

**MINUTES
CITY COMMISSION MEETING
MONDAY JUNE 6, 2022
7:30 PM
CITY HALL**

Call to Order: Mayor Jack Dearmin 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.

Invocation and Pledge of Allegiance: Senior 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 Mac Fuller, Commissioner Nancy Daley, and Commissioner Albertus Maulsby.

Staff in attendance: City Manager Ryan Leavengood, City Attorney Seth Claytor, City Clerk Linda Bourgeois, Public Works Director John Deaton, Community Development Director Ameer Bailey, Police Chief Art Bodenheimer, and Fire Chief Wallace Nix.

City Manager Leavengood announced the upcoming Ridge League of Cities Dinner and the Juneteenth holiday. The next City Commission meeting will be held on Tuesday, June 21, 2022, due to the holiday.

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

Recognition of Citizens.

Annie Mae Nealy of 946 Everette Street asked if the City Commission had the date of the Christmas Parade this year. She said this was on behalf of the Garden Club as they want to start participating again.

City Manager Leavengood said he would find out from the Parks and Recreation Director and get back to her with the information.

Consent Agenda:

- 1.) City Commission Meeting Minutes for May 16, 2022
- 2.) City Commission Announcements
- 3.) Planning and Zoning Board Appointments

[Analysis inserted by the City Clerk]

On December 30, 2021, Joseph Hults submitted his resignation, and on May 20, 2022, Alternate Board Member Brandon Davis submitted his resignation. The new prospective appointees have agreed to serve the remainder of the following terms:

- Scott Gearhart – Full Member replacing Joseph Hults 12/31/2024
- John Reinert – Alternate Member replacing Brandon Davis 12/31/2023

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

City Manager Leavengood mentioned the new Planning and Zoning Board Member, Scott Gearhart, was in the audience. He was welcomed by the City Commission.

Mayor Dearmin presented the business item.

- 1.) Public Hearing: Ordinance 1473-22: Property Rights Element

City Attorney Claytor read the title into the record.

City Manager Leavengood read the analysis into the record. He said in the 2021 State Legislative session, Section 163.3177(6)(i)2, Florida Statutes (Chapter 2021-195, Laws of Florida), was amended to require local governments to adopt and include the property rights element in its comprehensive plan for any proposed plan amendment initiated after July 1, 2021.

If the comprehensive plan amendment was first considered at a local planning agency's hearing on or after July 2, 2021, then Section 163.3177(6)(i), Florida Statutes, requires the local government to also adopt the property rights element into its comprehensive plan on the date of adoption of that next proposed amendment.

On February 7, 2022, this Ordinance was approved on first reading and transmitted to the Department of Economic Opportunity. The only comment received was about the need to update the City's Water Supply Plan. CPH is already under contract to complete this plan as approved by the City Commission on October 4, 2021. There were no other objections, comments, or recommendations.

He concluded by saying the staff was recommending Approval of Ordinance 1473-22 on the second and final reading.

Commissioner Daley asked if this was regulated by the Florida State Statutes, and **City Attorney Claytor** said yes this was required by State Law.

Mayor Dearmin opened the public hearing and seeing no one, he closed the public hearing.

Commissioner Fuller made a motion to approve Ordinance 1473-22 for the Property Rights Element on the second and final reading. The motion was seconded by **Commissioner Maultsby**. The motion was unanimously approved.

Mayor Dearmin presented the next two business items.

- 2.) Public Hearing: Ordinance 1474-22: Waylanco Road Future Land Use
- 3.) Public Hearing: Ordinance 1475-22 Waylanco Road Zoning

City Attorney Claytor read the title of 1474-22 into the record.

City Manager Leavengood read the analysis into the record. He said on November 15, 2021, City Commission approved Ordinance 1467-21 annexing the Waylanco Road right-of-way and one parcel into the city limits. The staff has worked with the property owners regarding the proposed Future Land Use designations and Zoning district requests. The proposed Future Land

Use designation is Heavy Commercial/Industrial and Conservation and the proposed zoning is Light Industrial (I-1) and Conservation (CN) zoning districts matching the surrounding area.

The access off Waylanc Road also provides a 1,000 ft buffer from any proposed activity on the site. The site has direct access to I-4 from CR 557 without impacting residential areas. The parcel is vacant with an existing citrus grove. The proposed use is Warehouse/Distribution, which is the only Industrial use currently allowed in the Green Swamp Area of Critical State Concern. Warehouse/Distribution is defined as establishments that store, ship, and distribute goods and materials within completely enclosed structures. The warehouse uses may provide a range of services related to the distribution of goods, such as labeling, breaking bulk, inventory control, and management, assembly, order entry and fulfillment, packaging, pick and pack, price marking and ticketing, and transportation. Uses that would generate emissions, discharge, or waste that may result in soil and/or groundwater contamination are also not permitted in the Green Swamp.

