

**MINUTES  
CITY COMMISSION MEETING  
MONDAY, JULY 11, 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:** Police Chief Art Bodenheimer provided the invocation and **Mayor Dearmin** led the Pledge of Allegiance.

**Roll Call:** City Clerk Linda Bourgeois

**City Commissioners in attendance:** Mayor Jack Dearmin, Commissioner Mac Fuller, Commissioner Nancy Daley, and Commissioner Albertus Maultsby.

Vice Mayor Brent Eden was absent.

**Commissioner Fuller** made a motion to excuse the absence of Vice Mayor Eden. The motion was seconded by **Commissioner Maultsby**. The motion was unanimously approved.

**Staff in attendance:** City Manager Ryan Leavengood, City Attorney Seth Claytor, Parks and Recreation Director Richard Weed, Police Chief Art Bodenheimer, and Community Development Director Ameer Bailey.

**City Manager Leavengood** the next City Commission meeting will be on July 25, 2022, and announced the upcoming Florida League of Cities Annual Conference dates.

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

Recognition of Citizens

**Jane Brumbaugh** of 655 E. Pierce Street said the Lake Alfred Friends of the Library will be hosting an anniversary event on Monday, July 25, 2022, at the Lake Alfred Library beginning at 3:00 PM. They will be celebrating the 60th anniversary of the foundation of the library which was originally in the Chamberlain Building and the 10th anniversary of the opening of the Edwin Moore Memorial Library. She invited everyone to attend and distributed invitations to the City Commission.

**Mayor Dearmin** read the Lakes Appreciation Month Proclamation and it was accepted by Ron Schelfo of Ron's Tackle Box. He said we are good stewards of the environment in the city and we have good people that work together to monitor things through our systems. We have grass cuttings that are being blown into the road and we do have an ordinance against this and we try to let people know that we have an ordinance against this practice.

**Ron Schelfo** said it was an honor to receive this proclamation. He said right here in town we have access to great waters, recreation, and fishing, and it brings a lot of revenue to our community. We have six lakes with eight fishing piers that are open to the public and well maintained by the city. We appreciate that. He concluded by saying thank you so much.

**Mayor Dearmin** read the Parks and Recreation Month Proclamation into the record and it was accepted by Parks and Recreation Director Richard Weed. He expressed his gratitude for Richard and his team saying they worked diligently every day to keep our parks clean and we appreciate him.

**Parks and Recreation Director Weed** said it has been exciting the past few years and the next year is looking to be more exciting.

**Erin Killebrew** of Citrus Connection thanked the City Commission for allowing her to present.

### **Overview of Presentation**

- From October 2019-Feb 2022 there were 7,600 boardings from bus stops in Lake Alfred.
- Highway 17/92 & Haines Blvd serviced 1,138 of those boardings.
- Total Revenue Miles was 19,152 at \$7.94 per Revenue Mile
- The City's share is 20% at an amount of \$27,059.90.
- The cost will not increase this year due to the two-year budget and agreement.
- From October 2021- January 2022 there were 748 ADA/Transportation Disadvantaged trips.

**Commissioner Daley** asked about the transportation surveys and when the data compiled would be available. She shared her recommendation of having the internet on the buses and the potential for new stops in the north area of the city.

**Erin Killebrew** explained they had tried wi-fi on the bus with the most ridership and nobody was using it. She said they advertised it on the outside of the bus and said the Northeast area of Polk County was contracted out to Transitions and she thought they had wi-fi. She said she would pull the data and provide the city with an update. She continued and spoke about they now had a proper planning department and would start working on the annexations from over the last ten years. There are no third-shift bus routes or weekend routes and there may be another referendum regarding transportation soon.

Consent Agenda:

- 1.) City Commission Meeting Minutes for June 21, 2022
- 2.) City Commission Announcements

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

**Mayor Dearmin** presented the first two business items for consideration.

- 1.) Public Hearing: Ordinance 1483-22: Lake Mariana Pointe Future Land Use Assignment
- 2.) Public Hearing: Ordinance 1484-22: Lake Mariana Pointe Zoning Assignment

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

**City Manager Leavengood** read the analysis into the record. On April 18, 2022, City Commission approved Ordinance 1480-22 annexing the 13.61 ac 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.

