

**MINUTES
CITY COMMISSION MEETING
THURSDAY, SEPTEMBER 22, 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: Finance Director Amber Deaton 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, and Commissioner Albertus Maultsby. Commissioner Nancy Daley and Commissioner Mac Fuller were absent.

Vice Mayor Eden made a motion to excuse Commissioner Daley and Commissioner Fuller. The motion was seconded by **Commissioner Maultsby**. The motion was unanimously approved.

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 Monday, October 3, 2022. He continued and announced the upcoming Ridge League of Cities Dinner in Winter Haven on Thursday, October 13, 2022, beginning at 6 PM.

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

Recognition of Citizens
There were none.

Mayor Dearmin presented the Consent Agenda for consideration.

Consent Agenda:

- 1.) City Commission Meeting Minutes for August 22, 2022
- 2.) City Commission Announcements
- 3.) Lakeland Area Transit Services Agreement

The analysis was inserted by the City Clerk. [Proposed agreement is for the cost allocation the city pays for transit services within the city limits. The contract amount is \$27,059.90 and the City has included \$30,000 in the current FY 22/23 budget to accommodate the expense].

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 the consent agenda. The motion was seconded by **Vice Mayor Eden**. 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: Resolution 15-22: Tentative Millage Rate
- 2.) Public Hearing: Ordinance 1496-22: FY 2022/2023 Annual Budget

City Attorney Claytor read Resolution 15-22, in its entirety, into the record.

City Manager Leavengood said 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 mills less than the current year millage rate of 7.239 and an 8.66% increase over the rolled-back rate of 6.029 mills.

The only substantive change to the budget totals from the first reading was the inclusion of the SouthState Bank acquisition and renovation.

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

Vice Mayor Eden proposed a new goal of lowering the millage to eventually get the millage rate down to 6. He said if we could keep slowly chipping away at that would be a new goal.

City Manager Leavengood said staff would continue to evaluate that and most certainly achieve additional growth and the economies of scale there will be potentially those opportunities to shave down that millage rate.

Mayor Dearmin acknowledged the hard work of the City Manager and the department directors for their hard work in lowering the millage rate and balancing the budget.

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

Commissioner Maulsby made a motion to approve Resolution 15-22 adopting the final millage rate of 6.989 for the fiscal year 2022/2023. The motion was seconded by **Vice Mayor Eden**. The motion was unanimously approved.

Mayor Dearmin introduced Ordinance 1496-22 on the second and final 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 second and final reading.

Mayor Dearmin commented that in the fifteen years he has been here this is a beautiful document because it has been done correctly and is not as thick as it has been in the past. He congratulated the City Manager.

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

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

Mayor Dearmin introduced the next item of business.

3.) Public Hearing: Ordinance 1481-22: Waylanco Road (West Parcel) Future Land Use Assignment

4.) Public Hearing: Ordinance 1482-22: Waylanco Road (West Parcel) Zoning Assignment

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

City Manager Leavengood presented the analysis. 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.

On June 6, 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 was a comment related to the inclusion of an updated water supply plan which will be addressed when the city adopts amendments to the comprehensive plan following the completion of the water master plan later this year.

He concluded by saying the staff was recommending approval of Ordinance 1481-22 on the second and final reading.

There were no comments from the City Commission.

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

Vice Mayor Eden made a motion to approve Ordinance 1481-22 Waylanco Road (West Parcel) 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 1482-22 into the record.

City Manager Leavengood said the staff was recommending approval of Ordinance 1482-22 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 1482-22 Waylanco Road (West Parcel) Zoning Assignment on the second and final reading. The motion was seconded by **Vice Mayor Eden**. The motion was unanimously approved.

Mayor Dearmin introduced the next business items for consideration.

- 5.) Public Hearing: Ordinance 1485-22: Caribbean Distillers Future Land Use
- 6.) Public Hearing: Ordinance 1486-22: Caribbean Distillers Zoning

City Attorney Claytor read the title of Ordinance 1485-22 into the record.

City Manager Leavengood presented the analysis. He said on October 18, 2021, City Commission approved Ordinance 1466-21 annexing one 10-acre parcel on Lake Lowery Road into the city limits. This was an enclave in the middle of the Caribbean Distillers' property. The Future Land Use and Zoning assignment for this area is included in their request to change the assignments on their larger property.

The applicants requesting to change the Future Land Use on approximately 175 acres from Heavy Commercial/Industrial to Residential (RES) and assign the same to the 10-acre parcel annexed. Additionally, the applicants requested to change the Zoning on approximately 175 acres from Heavy Industrial (I-2) to Vintage Residential (VRN) and assign the same to the 10-acre parcel annexed. The staff has worked with the applicant to modify the request to include approximately 22 acres of Conservation Future Land Use Zoning. The request includes approximately 2.5 acres of impact to an isolated wetland and the edge of the high-risk floodplain. These impacts if approved would be mitigated on-site during the construction plan review. The property is not in the Green Swamp Area of Critical State Concern.

