

**MINUTES  
CITY COMMISSION MEETING  
THURSDAY, SEPTEMBER 8, 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:** Bill Gaff, Associate and Senior Ministry Pastor of the First Baptist 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, Finance Director Amber Deaton, Public Works Director John Deaton, Community Development Director Ameer Bailey, Parks and Recreation Director Richard Weed, and Police Chief Art Bodenheimer.

**City Manager Leavengood** announced the next City Commission meeting will be held on Thursday, September 22, 2022. He continued and announced the upcoming retirement luncheon for Fire Chief Wallace Nix on Friday, September 30<sup>th</sup> from 11:30 AM to 1:30 PM in City Hall.

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

Recognition of Citizens  
There were none.

**Mayor Dearmin** read the Constitution Week Proclamation Month Proclamation into the record.

**Mayor Dearmin** presented the Consent Agenda for consideration.

**Consent Agenda:**

- 1.) City Commission Meeting Minutes for August 22, 2022
- 2.) City Commission Announcements

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

**Mayor Dearmin** said that the State Law requires the first substantive issue to be discussed at this hearing is the percentage increase in the millage over the rolled-back rate and the reasons ad valorem taxes are being increased. The City of Lake Alfred's proposed operating millage is 6.989 mills and is 8.66% more than the rolled-back rate of 6.029 mills. The ad valorem proceeds resulting from the difference between the proposed rate and the rolled-back rate will be used to offset the increased operating expenses of the city.

- 1.) Public Hearing: Tentative Millage Rate

2.) Public Hearing: Ordinance 1496-22: FY 2022/2023 Annual Budget

**City Manager Leavengood** read the analysis into the record. Over the past several months the City Commission has been presented with and given approval to the various draft sections of the FY 2022/2023 annual operating budget including Capital, Expenditures, Revenue, and Payroll.

The proposed FY 2022/2023 budget assembles the previously approved sections into the final budget with updates from July's experience and obtaining final revenue and expenditure projections. The proposed budget is balanced with the proposed millage rate of 6.989 which is 0.25 mils less than the current year millage rate of 7.239 and an 8.66% increase over the rolled-back rate of 6.029 mils.

The final budget with any corrections will be combined with any associated attachments and supplemental information and be presented along with the final millage rate on Thursday, September 22, 2022. He presented the differences in the current rate, rollback rate, and proposed rate.

He concluded by saying the staff was recommending approval of the final millage rate of 6.989 for FY 2022/2023.

**Commissioner Maultsby** asked about the dollar amounts associated with the differences in millage rates.

**City Manager Leavengood** said the current rate would be \$2,136,047; the rollback rate would be \$1,779,006, and the proposed rate would be \$2,062,278 which is \$73,769 less than if we had kept the current rate.

**Mayor Dearmin** commented on the dedicated work from the City Manager and city staff.

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

**Commissioner Daley** asked why the rate was considered tentative and it was shared the final millage rate adoption would come back to them at the next meeting in the form of a Resolution.

**Vice Mayor Eden** made a motion to approve the final millage rate of 6.989 for the fiscal year 2022/2023. The motion was seconded by **Commissioner Maultsby**. The motion was unanimously approved.

**Mayor Dearmin** introduced Ordinance 1496-22 on the first reading.

**City Attorney Claytor** read Ordinance 1496-22, in its entirety, into the record.

**City Manager Leavengood** said the staff was recommending approval of the Ordinance on the first reading. He presented a summary and provided an overview of the 2022/2023 budget. The total budget was 17,488,988.

**Vice Mayor Eden** said that the staff did a great job with the increased capital and decreased millage rate. He said he appreciated the City Manager and the good work.

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

**Vice Mayor Eden** made a motion to approve Ordinance 1496-22 adopting the FY 2022/2023 Annual Budget on the first reading. The motion was seconded by **Commissioner Fuller**. The motion was unanimously approved.

**Mayor Dearmin** introduced the next item of business.

3.) Public Hearing: Ordinance 1495-22: Street Naming Policy

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

**City Manager Leavengood** read the analysis into the record. He said city staff has been working with Polk County, the City of Auburndale, and Adam's Estate to rename Old Lake Alfred Road (from West Pierce to Five Points in Auburndale). There are only a couple of addresses on Old Lake Alfred Road and changing it would eliminate confusion/redundancy with other roads that have the phrase "Lake Alfred" in them. In looking at our own policies staff has reviewed the City's current street re-naming policy of which a fee schedule was adopted by Ordinance in 2010 which established the fees associated with the renaming of the city's streets.

