

**MINUTES
CITY COMMISSION
MONDAY, OCTOBER 9, 2023
7:00 PM
CITY HALL**

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

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

Roll Call: City Clerk Linda Bourgeois

City Commissioners in attendance: Mayor Nancy Z. Daley, Commissioner Charles Lake, and Commissioner Jack Dearmin.

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

Staff in attendance: City Manager Ryan Leavengood, City Attorney Seth Claytor, Public Works Director John Deaton, Community Development Director Ameer Bailey, Fire Chief Robert Turner, Parks and Recreation Director Emily Deal, Police Chief Art Bodenheimer and Human Resources Director Margarita Martin.

The City Manager announced the following:

1. Tomorrow at 11:30 AM, the Chamber of Commerce is hosting a lunch and learn at the First Baptist Church of Lake Alfred. The guest speaker will be Polk County Sheriff Grady Judd.
2. The next City Commission meeting date is Monday, October 23, 2023.
3. He announced the Drug Take Back event on Saturday, October 28, 2023, from 10:00 AM to 2:00 PM at the Police Department.
4. He announced Margarita Martin as the new department head with the title of Human Resources Director.
5. He showed photos and thanked the Mayor for the planting of 800 plants on the lake shore at the Mackay Gardens and Lakeside Preserve. The brick paver project is also complete at the Mackay home. He said Central Park is coming along with the striping of the on-street parking and the basketball courts.

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

Recognition of Citizens

Daniel (last name and address unknown) stated that he had just moved to the City of Lake Alfred. He asked about the basketball courts that were being torn down at Central Park and asked if they could be repurposed into pickleball courts.

The mayor explained that the city had planned for the basketball courts to be moved to a new area of Central Park and that the area where the old basketball courts were would become a multi-purpose field. This modification was identified through the Parks and Recreation Master Plan. The tennis courts are located next to City Hall and they can be used for Pickleball.

The City Manager added that the existing courts are not in good shape, thin, and cracking. He said the City is looking at other areas to have Pickleball courts in the city.

Mayor Daley read the Fire Prevention Week Proclamation into the record, and it was accepted by Fire Chief Robert Turner. The Fire Chief thanked the City Commission, the City Manager, and the community for their amazing support. He shared there was a fire in the city today that took a lot of personnel to extinguish and thankfully no one was hurt, and they were able to save the home. He concluded by saying thank you for your support.

Mayor Daley read the Florida City Government Week into the record. The Mayor and City Commissioners accepted the proclamation.

Mayor Daley presented the Consent Agenda for consideration.

Consent Agenda:

- 1.) City Commission Meeting Minutes for September 28, 2023
- 2.) City Commission Announcements

The floor was opened by the mayor to public comments on the consent agenda and there were no audience members that came forward to speak.

Commissioner Lake made a motion to approve the consent agenda and the motion was seconded by **Commissioner Dearmin**. The motion was unanimously approved.

Mayor Daley introduced the next business items for consideration.

- 1.) Ordinance 1527-23: Serdjenian Future Land Use Assignment
- 2.) Ordinance 1528-23: Serdjenian Zoning Assignment

The City Attorney read the title of Ordinance 1527-23 into the record.

On June 21, 2022, the City Commission approved Ordinance 1488-22 annexing twenty-five (25) parcels totaling 25.13± acres into the city limits. On Tuesday, January 10, 2023, a Special Mail Ballot Election was held with the unanimous results (10-0) in favor of the annexation. The properties are generally developed with single-family units and mobile homes. There is one church and environmentally sensitive areas.

Staff proposes the assignment of the Future Land Use designation Residential and Conservation and the zoning of Vintage Residential (VRN) and Conservation (CN) zoning districts. Staff is also proposing all wetlands and high-hazard flood zones as conservation.

FLU & Zoning Request Summary

FLU	Zoning	Acres
Residential (RES)	Vintage Residential Neighborhood (VRN)	14.28± ac

Conservation (CON)	Conservation (CN)	10.85± ac
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On July 13, 2023, 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 the first reading, proposed amendments would be presented for a second reading on October 23, 2023. Then the small-scale future land use and zoning amendment will be transmitted to the Department of Economic Opportunity (DEO) for review.

The Staff recommendation is for approval of Ordinance 1527-23 on first reading.

Mayor Daley opened the public hearing on Ordinance 1527-23 and seeing no one, she closed the public hearing.

Commissioner Dearmin made a motion to approve Ordinance 1527-23 for the Future Land Use Designation of the Serdjenian subdivision as presented on the first reading. The motion was seconded by **Commissioner Lake**. The motion was unanimously approved.

The City Attorney read the title of Ordinance 1528-23 into the record.

The staff recommended approval of Ordinance 1528-23 on the first reading.

Mayor Daley opened the public hearing and seeing no one, she closed the public hearing.

