

**MINUTES
CITY COMMISSION
MONDAY, NOVEMBER 7, 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, Vice Mayor Brent Eden, Commissioner Mac Fuller, Commissioner Nancy Daley, and Commissioner Albertus Maultsby.

Staff in attendance: City Manager Ryan Leavengood, City Attorney Seth Claytor, Finance Director Amber Deaton, Public Works Director John Deaton, Parks and Recreation Director Richard Weed, Community Development Director Ameer Bailey, Police Chief Art Bodenheimer, and Fire Chief Robert Turner.

City Manager Leavengood announced the upcoming Veterans Memorial Ceremony in Auburndale and said the cities were monitoring Tropical Storm Nicole and will decide on Thursday as to whether the event will be postponed. He continued and shared about the Employee Thanksgiving luncheon on November 17th and then reminded everyone that after the City Commission meeting tonight we would be setting up for the General Election tomorrow.

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 Veterans Day Proclamation into the record, and it was accepted by Commissioner Albertus Maultsby. All Veterans in the audience came forward and were recognized.

Commissioner Maultsby said he accepts this proclamation with the most gratitude and honor that can be done. He went on to say he felt everyone, when they become of age, should have a time in the military. He shared about his draft notice from President Eisenhower and said he was honored to serve. He said they [The military] had carried him all around the world and he found that this place is the best place on earth you can be.

City Manager Leavengood spoke about the history of the Lake Alfred Fire Department and said Chief Turner not only brings his thirty years of experience in the profession, but he is also the last of the "Old Guard" of Lake Alfred that brings that history and perspective. He said he asked Robert to not only prepare for what is coming with the growth of the city but also to instill the values of what we had in the past. He said the department consists now relatively of new hires with a lot of talent and a lot of opportunity. Please welcome one of my teammates and our Fire Chief, Robert Turner.

City Clerk Bourgeois conducted the swearing-in ceremony for Fire Chief Robert Turner.

Fire Chief Turner spoke and said he was very thankful for a lot of reasons. One is to God and expressed his honor for the blessings in our community and our Country. If it had not been for Him and his mother raising him that way, he would not be here today. He said he had an amazing and biblical wife who encouraged and prayed with him, and he thanked her for that. He thanked God for our community and said Lake Alfred has always been special to him. He shared he took the Interim Chief position in July and became Fire Chief in October. He shared that within that timeframe the entire city has come behind him with support and encouragement. He thanked the City Manager and said he has always been there for him. He shared the three things that were important to him: education, character, and communication. He stressed the importance of education and being better than before every day. He continued and thanked the City Commission saying he appreciated them and that they were the best with what they do for our community, standing behind the city manager, and the department heads. He commended the department heads for what they do for Lake Alfred saying it was amazing to him to see their tenacity, their no-quit attitudes, and always helping without any complaints. He concluded by saying he appreciated the city staff and City Commission. Thank you.

Fire Chief Turner presented Benjamin Ritchey with his five-year service award. He said Ben had started his fire career in Pinellas and Polk County. He said he is a cowboy and loves roping and steering. He is an amazing guy to work with, always the first on the scene to help, and always has a positive attitude. He said he sees great things for him down the road in the City of Lake Alfred and thanked him for his service. He concluded by saying he has recently been promoted to Captain.

Fire Chief Turner introduced Tyler Sanders saying he has been with the city a little over two years now. He said he is a bright young man, a go-getter, and always thinking ahead of the Fire Chief. He has been promoted to the Fire Marshall position, has all his credentials, and he is proud of him. He said he appreciated him and spoke about Mr. Sanders's prior military history. He spent seven years in the Marines, and four years in the Florida National Guard and is still active. He is a dedicated individual and always goes above and beyond the call of duty. He is very capable, and the Chief does not worry when he is out of the city. He is his right-hand man and cares deeply about the City of Lake Alfred. He concluded by saying he is going to be a blessing to this community.

City Clerk Bourgeois conducted the swearing-in ceremony for Fire Marshall Tyler Sanders.

Parks and Recreation Director Weed said we were here tonight to honor Anaeli Quinones with her ten years of service award. He said Anaeli is the face of Parks and Recreation and the first person you contact. She is one of his most valuable team members and has worn many hats as the administrative assistant. She has worked events, handles the Mackay showings, and the rentals, and plays an integral role in the summer recreation program. She is a dedicated employee and loves her job. She is always there when needed and is a true team player in the parks department with a positive and upbeat attitude. He consistently receives compliments and rave reviews about her, and she has a long bright future here at the City of Lake Alfred. Thank you for your service.