Future Land Use / Zoning	Proposed
Heavy Commercial/Industrial / Light Industrial -1	19.7 ± acres
Conservation	20.2 ± acres

On January 13, 2022, at their regular meeting, the Planning and Zoning Board unanimously voted to recommend that the City Commission approve the future land use and zoning district assignment requests. Aquifer recharge requirements (minimum 30% open space of developable land), low impact development standards, and dark sky preservation standards shall also apply.

On February 7, 2022, the City Commission approved the ordinance on first reading and the future land use and zoning amendment ordinances were transmitted to the Department of Economic Opportunity (DEO) for review. There were no objections, comments, or recommendations specific to these requests.

He said the staff recommendation was for approval of Ordinance 1474-22 on the second and final reading.

Commissioner Maultsby asked how much of the land was considered uplands and **City Manager Leavengood** said 19.7 acres.

Mayor Dearmin opened the public hearing.

Claire Clements (Teams) said they were thrilled to be bringing jobs to Lake Alfred.

Nancy Timmer of 530 N. Pennsylvania Ave asked about the CR-557 Road Widening Project timeline. She said there will be more traffic using the roadway including the other housing developments under construction.

After a brief discussion, **Community Development Director Bailey** said the acquisition of the right-of-way will continue this fall through FY 22/23. Construction is slated to begin in FY 24/25 starting at Interstate 4 and it will take about 3-5 years to complete the phases.

Commissioner Daley mentioned she was working with the Citrus Connection to bring mass transit to that area of the city and had also requested a bus stop at the high school.

Mayor Dearmin closed the public hearing.

Commissioner Maultsby made a motion to approve Ordinance 1474-22 Waylanco Road (east) Future Land Use on the second and final reading. The motion was seconded by **Commissioner Fuller**. The motion was unanimously approved.

City Attorney Claytor read the title of 1475-22 into the record.

City Manager Leavengood said the staff was recommending approval of Ordinance 1475-22 on the second and final reading.

Mayor Dearmin opened the public hearing and seeing no one, he closed the public hearing.

Vice Mayor Eden made a motion to approve Ordinance 1475-22 Waylanco Road (east) Zoning on the second and final reading. The motion was seconded by **Commissioner Maultsby**. The motion was unanimously approved.

Mayor Dearmin presented the next two business items.

- 4.) Ordinance 1481-22: Waylanco Road (west) Future Land Use
- 5.) Ordinance 1482-22: Waylanco Road (west) Zoning

City Attorney Claytor read the title of 1481-22 into the record.

City Manager Leavengood read the analysis into the record. He said on April 18, 2022, City Commission approved Ordinance 1478-22 annexing one 16.66 acres parcel on Waylanco Road into the city limits. This was the second parcel on Waylanco Road that was annexed and is part of the same development. The requests match the Future Land Use and Zoning requests as the eastern parcel on Waylanco Road. The proposed Future Land Use designation is Heavy Commercial/Industrial, and Conservation, and the proposed zoning is Light Industrial (I-1) and Conservation (CN) zoning districts in the Green Swamp Area of Critical State Concern.

Future Land Use / Zoning	Proposed
Heavy Commercial/Industrial / Light Industrial -1	1.59 ± acres
Conservation	15.07 ± acres

On May 12, 2022, at their regular meeting, the Planning and Zoning Board unanimously voted to recommend that the City Commission approve the future land use and zoning district assignment requests.

If approved on first reading, the future land use and zoning amendment ordinances will be transmitted to the Department of Economic Opportunity (DEO) for review. The proposed amendments would be presented for the second reading in September of 2022.

He concluded by saying that the staff was recommending approval of Ordinance 1481-22 on the first reading.

There was not any discussion from the City Commission.

Mayor Dearmin opened the floor to public comments and seeing no one, he closed the floor to public comments.

Commissioner Fuller made a motion to approve Ordinance 1481-22 Waylanco Road (west) Future Land Use on the first reading. The motion was seconded by **Commissioner Maulsby**. The motion was unanimously approved.

City Attorney Claytor read the title of 1482-22 into the record.

City Manager Leavengood said the staff was recommending approval of Ordinance 1482-22 on the first reading.

