

**MINUTES
CITY COMMISSION
MONDAY, FEBRUARY 6, 2023
7:00 PM
CITY HALL**

Call to Order: Mayor Jack Dearmin called the City Commission meeting to order at 7:00 p.m. in the City Commission Chambers located at 120 E. Pomelo Street, Lake Alfred, FL. 33850.

Invocation and Pledge of Allegiance: Pastor Kimberly DuBreuil of the First United Methodist Church of Lake Alfred provided the invocation and **Mayor Dearmin** led the Pledge of Allegiance.

Roll Call: City Clerk Linda Bourgeois

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

Staff in attendance: City Manager Ryan Leavengood, City Attorney Seth Claytor, Finance Director Amber Deaton, Community Development Director Amee Bailey, Police Chief Art Bodenheimer, and Fire Chief Robert Turner.

City Manager Leavengood announced the following:

1. The Lake Alfred Ridge League of Cities Dinner will be held on Thursday, February 9, 2023, beginning at 6 PM at the UF/IFAS off Experiment Station Road.
2. The Lake Alfred Heritage Day Festival will be held on Saturday, February 25, 2023, from 10 AM to 4 PM at 210 N. Seminole Avenue.

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

Recognition of Citizens

There were none.

Black History Month proclamation was accepted by Carolyn Maultsby.

Mayor Dearmin presented the Consent Agenda for consideration.

Consent Agenda:

- 1.) City Commission Meeting Minutes for January 24, 2023
- 2.) City Commission Announcements
- 3.) Fireworks Application

Commissioner Daley asked what notification was provided to the nearby residents.

Community Development Director Bailey said the city had not provided notification in the past and the city could put a notice in the post office.

City Manager Leavengood said the city would put it on the website, post it on social media, and notify the Water Ridge and Eden Hills Phase I homeowners association.

The fireworks application analysis was inserted by the City Clerk. [Section 34.6 of the Code of Ordinances prohibits the discharge or use of firecrackers, rockets, torpedoes, roman candles, or other fireworks or substances designed and intended for pyrotechnic display. However, the City Commission may permit the public display of fireworks by properly qualified individuals if such display shall not be hazardous to surrounding property or endanger any person.

The City has received a special event application for a fireworks display at a wedding at the Adams Estate on February 19, 2023, between 9:45 pm and 10:00 pm. The application was submitted by Four Seasons Display Inc. which has general liability insurance in the amount of 5 million dollars and a valid federal explosives license/permit. Four Seasons was previously approved for similar events at Adam Estate. No issues or complaints arose from the past events and they worked well with the Staff.

The site proposed for the display is within Lake Alfred approximately 200' north of the Adams Estate wedding venue. The applicant would like to use Lions Park for setup and for launching. The pyrotechnic crew would like to set up the display on an 8' x 24' floating platform. The Fire Department would be able to inspect the platform prior to launch.

The staff has reviewed the applications and is providing the following considerations/comments:

- The fireworks display would be easily seen and heard by residents within one mile of the site. This would cover Water Ridge to the northwest and reach Shinn Blvd. to the southwest. While some residents may welcome the fireworks display others may not.
- While the fireworks could be enjoyed by the public it is not an advertised event nor is it associated with a typical date that would have fireworks (e.g. 4th of July, New Year's). Individuals with pets or sensitivity to loud noises may not be aware of the event.\
- If approved, the boat ramp at Lion's Park would be closed to limit boat activity in proximity to the barge and/or require public safety personnel to be in the Lake to maintain the perimeter around the barge at the applicant's expense.

Commissioner Daley made a motion to approve the consent agenda. The motion was seconded by **Vice Mayor Eden**. The motion was unanimously approved.

Mayor Dearmin presented the first business item for consideration.

1.) Ordinance 1512-23: Florida Club Major Modification

City Attorney Claytor read the title of Ordinance 1512-23 into the record.

City Manager Leavengood read the analysis into the record. He said On April 1, 2019, the City Commission approved Ordinance 1413-19 approving a request for a Mixed Use Planned Unit Development (PUD-MU). The PUD-MU was designed to accommodate an age-restricted (55+) manufactured home community with an 18-hole public golf course. The golf course and related amenities such as a Pro Shop would be open to the public. Amenities within the development include a clubhouse, pool(s), and along Lake Cummings and Lake George. The Master Development Plan proposed a maximum of 970 residential units for a gross density of 2.38 units per acre on 407 acres. The properties were sold on August 19, 2022. Subsequently, the City received an application for a Major Modification to the PUD-MU.

