

**MINUTES
CITY OF LAKE ALFRED
CITY COMMISSION MEETING
MONDAY NOVEMBER 20, 2017
7:30 P.M.
CITY HALL**

Call to Order: Mayor Charles Lake

Invocation and Pledge of Allegiance: Pastor Thacker

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 John Murphy, City Clerk Ameen Bailey-Speck, Fire Chief Chris Costine, Parks and Recreation Richard Weed, Police Chief Art Bodenheimer, and Public Works Director John Deaton.

CITY MANAGER ANNOUNCEMENTS

City Manager Leavengood stated Thursday November 23rd and Friday November 24th, City offices and the Lake Alfred Public Library will be closed in observance of Thanksgiving Day.

Mackay Gardens and Lakeside Preserve will present Forest Magic Sunday, November 26th at 2:00 pm and a Master Gardener Workshop on Thursday December 7th at 10 am Contact the Parks and Recreation Department for more details or to sign-up.

The Lake Alfred Christmas Parade will be held on December 9th beginning at 6:30 pm. Applications are due November 27th and may be mailed or dropped off at the Parks and Recreation Department. The Parade route will start at Central Park and it will head west on Cummings to 17/92 and end at Gardner Park.

The Bluegrass and BBQ Bash-will be held on January 13th, 2018 at Lions Park, from 11:00 am till 9:00 pm. Join us for a great day of music, clogging and food from BBQ vendors competing for cash prizes and trophies. The event continues to grow and be a popular event.

City Hall renovations of the windows and staff offices will continue in December after the December 4th City Commission meeting.

The bid packages are out for the Police Department Renovations. The bid opening will be held on December 20th at 2:00 pm.

City Manager Leavengood provided an update on recent activities including the Mackay 100th Anniversary, the City to City 5K, and the Habitat House is under construction. Also the Lake Alfred Fire Department made a rescue of a dog caught in the drain of a bathtub. The rescued pup is doing well.

CITY ATTORNEY ANNOUNCEMENTS

City Attorney Murphy wished everyone a Happy Thanksgiving.

RECOGNITION OF CITIZENS:

Margaret Wheaton 330 Carolina Ave South, congratulated staff on the Mackay House Centennial Celebration stating the house was beautiful.

Fred Odendahl and Doreen Bloss, President and Secretary of the Cypress Green Home Owners Association presented a \$250 check to the Police Department and a \$250 check to the Fire Department.

Police Chief Bodenheimer thanked Cypress Greens for the gift and for their service to the City especially the Christmas project that has been in place for a lot of years. Their project allows people to have Christmas who otherwise would not have that opportunity.

Fire Chief Costine thanked Cypress Greens and said they are happy to go out when they are needed. The safety fair that is held once a year is great and the Fire Department enjoys being part of that.

EMPLOYEE RECOGNITION – MICHAEL JEFF ALLEN – 20 YEARS

Fire Chief Costine stated Capt. Jeff Allen actually has more than 20 years with the Lake Alfred Fire Dept. He started volunteering at the fire department 10 years prior to his hire date at age 17 in 1987. In 1991 Jeff enrolled at Polk State College to attain his Emergency Medical Technician certification. In 1993 he attended Ridge Technical College Fire Academy where he earned fire standards certification. He continued to volunteer for 6 years at LAFD under Chief Don Ellis. He was hired as a full time Firefighter / EMT by Fire Chief Larry Cloud on Nov. 12, 1997 and was promoted to Captain in 1999. In 2010 Jeff was selected as the employee of the year for the City of Lake Alfred. Jeff has assisted with purchases and been instrumental in grant writing. He has many years' experience with Lake Alfred and has great pride in this community that he calls home.

CONSENT AGENDA

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

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| MAYOR LAKE | AYE |
| VICE MAYOR DALEY | AYE |
| COMMISSIONER DEARMIN | AYE |
| COMMISSIONER DUNCAN | AYE |
| COMMISSIONER MAULTSBY | AYE |

AGENDA

1. 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 up to 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. Staff recommended approval of Ordinance 1387-17 on second and final reading.

Mayor Lake opened the public hearing. There were no comments.

Bart Allen Land Use Attorney with Peterson and Myers Law Firm, 242 W. Central Ave, Winter Haven FL stated he will be happy to answer any questions that may arise.