Police Chief Art Bodenheimer said it was his pleasure to introduce Phillip "Patrick" King. He started his career on June 22, 2020, as a communications coordinator. Before Chief hired him, he said he expressed that his goal was to become a police officer. He was fresh out of high school and the Chief told him if he did a good job for two years the City would consider putting him

through the police academy. On March 23rd of this year, he started the Police Academy at Polk State College and on August 12th he graduated from the Police Academy. On September 26, 2022, he was hired as a full-time police officer and in his short time, he received an employee of the quarter award which makes him eligible to be considered for the employee of the year. He shared a story shared by Patrick's mother and said if you ever see him looking up into the sky and wonder what he is doing, back when he was a young man he came home and tried to convince his mother where he was and he told her that a sandhill crane had picked him up and flew him around Lake Alfred - circling the house several times - before landing him back down and letting him back in the house. If you see him looking up, just make a few sandhill crane noises to bring him back down to earth.

City Clerk Bourgeois conducted the swearing-in ceremony for Police Officer Patrick King.

Police Chief Art Bodenheimer requested for the family and the police officers to come forward. Photos were taken and everyone held hands in a circle for prayer.

Presentation:

Florida Department of Transportation (FDOT) – Experiment Station Road by Walter Breuggeman, P.E.

Overview

- High crash intersection with 29 correctable crashes from 2016-present
- 28 of those crashes involved southbound entering vehicles as through or left turns being struck by westbound through vehicles
- Proposed safety improvements include Directionalize the median on US 17/US 92 due to safety concerns by installing temporary curbing
- The left turn from the mainline to Experiment Station Road/Lee Jackson will be permitted
- The left turn from the Experiment station road onto US 17/US 92 will be prohibited
- RCUT = Restricted Crossing U-turn
- FHWA = Federal Highway Administration
- RCUT - **54%** reduction in fatal and injury crashes comparing unsignalized intersections to unsignalized RCUT
- The full median openings have 18 major conflict points and two-way directional openings have four
- Left turn alternative with a U-turn at Mosley Road
- Left turn alternative using Old Haines City/Lake Alfred Road to Government Center Blvd
- Public Meeting will be held on Tuesday, December 13, 2022, at UF IFAS at 5:30 PM with a virtual meeting beginning at 6:00 PM
- Safety Message to focus on driving

Mr. Breuggerman said that the proposed R-cut would be temporary while they monitor the intersection and would be replaced with a permanent fix by placing a raised curb.

City Commission discussion surrounded signaling the intersection at Mosley Road due to the increased U-turn traffic, there being a potential issue with semi-trailers making U-turns, and the timeframes for the GPS systems to show the new traffic patterns. Further discussion surrounded the increased trip traffic on Government Center Boulevard, the potential to look at traffic circles, and if Mosley Road was where the U-turns would occur it would cause the same issues as Experiment Station Road.

The FDOT representatives shared they had a lot of options in their toolbox and had to decide on the best option for this intersection. There is not enough right of way for traffic circles, the GPS systems will take about two months before it recognizes traffic pattern changes, and the study showed that the intersection did not warrant a signal. They looked for the best alternatives and the R-cut was the one selected for this project. He also spoke about the angle of the road and the types of impacts that were more critical such as being T-Boned leaving the intersection.

Frank Adams of 610 Creek Road said his family was here since the 1920s. In February 2014, he was at the intersection of Experiment Station Road on a foggy morning and could not see. He nearly got killed. He shared that in 2002 his mother, at the same intersection, pulled out and got creamed. He said he would like to see a traffic light there and said the temporary system with curbing and signs would cause a lot of bad words when people hit the structures.

The City Commission asked about signage, advanced notice, and painted curbs. Mr. Breuggerman said the temporary R-cut would be with reflectors about 2 ½ feet tall and about 6-8 feet apart and signage would be associated with the project. Further discussion was about having a merge lane for the right-hand turn traffic, and it was shared they don't generally have merge lanes from the side street roads.

