

**MINUTES  
CITY COMMISSION  
MONDAY, MARCH 20, 2023  
7:00 PM  
CITY HALL**

**Call to Order:** Mayor Jack Dearmin 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:** Pastor Kimberly DuBreuil of First United Methodist Church of Lake Alfred provided the invocation and **Mayor Dearmin** led the Pledge of Allegiance.

**Roll Call:** City Clerk Linda Bourgeois

**City Commissioners in attendance:** Mayor Jack Dearmin, Vice Mayor Brent Eden, Commissioner Nancy Z. Daley, Commissioner Albertus Maultsby, and Commissioner Mac Fuller (7:36 PM).

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

**City Manager** announced the following:

1. The Ridge Art Association Awards Ceremony will be held on this Thursday, March 23, 2023, beginning at 5:00 PM at the Mackay Gardens and Lakeside Preserve. Awards will be announced at 5:45 PM.

2. On Tuesday, March 28, 2023, the Chamber of Commerce will host its first Lunch and Learn of 2023. The guest Speaker will be Police Chief Art Bodenheimer at Calogero Pizza (148 W. Haines Blvd) beginning at 11:30 AM.

2. On Wednesday, April 5, 2023, the Blood Mobile will be at the City's new facility (formerly SouthState Bank) from 10 AM – 2:00 PM

**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 Donate Life Proclamation into the record.

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

**Consent Agenda:**

- 1.) City Commission Meeting Minutes for March 6, 2023
- 2.) City Commission Announcements
- 3.) Planning and Zoning Board Appointments

The City Clerk inserted the analysis for the record. [On April 16, 2021, the Planning and Zoning Board was established by Ordinance No. 1440-20. The new Planning and Zoning Board was

designated as the local planning agency per F.S. 163.3174 and reviews development applications and the Technical Review Committee recommendations at a public hearing.

The board is comprised of seven (7) regular members, and two (2) alternate members to serve for three (3) year terms. The duties of the board are to advise and make recommendations to the City Commission regarding applications or designations on property within the City, to interpret and determine the intent of provisions outlined in the code that are unclear or in conflict with other regulations, and to consider the need for revision or addition to regulations in this Code or the Comprehensive Plan and to recommend changes to the City Commission.

On February 2, 2023, Board Member Ganesh Nair submitted his resignation, and on February 14, 2023, Board Member Charles Lake submitted his resignation. The new applicants have agreed to serve the remainder of the following terms:

- Bancroft Fisher – replacing Full Member Ganesh Nair 12/31/2025
- Ron Pestone – replacing Full Member replacing Charles Lake 12/31/2024]

**Commissioner Maultsby** made a motion to approve the consent agenda. The motion was seconded by **Vice Mayor Eden**. The motion was unanimously approved.

**Commissioner Daley** thanked the citizen volunteers for serving the City of Lake Alfred.

**Mayor Dearmin** presented the first business item for consideration.

1.) Public Hearing: Ordinance 1514-23: LA Pines Right of Way Dedication

**City Attorney Claytor** read the title of Ordinance 1514-23 into the record.

**City Manager** read the analysis into the record On July 30, 2021, the City entered into a Developer's Agreement with Lake Alfred Pines, LLC, based on the City's request for the applicant to relocate their entrance to align with Old Lake Alfred Road. In order to accomplish this new alignment, the entrance of the subdivision needed to cross a city-owned parcel. The new alignment creates a full intersection at CR 557 and the future alignment of Old Like Alfred Road.

The Developers Agreement established the obligations of each party.

1. Developer: permitting, road construction, and maintenance warranty for the road improvements (same time as subdivision infrastructure).
2. City: accept and maintain road improvements and convert the road improvements to a perpetual ROW.
3. Temporary Access and Construction easement

The Developer has completed their obligations. The proposed ordinance will convert a portion of the City property to a perpetual public right-of-way to meet our obligation.

He said the staff was recommending approval of Ordinance 1514-23 on the second and final reading.

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

**Vice Mayor Eden** made a motion to approve Ordinance 1514-23 for the LA Pines Right of Way Dedication on the second and final reading. The motion was seconded by **Commissioner Maultsby**. The motion was unanimously approved.

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

2.) Resolution 09-23: LA Pines Final Plat Acceptance with Maintenance Bond

**City Attorney Claytor** read the title of Resolution 09-23 into the record.

**City Manager** read the analysis into the record. He said the applicant, Lake Alfred Pines LLC., has requested approval of a final plat for the Lake Alfred Pines subdivision. The approximate 30± acre subdivision is located on the east side of CR 557 north of the current intersection with Old Lake Alfred Road. The property is located within the Green Swamp Area of Critical State Concern.

