

**MINUTES  
CITY COMMISSION  
MONDAY, JULY 10, 2023  
7:00 PM  
CITY HALL**

**Call to Order:** Mayor Nancy Z. Daley called the City Commission meeting to order at 7:01 p.m. in the City Commission Chambers located at 120 E. Pomelo Street, Lake Alfred, FL 33850.

**Invocation and Pledge of Allegiance:** Reverend Dorian Harris of St. Paul AME Church 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, Vice Mayor Mac Fuller, Commissioner Charles Lake, and Commissioner Jack Dearmin.

**Vice Mayor Fuller** made a motion to excuse Commissioner Eden from the July 10, 2023, City Commission meeting. The motion was seconded by **Commissioner Lake**. The motion was unanimously approved.

**Staff in attendance:** City Manager Ryan Leavengood, City Attorney Drew Crawford, Public Works Director John Deaton, Finance Director Amber Deaton, Community Development Director Ameer Bailey, Fire Chief Robert Turner, Parks and Recreation Director Emily Deal, and Police Chief Art Bodenheimer.

The City Manager announced the following:

- 1.) The next City Commission meeting is on Monday, July 24, 2023.
- 2.) On August 5<sup>th</sup> from 9 AM-11:30 AM the City will be hosting a Back-to-School Bash at the Library. There will be activities, arts and crafts, a bounce house, and a school supply giveaway.
- 3.) The Hilochee Annexation was pulled from tonight's agenda due to an advertising discrepancy and it will come back for the first reading on July 24, 2023.

City Attorney Drew Crawford thanked the Commission for allowing his attendance and said it was a pleasure to come to the beautiful City of Lake Alfred. He is happy to be here tonight. He announced that item four on the consent agenda and items six, seven, and eight on the regular agenda deal with municipal agreements. He said some of the procurements that were solicited before July 1<sup>st</sup> did not have the required language that we now have to have post-July 1, 2023. When we get to those items, if approved, he recommended adding a "subject to legal review" to the motion so that the attorneys may add the necessary language to those contract documents in order to comply with the new Florida Statutes.

**Recognition of Citizens**

**Darryl Dawkins** of 904 Adamson Court spoke about the speed limits coming into and out of the City of Lake Alfred. He said the traffic on Highway 17/92 and Experiment Station Road was going too fast and many people were exceeding the speed limit. He said none of the street lights were working in that area and said it was a safety concern. He asked if there was something that could be done such as lowering the speed limit or patrolling the area with police officers.

The City Manager responded and said both of the roads he spoke about were not city roads Experiment Station Road is a County Road and the Highway 17/92 is a State Road maintained by the Florida Department of Transportation (FDOT). The city does not have jurisdiction as they have control over the roads, however, the city does advocate for solutions related to safety concerns. He spoke about the advocacy of the downtown, and the short-term solutions with FDOT being five years, and then requested his contact information so he could assist him in getting to the right person at FDOT.

**Kay Losey** of Lake Lowery Road said she loved the City of Lake Alfred. She shared her growth concerns about the traffic on Old Haines City/Lake Alfred Road and asked where all the water is going to come from to support the growth. The road is in terrible shape. How is Lake Alfred going to handle all of this? She concluded by sharing her experience of trying to get out onto Highway 17/92 and said the County has grown too quickly.

The City Manager spoke about the Polk Regional Water Cooperative and the proposed alternate water supply projects with deep wells. He said we are well prepared however it is expensive. He continued and shared about the recently adopted Transportation Master Plan and Impact Fees that are designed to help. I share your concerns as it is like putting a forest fire out with a garden hose.

**Mayor Daley** said the City advocates for better transportation and spoke about the extension of the SunRail. She encouraged participation in the survey being conducted through the end of this month.

#### **Employee Recognition**

**Public Works Director John Deaton** said we were here to recognize Tracey Johnson for the Employee of the Third Quarter. He said he was happy to present her with the award and she has been his administrative assistant for a year and a half. She has a great working relationship with the employees and city residents. She can always be counted on to help whenever needed and assists with the utility billing counter and taking deposits to the bank. Tracey is a hard worker and cares about doing a good job for the City. Congratulations, Tracey.