Community Development Director Bailey explained this was a temporary fix to prevent fatalities at this intersection and that staff has been working on the Transportation Master Plan. She said they were working with Polk County looking to vacate Lee Jackson Highway. She encouraged the City Commission to focus on future improvements and said she was pleased with the FDOT because it is harder to get these larger organizations to move quickly.

Mayor Dearmin presented the Consent Agenda for consideration.

Consent Agenda:

- 1.) City Commission Meeting Minutes for October 17, 2022
- 2.) City Commission Announcements

Vice Mayor Eden 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 business item.

- 1.) Public Hearing: Ordinance 1500-22: Burton Ranch Annexation

City Attorney Claytor read the title of Ordinance 1500-22 into the record.

City Manager Leavengood read the analysis into the record. Pursuant to Florida Statutes Chapter 171, the city may consider the annexation of unincorporated areas of a county that are contiguous to the municipality, compact, and will not create an enclave. The applicant has submitted to the City voluntary annexation petitions under Chapter 171.044 to request the annexation of one (1) parcel into the city limits of Lake Alfred. The property is 0 Highway 557, further described as east of Highway 557, WGTO Tower Road, and Gum Lake, west of Lake Lowery Road. The applicant is seeking annexation to receive city services and for the possible development of the properties.

The total area is approximately 240.8± acres. The site is currently developed as a citrus grove. The property is located in the Green Swamp Area of Critical State Concern (GSACSC) and contains areas of wetlands and flood zone 'AE.' Future development of the annexed site would be able to extend and connect to the City's potable water and wastewater lines through the Gum Lake Development. The Gum Lake development includes a stub-out to the east in anticipation of the development of the Burton Ranch property.

The action currently before the City Commission is only on the annexation of the property into the City. If approved, establishing Future Land Use and Zoning designations would be considered in future action items presented to the Planning and Zoning Board and City Commission.

He concluded and said the staff was recommending approval of Ordinance 1500-22.

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

Commissioner Maultsby made a motion to approve Ordinance 1500-22 for the annexation of Burton Ranch 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 item for consideration.

2.) Public Hearing: Ordinance 1501-22: Snyder Properties Annexation

City Attorney Claytor read the title of Ordinance 1501-22 into the record.

City Manager Leavengood read the analysis into the record. He said pursuant to Florida Statutes Chapter 171, the city may consider the annexation of unincorporated areas of a county that are contiguous to the municipality, compact in nature, and will not create an enclave. The applicant has submitted to the City voluntary annexation petitions under Chapter 171.044 to request the annexation of five (5) parcels into the city limits of Lake Alfred. The properties are 620 Creek Road, 0 Evenhouse Road, 0 Experimentation Road, and 0 White Road, further described as north of Evenhouse Road, east of Creek Road, west of Experiment Station Road, and southwest of White Road. The applicants are seeking annexation to receive City services and for the possible development of the properties.

The total area is approximately 28.2± acres. The properties are currently developed vacant with some areas previously used as a citrus grove. The property contains areas of wetlands and flood zone 'AE.' Four of the five properties are part of a larger property held by the Snyder Family group, which included 80 acres. The last parcel is the surplus parcel received from the County (Resolution 17-22). The portions of the Snyder Family properties already in the City have the Residential Future Land Use and Residential Neighborhood 2 (RN-2). Future development of the annexed site would be able to extend and connect to the City's potable water and wastewater lines from utilities along Evenhouse Road.

The action currently before the City Commission is only on the annexation of the property into the City. If approved, establishing Future Land Use and Zoning designations would be considered in future action items presented to the Planning and Zoning Board and City Commission.

He said the staff recommendation was for approval of Ordinance 1501-22.

Commissioner Maultsby asked if the Snyder Properties 80 acres adjacent to this site was in the City and City Manager Leavengood replied yes. He then asked if this would get us to Lake Lowery Road. City Manager Leavengood said there was an opportunity in the future and was a part of the Transportation Master Plan

Mayor Dearmin opened the public hearing.

Frank Adams of 610 Creek Road provided the history of the 620 Creek Road property starting with the Deese family to the Snyder property for \$30,000. He said that the land is directly opposite where he lives and wanted to know if that is approved for development will that land be elevated and if so, what are they going to do to mitigate the effects of that elevation? He shared that the previous development next to his land elevated the property about six feet and did nothing to mitigate the runoff onto his property. There should be a swale and a berm to protect his property. His attorney told him at the time it was called inverse condemnation. He shared his concerns about "the branch" and pointed it out on the map. He said is a large drainage area and said they needed to make sure they don't impede the flow of that area. He shared his experiences with the Florida Panthers in the area. He spoke about flooding and the need to address the issues at 620 Creek Road.