On July 30, 2021, the city entered into a Developer's Agreement with Lake Alfred Pines, LLC, based on the staff's request to relocate their entrance to align with Old Lake Alfred Road. In order to accomplish this new alignment, the entrance of the subdivision needed to cross a city-owned parcel. Ordinance 1514-23 addressed the agreement requirements.

The construction plans were approved by the City on October 6, 2021. Prior to construction, the city received all state permits. On August 8, 2022, the City Commission adopted Resolution 13-22 allowing the plat to be recorded without acceptance of the infrastructure. Instead, the applicant submitted a performance bond in the amount of 110% of the engineer's certified cost of all improvements.

The owner has now completed all construction included in the performance bond (water and wastewater service, road construction, landscaping, etc.). The city has inspected the work and recommends acceptance of the infrastructure, the 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 \$124,013.47.

He said the staff recommendation was for approval of Resolution 09-23.

**Commissioner Maultsby** asked if the homeowners would be to have on-street parking and Community Development Director Bailey said there was a sign posted that said on-street parking is prohibited. Commissioner Maultsby shared his experience with guest cars being towed away and Community Development Director Bailey said the City is more inclined to work with the Homeowners Association and issue notices or tickets for violations.

**City Attorney Claytor** spoke about proper signage saying that it should be posted pursuant to applicable Florida law with the proper font and size, that it has to be conspicuously posted, and there were other requirements that would allow for legally towing vehicles.

**Commissioner Daley** asked about the speed limit signs and wanted to know if they had to be posted on every street in the City's grid or if there is a citywide speed limit.

**City Attorney Claytor** said there were requirements and we would have to abide by the Florida Department of Transportation Manual.

**Vice Mayor Eden** asked if the sign implied that you can't have visitors, or if it just applied to overnight parking. The City Manager said there is no parking allowed on the street due to the width of the road and the City was expecting the Homeowners Association to be the first line in education and enforcement.

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

**Commissioner Daley** made a motion to approve Resolution 09-23 LA Pines Final Plat Acceptance with Maintenance Bond. The motion was seconded by **Vice Mayor Eden**. The motion was unanimously approved.

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

3.) Public Hearing: Resolution 10-23: CDBG Grant Support

**City Attorney Claytor** read the title of Resolution 10-23 into the record.

**City Manager** read the analysis into the record. He said in July 2017, the City Commission approved an agreement with the county to become a sub-recipient of Polk County for Community Development Block Grant funding. The agreement was extended on February 9, 2023, for FY 2023-2025. Polk County has requested project proposals from its municipal partners to be funded by a formula allocation. The City anticipates receiving \$35,010.00 in CDBG funds in the upcoming FY 23/24 Budget.

This grant program provides communities with resources to address a wide range of unique community development needs. Each CDBG-funded project must meet one of the three national objectives including benefiting low and moderate-income persons; Preventing or eliminating slums and blights; Meeting other community development needs having a particular urgency.

Staff is proposing to replace the interior bathrooms inside the Highlands Community Center with two new ADA-accessible unisex restrooms inside which will increase the level of ADA accessibility for that facility. The proposed project benefits low and moderate-income persons and meets other community development needs having a particular urgency.

The proposed project will cost approximately \$60,000 and has been identified in the self-evaluation survey report as a high-priority project for incorporation into the City's ADA transition plan. The additional funding needed to complete the project will be provided for in the budget for the upcoming fiscal year.

He concluded by saying the staff was recommending approval of Resolution 10-23.

**Vice Mayor Eden** asked if there were larger CDBG grant funding available to put more money into ADA projects and the City Manager explained the process of opting in with the County formula versus opting out and going on our own.

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

**Mayor Dearmin** thanked the City Clerk/ADA Coordinator for identifying the project and thanked the Management Analyst for assisting with the grant.

**Vice Mayor Eden** made a motion to approve Resolution 10-23 for the CDBG Grant Support for the Highlands Community Center Restroom Project. The motion was seconded by **Commissioner Maultsby**. The motion was unanimously approved.

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

4.) Public Hearing: Resolution 11-23: USDA Grant Support

**City Attorney Claytor** read the title of Resolution 11-23 into the record.

**City Manager** read the analysis into the record. He said on April 18, 2022, the City Commission approved a resolution adopting the FY23 Community Project Funding Priority list for potential funding applications under the Community Project and/or Federal Appropriation Subcommittee Programs. The resolution identified a Fire Engine Replacement Project to replace the existing fire engine that has provided service to the City of Lake Alfred for over twenty years.