**Mayor Daley** read the Lakes Appreciation Proclamation into the record and it was accepted by Executive Director of the Lakes Management District Roger Griffith.

#### **Lakes Appreciation Month Proclamation**

**Roger Griffith** said it has been a joy and privilege working with the City of Lake Alfred in the last 30 years. He said his relationship with the elected officials, directors, and city staff has been a real pleasure. He thanked the City Commissioners for the Lakes Appreciation Month Proclamation.

#### **Parks and Recreation Month Proclamation**

**Mayor Daley** read the Parks and Recreation Month and it was accepted by the Parks and Recreation Director Emily Deal.

**Emily Deal** said thank you. Parks and Recreation play a vital role in our community by bringing us together with services for all ages. I know that our Parks staff greatly enjoy making a positive impact daily on the Lake Alfred community. Thank you to the Commission and those attending for recognizing July as Parks and Recreation Month and thank you for your continued support.

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

**Consent Agenda:**

- 1.) City Commission Meeting Minutes for June 20, 2023
- 2.) City Commission Announcements
- 3.) City Commission October Meeting Schedule
- 4.) Eden Hills Right of Way Maintenance Developers Agreement

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

**Commissioner Lake** made a motion to approve the consent agenda with the subject to legal review on the Eden Hills Right of Way Maintenance Developers Agreement. The motion was seconded by **Commissioner Dearmin**. The motion was unanimously approved.

**Mayor Daley** presented the first business item.

- 1.) Ordinance 1518-23: Employee General Retirement System

The City Attorney read the title of Ordinance 1518-23 into the record.

The City Manager presented the analysis. The City maintains three retirement systems for its employees separated into the General Retirement and Police & Fire Retirement systems and a defined contribution system. Each pension system has its pension board that acts as a Board of Trustees that retains its attorneys and financial advisors to ensure the health of the systems. In addition, they are in place to ensure the pensions are compliant with IRS standards and other applicable laws.

- Section 4: Finances and Fund Management is being amended to allow discretion to not seek recovery of inadvertent overpayments from benefit recipients.
- Section 7: Pre-retirement Death removes a reference to subsection.
- Section 15: Distribution of Benefits amending the required beginning date.
- Section 25: Military Service Prior to Employment allows members to make payments for requested credited service over a period of time.
- Section 26: Deferred Option Retirement Plan increases from 60 Months to 96 Months.
- Section 27: Prior Government Service allows members to make payments for requested credited service over a period of time.
- Section 29: Purchase of Non-Qualified Service Credit allows members to make payments for requested credited service over a period of time.

The Ordinance was prepared by the board's pension attorney, reviewed by the City Attorney, and received a recommendation of approval from the pension board. There is no financial impact on the plan (or the City) based upon the actuary's determination.

He said the staff recommendation was for approval of Ordinance 1518-23 on the first reading.

**Mayor Daley** asked a question about Section 4: Finances and Fund Management is being amended to allow discretion to not seek recovery of inadvertent overpayments from benefit recipients and wanted to know if there was a parameter or specific amount of money to make sure everyone was treated the same.

The City Manager spoke about the actuary and their calculations of payments and the City Attorney agreed.

The City Attorney said the concept here is to take away a fiduciary responsibility on the board of trustees to seek and actually pursue that refund from that overpaid participant in the program. He said the actuary will lay out how the payments are to be made and those payments are voted on and approved by the board, so as to the extent that there was an error in the calculation it would allow the board to say the error is harmless to the fund and would not require the board to go out and pursue a pensioner recipient to repay that money back. It would also allow the board discretion to choose to pursue and seek repayment of overpaid funds if an error is harmful to the fund because the board would continue to have a fiduciary responsibility to the rest of the members of the fund. In sum, the proposed change allows the board to determine if an overpayment is de minimus and let it go so as not to seek repayment for a dollar or two dollars or something to that effect.