FLU & ZONING REQUEST SUMMARY

| FLU Categories | Zoning Categories | Existing | Proposed | Difference |
|--|---|-----------------|-----------------|-------------------|
| Residential Low (RL) | Residential Low – 1 (RL-1) | 10 | 0 | -10 ac |
| Heavy Commercial/ Industrial (HC/I) | Heavy Industrial (I-2) | 175.5 | 0 | -175.5 ac |
| Applicant Request | | | | |
| Residential (RES) | Vintage Residential Neighborhood (VRN) | 0 | 185.5 | +185.5 ac |
| City Recommendation | | | | |
| Residential (RES) | Vintage Residential Neighborhood (VRN) | 0 | 163.3 | +163.3 ac |
| Conservation (CON) | Conservation (CN) | 0 | 22.4 | +22.4 ac |

On March 10, 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. The impacts on the conservation area were discussed and are slightly modified from the area presented to the Planning and Zoning Board based on the discussion and the refinement of the area by the applicant.

On June 21, 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 was a comment related to the inclusion of an updated water supply plan which will be addressed when the city adopts amendments to the comprehensive plan following the completion of the water master plan later this year.

He concluded by saying the staff was recommending approval of Ordinance 1485-22 on the second and final reading.

Commissioner Maultsby asked if the houses would be affordable and was told by the City Manager the affordability of the homes was determined by the market. It is a moving target.

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

Vice Mayor Eden made a motion to approve Ordinance 1485-22 Caribbean Distillers 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 1486-22 into the record.

City Manager Leavengood said the staff was recommending approval of Ordinance 1486-22 on the second and final reading.

There were no comments from the City Commission.

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

Commissioner Maultsby made a motion to approve Ordinance 1486-22 Caribbean Distillers Zoning Assignment on the second and final reading. The motion was seconded by **Vice Mayor Eden**. The motion was unanimously approved.

Mayor Dearmin introduced the next two business items for consideration.

- 7.) Public Hearing: Ordinance 1489-22: Lake Lowery Road Future Land Use Assignment
- 8.) Public Hearing: Ordinance 1490-22: Lake Lowery Road Zoning Assignment

City Attorney Claytor read the title of Ordinance 1489-22 into the record.

City Manager Leavengood read the analysis into the record. He said on April 18, 2022, City Commission approved Ordinance 1479-22 annexing eight parcels totaling 37.81± acres into the city limits. These parcels will be part of the Caribbean Lakes development. The requests match the Future Land Use and Zoning requests on the southern parcel. The proposed Future Land Use designation is Residential and Conservation and the proposed zoning is Vintage Residential (VRN) and Conservation (CN) zoning districts in the Green Swamp Area of Critical State Concern.

FLU & Zoning Request Summary

| Applicant's Request | | | | |
|---------------------|--|---|--------|------------|
| Residential (RES) | Vintage Residential Neighborhood (VRN) | 0 | 17.44± | +17.44± ac |
| Conservation (CON) | Conservation (CN) | 0 | 20.4± | +20.4± ac |

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 21, 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 was a comment related to the inclusion of an updated water supply plan which will be addressed when the city adopts amendments to the comprehensive plan following the completion of the water master plan later this year.

He concluded by saying the staff was recommending approval of Ordinance 1489-22 on the second and final reading.

Commissioner Maultsby asked about the water.

City Manager Leavengood spoke about the Polk Regional Water Cooperative, the submission of a Water Use Gap Permit to increase our capacity in the interim, and the potential need for an increase in our alternative water supply in the future.

Commissioner Maultsby asked how long the water use permit application took for approval.

Public Works Director Deaton explained the city would have a task order coming before them at the next meeting to perform an underground modeling study and he thought that process would take three to four months. Once that is complete the permit would be cleared. The good news is that it looks like we are in a good spot to do this without any impact on the surrounding wetlands.

A brief discussion ensued about other cities and having to dry-line permits, we still being under or right at our permit, and not being able to commit what we don't have.

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

Vice Mayor Eden made a motion to approve Ordinance 1489-22 Lake Lowery 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 1490-22 into the record.

City Manager Leavengood said the staff was recommending approval of Ordinance 1490-22 on the second and final reading.

There were no comments from the City Commission.

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

Commissioner Maultsby made a motion to approve Ordinance 1490-22 Lake Lowery Zoning Assignment on the second and final reading. The motion was seconded by **Vice Mayor Eden**. The motion was unanimously approved.

Mayor Dearmin introduced the next two business items for consideration.

- 9.) Silverlake CDD Petitioner's Agreement
- 10.) Public Hearing: Ordinance 1497-22: Silverlake CDD

City Manager Leavengood presented the analysis. He said Pulte Home Company, LLC. submitted a petition pursuant to Florida Statutes (F.S.) Chapter 190, which is requesting 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 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 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.