Mayor Lake closed the public hearing.

Commissioner Dearmin moved to approve the Ordinance 1387-17 on second and final reading, seconded by **Commissioner Duncan**. The motion was approved by unanimous voice call vote

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| MAYOR LAKE | AYE |
| VICE MAYOR DALEY | AYE |
| COMMISSIONER DEARMIN | AYE |
| COMMISSIONER DUNCAN | AYE |
| COMMISSIONER MAULTSBY | AYE |

2. ORDINANCE 1392-17: BLYE B. PEGG TRUST ZONING

City Attorney Murphy read the Ordinance title.

City Manager Leavengood stated the proposed rezoning is located west of Lake Alfred Estates on the east side of CR 557. The applicant has requested approximately 20± acres of R-1AAA-C and 10± acres of Conservation. The conservation area includes the existing wetlands on-site and the majority of the existing AE Floodzone. If the rezoning is approved the maximum development potential on the subject site is 60 single family detached dwelling units (20 acres x 3 dwelling units). The development must include a minimum of 30 percent open space and shall be consistent with development regulations of the Green Swamp Area of Critical State Concern. The proposed zoning action is not anticipated to significantly degrade the Level-of-Service (LOS) standard of infrastructure and public service facilities within the surrounding area.

On Tuesday, September 26, 2017, the City of Lake Alfred Planning Board held a public hearing on the proposed zoning amendment and unanimously voted (5-0) to provide a recommendation of approval to the Lake Alfred City Commission. Staff recommended approval of Ordinance 1392-17 on second and final reading.

Mayor Lake opened the public hearing. There were no comments.

Mayor Lake closed the public hearing.

Commissioner Dearmin moved to approve the Ordinance 1392-17 on second and final reading, seconded by **Commissioner Maultsby**. The motion was approved by unanimous voice call vote

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| MAYOR LAKE | AYE |
| VICE MAYOR DALEY | AYE |
| COMMISSIONER DEARMIN | AYE |
| COMMISSIONER DUNCAN | AYE |
| COMMISSIONER MAULTSBY | AYE |

3. ORDINANCE 1394-17: ELECTRIC AND SOLAR POWER GENERATION FACILITIES

City Attorney Murphy read the Ordinance title.

City Manager Leavengood stated the City has received an application from the Tampa Electric Company (TECO) for a text amendment to the City's Unified Land Development Code (ULDC) to allow solar power generation facilities as a primary use with development review without a public hearing in the Rural Residential District (RR), Residential Estate District (RE), Single Family (R-1AAA), Industrial Zoning (M-1, I-1, & I-2), and Public Buildings and Grounds (PB) Zoning Districts. The City's current code allows electric power plants in Residential Estate (RE), industrial zoning categories, and public grounds as a conditional use that all require a public hearing process. Upon review of the City's Comprehensive Plan, ULDC and surrounding jurisdictions staff is proposing to assign solar power to the Industrial zoning districts as a conditional use in the same manner as electric power plants. Additionally, staff is proposing to remove electric power plants from Residential Estate and assign them (and solar) to Rural Residential as a conditional use to promote the efficient use of infrastructure.

Rural Residential zoning allows a density of one unit for every ten acres and allows for agriculture uses to continue while providing a reserve for future urban development. For a property in the City to have a zoning with a density of greater than 1 unit per 10 acres it must have access to paved roads and utilities (i.e. water or sewer). Rural Residential (RR) zoning effectively serves as a placeholder or transitional zoning district until infrastructure is available and a higher density zoning can be assigned such as Residential Estate (RE) at 1 unit per acre or Single Family (R1-AAA) at 3 units per acre.

As a result, allowing solar as a primary use in RE or R1-AAA would be inconsistent with the underlying purposes of these zoning districts and the investment in infrastructure that has already been made. Large tracts of solar in these zoning districts could stunt the development of the surrounding area by using up land with available infrastructure. Development of the surrounding area could be delayed or pushed further out, increasing costs and reducing economies of scale in our service delivery (utilities, sanitation, public safety, etc.). Large tracts of solar could also limit the growth potential of the City due to our limited annexation opportunities and geographical constraints ("inside the box") and ultimately undermine our opportunities for economic development in the downtown core ("reaching the magic number").

