

**MINUTES
CITY COMMISSION
MONDAY, APRIL 18, 2022
7:30 PM
CITY HALL**

Call to Order: Mayor Nancy Z. Daley called the City Commission meeting to order at 7:30 p.m. in the City Commission Chambers located at 120 E. Pomelo Street, Lake Alfred, FL 33850.

Richard Blocker, Pastor of the Church of God by Faith, provided the invocation and **Mayor Daley** led the Pledge of Allegiance.

Roll Call: City Clerk Linda Bourgeois

City Commissioners in attendance: Mayor Nancy Daley, Vice Mayor Jack Dearmin, Commissioner Mac Fuller, and Commissioner Brent Eden.

Commissioner Albertus Maultsby was absent.

Vice Mayor Dearmin made a motion to excuse Commissioner Albertus Maultsby. The motion was seconded by **Commissioner Fuller**. The motion was unanimously approved.

Staff in attendance: City Manager Ryan Leavengood, Assistant City Attorney Seth Claytor, City Clerk Linda Bourgeois, Police Chief Art Bodenheimer, Finance Director Amber Deaton, Public Works Director John Deaton, Community Development Director Anee Bailey, Fire Chief Wallace Nix, and Parks and Recreation Director Richard Weed.

City Manager Leavengood announced the rescheduled Community Clean-up Day, the Summer Camp dates, and the Pill Drop-Off event. He congratulated Commissioner Fuller for winning an award for the Fire Truck at the Spring Fling Cruise-in. He thanked the Lions Club for hosting the Easter Egg Hunt and concluded by thanking the Mayor for her participation in the SunRail article that was published in the Lakeland Ledger today.

Assistant City Attorney Claytor said he remained grateful to represent the great City of Lake Alfred.

Recognition of Citizens:

There were none.

Mayor Daley read the Florida Association of City Clerk's 50th Anniversary Proclamation into the record and it was received by City Clerk Linda Bourgeois.

Mayor Daley recognized Finance Director Amber Deaton for the 2020 Comprehensive Annual Financial Report that qualified for an Achievement for Excellence Certificate by the Florida Government Finance Officers Association. A medallion was provided to commemorate the achievement which is to be added to the existing plaque as a testament to the government's commitment to producing annual reports that evidence the spirit of full disclosure and transparency.

Richard Weed recognized A.J. Hunter for his five years of service. He was given a plaque. He said Alja Hunter Jr. or as everyone knows him as "AJ" came to work for the City as a part-time employee for the streets department in April 2017. As a part-time employee, his work ethic was

quickly noticed and when the opportunity arose in July 2017 he was hired on as a full-time employee in the Parks and Recreation Department.

AJ has now been with the City for 5 years, he continues to do good work and will always find a way to go above and beyond. AJ very rarely takes a sick day and quietly gets the job done no matter how big or small the job and is willing to learn along the way. He has become more skilled in tasks like irrigation, repairing toilets, trimming trees, and turfgrass management, and has shown an interest in learning as much as he can. For this I am proud to say AJ works for the Parks and Recreation Dept. and has been a great addition to the City I look forward to working with AJ for another 5 years!

Art Bodenheimer recognized Celeste Stillion for her five years of service. She was given a plaque. He said Communications Coordinator Stillion started her career on March 3, 2017, and had prior experience with the City of Haines City Police Department and the Polk County Sheriff's Office. She has many tasks within the department such as dispatching, scheduling, records requests, case filings, responses to criminal cases, and state-mandated audit completion. She can be counted on and works well with all employees, citizens, and businesses. In addition, she strives to do her best to help others. She is a reliable employee and switches shifts to cover others when needed and is a very valuable team leader. She works hard to help others do their best. Celeste is an asset to the Lake Alfred Police Department and the citizens of Lake Alfred. We appreciate her many years of public service, including five years with the Lake Alfred Police Department, and we look forward to many more years of service.

Police Chief Bodenheimer said Patrick King has been with the Police Department for almost two years. He is a dedicated employee who always has a positive attitude. King has a very calm personality and that has helped him answer calls for service and give the appropriate response for incidents that he receives as a telecommunications operator. During this past year on numerous occasions, he has covered shifts in the communications center due to the shortness in staff, due to other members calling out sick, or having family emergencies. He has helped Ms. Stillion with the process of filing records and completing the citations transmittal forms for filing with the Polk County Clerk of Courts. With his dedication, work ethic, and his maturity in working in communications, King has been sponsored by the Lake Alfred Police Department to go to the Police Academy, the Kenneth C. Thompson Institute of Public Safety at Polk State College. Upon completion of the Academy and State Test, Patrick will become a Law Enforcement Officer with the Lake Alfred Police Department. King is a big asset, not only to our agency but to our city and citizens. We look forward to many more years of service with the City of Lake Alfred. Congratulations, Patrick for being chosen as the Employee of the First Quarter of 2022. He presented him with a plaque, a gift card, and a day off with pay.