City Manager Leavengood said he brought up some salient concerns regarding the drainage and his property and those concerns would come into play during the site development process. He spoke about the Southwest Florida Water Management District and the city is an advocate for preserving wetlands and conservation. He said he was interested in his feedback and requested his contact information.

Mr. Adams said if that was the case then why, in 2006, was there not any mitigation done for his property?

City Manager Leavengood said he was interested and would like to get his input on that story.

Mr. Adams said the property had a lot of history and in 1990 Mr. Snyder was arrested for burying tires and dumping tires in a sinkhole on his property which is where there is a development now. He said under those houses now there is what is called a Karst Window. He said he had old photographs that show it very well. It might be in everyone's best interest to look for tires.

Henry Towns of 634 Creek Road which is immediately adjacent to and south of 620 Creek Road. He also lives just north of 640 Creek Road and said the concerns about drainage on this property are very legitimate. He said the property slopes from Creek Road to the east and water coming in from the west naturally flows across the road and properties off to the creek and wetlands to the east. Even installing a wall on the property lines would impede water flow and back up on our properties and not naturally drain. He said there is no way a development could not impact the properties. He said he was speaking for his son's fiancé also lives at 646 Creek Road. The problem is going to be the traffic and any development in this area will double the traffic on CR 557 and US Highway 17/92. He said by annexing the property and allowing for development will greatly increase the traffic and speed up the problems. He said this is a wetland and the Green Swamp area and the builders will just cash the check and then walk away. The impacts on these natural lands can't be reversed. He spoke about retention ponds saying they take site-wide rainfall and focus it in one small area. Once it is focused on one small area, the water table mounds, and you change the hydraulics of the whole area. He continued and said as far as Snyder Tires are concerned there are tires all over the land and if the city is interested in the property, you are what we would call in the south "A pig in a Poke". Once you go out there and start digging them up, I

don't know what you are going to do with them. We are still trying to deal with Snyder's legacy of burying tires. He said it has impacted his son's property and they are still trying to figure out what to do with them because the city won't help us get rid of them and you can't dispose of them because they are partially processed. We are up against the wall. He concluded by speaking about the increased traffic and said they should think about putting the road in first and then consider development. Thank you.

City Manager Leavengood said he had not heard about the tire concerns before. He said the private property owner or the developer would have to address that. The action item before you is on the annexation and the drainage concerns and whether there are tires there, that would need to be addressed during development and the site plan. He said that based on the conversations tonight, the staff will be very keen on that going forward.

Commissioner Daley said with the annexation of the property the owners would have a better chance of dealing with the city for mitigation measures versus the county.

Mayor Dearmin closed the public hearing.

Vice Mayor Eden made a motion to approve Ordinance 1501-22 for the annexation of Snyder Properties on the second and final reading. The motion was seconded by **Commissioner Fuller**. The motion was unanimously approved.

Mayor Dearmin introduced the next business item for consideration.

3.) Ordinance 1502-22: Fiscal Year 21.22 Final Budget Amendment

City Attorney Claytor read the title of Ordinance 1502-22 into the record.

City Manager Leavengood read the analysis into the record. As a part of the closeout process of the previous fiscal year of 2021/2022, the City is required to submit an amended budget that includes any changes made from the original budget. These changes can include unanticipated projects, expenses, or revenues that were not included; or changes to existing line items that did not meet exact revenue or expenditure projections. The proposed budget adjustment accounts for these changes and rebalances the total budget and each of the funds.

In summary, the general fund has a \$413,000 surplus; this is separate from the \$633,000 remaining from the ARPA funding. When combined we have a \$1,046,000 surplus from the closeout process within the general fund which can be utilized for the Growers Fertilizer acquisition (\$500,000) and the general government portion of the SouthState Bank acquisition (\$160,000). The remaining \$386,000 will be kept in general fund reserves to bolster required reserve allocations and potentially be allocated to future projects including renovations/modifications to the SouthState Bank property.

The Enterprise fund experienced a deficit of \$12,000 mostly due to expenses that have gone out this year that we have not received reimbursement for yet including \$95,000 in FEMA grants for generators and \$117,000 from SRF forgiveness on the water plant.

