk County now requests that the future land use classification be changed from Industrial-limited to Public Buildings and Grounds, and the zoning district changed from I-1 to Public Buildings and Grounds (P-B). The property will be the site of the future Polk County Government Center, which will replace the current Gill Jones Government Center. The future development will be served by City water and sewer, thus there is no more need to impose development limitations on the site.

On October 13, 2020, at their regular meeting, the Planning Board unanimously voted to recommend that the City Commission approve the future land use amendment and rezoning requests.

If approved on first reading, the future land use and zoning amendments will be transmitted to the Department of Economic Opportunity for review. The proposed amendments would be presented for second reading in January of 2021.

Staff Recommendation:

- 1.) Approve Ordinance 1445-20 on first reading.

Vice Mayor Dearmin asked if construction would commence in January.

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Keith Tate, Facilities Management Director for Polk County, stated they expected site development to start as soon as permitting was complete. Their goal is to start the first of February.

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

Commissioner Lake asked about the Gill Jones Center and the political signs.

Mayor Daley asked about the number of employees.

Commissioner Eden asked what would happen to the Gill Jones Facility.

Chandra Frederick, Assistant County Manager for Polk County, stated the NE government center will provide services for residents in the north east portion of the County. Although they did not have an exact number of employees that would work at the facility, all the constitutional offices will have a satellite office in the facility including the Supervisor of Elections, Tax Collector, and Clerk of Courts. Polk County will also house building department staff, code enforcement, and most other County agencies at the facility. The County currently leases the Gill Jones Facility and the County is not aware of the future use.

Assistant City Attorney Claytor asked the Community Development Director if the request was consistent with the Comprehensive Plan.

Community Development Director Bailey stated that he has reviewed the application and stated it was consistent with the Comprehensive Plan.

Vice Mayor Dearmin moved to approve Ordinance 1445-20 on first reading, seconded by **Commissioner Eden**. A unanimous voice call vote approved the motion.

Assistant City Attorney Claytor read the title for Ordinance 1446-20.

Staff Recommendation:

- 2.) Approve Ordinance 1446-20 on first 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 1446-20 on first reading, seconded by **Commissioner Eden**. A unanimous voice call vote approved the motion.

Commissioner Eden asked the size of the property

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Community Development Director Bailey stated the County has 30 acres on the frontage of US 17/92 and Gapway has another 13-acre parcel and seven acre parcel to the west. Gapway also owns the industrial property north of the site.

- 3.) Ordinance 1447-20 Sunset Mobile Home Parks: Future Land Use**
 - 4.) Ordinance 1448-20: Sunset Mobile Home Parks: Zoning**
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Assistant City Attorney Claytor read the title for Ordinance 1447-20.

City Manager Leavengood stated on July 6, 2020, the three properties encompassing 14.51± acres were annexed into the City. The three properties are under the same ownership and form two mobile home parks. The City allows mobile home parks to be established in the Medium Density Residential future land use district and the Multiple Family Dwelling (R-2) zoning district.

The site is currently served by City water, wastewater and sanitation services. Police and fire services are located approximately 3.5 miles from the site. The mobile home park has a density of approximately 5.9 dwelling units per acre. The maximum residential density of mobile home parks in the R-2 district is 12 dwelling units per acre.

On October 13, 2020, at their regular meeting, the Planning Board unanimously voted to recommend that the City Commission to approve the plan amendment and rezoning requests.

If approved on first reading, the future land use and zoning amendments will be transmitted to the Department of Economic Opportunity for review. The proposed amendments would be presented for second reading in January of 2021.

Staff Recommendation:

- 1.) Approve Ordinance 1447-20 on first reading.

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

Mayor Lake asked if the property was already annexed into the City of Lake Alfred.

Commissioner Eden asked if the categories were the same as the County designations and if there was an update on annexing Marianna Acres.

City Manager Leavengood stated after the annexation the City has to assign the future land use and zoning designations to the property. Marianna Acres to the north was developed in the County and in the early 2000's, the City purchased the utility system from the County.

