

**MINUTES  
CITY OF LAKE ALFRED  
CITY COMMISSION  
MONDAY, JULY 20, 2020  
CITY HALL**

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**Call to Order:** Mayor Nancy Z. Daley

**Invocation and Pledge of Allegiance:** Pastor Blocker

**Roll Call:** City Clerk Ameé Bailey

Those in attendance were Mayor Nancy Daley, Vice Mayor Jack Dearmin, Commissioner Brent Eden, Commissioner Charles Lake, and Commissioner Albertus Maultsby.

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

**City Managers Announcements:**

**City Manager Leavengood** provided an update on the County Emergency Operations Center Monday conference call. Dr. Jackson, head of the Polk County Health Department, relayed the number of COVID-19 cases in Polk County as over 9,500 cases. The median age is forty-four (44). There are approximately 124 deaths, with thirty-six percent occurring in the last seven days. Fifteen percent of the test performed last week were positive.

The City has been participating in the distribution of masks provided by the County. Lake Alfred received 12,000 masks. The City has used social media and the digital sign to advertise distribution within the City. The City has also provided masks to communities such as Cypress Greens for distribution. Masks will also be located at publically accessible City buildings. Staff has been providing a maximum of three masks per person.

**City Attorney's Announcements:**

No comments.

**Recognition of Citizens:**

No citizen comments.

**Proclamation: Lakes Appreciation Month**

**Mayor Daley** read the proclamation and urged all citizens to enjoy the beauty, recreational opportunities, and public services provided by the lakes in our City.

**Danny Kushmer**, Executive Director of LE/AD, which is a 35-year-old organization that educates residents and visitors about water quality in Polk County. This month is an opportunity to educate everyone, and he thanked the City for the support.

### **Consent Agenda:**

**Mayor Daley** asked if the Commissioners would like to discuss any of the items on the Consent Agenda.

**Commissioner Maulsby** moved to approve the Consent Agenda, seconded by **Vice Mayor Dearmin**. A unanimous voice call vote approved the motion.

### **Agenda**

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#### **1.) Public Hearing: Resolution 07-20: Proposed Tentative Millage Rate**

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**Assist City Attorney Claytor** read the resolution title.

**City Manager Leavengood** stated the City is required to advise the Property Appraiser's office of its tentative millage rate, roll-back rate, as well as the date, time, and place of the proposed budget hearing.

- The proposed millage for FY 20/21 is 7.2390 mills, which is equal to the current millage rate and is 7.63% above the current rolled-back rate of 6.7257.
- The date, time, and place of the first public hearing on the fiscal year 2020/2021 budget is set for Thursday, September 10, 2020, at 7:30 p.m. at City Hall located; 120 East Pomelo Street, Lake Alfred, Florida.

The proposed resolution sets the millage rate ceiling for the next fiscal year. The millage rate can be lowered when considered for adoption in September, but it cannot be increased beyond the initial limit set within this resolution. A graphic of historical rates was presented.

The recommendation is to leave the rate at the current rate. Revenue income expectations are lower this year due to the impacts of COVID. The revenue and payroll section will be presented to the City Commission at the next meeting for discussion before the September budget hearings. The rate can be decreased but not be increased above the limit set by this resolution. Staff also recognizes the impact on the citizens and does not recommend an increase in the rate. There are short term impacts and long term impacts such as ad valorem that might be seen in the next two years. The City is well position to weather the financial situation.

**Staff** recommended approval of Resolution 07-20.

**Mayor Daley** stated that maintaining the rate was similar to a cost of living adjustment. There will also be new houses to share the impact.

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

The Commission concurred, and **Vice Mayor Dearmin** moved to approve Resolution 07-20, with the proposed millage for FY 20/21 of 7.2390 mills and to set the first budget hearing for Thursday, September 10, 2020, at 7:30 pm, seconded by **Commissioner Eden**. A unanimous voice call vote approved the motion.

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## **2.) Resolution 08-20: Acceptance of Tract 5, The Lakes Plat Without Dedications**

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**Assist City Attorney Claytor** read the resolution title.