<b>Future Land Use / Zoning</b>	<b>Proposed</b>
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. On June 6, 2022, the City Commission approved both ordinances on the first reading.

He concluded by saying the staff was recommending approval of Ordinance 1483-22 on the second and final reading.

**Commissioner Maultsby** asked if anyone opposed the annexation and Director Bailey said the city had only questions but no opposition.

**Commissioner Daley** asked about the proposed land use and zoning of the eight acres with a density of 197 dwelling units.

**Community Development Director Bailey** explained the city had to present the maximum allowable land use and that they were requesting RN2 zoning.

A discussion ensued regarding the conservation area being allowed to be a passive recreational area with the potential for a path for the community, the RN2 is the mobile home type zoning with 12 units per acre, townhomes and apartments are permissible, and the higher density types of developments oftentimes indicate more affordable housing.

**City Manager Leavengood** provided an overview of the land use and zoning categories and said these proposed land use and zoning categories provide options for development.

Discussion surrounded the potential for a street down the middle with residents on both sides of the street, a road that touches a nearby parcel which could be secondary access, and this would provide a mixture of housing options.

**Commissioner Fuller** asked if there was a way to monitor the single-family homes with multiple families residing on the property.

**City Manager Leavengood** said we have made changes to the Unified Land Development Code to make it a standard for single-family homes to have a garage. He said it also provided a mechanism for accessory dwelling units with certain conditions by the Florida Building Code for occupancy.

**City Attorney Claytor** said by looking at the property, less the maintained right-of-way on the southside, he would estimate the width of the parcel to be between 500-550 feet wide.

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

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

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

**City Manager Leavengood** stated that the staff was recommending approval on the second and final reading.

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

**Commissioner Maultsby** made a motion to approve Ordinance 1484-22 for the Lake Mariana Pointe Zoning on the second and final reading. The motion was seconded by **Commissioner Fuller**. The motion was unanimously approved.

**Mayor Dearmin** presented the next business item.

3.) Public Hearing: Ordinance 1487-22: Polk Training Center Annexation (Correction)

**City Attorney Claytor** read the title into the record.

**City Manager Leavengood** read the analysis into the record. The City Commission previously approved the annexation of the Polk Training Center on December 6, 2021, by Ordinance 1470-21. This item is being presented for readoption to correct an error in the legal description of the property. The action currently before the City Commission is only on the annexation of the property into the City. The future land use and zoning classification on the property will be presented at a future meeting following the annexation.

He concluded by saying the staff was recommending approval of Ordinance 1487-22 on the second and final reading.

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

**Commissioner Fuller** made a motion to approve Ordinance 1487-22 for the Polk Training Center (Correction) Annexation on the second and final reading. The motion was seconded by **Commissioner Daley**.

**Mayor Dearmin** presented the next business item.

4.) Public Hearing: Ordinance 1488-22: South of Clark Road Annexation (Serdjenian)

**City Attorney Claytor** read the title into the record.

**City Manager Leavengood** read the analysis into the record. He said several property owners within the Serdjenian Subdivision have requested annexation into the City. The subdivision is located at the western edge of the city limits. Polk County has consented to the annexation of the right-of-way for the roads within the subdivision without a transfer agreement. Together there are 25 parcels proposed for annexation, for a total of approximately 25.15± acres. The additional right-of-way of approximately 2.55± acres creates a total of approximately 27.7± acres for annexation.

The City can pursue annexation of the parcels according to Section 171.043 subsections (1) and (2) (c) respectively.

- The total area to be annexed must be contiguous to the municipality's boundaries and reasonably compact, and no part of the area shall be included within the boundary of another incorporated municipality.
- It is developed and at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less.

Section 171.042 of the Florida Statutes requires that the City Commission prepare and file a report with the Board of County Commissioners of Polk County, Florida, setting forth the City's plans to provide urban services to the proposed annexation area. On April 4, 2022, the City Commission approved the Urban Services Report by Resolution 04-22.

The action currently before the City Commission is only on the annexation of the property into the City. If approved by the City Commission and the registered voters of the area, the establishment of Future Land Use and Zoning designations would be considered in future action items presented to the Planning and Zoning Board and then the City Commission. The following approval on the first reading there has been a minor language change in the ballot title to comply with statutory formatting requirements and an edit to the legal description to satisfy the metes and bounds requirement.