He concluded by saying the staff was recommending approval of Ordinance 1502-22 on the first reading.

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

Commissioner Fuller made a motion to approve Ordinance 1502-22 for the FY 21.22 Final Budget Amendment on the first reading. The motion was seconded by **Vice Mayor Eden**. The motion was unanimously approved.

Mayor Dearmin presented the next business item for consideration.

4.) Ordinance 1503-22: The Springs at Lake Alfred CDD

City Attorney Claytor read the title of Ordinance 1503-22 into the record.

City Manager Leavengood read the analysis into the record. Meritage Home of Florida, INC. submitted a petition pursuant to Florida Statutes (F.S.) Chapter 190, requests the City adopt an ordinance establishing a Community Development District (CDD) to be known as The Springs at Lake Alfred 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 north of the intersection of CR 557 and CR 557 A. The land to be served by the CDD is approximately 471 acres and is proposed for 960 single-family lots.

A CDD is an independent special district authorized pursuant to Chapters 189 and 190, Florida Statutes, as a mechanism to manage and finance basic community development services. A CDD may issue bond anticipation notes, 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.

Prior to acting on an ordinance for a petition regarding the establishment of a CDD. The City Commission must make a fair and informed policy decision in making its determination to grant or deny a petition. The City Commission must consider:

- Whether the contents of the petition satisfy the requirements in Section 190.005(2)a F.S.
- Whether the petitioner satisfies the notice and public hearing requirements of Section 190.005(2)b F.S.
- The six statutory factors listed in Section 190.005(1)(e) F.S.
- The record of the public hearing

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

- Enhanced Entry Feature
- Landscape enhancements
- Open Space, Passive Parks, and Dog Park
- Multimodal Corridor with fitness stations
- Utility Extensions
- Right-of-Way Maintenance
- Amenity Center – enclosed clubhouse, restrooms, pool, playground, mail center, and trail.

If approved on the first reading, the proposed Ordinance will be presented for the second and final reading on November 21, 2022. A public hearing on the petition is also scheduled for November 21, 2022.

He concluded by saying the staff recommendation was at the pleasure of the City Commission.

He introduced Jere Earlywine for a presentation on The Springs at Lake Alfred CDD.

Overview

- 471 acres on CR557 and CR557A
- 960 Lots
- 28M in infrastructure
- Roads and stormwater ponds
- Walking trails
- 31M cost estimate includes 3M off-site utility improvements
- Signage
- Landscaping buffers
- Fence and berm along CR557
- Round-a-bout
- Amenity Center
- 2,000 Sqft Indoor Clubhouse
- 1,000 Sqft Meeting Room
- 3,800 Sqft Resort Style Pool
- Kitchenette
- 5 Open space areas
- Covered playground
- Dog Park
- Walking Trail with outdoor fitness equipment

After his presentation, he stood for questions.

Commissioner Maultsby asked if this project was north of CR557A and the answer was yes, and it is planned for 960 lots. He then asked if it was close to the third CDD he had mentioned. It was shared the third CDD was on Lake Lowery Road. He then asked how many people the clubhouse would accommodate and was told by Michael Leady the seating capacity was for fifty (50) people with a total capacity of 80. This will be enough space for their meetings because they will also allow for virtual attendance.

Further discussion from the City Commission surrounded that the CDD would be open to the public, there would be berms around the development, and that it was not a gated community.

Commissioner Daley shared her concerns and said that to her Lake Alfred has been the best one to deliver services to the community. She knows her argument is with the State Legislature because they wrote the statutes. The paperwork we got said this would be a win-win-win for the city the developers and the residents, but she finds it not to be the case because the people, with the money they have to pay, could put in a really nice swimming pool in their backyard if they wanted to. The downside of the situation is that we are getting a reputation for having double the taxes and shared a story about a person who bought a home in Auburndale because of what she thought of as property taxes. In her mind, the CDD fee and property taxes were the same things. We had a long time to overcome the reputation of having the highest water bill now we are going to have the reputation with our property taxes. I know I can't hold it against you because it is legal to do it.

Jere Earlywine said if you didn't have a CDD here, you would not have a clubhouse, or the 3M dollars of utility infrastructure being paid for too. All this was enhanced as a part of the CDD. He said this is a very competitive environment and the enhancements will be written down in a legal agreement.