**Mayor Daley** asked if this would put us in harm's way and the City Attorney said he would think not because the pension board is directly responsible to the pensioners. From the City Commission's perspective, you are allowing them the flexibility to seek repayment as they see fit.

**Mayor Daley** opened the floor to public comments. There were no members of the audience that came forward to speak and she closed the floor to public comments.

**Commissioner Dearmin** made a motion to approve Ordinance 1518-23 for amendments to the Employee General Retirement System. The motion was seconded by **Vice Mayor Fuller**. The motion was unanimously approved.

**Mayor Daley** presented the next business items.

- 2.) Ordinance 1520-23: Tree-O-Groves Properties Annexation (Lake Lowery Rd)
- 3.) Ordinance 1521-23: Tree-O-Groves Properties Annexation (White Rd)

The City Attorney read the title of Ordinance 1520-23 into the record.

The City Manager presented the analysis. 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 four (4) parcels into the city limits of Lake Alfred. The properties are 0 Lake Lowery Road and 0 White Road. There are two parcels on the east side of White Road and two parcels on the west side. Since they are not contiguous, they are presented as two separate ordinances. The applicants are seeking annexation to receive City services and for the possible development of the properties.

The total area is approximately 204.77± 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.' 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 the future lines on Lake Lowery or from 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. If approved on the first reading, the proposed Ordinance will be presented for the second and final reading on July 24, 2023. He said the staff recommendation was for approval of Ordinance 1520-23 on the first reading.

**Mayor Daley** opened the floor to public comments. There were no members of the audience that came forward to speak and she closed the floor to public comments.

**Vice Mayor Fuller** made a motion to approve Ordinance 1520-23 for the annexation of the Tree-O-Groves Annexation (Lake Lowery Rd). The motion was seconded by **Commissioner Lake**. The motion was unanimously approved.

The City Attorney read the title of Ordinance 1521-23 into the record.

The City Manager said the staff recommendation was for approval of Ordinance 1521-23 on the first reading.

**Mayor Daley** opened the floor to public comments. There were no members of the audience that came forward to speak and she closed the floor to public comments.

**Commissioner Lake** made a motion to approve Ordinance 1521-23 for the annexation of the Tree-O-Groves Annexation (White Rd). The motion was seconded by **Commissioner Dearmin**. The motion was unanimously approved.

**Mayor Daley** presented the next business item for consideration.

#### 4.) Ordinance 1522-23: Agricultural and Labor Program, Inc. Property Annexation

The City Attorney read the title of Ordinance 1522-23 into the record.

The City Manager presented the analysis. 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, and will not create an enclave. The applicant has submitted to the City voluntary annexation petition under Chapter 171.044 to request the annexation of one (1) parcel into the city limits of Lake Alfred. The property is located at the northeast corner of the intersection of Lake Alfred Rd and Adams Barn Rd, north of Lynchburg Rd.

The total area is approximately 1.97± acres. The property is currently developed vacant. Future development of the annexed site would be able to connect to the City's existing potable water and wastewater lines from utilities along Lake Alfred 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. If approved on the first reading, the proposed Ordinance will be presented for the second and final reading on July 24, 2023. The City Manager said the staff recommendation was for approval of Ordinance 1522-23 on the first reading.

**Mayor Daley** opened the floor to public comments. There were no members of the audience that came forward to speak and she closed the floor to public comments.

**Community Development Director Bailey** spoke about the property saying the sliver of land had been there a long time and was earmarked as a parcel for a clean-up annexation. This parcel was in the area where the proposed trail system would go to connect Auburndale to Lake Alfred.

**Commissioner Lake** said that is such a small strip of land and asked what could be done with it.

The City Manager said the annexation allows us to have the property in the City now so this is a cleanup item, ideally, it would be turned over to the development at some point because you can't do anything with the piece however it is the area where the proposed trail system is located.