In the industrial sectors, the sheer size and scale of solar projects and their potential impacts beyond the site itself should be considered through the public hearing process with the ability to place additional conditions on their use beyond what can be achieved through site development review.

Solar as an "accessory use" is allowed in all zoning districts. This would allow solar to be integrated into any existing or future residential, commercial, or industrial project in the City.

The Lake Alfred Planning Board reviewed the proposed text amendment and staff's proposed language at their hearing on October 13th, 2017 and unanimously recommended staff's proposed language.

Community Development Director Ameé Bailey stated as part of the text amendment in question there are different areas in the Land Development that are proposed for changing. There are several different sections in the Land Development Code that are affected by the text amendment, in Article 2 Regulations for Specific Districts, to including solar power generation facilities as a primary use in the Rural Residential District (RR), Residential Estate District (RE), Single Family Dwelling District (R-1AAA), Industrial District (M-1), Light Industrial District (I-1), Heavy Industrial District (I-2), and Public Buildings and Grounds (PB) Zoning Districts within the City of Lake Alfred. Establishing Development Design and Improvement Standards in Article 3 for such facilities; and adding definitions in Article 9.

Staff proposed assigning the zoning categories for the solar the same as the electric power plants. Electric power plants were not specifically defined in the Land Development Code nor were solar power generation. When Staff looked at electric power plants, we found they are not allowed in the Green Swamp so the City wanted to insure a distinction between electric power generation and solar power generation. The solar generation of power is the collection of ground mounted panels to produce electricity for off-site use. The solar generation power facilities and the electric generation power facilities are generating power that would be used at other locations. This would be a solar farm, solar generation station or a power plant. In contrast there is the solar energy system or panel this is the solar panels that would supply power to a hot water heater or heat a pool, it's not meant to generate power to use off site. This type of solar panel would be on someone's roof and is classified as accessory use. This is allowed / encouraged in all zoning districts.

The applicant suggested a site plan review, that is a staff level review, they wanted the different districts that the City Manager mentioned the RR, RE, R1AAA, M-1, I-1, I-2, and PB zoning districts. Staff is not mentioning any specific property, but all of the properties that are within each zoning categories. Requirements would be; solar panels would be ground mounted, 50 feet from the lot line, maximum height of 15 feet and glare reducing panels. Other requirements include, minimum lot size of 10 acres, security fences, internal roads are not required to meet street design standards, removal within 120 days of abandonment, proof of an interconnect agreement and limited buffering requirements.

The differences between what the applicant submitted and what Staff recommended are zoning district changes. Staff recommended the districts designated as C for conditional uses rather than D site plan review, and Staff recommends not allowing Solar farms in the two residential districts R-1AAA and RE. Staff also added fixed mounted and solar tracking panels as a clarification. Because Staff is recommending the conditional use process there will be a section in 3.10. This will reference the development standards in 3.09. Staff is recommending solar generation plants in only the Residential Rural M1, I1, I2, and PB zoning district, the changes going from D, site development review, to C, Conditional Use and leaving the most intensive industrial district as a site development review.

The application was also submitted to the State for comment. Staff addressed their comments and made some minor revisions to the proposed text to include prospecting wetlands and environmental areas; opaque fencing which would be used when development is next to a residential development, or a commercial site; placing on site power lines underground; providing a management plan and an emergency access response plan. Rather than creating a

unique buffering category, staff suggested using an existing category and then allowing the buffering to be reduced by 50% when an opaque fence was added and existing vegetation can be used towards the requirement. Staff reviewed the table comparing the differences between the application and the staff proposed text. The applicant has agreed to the changes in the development standards.

City Manager Leavengood stated from the articles in the newspaper and on social media everyone has their eye on the Berry site for a solar project. The purpose for tonight's meeting is to discuss a text amendment to the entire Land Development Code. The amendment will affect properties City-wide including properties that may be annexed into the City in the future.

He then described the limited opportunities the City has to annex due to the adjacent communities of Auburndale, Haines City and Winter Haven. In addition the land north of the City is within the Green Swamp Area of Critical State Concern and is limited to development above 135' in elevation.

He then discussed the Berry property since it has been mentioned as a possible site for solar. There was concern about the traffic on CR557 if the Berry property is developed, however the road is destined to get worse even if there is no other development to the north. Polk County TPO has already listed CR557 as a failing road. The Mayor has been talking to TPO about CR557 and he is working on getting improvements moved up from the projected date that has been assigned to the improvements.