Mayor Daley pointed out that Patrick was a graduate of the Discovery High School in Lake Alfred.

Audit Presentation Overview by Mike Brynjulfson CPA, P.A.

- The Report of Financial Statements had an unmodified "Clean" audit opinion with no material errors.
- The Report on Internal Controls and Compliance had one significant deficiency reported, no material weaknesses and no instances of noncompliance reported. The deficiency was a repeat finding related to the Capital Assets with regards to donations.

A discussion ensued about the deficiency not being cash transactions, but more related to the donations of infrastructure, road values, and timing issues. The City will tighten up the internal

controls and processes by using the engineering estimates or invoices and increase the communication between the Community Development Department and the Finance Department.

- The Management Letter had one finding reported for unspent building permit fees.

A discussion ensued regarding the cap on permit fees allowed to be carried over which is equal to one year of expenses as an average of four years. The city was over the cap by \$900,000. The options in the statutes include providing a rebate or reduction in the permit fees. The discussion continued about implementing a rate stabilization fund, a reduction of the permit fees showing a 10% discount on the invoices, and the funds are restricted to enforcement of the building code.

Commissioner Eden asked about upgrading the building; if the city was charging too much in the permit fees; and the fees over the last twenty years?

City Manager Leavengood said the fees were eligible to use for upgrading the building, the city was looking to change the fee methodology to square footage or item-based versus value-based home permits, and the cap was what was new which incentivizes spending because the funds over the cap must be spent within four years. The City Auditor said it has been within the last three years the building department had turned to a positive balance in the fund.

City Manager Leavengood spoke about the potential to create a rate stabilization fund, he explained the concept and said he was working with the City Attorney, Auditor, and the rate consultant.

- The Compliance Report with Section 218.415, Florida Statutes had no instances of non-compliance with the local government investment policies.
- The Governance Letter had no disagreements with management, no difficulties encountered while performing the audit, and there were material audit adjustments and uncorrected misstatements.

Mike Brynjulfson continued and explained the City had two new funds this year and they were the Impact Fee Fund and the American Rescue Plan Act Fund. He reviewed the Governmental Funds and said the Unassigned and Assigned Fund Balance to Total Expenditures was at 29.46% or had 3.5 months of reserves. He continued and reviewed the Enterprise Fund Unrestricted Net Position as a percentage of revenue and said that the city's Enterprise fund had 8 months of operating revenues. He said the city was in a fine financial condition in both funds.

He went on to speak about the Unrestricted Cash and Investments with the impact of inflation. The City uses a City/County Purchasing Index which is at 12% versus the CPI index at 5.75% and he explained the impact of the purchasing power during times of high inflation.

He continued the presentation by showing the long-term obligations of debt per resident. Lake Alfred has the second-lowest debt per capita only behind Davenport in Polk County. He concluded by saying that management does a great job and thanked all of the Directors and the City Manager.

Mayor Daley said the City had come a long way and thanked the auditor. **Vice Mayor Dearmin** concurred with her comments.

Commissioner Eden asked for an update on the 3M in American Rescue Plan Act Funding (ARPA).

City Manager Leavengood said the city had received only 1.5M and is anticipated to receive the balance this year.

A brief discussion ensued about the potential for an intercompany transfer, the original guidelines for the eligible expenditures with the ARPA money, and the final guidelines presented by the Treasury Department.

City Manager Leavengood explained his thoughts on how an Interfund Transfer Fund would work and said it would be more favorable for the city than a short-term debt obligation.

Commissioner Fuller asked if we could pay ourselves interest?

City Manager Leavengood said we maybe could. The creation of this fund would come to the City Commission in the form of a Resolution to be considered at their discretion.

Without any further discussion, **Mayor Daley** presented the consent agenda for consideration.

Consent Agenda:

- 1.) City Commission Meeting Minutes for April 4, 2022
- 2.) City Commission Announcements

Vice Mayor Dearmin made a motion to approve the Consent Agenda. The motion was seconded by **Commissioner Fuller**. The motion was unanimously approved.