The Ordinance included a minimum \$250.00 non-refundable deposit; Planning Board Meeting public hearing notice; City Commission public hearing notice; recording fee; notice of street name change; administrative fees and mail notification; as well as the cost of street signage. The policy itself was an internal policy that would require petitions for the Board and Commission to consider.

The existence of a fee schedule and internal policy seemingly indicates that the City Commission is permissive and receptive to street renaming. With the difficulty, likely opposition, the historical significance of names, and the cost of doing so street renaming by its very nature is rare, selective, and generally only undertaken if there is minimal impact on existing addresses (i.e. roads with only a handful of addresses).

The proposed ordinance removes the fee schedule and replaces it with language that the City Commission reserves the right to rename City streets by resolution. If there is ever an interest by the Commission, staff, or the public to rename a street it can be presented to the City Commission, and then staff can perform the due diligence surrounding the feasibility of such a request if there is interest from the City Commission to proceed. There was a minor modification to the proposed language for codification since the first reading by the City Attorney's office.

He concluded by saying the staff was recommending approval of Ordinance 1495 on the second and final reading.

There were no City Commission comments.

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

**Commissioner Fuller** made a motion to approve Ordinance 1495-22 amending the street naming policy on the second and final reading. The motion was seconded by **Commissioner Maultsby**. The motion was unanimously approved.

**Mayor Dearmin** introduced the next business item for consideration.

4.) Ordinance 1497-22: Silverlake CDD

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

**City Manager Leavengood** read the analysis into the record. He said Pulte Home Company, LLC. submitted a petition pursuant to Florida Statutes (F.S.) Chapter 190, requests the City to adopt an ordinance establishing a Community Development District (CDD) to be known as the Silverlake CDD and designating the land area for which the district would manage and finance the delivery of basic services. The proposed CDD site is located west of the intersections on CR 557 with Gum Road and WGTO Tower Road. The land to be served by the CDD is approximately 150 acres and is proposed for 418 single-family lots.

A CDD is an independent special district authorized by Florida Statutes 189 & 190, as a mechanism to manage and finance basic community development services. A CDD may issue bond bonds and levy and assess ad valorem taxes. The future residents and/or owners of land within the CDD then make the payments with revenue gained by the levy of special assessments and ad valorem taxes (CDDs are held to a three-mill cap) to retire the bonds and to pay the operating expenses of the CDD. A disclosure statement must be furnished to all buyers, and contracts for the sale of property within the CDD must contain information about the CDD.

CDDs of less than 2,500 acres in size are created by counties or municipalities through ordinances, which provide for general and special powers for public improvements and community facilities. Additional special powers may be conferred to a CDD for parks, recreation, fire prevention, schools, security, mosquito control, and waste collection and disposal. Once established, a CDD is a public agency and, therefore, is subject to financial disclosure, accountability, ethical practices, and the Sunshine Law requirements, which apply to governmental entities.

The applicant must satisfy the petition, notice, and public hearing requirements in Section 190.005(2)a & 190.005(2)b of Florida Statutes. In determining whether to grant or deny the petition the City Commission must base its decision upon the fair determination of germane, relevant, and material information relating to the six statutory factors identified in Section 190.005(2)b of Florida Statutes.

The applicant has also agreed to file a Petitioner's Agreement to establish rights and obligations of the City, Petitioner, and any successors-in-interest. The agreement addresses:

- Enhanced Entry Feature
- Financial Disclosure to prospective buyers and annual disclosures to existing homeowners
- Landscape enhancements
- Open Space, Passive Parks, and Dog Park
- Multimodal Corridor
- Utility Extensions
- Right-of-Way Maintenance
- Amenity Center – cabana, restrooms, pool, playground, mail center, and trail.

If approved on the first reading, the proposed Ordinance will be presented for second and final reading at a public hearing on September 22, 2022.