Staff met with Berry and TECO to determine if there were any options that could satisfy the Comprehensive Plan objectives and accommodate solar. Several options including a Planned Development, split zoning, ownership options, and time limitations, were presented and discussed, however none seemed suitable to all concerned. The Berry's have submitted a request to the City for a refund of their prepaid impact fees. They seem to be deciding between solar or replanting the existing grove. Staff is willing to continue dialog with the Berry's and TECO if that is the direction of the Commission.

Staff recommended approve Ordinance 1394-17 with staff's proposed language on second and final reading.

Mayor Lake opened the public hearing.

Darren Stowe, Certified Planner, Environmental Consulting and Technology stated present representing Tampa Electric.

Margaret Wheaton, 330 Carolina, asked if the word impervious means the same as permeable.

Marissia Barmby, CFRPC stated the language was specifically added in based on comments received from the state. The language says the solar panels are not to be treated as impervious surfaces for calculations in terms of landscape buffering and other requirements because the rain can wash off the panels and onto the ground.

Vice Mayor Daley asked Mr. Stowe how hot does the surface of a solar panel get.

Carlton Lowe, a county resident stated he moved here because he saw a future here and he thinks solar could be the future for Lake Alfred. He stated the solar farm would put Lake Alfred on the map.

Mayor Lake closed the public hearing.

Commissioner Duncan asked if passing the text amendment prevented a solar power facility in R 1AAA. He stated he wanted to make sure that the decision tonight would not tie the City and prevent negotiations in the future.

City Manager Leavengood stated the way the City has the PUD set up is as a rezoning. If they come in through the PUD zoning, it could be a condition on that particular property. It would put the City Commission in a better position to be able to negotiate. The problem with the zoning category is the items that were addressed in the Comp Plan, this is what will have to be satisfied not necessary the zoning category.

City Attorney Murphy stated that if the ordinance moves forward tonight a solar generation facility would not be a permitted use within the R 1AAA zoning category. In order to allow the site to have solar the property would have to be rezoned to a PUD zoning district. Then as part of the PUD rezoning process the code would be reviewed, determine the appropriate conditions to be considered or placed within the PUD zoning district. There is not an easy answer to that question tonight, but the City is engaged in discussions with TECO to find a resolution to allow a facility like this on appropriate land in Lake Alfred. Your vote on the ordinance tonight should not be construed by anyone as being opposed or in favor of a solar generation facility.

Commissioner Dearmin moved to approve the Ordinance 1392-17 on second and final reading, seconded by **Commissioner Maultsby**. The motion was approved by unanimous voice call vote

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| MAYOR LAKE | AYE |
| VICE MAYOR DALEY | AYE |
| COMMISSIONER DEARMIN | AYE |
| COMMISSIONER DUNCAN | NAY |
| COMMISSIONER MAULTSBY | AYE |

City Manager Leavengood asked for a consensus of the Commissioners if he should continue discussions regarding the Berry property and a possible PUD process that would go to the Planning Board then the Commission.

The consensus of the Commission is for the City Manager to move forward with discussions.

Mayor Lake thanked the participants for their input at the meeting.

4. ORDINANCE 1395: FY 16/17 FINAL BUDGET ADJUSTMENT

City Attorney Murphy read the Ordinance title.

City Manager Leavengood stated as a part of the closeout process of the previous fiscal year of 2016/2017 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 with the net changes in unrestricted fund balance for each fund presented in the contingency line items below.

Substantive unbudgeted expenses in the general fund include: purchase of the Gardner House; Junk Trunk Property; Garbage Truck Replacement; and the Hurricane Irma response. However, strong revenue experience in both the general fund and enterprise fund cut the overall impact of these expenditures to fund balance nearly in half and we will receive reimbursement from FEMA in a subsequent fiscal year (~\$60k). Staff recommended approve Ordinance 1394-17 with staff's proposed language on second and final reading.

Mayor Lake opened the public hearing. There were no comments.

Mayor Lake closed the public hearing.

