

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

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

Invocation and Pledge of Allegiance: Reverend Dorian Harris of St. Paul AME Church of Lake Alfred provided the invocation and **Mayor Daley** led the Pledge of Allegiance.

Roll Call: City Clerk Linda Bourgeois

City Commissioners in attendance: Mayor Nancy Z. Daley, Vice Mayor Mac Fuller, Commissioner Charles Lake, Commissioner Jack Dearmin, and Commissioner Brent Eden.

Staff in attendance: City Manager Ryan Leavengood, City Attorney Seth Claytor, 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. August 10th – 12th is the Florida League of Cities Annual Conference. The City Clerk has provided the City Commission with the travel packets.
2. On Tuesday, August 15, 2023, there will be a Ribbon Cutting at 12 PM for the grand opening of Health Markets Insurance at 125 S. Lakeshore Way.
3. Back to School Bash update was a success. The backpacks went very quickly, and the Girl Scouts also provided school supplies to distribute. Ms. Tampa and several City Commissioners were in attendance.
4. The building official went to The Lakes construction site and took photos of the debris. The staff is continuing to monitor the progress of the site cleanup.

City Attorney Seth Claytor said there were no comments tonight and he remained grateful to serve the great City of Lake Alfred.

Recognition of Citizens

There were none.

Mayor Daley presented the Consent Agenda for consideration.

Consent Agenda:

- 1.) City Commission Meeting Minutes for July 24, 2023
- 2.) City Commission Announcements
- 3.) CPH, Inc. Water Use Permit Compliance Monitoring Agreement

The analysis was inserted by the City Clerk. [Following the approval of the 20-year water use permit in 2013, the City entered into a long-term agreement with CPH, INC. to provide for groundwater monitoring as required by our Water Use Permit (WUP) with the Southwest Florida Water Management District (SWFWMD).

The proposed agreement enters into a new 5-year agreement beginning October 1, 2023, through September 30, 2028, for \$ 83,400 (\$16,680 per fiscal year) to perform the required monitoring. This is an increase of \$6,210 over the previous five-year agreement (or 8.04%) and is consistent with or slightly less than an inflation-based adjustment over the previous contract amount.]

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

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

Mayor Daley presented the first business item.

1.) Public Hearing: Ordinance 1519-23: CR557 Extension / Hilochee WMA Annexation

The City Attorney read the title of Ordinance 1519-23 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 city may process annexations pursuant to Chapter 171.0413 provided the criteria are met. Several property owners provided petitions for annexation including the Florida Department of Environmental Protection for the Hilochee Wildlife Management Area (WMA). Polk County has consented to the annexation of the platted unimproved vacant right-of-way. The sixty-six (66) parcels are owned by thirteen (13) different owners totaling approximately 6,959 ± acres not including the ROW. The parcels are located along the east side of County Road 557 (CR 557) to Interstate -4 and on the east and west sides of Old Grade Road. All the properties in the proposed annexation area are vacant and as a result, do not have any registered electors living on any of the parcels included.

The city can pursue annexation of the parcels pursuant to Section 171.0413, Florida statutes, provided:

- No registered electors are residing in any of the parcels proposed for annexation;
- Owners of more than 50 percent of the land area consent to annexation; and,
- Owners of more than 50 percent of the parcels in the area proposed for annexation consent to the annexation.

Section 171.042 of the Florida Statutes required that the City Commission prepare and file a report with the Board of County Commissioners of Polk County, Florida, setting forth the City's plans to provide urban services to the proposed annexation area. On April 17, 2023, Resolution 14-23 was adopted by the City Commission for the Urban Services Report which authorized the City Manager to file the Urban Services Report with the Board of County Commissioners of Polk County, Florida.

The action currently before the City Commission is only on the annexation of the property into the City. The future land use and zoning classification on the property would be presented following approval of the annexation. The staff recommendation is for approval of Ordinance 1519-23 on the second and final reading.

Mayor Daley opened the public hearing. There were no members of the audience that came forward to speak to the mayor and city commissioners and the mayor closed the public hearing.

Commissioner Eden said it was nice that the City, even though it is mostly conservation, was able to double in size and said maybe we could get a nice park or something else up there one day.

City Attorney Claytor said the majority of this land that is being annexed is most likely conservation, and he noted that City staff performed a Senate Bill (SB) 250 “more restrictive or more burdensome” analysis, which is now a requirement for purposes of Ordinances initiated by the municipality or county and related to development permits, development orders, and/or the approval of site plans. Given the nature of the property being annexed, it would most likely not be more restrictive or burdensome on development if the City Commission were to vote to approve Ordinance 1519-23 on the second and final reading.