On September 8, 2022, this ordinance was approved on the first reading.

He said the staff recommendation was at the pleasure of the City Commission.

City Manager Leavengood explained we would have an interlocal agreement that would memorialize the petitioner's agreement which would be an agreement between the City and the CDD. This is a policy call of the City Commission.

He continued and said **Commissioner Daley** conveyed to him the concerns about buffering. Her concerns were to the northern and southern boundaries of the CDD with the PVC fencing. He said in talking to the developer before the meeting the concern on the northern side has been taken care of because that abuts wetlands so they were not planning on fencing that area. She said she would like to see a more natural landscaping buffer rather than a PVC fence. He suggested a chain link fence with vegetation and a tree for a better aesthetic buffering concept.

Commissioner Maultsby said he wanted to make sure anyone purchasing a home would know they are buying in a Community Development District.

City Manager Leavengood said those were included in the Petitioner's agreement as an exhibit.

Applicant, **Jere Earlywine**, said there is a ton of disclosure. He spoke about the disclosure at closing, a pamphlet that is handed out, and a frequently asked question which also is a disclosure. He spoke about the recordable disclosures, a public website, a public notice for all meetings, and a mailer during the budgeting. He spoke about the quality of the community, the house, and the closing statement to determine if it is worth it to them.

A brief discussion ensued regarding the breakdown of the disclosure, and it also shows the debt assessment with monthly operating and maintenance and monthly debt. It goes through the tax bill paid by escrow on the mortgage. The closing statement was discussed, and the 3 Mills could increase based on the annual budget which would depend on circumstances such as inflation. It can vary.

Vice Mayor Eden thanked them for their presentations. He likes to see good, diversified home structures but it does provide a potential option for those looking to maybe have a higher standard of living in our community. Thank you for your time.

City Attorney Claytor clarified the item before them is the petitioner's agreement that will be recorded in the public records and act as a covenant running with the land which would bind any successors in interest.

Mayor Dearmin also thanked him for his time. He said once this project gets through, he expects we will be very proud of what we are accomplishing.

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

Commissioner Maultsby made a motion to approve the petitioner's agreement with Pulte Home Company, LLC related to the Silverlake Community Development District. The motion was seconded by **Vice Mayor Eden**. The motion was unanimously approved.

City Attorney Claytor read the title of Ordinance 1497-22 into the record.

City Manager Leavengood said the staff's recommendation is at the pleasure of the City Commission.

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

Vice Mayor Eden made a motion to approve Ordinance 1497-22 establishing the Silverlake CDD on the second and final reading. The motion was seconded by **Commissioner Maultsby**. The motion was unanimously approved.

Mayor Dearmin presented the next business item.

11.) Resolution 16-22: Bad Debt Write-off

City Attorney Claytor read the title of Resolution 16-22 into the record.

City Manager Leavengood presented the analysis. He said as a part of the closeout process for the end of the current fiscal year city staff is requesting authorization to expense any outstanding utility billing accounts as bad debt. Overall, the percentage of the accounts to be expensed as bad debt is less than 1% of the budgeted utility billing revenue. The total amount for the 2021/2022 fiscal year is \$5,426.10.

In years past the write-off has ranged from approximately \$9,500 to \$15,000 so this amount is significantly below the range compared to previous years. While the debt is written off for accounting purposes collection efforts continue after the debt is written off the ledger.

He said the staff recommendation was for approval of Resolution 16-22.

Vice Mayor Eden asked what the city did when a person with a write-off came back to live within the city.

Finance Director Deaton said when someone comes to open an account, we enter the social security number and that would be what lets us know they have a bad debt. We do try to work with them depending on the amount and the situation of the person to determine if they would pay now or go on the first bill.

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 Resolution 16-22 in the amount of \$5,426.10. The motion was seconded by **Commissioner Maultsby**. The motion was unanimously approved.

Recognition of Citizens

There were none.

Commissioner Questions and Comments

Mayor Dearmin thanked the City Manager and the department heads. He said this budget is an expansion of what is going on in our city. He thanked each staff member for making our city great.

He spoke about the water cooperative with more participants coming forward and said he was looking forward to the legislative policy committees.

Vice Mayor Brent Eden thanked all of the first responders and the Police Chief and all the staff. He thanked the residents in attendance this evening and said he hope everything goes well with Commissioner Daley.

Commissioner Maultsby thanked the City Manager and the staff. He said that is my City Manager and he hired him. He said he was doing a great job. Thank you for everything.

Mayor Dearmin thanked the City Attorney and their staff for all of their hard work.

Without further comments, at 8:34 p.m., the City Commission meeting was adjourned.

Respectfully submitted,

A handwritten signature in cursive script that reads "Linda Bourgeois".

Linda Bourgeois, BAS, MMC,
City Clerk