He said the staff was recommending approval of Ordinance 1488-22 on the second and final reading.

**Commissioner Daley** asked if the ordinance would be voided if the annexation was voted down by referendum and City Manager Leavengood said yes.

**Mayor Dearmin** opened the public hearing.

**Eddie Myers, Jr.** of 323 and 623 Myers Lane approached the podium. He said per your petition notice we did not volunteer because there are too many unanswered questions. He said they have land uses that do not conform to the city's regulations and as he understood it would be grandfathered in. He addressed the property on Myers lane saying the structures were demolished as of 2006. He spoke about the Myers Lane being done away with, and the new proposed roads and additional rights of ways that were discussed in 2016 with the Community Development Director. He continued and spoke about the emergency response vehicles and wanted to know if there would be sufficient entrance and exit strategies. The address was changed from 623 to 323 Myers Lane by the E-911 addressing department. He said it seemed they wanted to do away with the Myers Lane access but we will need access down to it. He mentioned Clark Road, spoke about the 11 parcels of land on two lots that were consolidated to one parcel, and his title search results in 2019.

**City Attorney Claytor** said he addressed a lot of valid concerns. He said he understood the legal nonconforming argument that he was making and said if you have a valid legal mobile home park then upon annexation you will be grandfathered in if the land use and zoning assigned to the property would otherwise not allow the existence of a mobile home park, you would be legally permitted to operate as a mobile home park. There would be no change or status of the property

unless that use is expanded upon. That is how legal nonconforming status works. As far as the roads he would defer to the Community Development Director.

**City Manager Leavengood** said this is an annexation item and annexation just brings it into the city. Discussion of roads, construction, and access is getting into the development of the property. Are the owners planning on developing the property, and if so they would develop under our code.

**Community Development Director Bailey** said she and Mr. Myers talked in the 2018-2019 timeframe and the property structure had already been demolished. His property is vacant land so he does not have anything that is nonconforming. She said the letter that was sent to the property owners highlighted the benefits of the city such as enhanced fire, police, and sanitation services. About Myers Lane, we have through the City Commission approved the potential changes to Lynchburg Road. She said it would eventually eliminate Myers Lane to have Lynchburg Road turn earlier and come up and assume the location of Myers Lane. The plan is to eventually have a better road in place of Myers Lane which is now a city-owned and maintained dirt road. That is the goal to have an access point on Myers Lane. She said there was a right of way at the Serdjenian Subdivision and the planning department hopes that at some point we will be able to use those access points rather than Clark Road. Clark Road is a county road and in discussions with the County, Clark Road is in the CSX right of way so it is very difficult for the county to maintain, expand or do anything with it. It is not necessarily a road the City would want to take on due to its difficulty with it. We have been working with the property owners and the Florida Club to maintain the vacant right-of-ways. She spoke about working with the Florida Club to reopen a right of way previously vacated by the County so there would be a connection between Myers Lane and the Serdjenian Subdivision. She said if we did not take Myers Lane we would be creating an enclave which is not allowed by Florida Statutes. The city will maintain access whether it is through Myers Lane until Lynchburg Road is redesigned and we don't know the timeframe.

**Margaret Myers McGill** shared her concerns about access by taking up land in the area around Myers Lane and said they made the access road in between the two properties. She wanted to know why the road did not go through the baseline of the property and rather cut through their property.

**Community Development Director Bailey** said the goal was not to take any property along Myers Lane. There are a couple of possibilities for connection from the Serdjenian Subdivision to Lynchburg Road. She reviewed the options and potential opportunities that may be available and said none of the options include taking any property unless the property owner wants to provide access.

**City Attorney Claytor** said this is about the annexation and this is not about eminent domain. The City is not looking to take any property from any property owners. That is a different issue and we are talking about this ordinance authorizing an annexation referendum because there were certain property owners we were unable to contact for them to provide a voluntary petition or application to annex.

**Margaret Myers McGill** said she was here to see if the access would take away from the property because if we are annexed we would be under the laws of the City of Lake Alfred. If I wasn't compliant we would not be out of compliance, we want to be compliant. If you are taking property from us, at the very beginning be honest. We just want to know if you will be consuming or taking over our property for access.