The applicant submitted the major modification to (1) Revise the approved Master Site Development Plan to reflect a new amenity package (i.e. remove golf); and (2) Clarifications to the Conditions of Approval and amendments to the Conditions of Approval reflecting changes to the Master Site Development Plan.” The Staff Report provides further details based on the application package, Master Site Development Plan, and Conditions of Approval modifications.

On Thursday, January 12, 2023, the City of Lake Alfred Planning and Zoning Board held a public hearing. The Board unanimously voted (6-0) to amend the Conditions of Approval specifically:

- Condition 7(d) to provide that no more than two boat docks/piers shall be constructed on each lake.
- Condition 7(e) to provide that boat ramps shall be prohibited.
 - In the past there have been citizen comments/desires to improve lake access through additional boat ramps. The City Commission may wish to retain the original language which would “allow” one (1) boat ramp (but not require it). These are private roads so the ramp would be restricted to residents of the Florida club and the lack of boat storage and limited size of the lake may not make a boat ramp feasible but the question to the City Commission is do you want an outright prohibition (as the PNZ Board is recommending) or do you want to be permissive to a single boat ramp that may or may not be built (as you previously approved).
- Details regarding the shelter facility were also discussed. The staff has provided a brief response to those concerns attached to this item.
- The Board then voted (4-2) to provide a recommendation of approval with the approved amendment to the Lake Alfred City Commission.

The staff has coordinated with the Applicant regarding the proposed Master Development Plan and the Conditions of Approval. Additional clarifications to the Conditions of Approval have been suggested based on additional comments or questions raised at the Board meeting (highlighted in yellow). The Applicant plans to develop the project in phases and will present additional details as each phase is reviewed.

He said the staff was recommending approval of Ordinance 1512-23 on the first reading.

Commissioner Daley spoke about the boat ramp and having someplace to park the trailers. Since this is a private community a boat ramp would be safer to dock canoes, kayaks, Jon boats, or paddleboards. She said she didn’t have an issue with the boat ramps.

Mayor Dearmin said he didn’t have a problem either and it should be at their discretion. He asked if it was a maximum of two.

Community Development Director Bailey said it was that they were allowed, but not required to construct one private boat ramp for the community. The Planning and Zoning Board recommended having the boat ramp prohibited. She explained the reasons behind that as these were smaller lakes, with increased boat traffic, and management of the aquatics.

Commissioner Daley asked about restricting the size of the boats or the ramp and it was shared it would be easier to regulate the size of the ramp rather than having limitations on the size of the boat. She continued and asked about the requirement of 11(a) where all homes shall have full sod and wanted to know if the WaterStar standards would prevail. It was shared that the reference

would be cleaned up for consistency. She went on to ask about the street lighting in Section 13 and asked about the dark sky code provisions and wanted to know if it could be added. It was explained that the code was already in effect on that but most certainly if we wanted to have the City Attorney craft some language we could add that into the condition.

Commissioner Daley asked if the Unified Land Development Code (ULDC) had changes or modifications during the construction of Phase I and Phase II or Phase III, would the old or new code prevail?

City Attorney Claytor said this was a development that came in prior to the updated and restated ULDC, he believes it is drafted, unless stated otherwise, subject to the updated and restated ULDC. If it changes in the future, it will depend on what type of change is made and said depending on the use it may be a legal nonconforming use. Our non-conformity section would provide an amortization period for them to transition that use into a conforming use.

Community Development Director Bailey said say they came into Phase I with the landscaping provisions. They are specific in the conditions and they are using the older ULDC requirements so we would follow these landscaping standards whether it was Phase I, Phase II, or Phase III. Now if it was for lighting and it had vague language like the carriage lighting with the candle foot measurements, if it was changed then when they come in it will be under whatever standard is applied because it is not specifically listed as one on the conditions because that particular item was not of importance so to have it conditioned in the Planned Unit Development (PUD). If it is specific in the PUD those are the standards, if it is not specified in the PUD then it is going to be whatever our current ULDC standard is.

Commissioner Daley asked who the regulator was for the age of the people in an age-restricted community.

City Attorney Claytor said that would be applicable to state and Federal law. The municipality would be without jurisdiction there.

Community Development Director Bailey said the only thing we enforce with the 55+ community is the impact fees relative to the waiver of education impact fees for the county. There are some provisions if a community converts and has to recollect at a later time but those are all county policies and procedures.

Commissioner Daley asked if these would be rental lots or would people own them.