On January 1, 2023, Congressman Soto (FL-09) voted to pass the Consolidation Appropriations Act with a funding package of \$27 billion. Within the Consolidation Appropriations Act, Congressman Soto championed funding for thirteen local projects, and included was the appropriation of \$412,500 for a fire engine replacement in the City of Lake Alfred. The funding will be allocated through the Communities Facilities Grant Program administered by the United States Department of Agriculture.

The proposed resolution applies for the allocated appropriation with the United States Department of Agriculture, Rural Development to finance the Fire Engine Replacement Project with a maximum of 55% funding and a 45% City match.

He concluded by saying the staff was recommending approval of Resolution 11-23.

**Commissioner Daley** asked if the matching funds would come from the savings account for the Fire Engine Replacement and the City Manager said yes that the City had been setting aside \$50,000 each year. She then asked if a new satellite station could be paid with impact fees and the City Manager said yes along with two additional apparatuses.

The Management Analyst was thanked for her work on this grant funding and it was shared that a thank you note had been sent to Congressman Darren Soto.

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

**Commissioner Daley** made a motion to approve Resolution 11-23 for the USDA Grant Support for the purchase to replace the fire engine. The motion was seconded by **Vice Mayor Eden**. The motion was unanimously approved.

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

5.) Growers Fertilizer Acquisition

**City Manager** read the analysis into the record. He said Growers Fertilizer property is located in a critical area of Lake Alfred near the intersection of US 17/92 and CR 557 as well as being adjacent to the city-owned Lions Park.

Acquisition of the property by the City will allow for several opportunities including:

- Incorporating the property into Lions Park allowing for a primary entrance off CR 557
- Allowing for more recreational options and configuration of Lions Park including the potential placement of the community center identified in the Parks Master Plan and 10-Year Facility Plan
- Improving the aesthetic of one of the primary gateways to Downtown Lake Alfred and allowing for a view of the lake from the gateway.
- The acquisition includes other parcels in the vicinity of the CR 557 and US 17 intersection which will be important when partnering with the County/State on improving that intersection.
- Allows for a more competitive bid for a rail stop and intermodal transportation opportunities due to its proximity to the intersection of major roads, the city park, and the railway (i.e., park and ride).

A 2022 appraisal estimated the value of the property to be \$1,495,000 of which \$910,000 was land value. The City also received a bid of approximately \$800,000 for the demolition of the building, the large cost was due to the presence of asbestos in portions of the building. The owners performed a Phase 2 environmental study and performed some soil remediation. Our environmental consultant has reviewed that report and determined the City will need to perform our own Phase 1 and Phase 2 Environmental Studies to be eligible for state and federal programs to help environmentally remediate the site.

In negotiating with the owners, city staff looked at the land value, the cost of demolition, and remediation, the reduced cost of remediation to the City through state/federal programs, and the possible value to the owners of the right of way acquisition for the County 557 expansion project and agreed to a purchase price of \$500,000.

Funding is available in remaining ARPA funds and parks and recreation impact fees for the acquisition. If approved, the City would have a 180-day due diligence period to complete a Phase 1 and Phase 2 Environmental study and is coordinating with our consultant and the Central Florida Regional Planning Council for grant and program applications (similar to the downtown property remediation).

He concluded by saying the City was recommending approval of the purchase of Growers Fertilizer in the amount of \$500,000.

A discussion ensued about the Parks and Recreation Plan being due for an update in the next year or two, the Brownfield Funding, EPA remediation, and this project would potentially take three to five years to complete.

**Commissioner Maultsby** asked if we would have enough room for a road by the railroad tracks and the City Manager said yes and that CSX owned fifty feet from the centerline of the tracks. Commissioner Maultsby said when he was about twelve, during WWII his three brothers would go to work at Growers Fertilizers after school and on the weekends.

**Vice Mayor Eden** asked if purchasing this property would interfere with other planned projects and the City Manager replied no, and said we were not cannibalizing our other projects.

**Commissioner Daley** asked if all of the buildings were going to be demolished and mentioned there were some recently updated offices saying there may be an opportunity to use them for something else or sell them to help offset the costs. She mentioned the misspellings and grammatical errors in the appraisal report.

The City Manager spoke about the property being in high demand to the Florida Department of Transportation and Polk County with the roadway widening project. He said we could use that as leverage when negotiating. He said we will be evaluating all of the buildings.

**Vice Mayor Eden** asked how confident we were in the Brownfield grant funding and the City Manager said the presence of asbestos alone would provide a qualification. The programs are competitive and at this time there is a lot of funding available for these types of projects.

**Mayor Dearmin** opened the floor to public comments.

**Ron Pestone** of 160 W. Haines Blvd said it was a great deal and congratulated the City.

**Mayor Dearmin** closed the floor to public comments.

**Commissioner Daley** made a motion to approve the purchase of Growers Fertilizer in the amount of \$500,000. The motion was seconded by **Commissioner Maultsby**. The motion was unanimously approved.