Mayor Daley presented the first business item for consideration.

- 1.) Public Hearing: Ordinance 1478-22: Waylanco Road Annexation (2nd Parcel)

Assistant City Attorney Claytor read the title into the record.

City Manager Leavengood read the analysis into the record. He said pursuant to Florida Statutes Chapter 171, the City may consider the annexation of unincorporated areas of a county that are contiguous to the municipality, compact, and will not create an enclave. The applicant has submitted to the City voluntary annexation petitions under Chapter 171.044 to request the annexation of one (1) parcel into the city limits of Lake Alfred. The property is 0 Highway 557, further described as north of Waylanco Road, east of Highway 557, and south of Polk City Road. The applicant is seeking annexation to receive city services and for the possible development of the properties.

The total area is approximately 16.7± acres. The site is currently developed as a portion of a citrus grove. The property is located in the Green Swamp Area of Critical State Concern (GSACSC) and contains areas of wetlands and flood zone 'AE.' The property to the west, across County Road 557, is the site of a planned subdivision. The subdivision development has submitted plans to extend the City's potable water and wastewater lines to serve the site. Future development of the annexed site would be able to extend and connect to the City's potable water and wastewater lines. Future developments would also be able to connect to the extended utility services.

The action currently before the City Commission is only on the annexation of the property into the City. If approved, establishing Future Land Use and Zoning designations would be considered in future action items presented to the Planning and Zoning Board and City Commission.

He said the staff was recommending approval of Ordinance 1478-22 on the second and final reading.

Mayor Daley opened the public hearing.

There were none.

Mayor Daley closed the public hearing.

Vice Mayor Dearmin made a motion to approve Ordinance 1478-22 Waylanco Road Annexation (2nd Parcel) on the second and final reading. The motion was seconded by **Commissioner Eden**. The motion was unanimously approved.

Mayor Daley mentioned there was a couch dumped near the entrance to Waylanco Road.

Mayor Daley introduced the next business item for consideration.

2.) Public Hearing: Ordinance 1479-22: Lake Lowery Road Annexation

Assistant City Attorney Claytor read the title into the record.

City Manager Leavengood read the analysis into the record. He said pursuant to Florida Statutes Chapter 171, the City may consider the annexation of unincorporated areas of a county that are contiguous to the municipality, compact, and will not create an enclave. The applicants have submitted to the City voluntary annexation petitions under Chapter 171.044 to request the annexation of seven (7) parcels into the city limits of Lake Alfred. The property is 0 and 4970 Lake Lowery Road, further described as northwest of Lake Lowery Road, east of White Road, and north of Old Haines City / Lake Alfred Road. The applicant is seeking annexation to receive city services and for the possible development of the properties.

The total area is approximately 37.81± acres. The site is currently developed as a residence, agriculture, and agricultural support business. The property is located in the Green Swamp Area of Critical State Concern (GSACSC) and contains areas of wetlands and flood zone 'AE.' A subdivision is planned for the southern end of Lake Lowery Road, which would include this additional area if annexed. The subdivision development would extend the City's potable water and wastewater lines to serve the site.

The action currently before the City Commission is only on the annexation of the property into the City. If approved, establishing Future Land Use and Zoning designations would be considered in future action items presented to the Planning and Zoning Board and City Commission.

He said the staff was recommending approval of Ordinance 1479-22 on the second and final reading.

Mayor Daley opened the public hearing.

There were none.

Mayor Daley closed the public hearing.

Vice Mayor Dearmin made a motion to approve Ordinance 1479-22 Lake Lowery Road Annexation on the second and final reading. The motion was seconded by **Commissioner Eden**. The motion was unanimously approved.

Claire Clements of HR Tampa Bay, LLC (Zoom) said thank you to the City Commission.

Mayor Daley introduced the next business item for consideration.

3.) Public Hearing: Ordinance 1480-22: Lynchburg Road Annexation

Assistant City Attorney Claytor read the title into the record.

City Manager Leavengood read the analysis into the record. He said pursuant to Florida Statutes Chapter 171, the City may consider the annexation of unincorporated areas of a county that are contiguous to the municipality, compact, and will not create an enclave. The applicant has submitted to the City voluntary annexation petitions under Chapter 171.044 to request the annexation of two (2) parcels into the city limits of Lake Alfred. The property is 1403 Lynchburg Road and 462 Chamberlain Dr., further described as west of Lynchburg Rd, south of Pine Wood Ln, and north of Stewart Ave. The applicants are seeking annexation to receive city services and for the possible development of the properties.