Commissioner Maultsby asked about the price of the homes and Lee from Meritage said the homes will start around \$275,000 and will be \$300,000+ for the larger homes. The sizes will range from 1,200 Sqft to 2,600 sqft. The lot sizes are 40/50 feet with 110/120 deep.

A discussion ensued regarding the quality of Meritage Homes, these being the green-standard homes with lower electric bills due to spray foam insulation, the economy, and default situations with the Community Development Districts.

City Manager Leavengood spoke about his indifference to the CDDs saying it was a policy decision. He shared about the Parks and Recreation component is where they can go above and beyond to say that they are the best alternative provider. He continued and said he always advocates for the future resident in terms of the amenities and said this is not a Celebration, this is not south Florida where you can shoot the moon on amenities. He shared about the advocacy staff did on behalf of this development. They are basically creating a Polk City as it was ten years ago and they are getting into the government business by making decisions with a Commission, a management company, a clerk, and an attorney by conducting meetings. He spoke about the enhanced features and said even though the roads will be ours they will be responsible for the landscaping and maintenance within the CDD.

Jere Earlywine said there was not a recommendation on Silverlake either, so this is a consistent policy not to make a recommendation on the CDDs. We appreciate your consideration.

Commissioner Maultsby asked if this would ever cost the city anything and Commissioner Daley said just our reputation.

Jere Earlywine said it would not cost you either one in fact it will enhance your reputation. He shared an experience with a community of Parker Point in Homestead, Florida, and said people who live in CDD Communities like them.

Commissioner Fuller shared his experience with visiting friends who lived in the CDDs. He asked if this was a single-family development, and he was told yes. He asked about the home prices in the Homestead CDD and was told they did not know the prices. He said he was impressed with his experience with the CDDs and has learned a lot about them. He said he has

listened to Commissioner Daley and said she has shared some big concerns. He said he wondered where this would all fit in with the higher interest rates and in our area.

Meritage Homes representative said he was confident that the CDD would be successful because there is prime access to where it is located. They are confident that it will sell and do well. We are looking to get started and obviously, the market can change things, but we see it moving forward at a steady pace and it is a great location.

City Attorney Claytor said for the purposes of consideration in determining whether the CDD is appropriate or to establish a CDD, market factors such as the cost of homes or interest rates are not relevant to the decision you have to make. You need to look at the statutory criteria and weigh whether or not the establishment of the CDD is the best alternative.

Commissioner Maultsby asked about the acres and wanted to know if it was uplands and said it was in the Green Swamp. He was told the bulk of it was uplands.

City Manager Leavengood said since they are developing in the Green Swamp, they would have to develop by the baseline residential code and the Green Swamp overlay. Since this is a master-planned community they also have design enhancements and other factors as well. Every permitted home in the City also has to meet those water star standards. He spoke about the cost implications to the City and said the only potential risk factor of a CDD is that they are a quasi-governmental entity. They are different and held to a higher standard. He asked Mr. Earlywine what happens when the debt falls off.

Jere Earlywine said essentially, they would pay off their first twenty or thirty-year bonds and they may refinance if they have higher interest rates but once they are paid off, it becomes an operation and maintenance entity.

A discussion ensued about the potential to add amenities in the future, notifications of the property owners near the site, the four-week advertisement requirements being met, and the disclosures to the home buyers.

Vice Mayor Eden asked what the recourse was for enforcement of the petitioner's agreement if they did not follow the agreement.

City Attorney Claytor said the city has protected itself to the extent possible by entering into a Petitioner's Agreement with the Property Owner/Developer which attaches to the property and created covenants that run with the land. The city can't control market forces and there aren't any guarantees but, with a legally established CDD as compared to an HOA, the CDD is the closest mechanism available to having a financially backed guarantee that the project will move forward. That is not to say that, if we hit another recessionary period, the city would be able to avail itself of any contractual remedies provided for by the Petitioner's Agreement and/or Interlocal Agreement in order to force compliance. However, with the Petitioner's Agreement in place and the financing mechanisms which the CDD has in its toolbox, the city has provided itself the best opportunity to see the project and promise amenities/improvements all the way through. Once the CDD Board is seated, the CDD Board will vote to ratify the Petitioner's Agreement, which is with the developer and/or landowner, and then the Chapter 163 Interlocal Agreement will be executed and brought back to the Commission for ratification. At that time, the City will have used a belt and suspenders approach to provide itself with the best opportunity to ensure that the development and development improvements come to fruition.