**City Manager Leavengood** stated the applicant, Clayton Properties Group, LLC, has requested approval of a final plat for Tract 5, The Lakes. The ±25.78 acre subdivision is located north of Lake Rochelle and Mackay Boulevard. The City Commission approved the preliminary plat with a variance on October 21, 2019, via Resolution 10-19. The lot layout meets the general requirements of the existing zoning Single – Family Dwelling zoning districts (R-1A-C and R-1AA-C) with the variance to reduce the minimum right-of-way width for a street classified as a local road as established in Section 3.02.03 (C) from 60 feet to 50 feet. Additional HOA easements have been added since the preliminary plat to accommodate the HOA maintenance of the retaining walls.

The density is approximately 3.3 units per acre, which is consistent with both the zoning districts and the Future Land Use (FLU) designation. The construction plans were approved, and the City is in receipt of all state permits. The site is currently under construction. The developers' engineer has submitted the infrastructure estimate and performance estimate for completion of the infrastructure. The City's engineer has reviewed the estimates. The owner has provided a performance bond in the amount of 120% of the cost or \$1,089,246.75 in order to address the total construction cost of the infrastructure. The City's attorney has reviewed the bond.

On June 23, 2020, the Planning Board gave a unanimous recommendation of approval for the final plat. Once the final plat is approved for filing, the owner may apply for building permits; however, acceptance of all infrastructure must occur before receipt of any certificate of occupancy (CO). In addition, the Development Agreement states that no COs can be issued until the dedication of the 11-acre conservation tract to the City.

**Staff** recommended approval of Resolution 08-20, Final Plat for Tract 5, The Lakes without dedications.

**Mayor Daley** stated that the 11 acres were to be dedicated as part of the cluster provisions for a greater density in the development. It also serves as a buffer for the homes along the canal.

**Vice Mayor Dearmin** asked about access for Tract 5 and 6 and the process.

**Community Development Director Bailey** stated there are two access points to Tract 4 and one onto Mackay. Tract 6 will be accessed through Tract 5. Tract 7 is the trail between Tract 6 and Tract 8. The lift station is on Tracts 7 and 8.

The process starts with the preliminary plat, then construction plans, construction, and final plat. The final plat provides the mechanism to divide the lots. The bond is issued when the infrastructure is not complete prior to the final plat. This is why the final plat is recommended for approval without the dedications. After the infrastructure is finalized and inspected, the City can accept the dedications and release the bond.

**Assist City Attorney Claytor** stated the developer is not debating the 11 acre dedication. There is a title issue that they are resolving.

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

**Commissioner Eden** asked if the bond was due to a delay related to COVID19.

**City Manager Leavengood** stated that the housing market has not yet been impacted because there is a limited supply in the areas.

**Vice Mayor Dearmin** moved to approve Resolution 08-20, seconded by **Commissioner Maultsby**. A unanimous voice call vote approved the motion.

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### 3.) **Emergency Ordinance: 1436-20: Face Covering (Covid-19)**

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**Assist City Attorney Claytor** read the ordinance title.

**City Manager Leavengood** stated Lakeland and Winter Haven have recently passed mask requirements. Other cities are in discussion regarding mask requirements. In addition to discussion of other jurisdictions, a draft mask requirement ordinance for Lake Alfred has been provided for consideration if the City Commission so desires and has been modeled after the Winter Haven mask ordinance. There has been a variety of responses by municipalities, counties, and states. The goal would be voluntary compliance and providing masks to assist. The decision is a policy decision, and there are some liability and active litigation regarding the requirements.

**Assist City Attorney Claytor** stated approval of an emergency ordinance by the City would require a supermajority. There is some litigation occurring based on procedures and enforcement. The City's ordinance is focused on voluntary compliance, and if followed, any citation would most likely be related to another offense. The ordinance is a strong step towards reducing COVID cases in the City. There is substantial medical evidence in support of an ordinance.

**City Manager Leavengood** stated the principal of Heart Ridge Academy and Our Career Centered Academy are in support of the ordinance. Businesses are responding without an ordinance, but it provides them additional support.

**Police Chief Bodenheimer** stated that the mask distribution provides support for the voluntary nature of the ordinance and an opportunity for education. The business also wants to protect its staff rather than have another shut-down.