Mayor Dearmin opened the floor to public comments and seeing no one, he closed the floor to public comments.

Vice Mayor Eden made a motion to approve Ordinance 1482-22 Waylanco Road (west) Zoning on the first reading. The motion was seconded by **Commissioner Fuller**. The motion was unanimously approved.

Mayor Dearmin presented the next two business items.

- 6.) Ordinance 1483-22: Lake Mariana Pointe Future Land Use
- 7.) Ordinance 1484-22: Lake Mariana Pointe Zoning

City Attorney Claytor read the title of 1483-22 into the record.

City Manager Leavengood read the analysis into the record. He said on April 18, 2022, City Commission approved Ordinance 1480-22 annexing the 13.61 acres of property located off the west side of Lynchburg Rd., south of Pinewood Ln, and north of Stewart Ave. The site is currently an undeveloped waterfront property. The staff has worked with the applicant in determining the Future Land Use and Zoning designations. The proposed Future Land Use designation is Urban Residential, and Conservation and the proposed zoning is Residential Neighborhood 2 (RN-2) and Conservation (CN) zoning.

Future Land Use / Zoning	Proposed
Urban Residential/ RN-2	8.2 ± acres
Conservation	5.41 ± acres

On May 12, 2022, at their regular meeting, the Planning and Zoning Board unanimously voted to recommend that the City Commission approve the future land use and zoning district assignment requests.

If approved on first reading, the future land use and zoning amendment ordinances will be transmitted to the Department of Economic Opportunity (DEO) for review. The proposed amendments would be presented for the second reading in September of 2022.

He concluded by saying that the staff was recommending approval of Ordinance 1483-22 on the first reading.

A brief discussion ensued regarding the 8.2 acres being uplands, the 5.4 acres being wetlands, the lake is in Auburndale and not Lake Alfred, and the parcels to the north and south are in the Polk County.

Mayor Dearmin opened the floor to public comments and seeing no one, he closed the floor to public comments.

Commissioner Fuller made a motion to approve Ordinance 1483-22 for Lake Mariana Pointe Future Land Use on the first reading. The motion was seconded by **Commissioner Maultsby**. The motion was unanimously approved.

City Attorney Claytor read the title of 1484-22 into the record.

City Manager Leavengood said the staff was recommending approval of Ordinance 1484-22 on the first reading.

Vice Mayor Eden asked if this was going to be a subdivision and if we knew what setbacks they were looking for.

City Attorney Claytor cautioned and said when zoning is before the City Commission you have to look at the maximum development envelope and the specific use should not be factored into the decision to approve or not approve.

Community Development Director Bailey said they did provide an initial concept plan however with the designation of the conservation area their plan has been modified. She spoke about the new code which promotes conservation with the wetlands and floodplains and this parcel maintaining its natural landscaping.

A brief discussion ensued regarding those residents close to the lake and the difficulty in obtaining flood insurance.

Commissioner Maultsby asked if there were any residents at the Planning and Zoning Board and wanted to know what questions they may have had.

Community Development Director Bailey said there were a few residents in attendance, and they wanted to know about the use, the potential for roadway improvements, and the types of housing.

Mayor Dearmin opened the floor to public comments and seeing no one, he closed the floor to public comments.

Commissioner Maultsby made a motion to approve Ordinance 1484-22 Lake Mariana Pointe Zoning on the first reading. The motion was seconded by **Vice Mayor Eden**. The motion was unanimously approved.

Mayor Dearmin presented the next business item and said a revised Resolution had been provided to the City Commission.

8.) Resolution 08-22: The Lakes Tract 6 Final Plat Acceptance without Dedications

City Attorney Claytor read the title into the record.

City Manager Leavengood read the analysis into the record. He said the applicant, Clayton Properties Group, LLC. has requested approval of a final plat for Tract 6, The Lakes. The ±35.5-acre subdivision is located north of Lake Rochelle and Mackay Boulevard. The City Commission approved the preliminary plat with a variance on September 23, 2021, via Resolution 16-21. The lot layout meets the general requirements of the Unified Land Development Code (ULDC) with the variances approved as part of the preliminary plat. The variances included the reduction in the right-of-way width and the wetland transition zone with wetland mitigation and the creation of a conservation area along the shores of Lake Haines.

The density is approximately 4.1 units per developable acre, which is consistent with both the zoning districts and the Future Land Use (FLU) designation. The construction plans were approved, and the City has received all State permits. The site is currently under construction.