Community Development Director Bailey said as a part of the site plan and approvals process, we also require the amenities to be completed before certain phases so for example as a part of the construction plan approvals the dog parks or trails would have to be in before we issue certificates of occupancy. There are other mechanisms besides the petitioner's agreement. The site plan is what the development is going to look like and the construction plan is detailed with what exactly is going to happen, what is the length of the trail, how big is the park, and where is it going to be fenced so all of those things. We tie our certificates of occupancy to those things being completed.

Vice Mayor Eden asked if the assessments would change, and Jere Earlywine said there was a debt assessment that pays for the infrastructure and operation and maintenance(O&M), and the debt is pretty much fixed on the front end, and we won't know until we get nine months into it when the bonds are issued. The O&M will change each year dependent upon the operation and maintenance needs of the community. He asked about the community center being on the front end and was told that would be in the bond issue. There will be a certain amount of money from the CDD, and the rest would be developer-funded and the assessments will be whatever is comparable in Polk County.

Commissioner Daley suggested that when they do their covenants with the residents that they have choices on their fencing, so it is not that white PVC fencing, and explained the reasons why. There are so many better alternatives than those terrible PVC fences.

The Meritage representative said there were multiple choices for fence styles within the declarations page. The homeowner can do hedges, back aluminum fences, or other options to make the community look good.

Commissioner Maultsby asked about the annexations in the area north and west of this property.

Community Development Director Bailey said on the south side of CR557A there are some properties already in the city, but we don't quite get back to Old Lake Alfred Road.

A discussion ensued that the site plan was in the petitioner's agreement, the phasing-in of the site plan, and the amenities within the plan also being in the petitioner's agreement. If the petitioners wanted to change their plans they would have to come back before the City Commission to change that site plan. The further discussion encompassed the construction of the homes is expected to start in the third quarter of 2023, with the potential to have more development to the north, and the school concurrency process.

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

Commissioner Fuller made a motion to approve Ordinance 1503-22 establishing The Springs at Lake Alfred Community Development District on the first reading. The motion was seconded by **Commissioner Maultsby**.

Commissioner Daley requested a roll-call vote to be conducted by the City Clerk.

Commissioner Maultsby	AYE
Commissioner Fuller	AYE
Vice Mayor Eden	AYE

Mayor Dearmin AYE
Commissioner Daley NAY

The motion was approved by a majority vote of the City Commission.

Mayor Dearmin recessed the City Commission meeting at 10:10 PM.

Chair Dearmin called to order the Community Redevelopment Agency meeting at 10:10 PM

Roll Call: Linda Bourgeois, City Clerk

City Commissioners 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, Parks and Recreation Director Richard Weed, Community Development Director Ameer Bailey, Police Chief Art Bodenheimer, and Fire Chief Robert Turner.

Chair Dearmin introduced the consent agenda for consideration.

- 1.) Community Redevelopment Meeting Minutes for October 3, 2022

Board Member Daley made a motion to approve the CRA minutes for October 3, 2022. The motion was seconded by **Board Member Fuller**. The motion was unanimously approved.

Chair Dearmin introduced the business item for consideration.

- 1.) CRA Resolution 05-22: Fiscal Year 21.22 Final Budget Amendment

City Attorney Claytor read the title of CRA Resolution 05-22 into the record.

City Manager Leavengood read the analysis into the record. He said as a part of the closeout process of the previous fiscal year of 2021/2022 the city is required to submit an amended budget that includes any changes made from the original budget. These changes can include unanticipated projects, expenses, or revenues that were not included; or changes to existing line items that did not meet exact revenue or expenditure projections. The proposed budget adjustment accounts for these changes and rebalances the total budget and each of the funds.

Substantive changes to the CRA Budget include:

- \$50,000 carry over to fund the ongoing residential facade improvements.
- \$36,000 coming from reserves to pay for Phase 1 Central Park improvements carried over and completed in the current fiscal year.

He concluded by saying the staff was recommending approval of CRA Resolution 05-22.

Board Member Daley asked about the bakery that was awarded the Facade Improvement Grant funding and wanted to know did that money go back into the fund since it was never used.