Community Development Director Bailey stated the County designation was Residential Suburban which is one unit per acre and is considered a transitional area. The Mobile Home Park has City water and most of the sites have City sewer. It does not match the County's designation. However, the land use and zoning designation match the City's codes. Residential Medium and R-2 designations are where the City approves mobile home parks. Marianna Acres

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is not annexed at this time, however the City continues to collect annexation documents as property owners change and establish new utility accounts. The goal is to have a voluntary annexation process.

Commissioner Maultsby asked about the developer and if he would be able to continue operations in the City as he did in the County.

Community Development Director Bailey stated the mobile home park will be able to continue with the number of units they currently have. The residents now pay the in-city rate for utilities. The owner currently has utility plans under review to extend sewer services to the remainder of the site. The Building and Code Enforcement staff inspected the park and commented favorable on the new owners and their efforts to improve the park.

Assistant City Attorney Claytor stated that the properties would retain the County future land use and zoning designations until such time as the City approved new designations. The proposal will bring the properties into conformance with the City's Comprehensive Plan and Unified Land Development Code.

Commissioner Lake moved to approve Ordinance 1447-20 on first reading, seconded by **Vice Mayor Dearmin**. A unanimous voice call vote approved the motion.

Assistant City Attorney Claytor read the title for Ordinance 1448-20.

Staff Recommendation:

- 2.) Approve Ordinance 1448-20 on first reading.

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

Mayor Daley asked inf the application was consistent with the current or proposed ULDC.

City Manager Leavengood stated the application was consistent with the current code.

Community Development Director Bailey stated the map amendments reviewed at the last meeting did not include the map amendments presented tonight. However, when the change is made it will remain consistent with the new code. They may all be presented at the same adoption hearing next year.

Vice Mayor Dearmin moved to approve Ordinance 1448-20 on first reading, seconded by **Commissioner Eden**. A unanimous voice call vote approved the motion.

5.) Ordinance 1449-20: FY 19/20 Final Budget Adjustment

Assistant City Attorney Claytor read the title for Ordinance 1449-20.

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City Manager Leavengood stated as a part of the closeout process of the previous fiscal year of 2019/2020 the City is required to submit an amended budget that includes any changes made from the original budget. These changes can include unanticipated projects, expenses, or revenues that were not included; or changes to existing line items that did not meet exact revenue or expenditure projections. The proposed budget adjustment accounts for these changes and rebalances the total budget and each of the funds.

He thanked Finance Director Deaton on her efforts. The budget is the plan, and this is the summary of the actual revenues and expenditures. There were not many major adjustments. He reviewed some of the changes with the most changes in sanitation and COVID-19 expenditures. The City was conservative in spending once the pandemic started. The utility expenditures/investments are planned and have offset revenues. Many of these expenditures will be refunded by impact fees.

Staff Recommendation: Approval of Ordinance 1449-20 on first reading.

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

Commissioner Eden asked about the reserve balance.

City Manager Leavengood stated the estimate is 15 % and the goal is 17 %. Per the policy the City must demonstrate repayment in the next five years, which has been budgeted. The main item to be refunded was the expenditure on the radios.

Commissioner Lake moved to approve Ordinance 1449-20 on first reading, seconded by **Vice Mayor Dearmin**. A unanimous voice call vote approved the motion.

6.) Resolution 15-20: Urban Service Report

Assistant City Attorney Claytor read the title for Resolution 15-20.

City Manager Leavengood stated on October 21, 2019, the City annexed 1.25± acres of land located at 4904 US Highway 17/92 with Ordinance 1420-19. Three out of the four owners of the parcels abutting 4904 US Highway 17/92 and 200 Government Center Boulevard have also submitted petitions to voluntarily annex into the City. Additionally, the Polk County Board of County Commissioners has also submitted a petition to voluntarily annex the former right-of-way, Fletcher Cutoff Road, that was vacated on October 1st, 2019 with County Resolution 19-105.