Mayor Daley asked for clarification.

City Attorney Claytor said that the legislature, with the adoption of SB250, created a moratorium for any municipality that is located within the 100-mile buffer area of the landfall of either Hurricane Ian or Hurricane Nicole (noting that there is some ambiguity as to what is considered landfall) and such municipalities cannot adopt a resolution, ordinance, or process that is more restrictive or burdensome on development. The legislature did not define or give any direction on what would be considered more restrictive or more burdensome on development so we are taking a very broad approach to interpreting what that may or may not consist of. In this instance, given the current makeup of the property, which is largely conservation with the 6,900+/- acre, City staff did not find any aspect of this particular annexation that would result in a more restrictive or a more burdensome issue for the development of the property.

Mayor Daley said if it is owned by the state, they are probably not going to try to develop the property so are you saying if it changed hands, we could not restrict them?

City Attorney Claytor said the ordinance itself cannot be more restrictive or burdensome. If it is not going to be developed in the state’s hands then it is not going to be developed in the city’s hands. By logical extension, that would not be any more restrictive or burdensome. It is important that we get on the record that the city did review the issue. He said you will begin to see those analyses with certain ordinances and resolutions that come before you.

The City Manager said this is just us pivoting in response to the July 1, 2023, legislation. There are a lot of impact statements on certain ordinances and we are still unwinding it. He spoke about the Hurricane provisions and said it will cause a lot of issues with cities to determine what is impacting development, what is more burdensome, and what is the process. He said he would update the City Commission in greater detail and until it expires on October 1, 2024, there will not be that many land use or code amendments. He said the good news is that we are in good shape with the code rewrite, with maybe a few tweaks, we can weather the storm. His concern is if we get another hurricane is this going to be the modus operandi for the legislature going forward? He hopes not and we will be passing this on to our legislators because the cities have to breathe,

operate, and work. He wouldn't be surprised if some cities would try and get an attorney general's opinion to challenge this because they even retroed it back from last year. The city attorney, in an abundance of caution, is making that disclaimer so when we pass resolutions or ordinances, on the management side, I am not going to present anything that will even get close to that line, and what we do present we will disclose that disclaimer that this would not be more burdensome to development. He said annexation is actually the opposite. Annexation actually facilitates development. The county has lower standards, we are not going to run utilities for you unless you are annexed into the city, so annexation is a facilitation of development and not an impediment to it.

Mayor Daley commented that the Supreme Court just sided with people who wanted to fill in a wetland and the EPA was trying to stop them and it was a big fifteen-year battle and the Supreme Court sided with the homeowners and let them fill it in. This is something we need to keep an eye on because we don't want people to be thinking they can or cannot be doing something and make sure we are not stuck in a battle with higher governments.

The City Manager said we need to try and stay clear. We believe in Home Rule and don't want the state or federal government involved more than they have to be.

Mayor Daley said it is getting to be where we can't be more restrictive and the City Manager said in certain circumstances or carve-outs, yes. This goes against the grain. If you are outside of the zone then you can just continue on, and then even the retroactive element is of great concern because now you could be looking at repealing things that you did or suppressing them. The language that has come out of the legislature has been very restrictive to us.

Mayor Daley asked when we do the zoning on the properties can they opt-out or do they have to go with the flow? How does that work? Will those parcels be considered separately?

Development Director Bailey said we will proceed forward with those that have submitted applications. She will be reaching out to the property owners, communicating with the state, and working to get signed petitions on CR 557. Then she will work with the rest of the properties to determine what they want and if it fits within our scheme if it is available. While they don't have land use and zoning assignments, they can follow the county rules so they would maintain their agriculture residential rural land use and we would implement that land use and zoning under the county. She continued and said none of those lots in the subdivision are developable under county or city regulations so regardless of how long it takes us to get our land use and zoning applied to them – until such time that there are utilities and an access road – those lots would never be able to develop. That is the conversation she is having with the property owners. The land use and zoning will happen over a period of time and in pieces.

Mayor Daley asked so now that it is annexed, we have to do some land use and zoning and Director Bailey said we do eventually but it is not something we have to do right at this second. There are code provisions that say we can utilize the county's categories and subdistricts until such time when we assign the land use and zoning. The staff will wait until SB250 has expired so we can make this a city-initiated action.

City Attorney Claytor said that a property owner application is an exemption from Senate Bill 250.

Commissioner Eden made a motion to approve Ordinance 1519-23 for the annexation of the CR557 Extension / Hilochee Wildlife Management Area on the second and final reading. The motion was seconded by **Vice Mayor Fuller**. The motion was unanimously approved.