**Commissioner Dearmin** requested clarification on the municipal limits and the white areas on the map. The Community Development Director explained the white areas on the map were actually roads and said that Adams Barn Road was where we meet in the middle of the road with Auburndale. There will be no further annexation movement west towards Auburndale.

**Commissioner Lake** made a motion to approve Ordinance 1522-23 for the Annexation of the Agricultural and Labor Program, Inc. property. The motion was seconded by **Commissioner Dearmin**. The motion was unanimously approved.

**Mayor Daley** presented the next business item.

#### 5.) Ordinance 1523-23: Police and Fire Retirement System

The City Attorney read the title of Ordinance 1523-23 into the record.

The City Manager presented the analysis. He said the City maintains three retirement systems for its employees separated into the General Retirement and Police & Fire Retirement systems and a defined contribution system. Each pension system has its pension board that acts as a Board of Trustees that retains its attorneys and financial advisors to ensure the health of the systems. In addition, they are in place to ensure the pensions are compliant with IRS standards and other applicable laws.

- Section 1: Definitions amends the definition of Actuarial Equivalent
- Section 4: Finances and Fund Management is being amended to allow discretion to not seek recovery of inadvertent overpayments from benefit recipients.
- Section 7: Pre-retirement Death removes a reference to subsection.
- Section 16: Minimum Distribution of Benefits amends the required beginning date.
- Section 26: Military Service Prior to Employment allows members to make payments for requested credited service over a period of time and increases the maximum years of credited service from four to five years.
- Section 27: Prior Police or Fire Service allows members to make payments for requested credited service over a period of time not to exceed sixty (60) months.
- Section 30: Supplemental Benefit Components for Special Benefits clarifies the Payment of Benefits with the share account and accumulated contributions.

The Ordinance was prepared by the board's pension attorney, reviewed by the City Attorney, and received a recommendation of approval from the pension board. There is no financial impact on the plan (or the City) based upon the actuary's determination.

**Commissioner Lake** asked if this Ordinance was any different than the other General Employee Retirement ordinance and it was explained that the two plans were two separate systems with slight variations.

The City Attorney said the main difference between the Police and Fire fund and the General Employees fund deals with premium tax revenues. Premium tax revenues are revenues that the State collects on insurance policies that then get distributed to cities to provide supplemental benefits to the firefighters and police officers under Florida Statutes Chapters 175 and 185. He said this plan has an adjustment to the share account which is specific to firefighters and police officers. For the most part, everything is the same.

**Mayor Daley** opened the floor to public comments. There were no members of the audience that came forward to speak and she closed the floor to public comments.

**Commissioner Lake** made a motion to approve Ordinance 1523-23 Police and Fire Retirement System amendments. The motion was seconded by **Vice Mayor Fuller**. The motion was unanimously approved.

**Mayor Daley** presented the next business item.

#### 6.) Mackay Gardens and Lakeside Preserve Brick Paver Bid Award

The City Manager presented the analysis. He said the City adopted the Parks and Recreation Master Plan in March of 2018 which performed a comprehensive analysis of parks and recreation facilities city-wide. The plan created an inventory of all park facilities and provided an implementation plan of improvements to be made based on public, staff, and Commission feedback. In October 2019, the plan was updated to include the site-specific plans for Central Park, Lions Park, and the Mackay Preserve.

The proposed project is consistent with the Parks and Recreation Master Plan and Capital Improvement Program. The project has been evaluated by the Mackay Volunteer Steering Committee. \$300,000 was included in the current year's budget to perform Phase 1 of the Mackay Gardens and Lakeside Preserve project. The scope of services includes:

- Brick pavers in the front for parking with an ADA van-accessible parking space.
- Paver circle turnaround on the east side to allow for the unloading of special event equipment.
- Paver pad with a brick knee-wall for events at the rear of the property and an ADA access ramp for accessibility.

The City solicited bids on Demand Star the City's procurement platform. XX bid packets were downloaded but the City received only one bid from JCR Construction & Services, LLC. Upon evaluation of the company and the bid amount staff is comfortable with the single bid. He said the staff recommendation was to award the construction of the Mackay Brick Paver project to JCR Construction & Services, LLC in the amount of \$181,170.00.