**City Manager Leavengood** said the annexation is separate from the concerns about road access and properties. He recommended a meeting with the Community Development Director to map out the area. He said the Florida Club is what is driving the road configuration. He spoke about the changes that annexation would have on them as property owners and it was decided to map the potential access roads and have a meeting with the Myers.

**Community Development Director Bailey** said there were no intentions in asking for any property owners in this area to participate in any dedications of land. She concluded by saying she would show the plans to the Myers for them to have a level of security.

**Mayor Dearmin** closed the public hearing.

**Commissioner Daley** asked about the property to the north and wanted to know if it was inside the city limits and the answer was yes.

**Commissioner Maultsby** stated he would be abstaining from the vote because he has a conflict of interest with owning property within the subdivision.

**Commissioner Daley** made a motion to approve Ordinance 1488-22 for the South of Clark Road Annexation (Serdjenian) on the second and final reading. **Commissioner Fuller** seconded the motion.

**Commissioner Maultsby** abstained from voting and the motion was unanimously approved by the balance of the City Commission with a roll call vote.

Recognition of Citizens:

There were none.

Commissioner Questions and Comments:

**Commissioner Daley** said the Ridge League of Cities found sponsors for the breakfast so there will not be a cost for the elected officials. She shared the Transportation Planning Organization moved their meeting in August from the 11<sup>th</sup> to the 25<sup>th</sup> due to a conflict with the Florida League of Cities Annual Conference dates. She continued and asked about the Artavis Family Fun Day at Central Park.

**Parks and Recreation Director Weed** said this was a football player from the NFL that partners with the Little League and they will have games, food, and bounce houses for kids of all ages.

A discussion ensued about paying for a guest at the breakfast and it was determined that they should just send in the reservations to the City Clerk and she would get back to them if there is a cost.

**Commissioner Fuller** thanked the attendance of the guests in the audience. He thanked Ron Schelfo and Parks and Recreation Director Weed for their work in the City. He said he has had a chance to meet with the residents and was appreciative of the city leaders and their responses. He said it was nice to know the citizens and he concluded by saying thank you.

**Mayor Dearmin** said we are busy during the summer but the City is looking nice with the landscaping and he applauds everyone here tonight for the meeting.

**Commissioner Maultsby** said he was concerned about the bank closing and the City has had a bank since 1929. Now, the bank is closing, the restaurants are closing, and we have 4,000 houses coming in. What is going on?

**City Manager Leavengood** said he thought it was just bad timing with CenterState being acquired by another company and that parent company looking through their inventory for cost-cutting measures with the assumption we will travel over to the Auburndale branch. Had CenterState maintained it they would have stayed put. He spoke about the loss for the city and said the City uses the bank and many of us have personal accounts with them and know everyone. He said fortunately the employees are being moved to other branches because he was concerned about them. If we supported a bank for that many years and with our population projections you would think we could maintain and sustain a bank.

**Commissioner Daley** asked if we could notify the marketing firm that we have a nice bank looking for an owner.

**City Manager Leavengood** said we can let them know that and he is working on a City Commission update because there are opportunities there with it being contiguous to City Administration and the Police Department. They are a victim of the consolidation takeover.

**Commissioner Maultsby** asked if we had to keep accounts with them when they pull out.

**City Manager Leavengood** said no, the finance director is evaluating as CenterState may not have been the best in terms of government functions because we have complexities and nuances that many private sector businesses don't have. We are evaluating our options but nothing is set in stone or concrete at this time. He will keep the City Commission updated on the evaluation results.

**Commissioner Fuller** said it was disappointing to see the bank close because he will miss our neighbors. After all, they hosted events with the Chamber of Commerce and he mentioned the blood drive. He shared he had attended three ribbon cuttings in the City and two have already shut down. He said we need to visit with our neighbors and community members to support our local businesses. The Chamber of Commerce needs to come in and reestablish the efforts to show what things we do have available and start an active program with businesses for involvement with this growth process. Thank you.

Without further comments, at 8:53 p.m., the City Commission meeting was adjourned.

Respectfully submitted,



Linda Bourgeois, BAS, MMC,  
City Clerk