The total area is approximately 13.6± acres. The site is currently undeveloped waterfront property that contains areas of wetlands and flood zone 'AE.' City potable water and wastewater lines are available to serve the site. Future development of the annexed site would be able to extend and connect to the City's potable water and wastewater lines.

The action currently before the City Commission is only on the annexation of the property into the City. If approved, establishing Future Land Use and Zoning designations would be considered in future action items presented to the Planning and Zoning Board and City Commission.

He said the staff was recommending approval of Ordinance 1480-22 on the second and final reading.

Mayor Daley mentioned she drove by there and said it looked like a heavily wooded area.

Mayor Daley opened the public hearing.

There were none.

Mayor Daley closed the public hearing.

Commissioner Fuller made a motion to approve Ordinance 1480-22 Lynchburg Road Annexation on the second and final reading. The motion was seconded by **Vice Mayor Dearmin**. The motion was unanimously approved.

Mayor Daley introduced the next business item for consideration.

5.) Resolution 05-22: Eden Hills Phase I Final Plat Acceptance

Assistant City Attorney Claytor read the title into the record.

City Manager Leavengood read the analysis into the record. The applicant has requested approval of a final plat for Phase I of the Eden Hills subdivision. The approximately 34± acre subdivision is located south of Cass Road, north of Lake Alfred. The Planned Unit Development-Residential (PUD-R) zoning district was approved by Ordinance 1416-19 permitting a maximum of 142 lots. The City approved the preliminary plat on January 6, 2020, with Resolution 01-20.

The construction plans were approved by the City on March 25, 2020, and the City has received all State permits. The City Commission approved Resolution 12-21 allowing the plat to be recorded without acceptance of the infrastructure. Instead, the applicant submitted a performance bond in the amount of 110% of the engineer's certified cost of all improvements, or \$1,307,797.59 to address the total construction cost of the infrastructure.

The owner has now completed all construction included in the performance bond (water and wastewater service, road construction, landscaping, etc.). The City staff and consulting engineers have inspected and recommended acceptance of the infrastructure. The City has also received the maintenance funds as required by the ULDC.

He said the staff was recommending approval of Resolution 05-22.

Mayor Daley opened the floor to public comments.

There were none.

Mayor Daley closed the floor to public comments.

Mayor Daley asked about the procedural naming of the internal roads within the development. She provided an example and said it may be confusing for the first responders when trying to locate an address.

Community Development Director Bailey explained that when a plat comes in they review it at the director level and with E-911 to ensure there is no duplication in the street names. The developer has flexibility in the naming of the roads within the subdivision.

Mayor Daley asked if the Community Development District (CDD) dedicated the water and sewer infrastructure and the roads to the City and **City Manager Leavengood** said yes. She then asked what they needed the fees for and **City Manager Leavengood** said it was for a debt service bond and likened it to a mortgage on the infrastructure.

Mayor Daley said she worried about our future citizens paying double of what they may expect in taxes and fees. She said they needed full disclosure of what they will be paying for when purchasing the home. She suggested the CDD put a sign out front saying they were a Community Development District similar to the ones that advertise that they are not a CDD.

Assistant City Attorney Claytor said the city could not regulate the signage content, the buyers needed to be educated, and the CDD is used as a financing mechanism to provide nicer amenities within the development.

A discussion ensued about the Celebration Community Development District being a true CDD by providing police, fire, and sanitation services; the Community Development District being a sign of the times, and that form of development not going away anytime soon. Further discussion surrounded being consistent, the master-planned communities are addressed in the Unified Land Development Code, and the CDD is used as a financing tool.

Commissioner Fuller asked if an original owner sold the house would the CDD fees be lower when passed on to the new owner based on the current bond debt?

Assistant City Attorney Claytor said the bond debt was regulated by State or Federal law. He explained the additional layer of disclosure was with the non-ad valorem assessments as they are public records.

Mayor Daley asked about the elected boards and City Manager Leavengood said the Community Development Districts were like mini-cities and had elected boards that had to adhere to the Sunshine Laws with public notices. They are more robust than a Homeowners Association. He said the risk for the city or local governments would be when people would come to the City Commission looking for relief in the form of a reduction in taxes, water and sewer rates, or even sanitation.

Commissioner Eden commented and said it was important that the City remain consistent when dealing with the Community Development Districts. He asked if there were any more CDD developments on the horizon.