Community Development Director Bailey said we awarded three grants and only two were expended funds. That money will remain in the budget and will be reallocated and rolled over for

future Facade Grant Funding or other CRA projects. In addition, we will notate in the annual report that the funds did not get expended but are still available for future funding.

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

Board Member Fuller made a motion to approve CRA Resolution 05-22: Fiscal Year 21.22 Budget Amendment. The motion was seconded by **Board Vice Chair Eden**. The motion was unanimously approved.

Without any further discussion, at 10:16 PM, **Chair Dearmin** adjourned the Community Redevelopment Agency Meeting.

At 10:16 PM, **Mayor Dearmin** reconvened the City Commission Meeting and called it to order.

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.

Recognition of Citizens

There were none.

Commissioner Questions and Comments:

Vice Mayor Eden thanked the first responders and the Chiefs in the back of the room. He thanked the city staff for all that they do. He thanked the Veterans both past and present. He congratulated all of the employee recognitions and the swearing-in ceremonies tonight. He said he was pleased especially in this business environment where we can hold on to our key and core employees which is a good thing. He shared his special event this weekend with his daughter's birthday and said thank you.

Commissioner Maulsby, there were no comments.

Commissioner Daley concurred with the Vice Mayor's comments regarding the Veterans and the staff. She said we were very lucky to have a great staff. She shared she attended the Ridge Art Reception with the new paintings in the City Hall Chambers saying it was a nice event and they were grateful to be able to display their paintings here. She said she told them we were grateful to have the paintings here. That is a win-win here and a nice program. She shared her attendance with the City Manager and the Community Development Director at a TPO Transportation Summit talking about the Pledge to Slow Down, Vision Zero, and transportation safety. She said it was an all-day event and in the morning, she took a tour of the sun tracks facility and the autonomous vehicles and Electric Vehicle is the wave of the not-so-distant future. It is here and we need to make sure we stay on top of it for city purposes. We spoke afterward about potential grants for the charging stations which would provide economic benefits to the community by allowing people to eat and shop while charging their vehicles.

She read into the record a notice from the Florida Department of State Historical Preservation Society for the house located at 730 N. Buena Vista Drive. She continued and said she was disappointed she would not be able to attend the Employee's Thanksgiving Luncheon so she could be face-to-face and thank them. She shared she would be out of state attending the Radio

City Music Hall Christmas Rockettes show because she was given free tickets for helping to make a forty-two-foot curtain for the show. This is a preview show with other dignitaries and VIP's so she will be gone for a couple of days. Thank you.

Mayor Dearmin said he was honored we had an audience tonight and said we went long but it was very productive. It is a true testament to the City Manager and his staff. He presented Commissioner Mac Fuller with his certificate of completion for the Institute of Municipal Elected Officials II. He said the Florida League of Cities provides multiple levels of education for elected officials and he was honored to present him with his certificate. He continued and said he was looking forward to the Thanksgiving Luncheon and asked for prayers with the potential hurricane Nicole heading our way.

Commissioner Daley commended the City Staff for the clean-up efforts after Hurricane Ian and shared that some people outside of our community did not get their debris collected until after a month had passed.

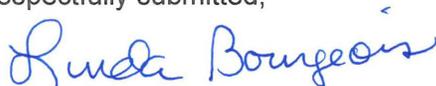
Commissioner Maulsby asked permission to miss the next meeting to be on vacation. Please excuse me.

Commissioner Fuller said we saved him \$20 tonight because he was going to buy his Powerball tickets after the meeting. He thanked the directors for being here tonight saying it was a long meeting. He said it was great to sit here and see almost every seat filled here for promotions, longevity, new hires, and swearing-in ceremonies. He addressed the Police Chief and said he ran into one of his employees on the last day of the Harvest Meat Market and they shared how well he takes care of his employees. He said a special shout-out to those dedicated folks who stayed and manned the phones and officers that worked around the clock. He said when we live in storm-prone areas the staff must go above and beyond and he is pleased that everyone is always stepping up to the challenge. He said he was proud of those that keep our streets clean, and they have done a great job. He thanked Director Bailey and the City Attorney. He complimented the City Clerk for doing a great job with the swearing-in ceremonies and thanked her for all her good work.

Mayor Dearmin said prayers for Election Day tomorrow so everyone has the right to vote.

Without further comments, at 10:26 PM, the City Commission meeting was adjourned.

Respectfully submitted,



Linda Bourgeois, BAS, MMC,
City Clerk