The City Manager spoke about the current gravel entrance to the Mackay house and the pavers being an ADA improvement along with the ADA parking spaces. This plays into the goal of the City becoming more ADA-compliant. He said Mayor Daley has been integral with serving on the fact-finding committee and he appreciates all of their feedback.

**Mayor Daley** opened the floor to public comments on the bid award. There were no members of the audience that came forward to speak and she closed the floor to public comments.

**Mayor Daley** said this was a long time coming and having the ability to bring the services to the back of the home without destroying the grass and trail that is already on site was great. She recommended that the City reach out to the tent rental companies to ensure that the tent anchor areas are in the correct position on the brick paver patio on the backside of the home. She pointed out that the bricks are supposed to emulate the whole ambiance of the property and match the house as closely as possible as far as the color and style of the day so we can keep the same historical look.

**Mayor Daley** said especially with the ADA component on the outside of the house because we have already made some ADA improvements on the inside of the house.

**Commissioner Dearmin** made a motion to approve the Mackay Gardens and Lakeside Preserve bid award to JCR Construction & Services, LLC in the amount of \$181,170 pending legal review. The motion was seconded by **Vice Mayor Fuller**. The motion was unanimously approved.

**Mayor Daley** introduced the next business items.

- 7.) Central Park Basketball Courts Bid Award
- 8.) Central Park Paving Bid Award

The City Manager presented the analysis. He said the City adopted the Parks and Recreation Master Plan in March of 2018 which performed a comprehensive analysis of parks and recreation facilities city-wide. The plan created an inventory of all park facilities and provided an implementation plan of improvements to be made based on public, staff, and Commission feedback. In October 2019, the plan was updated to include the site-specific plans for Central Park, Lions Park, and the Mackay Preserve.

The proposed project is consistent with the Parks & Recreation Master Plan and Capital Improvement Program. \$700,000 has been budgeted between the CRA and General Fund including \$200,000 in grant funding for completion of Phase 2. The city solicited bids for the two substantive portions of Phase 2 which is for the relocation of the basketball courts and the construction of on-street parking along East Cummings. He concluded by saying the staff was recommending the bid award for the construction of the Central Park Basketball Courts to Qualis General Contractors, LLC in the amount of \$265,456.

The City Manager asked Public Works Director Deaton how many new spaces there would be along E. Cummings and the Public Works Director said the parking on E. Cummings was between thirty and forty spaces.

He continued and showed a conceptual rendering of where the basketball courts and street parking would be in Central Park and said the City was going to install a split rail darker color composite fence around the park to control vehicle access. The fence will have spaced openings for pedestrian access only into the Park.



**Commissioner Dearmin** said the concept is for having parking on the side of the football field and on-street parking on E. Cummings and the City Manager said correct. He said this is not a regional facility, it is an amenity for the citizens of the City of Lake Alfred. It is a step up from a neighborhood park but not intended to be a Lake Mrytle-type or Lake Eva-type complex. There will be about 100 spaces and the school admin area would be like an overflow lot. The games would be spaced out for the turnover of the spaces.

**Mayor Daley** said she thought it was great that we were recognizing Parks and Recreation Month and entertaining parks projects in the same month. She is glad we are moving forward with the projects as identified in the Parks and Recreation Master Plan and not just putting it on the shelf.

**Commissioner Lake** asked about the two ballfields and wanted to know if anything else was anticipated to be in Central Park and suggested Pickleball.

The City Manager said this was a conceptual rendering of Central Park and there were modifications such as placing a multi-purpose field in the northeast corner of the park for soccer and football practice. As for the Pickleball, we can evaluate the area to see if a court could be placed near the basketball courts. There is also an opportunity for it to be placed in the new parkland at the northern end of the City for passive and active recreational amenities.

**Mayor Daley** commented that the beauty of Central Park is that it has been there for a long time and the neighbors have all acclimated themselves to it being there.