City Manager Leavengood said there were two or three petitions that were in different parts of the process.

Commissioner Eden said as long as the funds were being escrowed, it would show the fees on the Polk County Property Appraisers website.

A discussion ensued about the importance of consistency with the Community Development Districts, the downturn of the economy in 2007 with the impact it had on the housing market, and equitable trust.

Commissioner Eden made a motion to approve Resolution 05-22 for the adoption of Eden Hills Phase I Final Plat Acceptance. The motion was seconded by **Commissioner Fuller**. The motion was unanimously approved.

Mayor Daley introduced the next business item for consideration.

5.) Resolution 06-22: FY23 Community Project Funding

Assistant City Attorney Claytor read the title into the record.

City Manager Leavengood read the analysis into the record. On March 30, 2022, Congressman Darren Soto (FL-09) announced the opening of the FY23 Community Project Funding application cycle. Community Project Funding (CPF) allows Congress to fund projects directed to a specific state or local government or eligible non-profit recipient. Last year, Congressman Soto was able to secure municipal 10 projects in his district, for a total of \$9,350,000, in the FY 21/22 funding package. The City submitted six projects for consideration but was not selected.

Staff is proposing to submit the following projects to the Office of Congressman Darren Soto for consideration of appropriations in the FY 22/23 cycle. The proposed projects are consistent with the adopted capital improvements project budget and are within the recommended funding range of \$500,000 and \$1.5 million.

Proposed Projects:	Amount Requested:
1. County Road 557 Water Main Relocation	\$ 1,500,000
2. Fire Engine Replacement	\$ 750,000
3. Buena Vista Lift Station	\$ 1,000,000

The Resolution formally adopts the City's project priority list and provides authorization for the City to submit grant applications for the FY 22/23 Community Project Funding cycle.

He said the staff was recommending approval of Resolution 06-22.

Mayor Daley opened the floor to public comments.

There were none.

Mayor Daley closed the floor to public comments.

Vice Mayor Dearmin made a motion to approve Resolution 06-22 for the adoption of Resolution 06-22. The motion was seconded by **Commissioner Fuller**. The motion was unanimously approved.

Recognition of Citizens:

There were none.

Commissioner Questions and Comments:

Vice Mayor Dearmin said he hoped everyone had a great Easter. He said great things were happening this past Saturday and we had beautiful weather. He is looking forward to this Saturday for the community cleanup day that was rescheduled.

Mayor Daley said she attended the Spring Fling Dance, the Easter Egg Hunt, the Cruise-in, and the Ridge League of Cities Dinner. She said she had also attended a Transportation Planning Organization Meeting and asked the City Manager to send out the article to the other City Commissioners because there is some important information in the article about funding opinions. She went on to say on May 5th she is going to Discovery High School to award a student with a Ridge League of Cities Scholarship.

She continued and said there was a home out on CR557 on the left from Lake Swoope Drive (730 Lake Buena Vista Drive) which is being considered for the National Register of Historic Places. She said the home was slated for demolition for the widening project of CR557 but the home is only 18 inches too close to the road. The thought is to move it back. On May 19, 2022, there is a public hearing in Tallahassee and on Zoom to discuss the home. She asked the City Manager to send the invite to the City Commission for participation.

Commissioner Fuller thanked the citizens in the audience for coming out tonight and said he appreciated their involvement and input. He recognized the City Clerk in honor of the 50th

Anniversary Proclamation and said he was thankful she was at the helm with the City Manager. He thanked her for all she does for the City Commission. He shared he was going to the Institute for Elected Municipal Officials II class in Cocoa Beach at the end of the month.

He continued and congratulated the personnel recognized this evening along with the Parks and Recreation and Police Department employees for working on both events this past weekend. He thanked Finance Director Deaton and City Manager Leavengood for their investment in time with the audit and said to the City Manager he appreciated him being articulate and versed in what he brings to the City. He said the City was lucky to have him. He said this meeting completed his first year on the City Commission and concluded by saying he hoped everyone had a safe and happy Easter.

Commissioner Eden thanked the City's first responders, both Chiefs in the back, the City Manager, Directors, and the city staff. He thanked the auditor and the residents in attendance. He said he hoped everyone had a happy Easter and concluded by saying thank you.

Without further comments, at 9:41 p.m. the City Commission meeting was adjourned.

Respectfully Submitted,



Linda Bourgeois, BAS, MMC, City Clerk