Commissioner Lake made a motion to approve Ordinance 1528-23 for the Zoning Designation of the Serdjenian Subdivision as presented on the first reading. The motion was seconded by **Commissioner Dearmin**. The motion was unanimously approved.

Mayor Daley introduced the next business items.

- 3.) Ordinance 1529-23: ALPI Future Land Use Assignment
- 4.) Ordinance 1530-23: ALPI Zoning Assignment

The City Attorney read the title of Ordinance 1529-23 into the record.

The analysis was inserted by the City Clerk. On July 24, 2023, the City Commission approved Ordinance 1522-23 annexing one parcel totaling 1.97± acres into the city limits. The property is currently vacant with remnants of a citrus grove. Staff worked with the applicant regarding the assignment of the Future Land Use designation of Mix Use and the zoning of Mixed-Use Commercial (C-2) zoning district.

FLU & Zoning Request Summary

FLU	Zoning	Acres
Mixed Use	Mixed-Use Commercial	1.97± ac

On September 25, 2023, 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 the first reading, proposed amendments would be presented for a second and final reading on October 23, 2023. Then the small-scale future land use and zoning amendment will be transmitted to the Department of Economic Opportunity (DEO) for review.

The staff recommended approval of Ordinance 1529-23 on the first reading.

Mayor Daley opened the public hearing and seeing no one, she closed the public hearing.

Mayor Daley asked if the shape of the lot would accommodate buildings and the City Manager said it was too narrow and anticipated it to eventually roll into the Adams Estate.

Director Bailey said the lot was too small to do anything and explained that ALPI was unaware of the parcel because it had been separated for a long time. She spoke about how this would eliminate conflicts and provide ALPI with the power over the property. She spoke about the property with the Florida Department of Transportation Old Dixie Trail project and the potential for the parcel to be in conjunction with the Adams Estate.

Commissioner Dearmin made a motion to approve Ordinance 1529-23 for the Future Land Use Designation of the Agricultural and Labor, Inc. property as presented on the first reading. The motion was seconded by **Commissioner Lake**. The motion was unanimously approved.

The City Attorney read the title of Ordinance 1530-23 into the record.

The staff recommended approval of Ordinance 1530-23 on the first reading.

Mayor Daley opened the public hearing and seeing no one, she closed the public hearing.

Commissioner Lake made a motion to approve Ordinance 1530-23 for the Zoning Designation of the Agricultural and Labor, Inc. property as presented on the first reading. The motion was seconded by **Commissioner Dearmin**. The motion was unanimously approved.

Mayor Daley introduced the next business items.

- 5.) Ordinance 1531-23: Tree O Groves Future Land Use Assignment
- 6.) Ordinance 1532-23: Tree O Groves Zoning Assignment

The City Attorney read the title of Ordinance 1531-23 into the record.

The City Manager presented the analysis. He said on July 24, 2023, the City Commission approved Ordinance 1520-23 and 1521-23 annexing four parcels totaling 204.1± acres into the city limits. The properties are currently vacant with citrus groves and environmentally sensitive areas. The applicant requested the Future Land Use designation of Residential and Conservation and the zoning of Vintage Residential (VRN) and Conservation (CN) zoning districts in the Green Swamp Area of Critical State Concern. Staff work with the applicant and all wetlands and high-hazard flood zones are proposed for conservation.

FLU & Zoning Request Summary

FLU	Zoning	Acres
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Residential (RES)	Vintage Residential Neighborhood (VRN)	58.8± ac
Conservation (CON)	Conservation (CN)	145.3± ac

On September 25, 2023, 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 large-scale amendments will be presented for a second reading in January 2024.

The staff recommended approval of Ordinance 1531-23 on the first reading.

Mayor Daley opened the public hearing and seeing no one, she closed the public hearing.

Commissioner Dearmin commented he was glad that we had more conservation than residential in this area.

Commissioner Dearmin made a motion to approve Ordinance 1531-23 for the Future Land Use Designation of the Tree O Groves (White Road) property as presented on the first reading. The motion was seconded by **Commissioner Lake**. The motion was unanimously approved.

The City Attorney read the title of Ordinance 1532-23 into the record.

The staff recommended approval of Ordinance 1532-23 on the first reading.

Mayor Daley opened the public hearing and seeing no one, she closed the public hearing.

Mayor Daley asked who was responsible for maintaining the conservation area and wanted to know if it was the city or the property owner. She also asked about the responsibility for controlled burns and the disturbance of water flow. The City Manager said the property owner retains ownership of the property.

Director Bailey said the area was wetlands and floodplain. There will be evaluations of the area, however, it has remained in a natural state for many years. She spoke about the area being near Gum Lake and that the previous issue with water was due to a collapsed culvert pipe that has since been repaired to restore the natural flow. The site will be evaluated to not add any drainage issues.