Together there are five parcels proposed for annexation, totaling approximately 22.87± acres for annexation. The five parcels are owned by five different owners. The owners of three of the five parcels have consented to the annexation by virtue of fully executed Petitions for Voluntary Annexations, which represent 60% of the total parcels. Additionally, the three parcels total approximately 22.32± acres, which represent approximately 97.6% of the approximately 22.87± total acres. The City is still working with the Dollar General regarding the annexation of the formal

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right-of way- vacated under their ownership. The remaining parcel is a one acre cell tower property located interior to the County Auto Auction property. This parcel must be included in the annexation process in order to prevent the creation of an enclave. The City is able to pursue annexation of the parcels pursuant to Section 171.0413, Florida statutes, provided:

- There are no registered electors residing in any of the parcels proposed for annexation;
- Owners of more than 50 percent of the land area consent to annexation.

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. Resolution 15-20 adopts the Urban Services Report for the annexation of the US Highway 17/92|Fletcher Cutoff Road area, dated November 1st, 2020, 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 will follow on December 7, 2020.

Staff Recommendation: Approve Resolution 15-20.

Mayor Daley asked who owns the cell tower.

Commissioner Lake asked if the City would receive revue from the cell tower after incorporation, if not why annex the tower.

Vice Mayor Dearmin asked about Fletcher Cutoff Road.

Commissioner Maultsby asked if the cell tower could be rebuilt if destroyed.

Community Development Director Bailey stated the cell tower company owns the property and they have an access easement through the auto auction property. The cell tower could be rebuilt as long as it met current development standards. Fletcher Cutoff Road has been vacated and closed. The right-a-way will be annexed.

City Manager Leavengood stated the cell tower is on private property and the City would not receive the revue. They will pay property taxes.

Assistant City Attorney Claytor stated that without the cell tower the City could not annex the auction property as the incorporation cannot create an enclave.

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

Assistant City Attorney Claytor stated the City Commission would not be voting on the annexation tonight, but rather the urban service report which is a prerequisite to the annexation process.

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Commissioner Maultsby moved to approve Resolution 15-20, seconded by **Vice Mayor Dearmin**. A unanimous voice call vote approved the motion.

Recognition of Citizens:

Sherry Parker, 450 S. Glencruiten Ave., stated her concerned about the government center location and a lack of a grocery or restaurants in the area.

Commissioner Questions and Comments:

Commissioner Eden congratulated Seth on his newborn. He asked for an update on the Florida Club development. He thanked staff for supporting the Halloween event at Central Park.

Commissioner Maultsby had no comments.

City Manager Leavengood stated that the development has run into issues with their FDOT entrance permit and the proximity to the airport. Staff is receptive with working with them on any changes.

Community Development Director Bailey stated that FDOT was evaluating an interim solution until a conclusion was reached. The development may need to reevaluate their entrance with no timelines yet provided.

Mayor Daley stated she was happy to attend the recent ribbon cuttings. She asked if the FDOT meeting would be rescheduled since there were issues connecting. She asked to provide some sort of appreciation to the Planning Board. She received and passed along a sample resolution to the City Manager for the City Commission to consider regarding M-Cores "no-build" option.

Community Development Director Bailey stated that the FDOT was planning another workshop due to the technical difficulties.

Vice Mayor Dearmin stated he was also happy to attend the ribbon cuttings and that he has received a lot of comments about the 7-Eleven. He asked if the City's revenues from the gas tax would increase. He thanked Public Works Director for replacing signs recently.

City Manager Leavengood stated that the gas tax was based on road miles within the City. When the City has taken a road from the Count, that action would increase the gas tax revenue.

Commissioner Eden asked if the 7-Eleven would increase sales tax revenues.

City Manager Leavengood stated that there is a population formula, however the most impact will be seen in the CRA budget.

Mayor Daley asked if the City had hired a marketing consultant.

City Manager Leavengood stated the marketing consultant would be presented at the next meeting. The goal is to market the city-owned property and the City as a whole and accelerate

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development. He discussed the value of marketing and possible options. The action item will be a CRA item.

Commissioner Maulsby stated that the residential development will bring the commercial development.

Sherry Parker, 450 S. Glencruiten Ave., Aldi opened a store in Bartow which was attached to Tractor Supply.

Commissioner Lake asked about the new restaurant replacing Seymores. He stated his legislative committee item was short term rentals.

Community Development Director Bailey stated they have not applied yet for inspections.

With no other business, **Mayor Daley** adjourned the meeting at 8:53 pm.

Respectfully Submitted,


Ameé Bailey
City Clerk