**Jere Earlywine** of KE Law Group provided a presentation on the Silverlake Community Development District.

#### Overview of Presentation

- The project is 149.7 acres
- There are 418 homes planned
- There will be 12M in public infrastructure which includes roads, ponds, hardscape, and landscape
- There are 214 lots planned in phase I
- Amenities include a dog park, robust trail system, pool, 2,500 Sq Ft. cabana, and a tot lot
- The landscaping along 557 includes a mix of oaks, elms, pines, and holly
- There are open spaces and passive parks
- A multimodal corridor with a roundabout
- Stormwater system maintenance
- Utility extensions over a mile
- The homes shown were the Millrun and Medina
- Most of the lots were 40 and 50-foot lots

**City Manager Leavengood** spoke about the new code and then said the developers were very responsive and worked well with the staff.

**Jere Earlywine** thanked the City Commission for their consideration and the opportunity to speak tonight.

**Commissioner Maultsby** asked if the trail system would be open to the public and the response was yes.

A discussion ensued regarding the public having to pay to use the pool, the pool fees charged not being arbitrary, and the outdoor cabana being a 2,500 sq ft area.

**Commissioner Daley** said she appreciated the buffer system on the road and asked about the PVC fences. The response was the PVC privacy fences would be tan in color on the interior, the exterior would be open fences along the road, and they are already in the permitting process.

**Mayor Dearmin** asked if Silverlake would remain elevated above CR-557 and the response was it would be close to the height it is now.

**Commissioner Daley** asked Mr. Earlywine to explain why they were the best alternative.

**Mr. Earlywine** said that in many jurisdictions the cities are getting away from operating and maintaining the roads with most cities taking utilities and others not. A lot of places are requiring a special taxing district because they do not want the roads. He spoke about the homeowners' associations (HOA) and said there is a lot of above and beyond amenities in a Community Development District. He continued and said the HOAs don't have the ability to go back and issue taxing bonds, the ability to collect on the tax rolls, sovereign immunity protections, FEMA, or statewide mutual aid. There are a lot of financial advantages, and it is just a better structure.

A discussion ensued about the school concurrency numbers, the difference between the number in the staff report and on the letter of approval, and the concurrency request having to be approved before a shovel can go into the ground.

**Community Development Director Bailey** said the original concurrency letter was a non-binding letter and the binding letter was the most current. She will update the staff report to reflect the correct number.

Further discussion surrounded the potential for an elementary school, the school board determines concurrency, the ability to enforce code within the CDD, and the price of the homes being competitive with the current housing market.

**Vice Mayor Eden** asked about the setbacks, and he was told the side setbacks were 5 feet, with a 25-foot setback in the front and a 15-foot setback in the rear. He asked about the operating and maintenance fee and was told the target was \$25 per front foot with a target of around \$1,250.

**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 1497-22 establishing the Silverlake Community Development District on the first reading. The motion was seconded by **Vice Mayor Eden**. The motion was unanimously approved.

**Mayor Dearmin** introduced the next two business items for consideration.

- 5.) Developers Agreement: Eden Hills Phase 2
- 6.) Resolution 14-22: Eden Hills Phase 2 Final Plat w/ Performance Bond

**City Manager Leavengood** read the analysis into the record. He said the applicant, JMBl Development, LLC., has requested approval of a final plat for Phase 2 of the Eden Hills subdivision. The approximately 177.5± acre subdivision is located north and east of Cass Road, north of Lake Alfred, south of Lake Grassy, and west of County Road 557. The subdivision was developed utilizing the master-planned community (cluster) provision within the Green Swamp Area of State Concern. The development includes 65.35± acres of lake and 38.99± acres of open space. Phase 2 includes 400 lots at a density of 3.59 units/developable acre. The construction plans were approved by the City on February 14, 2022. The city received all state permits, and the site is in the final stages of construction.

The staff has worked with the applicant to ensure conformance with the Unified Land Development Code (ULDC). In addition, the developer agreed to upsize certain utility lines from 8" to 10" to support future connections to the west and create a looped system. The payment to the developer is offset in the form of water and wastewater connection fees for the Amenity Center. The cost to upsize the pipes was \$43,217 and the connection fees are \$44,033.06. The Developer will pay the difference of \$816.06 when the building permit is issued for the Amenity Center. The temporary utility easement included in the Resolution addresses offsite utility lines installed to support Phase 2.