Commissioner Dearmin made a motion to approve Ordinance 1532-23 for the Zoning Designation of the Tree O Groves (White Road) as presented on the first reading. The motion was seconded by **Commissioner Lake**. The motion was unanimously approved.

Mayor Daley introduced the next business item.

7.) Resolution 31-23: Hammock Reserve Utility Dedications Acceptance

The City Attorney read the title of Resolution 31-23 into the record.

The City Manager presented the analysis. On April 21, 2022, the City of Lake Alfred and the City of Haines City entered into an Interlocal Agreement for Utility Services & Municipal Boundaries. The agreement affirmed the municipal boundaries and Chapter 180, Florida Statutes, utility service areas for both cities. The agreement also allows for one City to provide utilities to service development across the boundary line if requested and consented to by both parties.

Hammock Reserve Phase 4 is a residential development which is located in the City of Haines City near the eastern border of Lake Alfred along 17/92 (east of Gapway Groves). The City of Haines City and the developer requested that Lake Alfred provide utility services to the development due to our utility lines being in closer proximity to service the development and a permitted capacity issue Haines City was having at the time. This was a good deal for everyone involved.

Per the terms of the interlocal agreement the City of Lake Alfred will provide water and sewer utility services and will receive standard user rates plus the outside of the City surcharge of 25%. The City will also receive the water and sewer connection charges associated with this development. If Haines City ever desires to take over the utility services to this development, they must purchase the associated infrastructure (pipes and lift stations) from the City of Lake Alfred (and the connection fees we received are nonrefundable or creditable against the sale of the infrastructure).

City staff approved the construction plans for the utilities on May 20, 2022. The developer has now completed all construction included in the performance bond (water and wastewater service). City staff and consulting engineers have inspected and recommended acceptance of the infrastructure, release of the performance bond, and acceptance of the maintenance bond. The City has also received the 2-year maintenance bond as required by the ULDC in the amount of \$218,850.79.

As the project is located in Haines City, the City of Lake Alfred did not join in, consent to, and/or affirmatively approve the Hammock Reserve Phase 4 plat or the dedications set forth therein. As such, the City required that the City of Haines City, Hammock Reserve Partners, LLC, the Hammock Reserve Community Development District, and D. R. Horton, execute, grant, and/or convey to the City of Lake Alfred a Utility Easement, Lift Station Tract, and all utility infrastructure related to and/or located within the Hammock Reserve Phase 4 development. The City Manager thanked the City Attorney and the City staff for all the work on the project. He said the heavy lifting has been done.

The staff recommended approval of Resolution 31-23.

Mayor Daley opened the floor to public comments and seeing no one, she closed the floor to public comments.

Mayor Daley asked how far we had to run the utility lines to them and the City Manager said the developer paid for the lines to be extended from the Dollar General on US Highway 17/92. The City Manager went on to explain that we were a much closer run than Haines City.

Mayor Daley commented that they should have annexed into Lake Alfred and the City Manager said they were located in the Haines City service area and that area had been annexed into Haines City a long time ago.

Public Works Director Deaton said in order for Haines City to provide the utility services they would have had to go under the CSX railroad. He said our utility lines had stopped at the place where the pallet fire was about five years ago. He said this would also assist us with an interconnect with Haines City in the future.

The City Manager said the service was for Haines City incorporated residents, Haines City had permitted dry lines due to capacity issues, and the residents were paying the City of Lake Alfred for water and wastewater plus the 25% surcharge.

A brief discussion ensued regarding the Haines City development process, Haines City would have to pay the City of Lake Alfred for the utility lines if they ever wanted to service the development with utilities, the resolution memorializes the transactions and process, the City has not ever done this before, and the City doesn't anticipate ever doing it again.

Commissioner Dearmin said this was a win-win situation.

Commissioner Lake made a motion to approve Resolution 31-23. The motion was seconded by **Commissioner Dearmin**. The motion was unanimously approved.

Recognition of Citizens

David Kincaid of S. Illakee Avenue said he came here tonight to share concerns about the area's growth. Some of the developments going on, the choices that are being made, and businesses that are appearing in the area. He is seeing evidence of it in Lake Alfred. He said over the past few years we bulldozed local businesses to put in a 7-11, Hardees, Dunkin Donuts, and now a Taco Bell. A lot of the development is reminiscent of Orlando where he lived for twenty years. He moved here eight years ago because he wanted to live in a small town. He said he is seeing big developments coming in with zero or low lots for residential. He said he came here tonight to hear the land use and zoning requests to get a feel of the City's attitude and he is very pleased with what he heard. He wanted to go on record regarding the concerns of our local development. He doesn't want high-density residential development that will take away the charm that brought him here.