Mayor Daley presented the next business item.

2.) CPH, Inc. SRF Wastewater Facility Plan: Task Order #12

The City Manager presented the analysis. On July 18, 2019, the City Commission approved negotiations with CPH, Inc. for a continuing service agreement to deliver engineering and consultant services to the City of Lake Alfred. The city executed the Master Professional Engineering Services Agreement with CPH, Inc. on November 19, 2019.

The Wastewater Treatment Facility (WWTF) was originally constructed in 1954. The last improvements to the facility were completed 15 years ago when the plant was expanded from 500,000 gpd to 1 million gpd. The City's 10-year facility plan and wastewater master plan will identify the need for expansion of the wastewater plant to accommodate growth. The expansion is tentatively identified as a 1mgd expansion to capacity to a total of 2 mg.

Additionally, the city is planning on the replacement of various equipment and intends to incorporate advanced wastewater treatment (AWT) including nutrient removal. As a part of this process, the City has submitted a request for inclusion (RFI) and has been approved for the State Revolving Fund (SRF) Planning Loan.

A Wastewater Facility Plan needs to be completed and submitted to the Florida Department of Environmental Protection (FDEP) as well as the Design and Construction Loan Application. This phase of the project includes planning and funding assistance, project management, and environmental services.

The staff recommendation is for approval of task order #12 with CPH, Inc. in the amount of \$80,000.

Commissioner Eden asked since we moved the site from a location closer to Haines City will it impact the size and it was shared by the City Manager that that was for the water plant and this was for wastewater.

A brief discussion ensued about this would be at the wastewater plant off of N. Ramona, they would build new tanks to double the capacity, and the potential for a package plant in the northern area of the city. Further discussion surrounded the prohibition of plants in the Green Swamp, that there had to be a way to allow for one, and that the package plant would be evaluated at the time of need.

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

Commissioner Dearmin made a motion to approve Task Order #12 with CPH, Inc. for the SRF Wastewater Facility Plan in the amount of \$80,000. The motion was seconded by **Commissioner Eden**. The motion was unanimously approved.

Mayor Daley presented the next business item.

3.) Budget: Revenue and Payroll

The City Manager presented the analysis. The proposed revenue and payroll sections for the upcoming FY 23/24 budget have been prepared using the previously approved second-year budget. Proposed changes to revenue have been highlighted and are based on experience from the current and previous fiscal years or anticipated changes based on future projections. Proposed changes to payroll are based on the operational needs of the city and are represented in the department personnel plan. The City will conduct a salary survey next year.

Substantive items include:

- 4% Cost of Living Adjustment
 - Last two years of inflation: 11.5%
 - Combined COLA last two years: 8% (including the 4% proposed for this year)
- Growth Management Director
- Public Utilities Assistant Director
- Lift Station Technician
- Service Worker II (P/T): Motor Pool
- Service Worker II: Parks and Recreation
- Service Worker III: Road & Streets

If approved, the proposed payroll and revenue sections will be included in the preparation of the final budget for consideration at public hearings in September along with any changes that the Commission may determine or that may otherwise be necessary based on updated expenditure or revenue projections.

The City Manager presented the revenue and payroll sections of the draft budget and the following were questions by the City Commission during the presentation.

Commissioner Eden asked about the part-time mechanic and said it may be difficult to find someone. He wanted to know if the City Manager had considered making it a full-time position.

The City Manager said it may evolve into a full-time position in the future depending on the city's needs. He explained how this was a result of a discussion at a department directors' meeting.

During the presentation, the City Manager mentioned that the city had the opportunity to make stormwater and sanitation fees a non-advalorem assessment.

Commissioner Eden asked about Central Park and the field closure signs and wanted to know when phase two would be completed.

Public Works Director Deaton said that the football field was open however it may have had a field closed sign due to the spraying of the field. He said the basketball courts were scheduled to start in two weeks and the on-street parking was in progress.

Commissioner Eden continued and commented on the Community Redevelopment Agency (CRA) revenue growth. He then asked about the CRA cost allocations and the City Manager said it was for a portion of the Growth Management Director's salary and a service worker to take care of the Community Redevelopment Agency project maintenance.

Mayor Daley asked about the use of the parking lot at the elementary school for parking and it was shared by the City Manager that the school is receptive to letting the public use the semi-

circle parking area in the front of the school. The primary parking lot at Central Park was just paved and can be used for game parking as well.

Mayor Daley asked the City Manager how he budgeted for impact fee revenue.