**Mayor Daley** opened the floor to public comments. There were no members of the audience that came forward to speak and she closed the floor to public comments.

**Commissioner Dearmin** made a motion to approve the Central Park Basketball Court bid award to Qualis General Contractors, LLC. in the amount of \$265,456 pending legal review. The motion was seconded by **Vice Mayor Fuller**. The motion was unanimously approved.

The City Manager said Commissioner Eden wanted to be here to vote on the Central Park business items and to share about the multi-purpose field.

The City Manager said the staff was recommending the bid award for the Central Park paving for the on-street and sidewalks to G&G Site Development in the amount of \$71,601.50.

**Mayor Daley** opened the floor to public comments. There were no members of the audience that came forward to speak and she closed the floor to public comments.

**Commissioner Lake** made a motion to approve the Central Park Paving and Sidewalk bid award to G&G Site Development in the amount of \$71,601.50 pending legal review. The motion was seconded by **Vice Mayor Fuller**. The motion was unanimously approved.

### **Recognition of Citizens**

Felicia Jenkins 806 Booker Street of Haines City, Florida asked about the Ordinance 1519-23.

The City Manager said it was pulled from the agenda and would be coming back at the next meeting. The City is looking to annex the Hilochee Wildlife Management Area to expand our municipal boundaries and to get up to I-4. There is no development expected because it is a wildlife preserve owned by the State of Florida.

She said she was inquiring about a property near Kudar Ranch Road and the City Manager asked her to get with the Community Development Director so she could answer any of her questions.

**Mayor Daley** thanked her for coming out tonight.

There were no other citizens that came forward to speak to the Mayor and City Commissioners.

#### **City Commission Questions and Comments**

**Commissioner Dearmin** said he was proud of the meeting with the action items in this period of time. He thanked Attorney Crawford for being here and said it was great to have him here. He continued and said looking at the projects, it will be an improvement to our city and at the same time, our city, with our wonder Parks and Recreation Director, will have good control over the looks and how we work it. In the past, it has just been a park and now we have better control of how it looks. He is looking forward to the next meeting and he will be getting close to getting a little older. He concluded by saying that he was looking forward to the upcoming Florida League of Cities Conference. Thank you.

**Vice Mayor Fuller** said, along with Commissioner Eden, he would like to thank everyone on the back row for all they do for our city, police chief, fire chief, and first responders. We appreciate all of your efforts. He said it was a pleasure to be working with the Parks and Recreation Director on an upcoming event. He spoke about the first annual car show out at Lions Park, the Heroes and Hotrods event coming September 30, 2023. There will be all kinds of cars, motorcycles, and special vehicles to honor the police, fire, and first responders. Thank you so much and it is his pleasure to work with her on that event. He continued and thanked Mr. Dawkins for coming in this evening and said he appreciated his comments and his time. Thank you.

**Mayor Daley** wished the City Clerk a Happy Birthday. She reminded everyone that this Saturday is the farmers market and it has been moved to Lions Park due to the park having shade which will make it more comfortable. She encouraged everyone to spread the word on their own social media platforms. She said everyone is making plans for the FLC Conference and then shared about the upcoming Library Bash on August 5, 2023. Thank you.

**Commissioner Lake** thanked Attorney Crawford for being here tonight. He thanked the Chiefs in the back and said Chief Turner had a birthday on July 5<sup>th</sup>. He wished him a Happy Birthday and also the City Clerk. He spoke about the Third Saturday Market and the complaints at that location. He said it was not his original intention to have it at Lions Park but it is the better location for now. He continued and said he signed up for the Ethics Training in Haines City on July 18<sup>th</sup>. He shared about a guy in Winter Haven who came to the Gardner House with a metal detector and found a penny from 1917 and a nickel from 1901 with a V on it which is rare. Anything he finds he will give it back to us. He doesn't know what they are worth and it was interesting. Thank you.

At 8:32 PM, the City Commission meeting was adjourned.

Respectfully submitted,



Linda Bourgeois, BAS, MMC,  
City Clerk