Bart Allen of Peterson and Myers of 225 E. Lemon Street in Lakeland on behalf of the Applicant Florida Club said the people would own the unit and pay lot rent to the owner. He provided a presentation on the proposed modifications to the development. He introduced the project team.

Property Owner/Applicant:
Florida Club MHP Lake Alfred, LLC
Roots Management Group – Tom Stapely/Quinn Skouson

Engineering and Permitting:
Sloan Engineering, Steve Sloan, P.E.

Architect and Landscape Design
Sturch Design Group, Tom Sturch, ASLA

Land Use Attorneys:
Peterson & Myers, P.A. Bart Allen, Esq.

Overview

SBL Partnership (“SBL”) established the Florida Club in 2019 as PUD-MU
Original developer of The Hamptons, Windmill Village, and others

Roots Management Group (“Roots”) acquired the property in April 2022

Roots is the newly formed parent company of two leading Manufactured Home Communities (“MHC”) & Recreational Vehicle brands:

Treehouse Communities and Vineyards Management Group. With their combined brands, Roots is already one of **the top 10 largest** MHC operators in the US.

Modifications

- Amenity Center/Clubhouse
- Active Recreation: sports courts (pickleball/tennis courts, bocce, etc.)
- Golf Practice Area (“pitch and putt” green)
- Social centers, playgrounds, overlooks, pavilions, dog parks,
- Gardens and other passive recreation areas
- Pedestrian/multi-modal connectivity of the community

Changes:

- Remove the Golf Course as a primary amenity and update Master Development Plan
- Amend Conditions to reflect changes to codes and clarify requirements.
- Resident/Planning Commission Concerns
- Remove potential Boat Ramp access to lakes
- Reinstated limitation of up to 2 docks each on Lake Cumming/Lake George
- Modified conditions to address criteria for hurricane shelter, landscaping, and invasive species wetland buffers.

No change:

- Private Gated Residential Development - Up to 970 dwelling units
- Age Restricted Community
- Connecting to City Water and Wastewater
- Relocation and Realignment of Lynchburg Road

He continued and reviewed the future amenities and activities and the re-alignment of Lynchburg Road. He said the property realignment will be constructed by the developer, dedicated to the city, and open for public access prior to vacating the right-of-way/closing the existing alignment. Full public access on Lynchburg Road will be maintained at all times. He said the environmental site assessments were completed. He showed prototypes of manufactured homes and examples of interior design features. He spoke about the significant advancements to the safety of the homes relative to the most recent hurricanes and said the request was consistent with the Comprehensive

Plan and the Unified Land Development Code. He concluded by requesting a favorable vote from the City Commission.

Commissioner Fuller asked how many different lakes were on the property and Attorney Allen said the property had frontage on Lake Cummings and Lake George. The condition now is up to two docks on each lake so there is a potential to have four. There is no canal between the two lakes. Commissioner Fuller continued and asked about the price range of the homes and Quinn Skouson said they are still trying to finalize the pricing if he were to throw out a number today it would be from \$150,000-\$220,000 for introductory pricing.

Commissioner Maultsby asked if the swimming pool would be open to the public and Quinn Skouson said the swimming pool would be only for the residents but the walking trails in the community would be open.

Mayor Dearmin said he was glad we were not adding any homes, he was glad the way the homes would be positioned parallel to the road and then asked if there were any communities from Roots in our area. Quinn Skouson said he believed there were 46 within Florida and three within a twenty-mile radius of Lake Alfred.

A discussion ensued regarding the trail management fees would be incorporated into the lot rent, the individual homeowners would pay their own utilities for water and sewer, and the manufactured home park would be the entity responsible for the age-restricted enforcement.

Vice Mayor Eden asked when they would start construction on the road. Quinn Skouson said they would start as soon as they get approvals and the construction plans updated.

A brief discussion ensued regarding the manufactured home builders, the contracts not being finalized, and there may be more than one contractor.

Mayor Dearmin opened the floor to public comments.

Ed Collier of 800 W. Cummings Street shared he had concerns about the development. He said the lakes are beautiful, pristine, and not spoiled by anything. He said they really don't want a boat ramp and he said he thought the Planning Board was pretty clear about that and there were people there that were more knowledgeable about the quality of the lake than him. They made that recommendation to you so if you accept that recommendation and go with it he guesses it would be on them if something goes wrong, but if it goes the other way and something bad happens, I guess I will be back here and he won't be so happy next time. It is really two 40-acre lakes, paddle boards, and canoes won't damage anything but if you put a boat ramp in there are 970 homes and then you have all those people who come and visit then they will have a management headache because I am going to be over there fussing with these nice gentlemen that there are people on the bank of my house fishing, docking their boats at my dock. They may not have this development for a long time so we ask for your consideration to leave it out and he thinks other neighbors would like it out as well. We want to keep that area of Lake Alfred beautiful. Thank you.