The plat requirements have been verified by the city staff and consulting City Attorney, engineer, and surveyor. The developer has submitted the infrastructure estimates for completion of the infrastructure and has provided a performance bond in the amount of 120% of the engineer's

certified cost for all remaining improvements to be constructed, or \$1,555,748.71. Infrastructure dedications will be accepted at the time of final completion.

He concluded by saying that the staff was recommending approval of the Eden Hills Developers Agreement.

**Mayor Dearmin** asked if this area was north of phase one and the response was yes.

**Commissioner Maultsby** asked if they were ready to start construction on the homes and the response was yes.

A brief discussion ensued regarding the utility upsizing going from 8 to 10 inches, the lots mostly being 50 feet or larger, and the utility agreement was for an east/west connection to Adams Barn Road to create a flushing loop.

**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 the Eden Hills Developers Agreement. The motion was seconded by **Vice Mayor Eden**. The motion was unanimously approved.

**City Attorney Claytor** read the title of Resolution 14-22 into the record.

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

**Vice Mayor Eden** asked which phase the amenity center was going to be built and **Community Development Director Bailey** said it was a part of this phase. She went on to share there would be a large pool and cabana area with a 427-person occupancy limit, a community dock, and a playground.

A discussion ensued that this area would be open to the public with a charge for non-residents for use.

**Commissioner Maultsby** made a motion to approve Resolution 14-22 approving the Eden Hills Phase II Final Plat with the performance bond. The motion was seconded by **Commissioner Daley**. The motion was unanimously approved.

**Mayor Dearmin** recessed the City Commission meeting at 8:41 PM.

**Chair Dearmin** called to order the Community Redevelopment Agency Meeting at 8:41 PM.

**City Clerk Bourgeois** conducted the roll call.

**Community Redevelopment Board Members in attendance:** Chair Jack Dearmin, Vice Chair Brent Eden, Board Member Mac Fuller, Board Member Nancy Daley, and Board Member Albertus Maultsby.

**Staff in attendance:** City Manager Ryan Leavengood, City Attorney Seth Claytor, Finance Director Amber Deaton, Public Works Director John Deaton, Community Development Director Ameer Bailey, and Police Chief Art Bodenheimer.

**Chair Dearmin** presented the consent agenda for consideration of approval.

- 1.) Community Redevelopment Meeting Minutes for November 16, 2020, and May 16, 2022.

**Vice Chair Eden** made a motion to approve the minutes from November 16, 2020, and the May 16, 2022, Community Redevelopment Agency Board meetings. The motion was seconded by **Commissioner Maulsby**. The motion was unanimously approved.

**Chair Dearmin** presented the CRA Resolution 02-22 for the adoption of the Annual Capital Improvement Program and FY 22/23 and FY 23/24 Operating Budgets.

**City Attorney Claytor** read the Resolution, in its entirety, in the record.

**City Manager Leavengood** read the analysis into the record. He said the proposed capital improvement program (CIP) for the Community Redevelopment Agency (CRA) is consistent with previous budget presentations. The FY 22/23 & FY 23/24 budgets include \$250,000 each year being set aside for projects and initiatives from operating revenues. The Budget & CIP also have funding set aside for the remaining one year of the retail consultant agreement (\$40k each year) and \$100,000 each year for facade grants.

Future years in the CIP show a buildup of funds for streetscaping projects which may act as a partial match or complement future FDOT projects in the downtown area (signalization, road diet, design improvements, etc.).

He concluded by saying that the staff recommendation was for approval of the CRA Resolution 02-22. He stated that there was a modification to the resolution to include the Capital Improvement Program.

**Chair Dearmin** said he was pleased to see the Community Redevelopment Agency continues to grow.

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

**Vice Chair Eden** made a motion to approve CRA Resolution 02-22. The motion was seconded by **Board Member Fuller**. The motion was unanimously approved.

Without any further comments, at 8:48 PM Chair Dearmin adjourned the CRA Meeting.