Vice Mayor Daley moved to approve the Ordinance 1395-17 Seconded by **Commissioner Dearmin**. The motion was approved by unanimous voice call vote

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| MAYOR LAKE | AYE |
| VICE MAYOR DALEY | AYE |
| COMMISSIONER DEARMIN | AYE |
| COMMISSIONER DUNCAN | AYE |
| COMMISSIONER MAULTSBY | AYE |

5. AN ORDINANCE OF THE CITY OF LAKE ALFRED, FLORIDA AMENDING DEVELOPMENT AGREEMENT: THE LAKES TRACT 8

City Manager Leavengood stated under Florida Statutes the City has the authority to enter into development agreements with developers. The development agreement is regarded as supplemental and additional to the powers conferred upon the City by other laws (i.e. zoning, concurrency, development approvals, etc.). The Lakes of Lake Alfred was first approved in concept in 2004. The total development encompassed 8 individual tracts. In September of 2013, the previous owner of Tract 8 adopted Master Development Agreement and Master Homeowners Association documents to distinguish Tract 8 as a separate development (Water's Edge at The Lakes). Tract 8 was previously designed for attached multi-family units (townhomes) and had preliminary platting and infrastructure in place. The new owners proposed single-family detached units and received a zoning of Planned Unit Development – Residential (PUD-R) in August of 2017. The proposed development agreement rescinds the original agreement on the site and replaces it with provisions consistent with the adopted PUD-R zoning. The agreement includes the conveyance of the land at the entrance of the tract to the City. The proposed development agreement received a unanimous recommendation of approval from the Planning Board at their October 13th, 2017 meeting.

Staff recommended approval of the first amendment to The Lakes Tract 8 Development Agreement with Land Partners II, LLC.

Mayor Lake opened the public hearing. There were no comments.

Mayor Lake closed the public hearing.

Vice Mayor Daley stated there were gopher tortoises living on the Mackay property and they have been migrating toward Tract 8. A lot of the burrows are on the property line. She asked about the construction start date so that volunteers could have a chance to work with FWC and move the tortoises.

Bart Allen representing Land Partners II LLC. stated the developers are in the site plan review process. There is plenty of time to coordinate before the start. Mr. Allen will let the client know to contact staff and we can work through the issues of relocating the tortoises.

Commissioner Dearmin moved to approve the First Amendment to the Lakes Tract 8 Development Agreement Seconded by **Commissioner Duncan**. The motion was approved by unanimous voice call vote

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| MAYOR LAKE | AYE |
| VICE MAYOR DALEY | AYE |
| COMMISSIONER DEARMIN | AYE |
| COMMISSIONER DUNCAN | AYE |
| COMMISSIONER MAULTSBY | AYE |

RECOGNITION OF CITIZENS:

Joyce Schmidt, 365 E Sanford St. stated she would like to offer accolades to Bette Biggars for the beautiful furniture that she loaned to the Mackay Estates for the 100 year celebration.

COMMISSIONER QUESTIONS AND COMMENTS

Mayor Lake stated he attended the City to City 5K race. There was a good turnout and the male over-all winner broke the record with a finish time of 16 minutes. The over-all female winner was his wife. The over 60 winner was Nannete Rodgers, 82 years old, and her time was 32 minutes. The Habitat house is moving quickly, the Orlando Magic B team is sponsoring some of the activities going on at the house. They will be hosting a surprise presentation at the stadium. He wished everyone Happy Thanksgiving.

Vice Mayor Daley stated she wanted to thank all the staff that worked at the 100 year celebration at the Mackay house November 17. It was a great community effort. Also the Veterans Day celebration that was excellent, there was a good turnout for that, the Memorial for the Vietnam Veterans was unveiled and it looked great. She is appreciative of the City for the event. She also wished everyone a Happy Thanksgiving.

Commissioner Duncan the art show is up and the theme is "An Outdoor City". The reception will be November 29th at 6:00 pm. He wished everyone Happy Thanksgiving.

Commissioner Dearmin He wanted to express how much he cares about our City and we support ventures here. The solar issue was important and the Commissioners followed what the City needed to make the right decision.

Commissioner Maultsby – If the City doesn't get new development we can't reach the magic number. We have the High School now we need a football team and a band. At the Mackay event he had a chance to speak with the great grandkids, they wanted to know about the people that used to work at the Estate and how long they've been gone. It was quite entertaining.

Mayor Lake Adjourned the Meeting at 10:48 pm.

Respectively Submitted,



Ameé Bailey