**Mayor Daley** opened the public hearing.

**Stacy Brinkerhoff**, from Our Career Centered Academy, asked for the City to pass the mask ordinance to protect the private schools within the community. Unlike the public schools, the private schools do not have the backing of the school board, which is requiring masks. They request the City's support to protect their staff and students, which are special needs.

**Terry Guyer**, Principal of Our Career Centered Academy, stated they are ready to have students return, but are worried about attendance if they require masks. They do not have the school board backing and request support from the City.

**Mayor Daley** stated a recent news article stated that Polk was one of the hardest-hit areas. She stated there is medical support that masks can help prevent and slow the spread of COVID. The state tasks for recommends mask. She stated she is in support of the ordinance for Lake Alfred.

**Vice Mayor Dearmin** stated that he sees more support and usage of masks.

**Commissioner Maultsby** asked about the possibility of a lawsuit.

**Assist City Attorney Claytor** stated that Dr. Joy Jackson, with the Department of Health and CEO of Winter Haven Hospital, has spoken to several cities in support of mask ordinances. Results for any lawsuit would depend on the bases for the lawsuit, and someone would need to be cited. The goal is voluntary compliance, and the ordinance protects the health, safety, and welfare of the public.

**Commissioner Eden** stated he would be more concerned about the lawsuits if the City does not pass the ordinance. He also stated he appreciated the efforts to distribute masks, which masks it easier to get compliance. It would also protect consumers visiting businesses in the City.

**City Manager Leavengood** stated that the housing market has not yet been impacted because there is a limited supply in the areas.

**Mayor Daley** stated the emergency ordinance does not require a second reading if approved by a supermajority. As written, it would expire on September 21<sup>st</sup>, unless changed by the City Commission.

**Commissioner Lake** asked if Auburndale passed the mask ordinance and if the ordinance is a mandate. Businesses are already requiring masks. It is common sense, and everyone should be wearing masks.

**Assist City Attorney Claytor** stated that the ordinance in Auburndale did not pass.

**Mayor Daley** stated the ordinance would help the businesses.

**City Manager Leavengood** stated if the City has the requirement, it adds a layer of potential enforcement, which supports the businesses. From the operation side, the Police Department does not intend to cite anyone based on the ordinance but gives the ability if necessary. There are a lot of exceptions in the ordinance which is focused on voluntary compliance. The goal is to assist businesses in the City to prevent further shut-downs.

**Commissioner Maultsby** stated he has seen most people wearing masks and is in support of the ordinance.

**Brenda Arnold** 435 W. Pierce St stated the City should pass the ordinance to protect everyone.

**Vice Mayor Dearmin** agreed it is a health issue and moved to approve Resolution 08-20, seconded by **Commissioner Maultsby**. A unanimous roll call vote approved the motion.

#### **Recognition of Citizens:**

**Brenda Arnold** 435 W. Pierce St stated her brother liked how the City is looking, and the speed trailer is still working. She complained about the rodents maintenance of the property behind her. She was contacted by TECO to resolve the power issue.

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

**Commissioner Maultsby** stated he is glad to be a member of the City Commission.

**Commissioner Lake** stated his condolences to Commissioner Maultsby on the passing of his brother. He participated in the TPO 2045 Transportation forum and Water Cooperative meeting. Nini's Café has returned to the City, and he asked about the bass sculpture unveiling.

**City Manager Leavengood** stated the unveiling is scheduled for July 31 at 9 am.

**Vice Mayor Dearmin** had no comments.

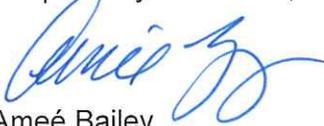
**Mayor Daley** stated the September Ridge League dinner was cancelled.

**Commissioner Eden** also offered his condolences to Commissioner Maultsby and wished Commissioner Dearmin a happy birthday. He also mentioned the upcoming mask distribution event.

**Mayor Daley** asked about providing flyers to the businesses regarding the masks.

With no other business, Mayor Daley adjourned the meeting at 8:38 pm.

Respectfully Submitted,

  
Ameer Bailey  
City Clerk