#### **Recognition of Citizens**

There were none.

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

**Mayor Dearmin** said some of them went to Tallahassee this past week and he was very enlightened about what was going on in the legislature. He mentioned that the Sovereign Immunity bill was postponed which may help, some other things were on the table and we will see how that plays out. He encouraged prayers for Commissioner Powell for health concerns. Thank you.

**Commissioner Fuller** apologized for being late this evening. He said it was wonderful news the City Manager brought us tonight and said they had a very informative meeting and were looking forward to a follow-up with them later in the year. He provided an update on his great-niece saying she had received her new lungs last Saturday and it has been touchy. She is doing well though and is a week and a day out of surgery. He thanked everyone for their prayers for his grandniece. Thank you.

**Vice Mayor Eden** thanked the first responders and both chiefs in the back, all the department directors, and the city staff. He showed a photo of his daughter and said she goes to Berkley Charter School. He shared they had a really cool field trip in Tampa called BizTown where there were Mayors, and CEOs, after a vote she became the Mayor of the whole grade. She did an amazing job and she mentioned that she had outranked him. He is very proud of her and it was a unique experience. Thank you.

**Commissioner Fuller** mentioned that the City does a leadership group each year.

**Commissioner Maultsby** thanked the City Commission for allowing him to continue to go to meetings and helping him to see he gets there safely. He thanked the Citizens for allowing him to serve ~25 years and he has enjoyed all of it. He has tried to do his best for Lake Alfred. At 92, he thinks it is time to retire and let the younger ones take over. Thank you.

**Commissioner Daley** said she can't impress upon the City Commission enough to be aware of the Legislative session. She spoke about the bill wanting to change the cap of homestead exemptions which would kill us and we would have to financially rearrange everything and raise fees on rental people because we won't have the homeowner money that would have normally been coming in. She said the one about the financial disclosure looks like it is going to pass and that is going to affect a lot of people including her personally because I can't do that. There are others that are really important so if you get those emails from the Florida League of Cities read them. She shared she emailed all of those on the Ethics committee and explained the impact it has on people. She said she knows people who didn't run because they had to do Form 1 much less Form 6. They say it won't impact those who run anyway but they don't know because they don't know who already didn't run. She asked about the emergency impact bill and wanted to know if that will affect the one that we have in the pipeline because we have already passed our emergency impact fee ordinance.

The City Manager said the ones we have already approved are in effect and he is not familiar with the proposed bill.

**City Attorney Claytor** said he was not aware of that particular piece of legislation but he would research and follow it. Commissioner Daley will send the bill numbers to the City Manager to pass on to the City Attorney.

A brief discussion ensued regarding the current bills in legislation such as economic impact statements with the passage of some ordinances, raising the sovereign caps, and watershed legislation.

**Commissioner Daley** asked about the Form 6 financial disclosures being proposed to become effective January 1, 2024, and asked if that was to be approved would they make us complete the Form 6 for 2023 retroactively?

**City Attorney Claytor** said he would have to look at it but it should be prospective and should not be retroactive. He said he would be happy to take a look at that bill as well.

**Commissioner Daley** gave credit to the Fire Department for the fire we had over the weekend on Saturday night at the Mackay Preserve. She shared there were water trucks from Auburndale and Lake Alfred, Polk County, and the Forestry Division. She said the Fire Chief Turner was there and the firefighters reacted in such a great way, it was in a hard place to get to and they were able to contain it. She said what a disaster it could have been it actually had turned out to be not such a bad thing because a controlled burn needed to be done. They were very respectful of the gopher tortoise area and did not trample everything. She continued and suggested looking to move a fire hydrant to the other side of Mackay Blvd because they had to go across the road to get the water. She can't say enough about the firefighters who also stayed the night. She thanked the fire departments and said hopefully we can find out what caused it. She encouraged everyone to go down and see and said thankfully it was in an open area and not in the denser areas. She went on to say that the Forestry Division actually gave us a new trail because they made a fire break around the fire and with the right equipment, we can smooth that out and make it so our equipment can drive in that one area because it is already there. Thank you.



**Commissioner Maultsby** asked to see if the grant writer could work with Habitat for Humanity by maybe giving them some land for them to build an affordable house.

The **City Manager** said we could look into obtaining vacant lots through the CRA or obtain property through the Code Enforcement process. We will reach out directly to Habitat for Humanity to see if there is an opportunity there to assist them. We will do what we can.

Without further comments, at 7:57 PM, the City Commission meeting was adjourned.

Respectfully submitted,



Linda Bourgeois, BAS, MMC,  
City Clerk