Commissioner Daley asked him if he were amenable to a non-motorized boat ramp such as a canoe launch. He replied he didn't know but it is a boat ramp or it is not a boat ramp so we probably don't care how they get them to the lake we just don't want to see it open and non-motorized would certainly help. If you leave it open then we could possibly be messed up down

the road if we are dealing with a gentleman that may be not so honorable. It would be our desire to not have a boat ramp at all.

Brenda Arnold 435 W. Pierce Street said a while back she and Commissioner Maulsby had asked about the community using the swimming pool and then you didn't have a problem with the community using the pool but now you are saying something different. We just want to be clear with the citizens. Her other question about the park was deferred to public comments.

City Attorney Claytor addressed the question regarding the swimming pool and said that was in reference to a Community Development District and he explained the reason why the facilities were open to the public but this is a private age-restricted development.

Chris White of 315 E Thelma shared his experience of a community that had a lake and golf course where they did not restrict any motorized usage and said it was the homeowners association that restricted the usage. They would ask people to leave the lake even if they had a motor but were not using it. They did have a boat ramp where a small boat could be launched to paddle around and fish. He asked if there was a minimum and a maximum of the square footage of the homes in the community and does the home have to be purchased through a company or if someone owned the home can the home be brought into the community, and if the community center would be available to rent for weddings or events?

Eric Olive who lives on Lake George said he has been there since 2005 said he enjoys the lake with a boat and sometimes at night. He said he and his sons, fish and duck hunt on the lake. He wanted to know if he was going to be a thorn in their side. He said he has primitive access in his yard and wanted to know if the non-motorized prohibition applied to him.

City Attorney Claytor said no it doesn't. He said when the state of Florida surveyed the lake they created meandering lines and that is how you can tell if it is a sovereign body or not. If it is a sovereign lake it means it is a navigable water body to the State of Florida and the municipality by in large is preempted from regulating the activities that take place on the lake. There are certain caveats in the statutes that allow the municipality to regulate the lake activities but it is very limited in scope.

Quinn Skouson answered the questions. He said the swimming pool is for residents only, the minimum home box size is 1,500 square feet, the amenity core is for residents only, no outside homes would be able to come into the community, and there will be an internal committee to maintain the aesthetics. It was confirmed that the homes would be on permanent concrete slabs and not cement block towers it will be just like a regular home.

City Attorney Claytor said the community center will be a shelter in the event of a natural disaster and that will be open to the public. Is that correct? Quinn Skouson said that was correct.

Community Development Director addressed Section 11(a) saying some of those provisions had been added to the ULDC and states the manufactured homes will be on permanent foundations as defined by the city. We also require that they have a garage, carports, and driveways to make it more similar to a single-family home product. The City's minimum requirement is 960 Square feet.

Mayor Dearmin closed the floor to public comments.

Commissioner Daley made a motion to approve Ordinance 1512-23 to approve the Florida Club Major Modification with the Planning and Zoning Boards' recommendation of not requiring boat ramps. The motion was seconded by **Commissioner Maultsby**. The motion was unanimously approved.

City Attorney Claytor clarified that it would exclude any provision that would provide for the construction of the boat ramp.

The motion was going to be amended to have the word prohibit rather than require and then Commissioner Daley said she wanted to go with what the planning board said so we will go with that. The planning board recommended the prohibition.

City Manager Leavengood spoke about the dark sky provisions and the WaterStar standards those are just more clarifications rather than substantive developments. Those will be addressed in the second reading.

Mayor Dearmin introduced the next business item.

2.) Resolution 08-23: Colonel John H. Dame, Sr. Memorial Park

City Attorney Claytor read the title of Resolution 08-23 into the record.

City Manager Leavengood read the analysis into the record. He said on May 16, 2022, the City Commission discussed establishing a community park at the conservation area across from the historic bridge at the Mackay Gardens and Lakeside Preserve. It was also proposed to be named the "Colonel John H. Dame, Sr. Memorial Park" in honor of our former City Commissioner and advocate of the City of Lake Alfred.

John H. Dame, Sr. had an extensive background of service to his country and community and served on several boards and committees, including the City Commission for ten years. Colonel Dame was also a strong advocate for natural spaces and conservation within our community.