The developers' engineer has submitted the infrastructure estimate and performance estimate for completion of the infrastructure, and the City's engineer has reviewed the estimates. The owner has provided a performance bond in the amount of 120% of the cost, or \$568,504.55 to address the remaining construction cost of the infrastructure. The City Attorney has reviewed the bond.

He concluded by saying that the staff was recommending approval of Resolution 08-22.

City Attorney Claytor said the review process for this development was a little unique because it came on the cusp of our updated and restated Unified Land Development Code (ULDC). Pursuant to the old code, the preliminary plat went to the Planning and Zoning Board and then on to the City Commission but at the request of the developer, they elected to proceed with the development approval for the final plat according to the terms of the new ULDC code. That is why the Planning and Zoning Board did not hear anything on the final plat and it is the final plat that is before you for consideration of approval.

Commissioner Daley asked how did this business item relate to the developers' agreement and referred to the document [Planning and Zoning Board minutes excerpt] provided to them?

City Attorney Claytor said the development must proceed by the terms within the development agreement and that was previously approved.

Commissioner Daley said she had a question about the easements along the lake.

Community Development Director Bailey said as a part of the development agreement they reviewed the site plan and it included all the documentation on the wetlands mitigation and wetland impacts that was already approved by the water management district as well as us. As part of the platting process, the only thing that relates to the agreement is all those items addressed in the developer's agreement that are now in the conservation tract and identified on the final plat.

Commissioner Daley asked if by approving this item tonight are we approving the fifty-foot road variance?

Community Development Director Bailey said the variance was already approved as a part of the preliminary plat and is already constructed. She said this action is so we can divide the property into actual lots.

A discussion ensued regarding the road not being designated as a collector road, on-street parking within The Lakes Tract 8, the right of way is the same as the other phases of The Lakes, our code not allowing for on-street parking unless the area was specifically designed for on-street parking, and the enforcement has been left up to the Homeowners Association or the Police Department in emergency services situations. Further discussion surrounded the developer being able to sell the parcels after approval of the final plat and this being the last Tract in The Lakes Subdivision.

Mayor Dearmin opened the floor to public comments and seeing no one, he closed the floor to public comments.

Commissioner Daley made a motion to approve Resolution 08-22 for the acceptance of the final plat for Tract 6 of “The Lakes” subdivision without dedications. The motion was seconded by **Commissioner Fuller**. The motion was unanimously approved.

Mayor Dearmin presented the next business item.

9.) Resolution 09-22: Kittelson & Associates, Inc.: Transportation Master Plan

City Attorney Claytor read the title into the record.

City Manager Leavengood read the analysis into the record. He said the City of Lake Alfred is proposing to have Kittelson & Associates, Inc. prepare a Master Transportation Plan to identify transportation infrastructure projects and priorities. Kittelson was the engineering firm selected by FDOT to perform the downtown lane repurposing study that was presented in 2019 so they are already familiar with a high-priority transportation project for the City.

The master plan will allow for the establishment of a transportation impact fee to pay for growth-related transportation projects necessary to increase and maintain levels of service on local roads. Additionally, it will provide funding that can be used as a local match to advance and/or assist in projects on County and State Roads (i.e. downtown lane repurposing).

Kittelson and Associates, Inc. was selected through competitive procurement in compliance with statutory requirements (Consultants’ Competitive Negotiation Act) by the City of Clermont in an agreement that was signed in 2020. The City of Lake Alfred’s purchasing policy allows us to piggyback off of other governmental agencies’ bids or agreements that were competitively procured.

The master plan will collect, review, and integrate transportation and projected growth data to identify improvements and projects to address current and future deficiencies in the transportation networks throughout the City. The Transportation Master Plan will also incorporate the work being done on the Complete Streets standards for new roads as well as the improvements that will need to be done on existing neighborhood collector roads that are experiencing increased volume as a result of growth (i.e. Mackay, Glencruiten, West Cummings, East Haines, etc.). Funding is available in unrestricted general fund reserves to fund the master plan.

He concluded by saying that the staff was recommending approval of Resolution 09-22 for an agreement with Kittelson & Associates, Inc. for the creation of a Transportation Master Plan for \$102,505. He said this is more in the wheelhouse of Kittelson & Associates, Inc even though we have our engineers under consultant services agreements. He said this is new for us as we grow from a small to a medium-sized city. He explained this plan is similar to a water or wastewater

master plan and when the data is collected it can potentially be provided to the fee consultants and be used as competent substantial evidence when reviewing and establishing transportation impact fees.