Mayor Daley said if a land owner comes to us and the property is zoned for their request we can't say no because then we would be taking away his land rights. She said we recently rewrote the land development code and purchased the large piece of land in the center of town so we have control over it and it won't be another used car lot. She shared about our local restaurants saying they are really nice. She spoke about the school concurrency and said she agrees that we have to hold their feet to the fire. She shared about the Vintage Residential Neighborhood being four units per acre and said for her it was not horrible. She spoke about how the legislature now says we can't tell the developers how they can design their developments with front garages and such, and they are tying our hands because we can't have the types of developments we want to have. The new one this year is going after the permitting process and having us expedite the process.

The City Manager said it is tough to balance it out with the property rights. He said we did a good overhaul of the code a few years ago and said we know we are limited but that doesn't mean there are not opportunities to improve some of those standards in the use categories and/or the standards. He spoke about the architecture, WaterStar standards, pedestrian hierarchy, and VRN being more of a traditional design. Lake Alfred will maintain its character relative to everyone else. We know the growth is coming for us and the good news is the bulk of Lake Alfred is in the Green Swamp area with that area being about 85% conservation.

Mayor Daley said we have challenges with homeowners' associations that require things we or the homeowners don't want to see like the white PVC fencing. It is a dilemma for us all.

David Kincaid said thank you for your time and I love everything I heard tonight. He concluded by saying that the City Commission does a great job and it's nice to see your hearts are in Lake Alfred.

Commissioner Questions and Comments:

Commissioner Dearmin thanked all of the department heads and city staff. He thanked Director Deal for her hard work on the car show and the mayor for all the work she did that day. He shared about the Florida League of Cities Legislative Policy Committee meeting and explained their committee was working on sovereign immunity and mobility. Hopefully, we can make that better. He concluded by saying he was looking forward to the next couple of months and said that Home Depot already had the Christmas displays up. Thank you.

Mayor Daley said she attended the Transportation Legislative Policy Committee meeting and they had the Florida Department of Transportation Secretary come and speak to them for about an hour. She said there was a lot of money out there for projects like I-4 and I-75 it just takes a long time. The car show was great and she thanked the Parks and Recreation Director and city staff. She said she had a question about the code and shredded American flags on private property. Is there any code enforcement regulation?

The City Attorney explained that code enforcement violations were applicable to statutory law, Florida Building Code violations, if confirmed by the building official, which includes the Fire Prevention Code. The most appropriate way to handle this would be to register a complaint pursuant to Florida law and then code enforcement could open a case file and investigate the alleged violation.

The Mayor asked even if it is on private property, if the city has the ability to ask them to remove it and the City Attorney said it would depend on if it is a violation or not.

Information was shared about it being a First Amendment issue, Flag Etiquette, the adoption of the International Property Maintenance Code, code violations of high weeds and grass not being based on aesthetics but rather on health and safety violations due to rodents and trying the good neighbor approach first.

Director Bailey said we did have some provisions in the code about the general maintenance of flags, not just with American flags, but also banner flags. We do get complaints and generally, the good neighbor approach works. She shared about a recent complaint and we do address them. We do not pursue the violations because we are usually successful in having the violations corrected. For American flags, we do let them know where the proper disposal sites are located.

Mayor Daley said she ran a Lake Alfred app ticket on it. She shared about some giant craters on CR-557 which is Polk County's jurisdiction.

Public Works Director Deaton said he spoke to the County twice last week. The entire section of the road needs to be repaired. He said if the County did not take care of it he would send the City crew out to fill the area with gravel. The Mayor thanked him for the asphalt millings at the

Mackay entrance and said a lot had fallen away. Director Deaton said he would bring more out to the entrance.

Commissioner Lake said he had family meetings. He left last Saturday at 7:00 AM and got to New Jersey on Sunday at 1:30 PM. He said coming back was a little different because he left North Carolina at 7:30 AM and made it back to Lake Alfred at 6:45 PM to make it to the meeting tonight. It was interesting as he spent time with his three great-granddaughters, his four grandchildren, his daughter, his son, and the rest of the relatives he had not seen in five years. It was good. He said he was happy to see Albertus Maulsby in attendance. He announced that Sheriff Grady Judd would be speaking to the community at an event hosted by the Chamber of Commerce at the First Baptist Church of Lake Alfred. He encouraged participation in the event and shared his disappointment with the announcement from the Chamber of Commerce being released late after it had been settled two weeks ago. He is hoping we will get a good turnout. Thank you.

Mayor Daley mentioned the ribbon-cutting ceremony for a mobile cigar lounge that can be hired out for events and will travel around. They are really nice people and attended the Hot Rods and Heroes event. She announced the Veterans Day ceremony at Gardner Park on Saturday, November 11, 2023, at 11:00 AM.

At 8:15 PM, the City Commission meeting was adjourned.

Respectfully submitted,



Linda Bourgeois, BAS, MMC,
City Clerk