With the adoption of this Resolution, it would establish the area as a City park and designate the name: Colonel John H. Dame, Sr. Memorial Park. If approved, city staff will coordinate with the Mackay Volunteer group to make some improvements to the area (i.e. trails & benches) and we would look to formally open and dedicate the park later in the year. He said this land was dedicated as a part of the development agreement several years ago and said Commissioner Daley had brought this forward as an option out of concerns for FDOT projects that were on the radar.

He said the staff recommendation was for approval of Resolution 08-23.

Commissioner Maultsby asked how large the parcels were and it was shared by City Manager Leavengood that it was eleven acres and was heavily wooded. The only access is over the historic bridge. It would be incorporated into the Mackay trail network with a few benches out there.

Commissioner Maultsby said he didn't think this park could be named after a better person and shared some experiences he had with Mr. Dame. He supports the Resolution.

Mayor Dearmin said he was an amazing man and met him in the late 90s serving his City and our Country well. His son was here earlier and had left.

Commissioner Daley said the eleven acres were not donated it was used as density transfers in what she believed were Tracks II and III. It was put into a conservation easement in 2004 or 2005. We just got it not too long ago. The Florida Trail Association is willing to come in and help blaze the trails however the land will be reviewed for sensitive and endangered species areas so we don't destroy those areas. She asked if we could use impact fees to build a fence to delineate the borders. This would be a nice new amenity for the city.

City Manager Leavengood said we could accommodate that in the budget process. We can make that happen.

Mayor Dearmin said he was honored we could do this as he was a great man.

Mayor Dearmin opened the floor to public comments, and seeing none, he closed the floor to public comments.

Commissioner Daley made a motion to approve Resolution 08-23 establishing a park and naming it Colonel John H. Dame, Sr. Memorial Park. The motion was seconded by **Commissioner Maultsby**. The motion was unanimously approved.

Recognition of Citizens

Brenda Arnold or 435 W. Pierce Street asked what was going on with the park.

City Manager Leavengood said we did a two-year cycle on the park phases. This year we are going after it with a phase at Central Park with streetside parking and renovating the basketball area as a multipurpose field. There is at least \$500,000 in the budget. We are waiting on TECO to relocate the poles. We also have an active phase of the Mackay Gardens and Lakeside Preserve. Once we complete all the phases of the two park projects, we will focus on Lions Park. We are making progress on the Growers Fertilizer purchase. It is all on the horizon and it is an exciting time.

Commissioner Questions and Comments:

Vice Mayor Eden thanked all of the first responders, staff, and the Chiefs in the back. He requested clarification saying we are not saying you cannot have motorized boats what we are doing is just saying they can't have a boat ramp. City Manager Leavengood said that is correct. If they wanted to in the future have a ramp they would have to come back and amend the PUD. He concluded by saying "Go Chiefs" for Superbowl Sunday.

A brief discussion ensued about jet skis and boats accessing the waterways from private land.

Commissioner Maultsby asked about the thirty-nine projects on the updated development list and wanted to know if they were in the city and active. Community Development Director Bailey said the projects on the list are all annexed and the list shows the stage of development they are currently in. He thanked the City Commission for their support and said he was a short-timer.

Commissioner Daley said it was going to be a busy week and shared her schedule. She asked about the outdated wayfinding signage and City Manager Leavengood said we would do another sweep to update the signs. She mentioned a sign blown down. She pointed out the current Trend Magazine and an article about sustainable Florida. She and Keith Cowie from Auburndale were

interviewed and she made comments about the WaterStar standards and policies. It was good to have Lake Alfred mentioned in a positive way. Thank you.

Mayor Dearmin said the train track flashing sign looked like it had been turned and City Manager Leavengood said we would report it to PD and we would take care of it. He said he was excited about the Ridge League of Cities Dinner and was looking forward to it. He said there has been some discussion of the SunRail coming into Polk County again. Thank you.

Commissioner Fuller said it was great to be back on our soil. He had a great time in Africa. Africa is an incredible place to visit. He said he was glad we were hosting the Ridge League of Cities Dinner and said he was available to help. He provided an update on his niece saying the lungs were not viable for her so they canceled the operation. He appreciated everyone's thoughts and prayers. He spoke about the family that lost their child and encouraged everyone to think about organ donation. He thanked the City Commission for allowing him to take a meeting off and said thank you.

Without further comments, at 8:36 PM, the City Commission meeting was adjourned.

Respectfully submitted,



Linda Bourgeois, BAS, MMC,
City Clerk