**Mayor Dearmin** reconvened the City Commission meeting at 8:48 PM.

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

## **Recognition of Citizens**

**Brenda Arnold** of 435 W. Pierce Street said thank you to the City Commission for all they are doing in Lake Alfred. This is a great city. She thanked the City Manager, the Parks and Recreation Director Weed, and the Police Chief Art Bodenheimer. She said he conducted traffic flow in the mornings, so the students get to school, and the people get to work on time. She said everyone is doing a great job. She concluded by saying happy birthday to the August and September babies and congratulated the retirees and years of service award recipients. Thank you.

#### **Commissioner Questions and Comments:**

**Commissioner Maultsby** asked with the approval of the houses tonight are we going to have enough water?

**Public Works Director Deaton** deferred to the City Manager for a response.

**City Manager Leavengood** spoke about the interlocal agreement approved earlier this year with the Polk Regional Water Cooperative (PRWC) for the alternative water supply projects. He continued and spoke about working with the district on obtaining a gap permit for a modification to our use permit, us pumping about 1.1M with our permit being for 1.3M, the alternate water supply estimated to be available in 2025-2026, and the need for a future expansion of the wastewater plant.

**Mayor Dearmin** said the PRWC is moving forward and there were two more participants that are coming on board.

**Commissioner Daley** mentioned the auto show Lion's club was hosting this Saturday from 8 AM – 4 PM. She shared about the pick-up line for Lake Alfred Elementary that started at Ricklynn Avenue at Haines Blvd. and went to the Ramona Avenue intersection, all the way down Ramona to Cummings, and then up to the school. She said she turned around and went up to Thelma and they were parked the other way too. There is just no place to line them up and she wants to keep that in mind when we talk about Ramona Avenue becoming a collector road. There were a ridiculous number of cars. She continued and said she would not be able to attend the first policy committee meeting due to her being out of town for a high school reunion. Thank you.

**Commissioner Fuller** shared he attended the Ridge League of Cities dinner in Auburndale at the civic center. He said there were about two hundred people in attendance. He thanked Community Development Director Bailey and the City Manager for facilitating his attendance at the Planning workshop held on Tuesday. He said he appreciated learning from those that trained the director to be as capable as she is. He said he would not be at the next meeting and thanked the City Commission for allowing him to take a trip from his wife. He concluded by saying he would see everyone in October.

**Mayor Dearmin** said hopefully the weather would hold out for the car show at Lions Park this Saturday. He said the Ridge League dinner was great as we celebrated our 75<sup>th</sup> Anniversary and the Florida League of Cities just had their 100<sup>th</sup> Anniversary. The president of the Florida League of Cities attended the Ridge League of Cities dinner. He said he is looking forward to the next meeting to get the budget completed.

**Vice Mayor Brent Eden** thanked the residents in the audience for their attendance and thanked the Police Chief and first responders. He thanked the staff for all the work on the budget and recognized Finance Director Deaton for a job well done to make the budget balance.

**Commissioner Maulsby** asked to repeat the retirement celebration date, time, and location.

**Commissioner Fuller** asked if the city was having issues with drainage or the lake levels with all this rain we are having. He mentioned the lake was up to touching the boards on his dock.

**Public Works Director Deaton** responded and spoke about the nature of this time of year getting a lot of rain in the afternoon. He said once the ground gets saturated the lakes start filling up. He said he has been monitoring the lake level of Lake Alfred along with the stormwater drains to make sure they are unobstructed and shared there was some talk of the Southwest Water Management District attempting to lower the lake levels. We will be going through this for a while during the rainy season.

A brief discussion ensued about the canal lock levels being high, the hesitancy of opening the flood gates even in the event of hurricanes, and it takes a few weeks to lower the lake levels just because of the volume of water.

**Public Works Director Deaton** said the water would be high for a while.

**Commissioner Daley** mentioned some restaurants on the Chain of Lakes had water coming inside the restaurants.

**Public Works Director Deaton** said we go through this every couple of years, but we need it because we get those dry spells.

**Mayor Dearmin** asked if the lift stations were all in good shape and **Public Works Director Deaton** replied yes, they were. He said the issues with the lift stations are typically power outages or inflow where people have broken cleanouts, unsealed manholes, and lightning strikes.

Without further comments, at 9:06 p.m., the City Commission meeting was adjourned.

Respectfully submitted,



Linda Bourgeois, BAS, MMC,  
City Clerk