Commissioner Daley said she had a hard time wrapping her head around spending +100,000 when there it is not such a big area to review. She said she would have to put trust in the City Manager to plan for our future roadways.

The City Manager spoke about the historic core, the Lake Lowery area, and also looking at roads feeding into Lake Alfred. He said to look at this as a strategy as to not only what we do want but also what we don't want.

A discussion ensued regarding the impact fees not having to be spent on the same area they originated from, the aggregate can be used in the service area, the potential to retrofit certain roads and the potential to use growth-related impact fees coupled with grants and self-funding for additional opportunities.

Commissioner Maultsby asked what percentage of the cost would be paid for by impact fees and **City Manager Leavengood** said none as it would be funded by the general fund on the front end. He then asked if we could pay ourselves back and the City Manager said that he would run it by the auditor. **Commissioner Maultsby** then asked if it could be funded by the permit fees and **City Manager Leavengood** replied no because it has to be utilized for the enforcement of the Florida Building Code.

Mayor Dearmin opened the floor to public comments and seeing no one, he closed the floor to public comments.

Commissioner Maultsby made a motion to approve Resolution 09-22 for Kittelson and Associates, Inc. to create a Transportation Master Plan for \$102,505. The motion was seconded by **Commissioner Fuller**. The motion was unanimously approved.

Recognition of Citizens: There were none.

Vice Mayor Brent Eden took a moment to reflect on D-Day and thanked all our service members who serve so valiantly for the freedom we have today. He shared a story about watching Saving Private Ryan with his grandfather. He thanked all of the first responders, both Chiefs, and all of the staff as well. Thank you for your hard work.

Commissioner Maultsby asked if the City could educate the residents on Experiment Station Road about annexation and maybe obtain grants for the septic to sewer program. He also asked for the City to educate them on the utility bills because they think we have some of the highest in the state.

City Manager Leavengood said we could follow up with them and that we are getting to the point of having a full-time dedicated planner that would be their entire job or a good portion of it doing annexations. He spoke about the next year circling back to Kings Pointe to bring them into the City.

Commissioner Daley said she liked the new website but could not locate the sanitation schedule for Labor Day. She shared about her upcoming meetings on Thursday with the Transportation

Planning Organization and Friday and said she noticed on the spreadsheet she received they had removed the City of Lake Alfred projects for the 17/92 intersection and the complete streets.

City Manager Leavengood replied and said the staff has been advocating for that with the Florida Department of Transportation and the Transportation Planning Organization. He said he would get the exact reason behind it before she goes to her meeting on Thursday.

A brief discussion ensued about how the CR557 Road Widening Project has been extended from the original point of Lake Swoope Drive to the intersection at US Highway 17/92, there would be no value to the CR557 project if the US Highway 17/92 intersection was not completed, Polk County being the size of a small state with a lot of roadway improvements needed, and the need for alternate transit systems such as railways and buses.

Commissioner Daley mentioned the CR-544 study to our State Representative, and he requested that all email communication on that project be copied to him so he could stay involved.

Commissioner Fuller thanked the visitors and the directors. He wanted to recognize the efforts of the Public Works Department. He shared he sees where the mowing is occurring on the City's right-of-way when property owners don't mow to the edge of the street.

Public Works Director Deaton said they mow it to make the city look better. He explained even in the medians the state only pays the city to mow it once a month and the city mows once a week or every other week to keep Lake Alfred looking good.

A discussion ensued about the city mowing being on the larger vacant parcels that don't maintain the property as they should, and homeowners not taking care of the right-of-way on the outside of their fence lines down streets such as Glencruiten Avenue.

Commissioner Fuller expressed his appreciation and said thank you.

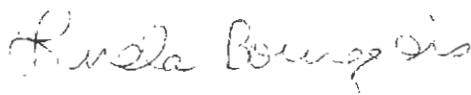
Mayor Dearmin concurred with the Vice Mayor's comments about remembering D-Day and said it is very important we remember the sacrifices of that day and commemorate our Memorial Day. He said things are moving forward on the Water Cooperative and mentioned the next meeting is in July.

Commissioner Maulsby asked about the funding application to Congressman Soto's Office and

City Manager Leavengood said the city was selected as a finalist. He continued and said it appeared that the Florida Recreation Development Assistance Program (FRDAP) was fully funded and he is optimistic about a potential award letter. He concluded by saying we are finalists in some decent-sized grants this year.

Without further comments, at 9:07 p.m., the City Commission meeting was adjourned.

Respectfully submitted,



Linda Bourgeois, BAS, MMC,
City Clerk