The City Manager explained the risk factors of alternative water supply and wastewater. The problem with the expansions is it's like buying a house. Now that I have bought the house and that mortgage payment is coming every single month for the next thirty years, whether I am going to work or not, that is the risk exposure there. There is no way around that, otherwise, you would have to not rely on your connection fees and raise your rates. We did as much as we could with the connection fees and his goal is that we build up that war chest so we have 2, 3, or 4 years of debt payments basically squirreled away in these reserve accounts. Our risk exposure is limited to a year or two, in the early phases, but we are in a very strong corridor here on I-4 and in Florida so the risk is mitigated there. He said if 100 houses are built in Lake Alfred, we know right off the bat that we charge about \$12,000 between the two connection fees so 100 homes would be about \$600,000 in restricted reserves. Most of that funding would be spent only on debt service projects: alternate water supply and wastewater expansion. He said on the park's side, we historically haven't used debt service and pay as we go. If that slowed down, we would do smaller projects or do what we could with the CRA.

Vice Mayor Fuller asked about the functions at Central Park such as the Halloween and the Christmas parade staging area. He wanted to know if those events would be impacted by the construction this year. The City Manager said we would work through that operationally and may need to close some of the roads around the park.

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

Mayor Daley said he did a great job.

Commissioner Dearmin agreed and commended the City Manager for a great job. He thanked the department directors and said a lot of hard work went into the budget preparation.

Mayor Daley said she continues to be impressed with the fact that instead of paying interest we are collecting interest, we don't have the debt that other cities have, and it really shows what we are able to do and operate. She has been a proponent to pay as you go and not have to finance. Congratulations on that.

Commissioner Dearmin made a motion to approve the draft revenue and payroll sections to be included in the Fiscal Year 2023/2024 budget. The motion was seconded by **Commissioner Eden**. The motion was unanimously approved.

Recognition of Citizens

Brenda Arnold of 435 W. Pierce Street said the City Manager and City Commission were doing a great job. She thanked Mr. Ronnie Robinson for helping out the other day when there was an accident on Haines Blvd. She said she directed traffic until the police department arrived on the scene. She continued and said she would like to see the city grow and see the improvements at Lions Park. She said it could be better than what it is and be beautiful, spoke about the heat index, and said we needed to look out for the elderly. She mentioned the city needed a grocery store and concluded by saying everyone was doing a great job.

City Commission Questions and Comments

Mayor Daley said she was looking forward to the conference with a lot of networking and getting a lot of information to bring back to the City. She asked the City Commissioners to wear their black shirts on Thursday. Thank you.

Commissioner Lake said another great presentation on the budget. He said he was also looking forward to the conference and getting to see some new people. Thank you,

Commissioner Eden thanked the first responders, the staff, and both Chiefs in the back. He mentioned he was wearing his Chief's shirt and was cheering them on. He said with the kids going back to school he hopes they have a safe school year. One of the things he is proud of is our Police Department's community interaction and he takes pride in that we never end up on the news. He concluded by saying he was looking forward to the conference. Thank you.

Commissioner Dearmin said he was looking forward to the conference, it could be one small thing or it could be big but we always enjoy getting together and the home rule. He brought up serving on the Water Cooperative and asked if Commissioner Lake was interested in being the City's representative.

Commissioner Lake said yes, he would love it, and accepted.

Vice Mayor Fuller said thank you to all of the directors, fire and police chiefs, and the city manager saying he ceased to be amazed and appreciated all of the work he does. He thanked him for all he did. He continued and addressed the City Clerk saying she does not get enough accolades for everything she does for the city and said it was time we recognize your efforts and said he just wanted to say thank you. He said the City should know that the City Clerk has been in charge of the compliance issues around the City and we are making huge steps of progress. He went on to say he was proud because his wife, being disabled herself, has been a part of that initiative. He said he heard her speak about how well the City Clerk/ADA Coordinator runs the [ADA Compliance Team] meeting and that the City has backed the efforts by stepping in and really stepped things up. He said she shared that the City was farther ahead in the process than they thought it would be and thank you from us, and for the generous way that you handle the city. Thank you very much. He addressed Brenda Arnold and said Lions Park would be used for a car show, Heroes and Hotrods, and we will recognize the first responders, police, and fire in Lions Park in September. He said the Parks and Recreation Director has been having meetings about the event and we will be getting our business owners and citizens involved. Lions Park just needs a little polishing and it is a great place to host events. We appreciate the shade and nice breeze coming off the lake. He said with the Grower's property it will add luster to the City as you come into town where all the growth is planting its seeds. He thanked the Parks and Recreation Director, Brenda Arnold, and Ronnie Robinson, and thanked everyone for coming out tonight.

At 8:26 PM, the City Commission meeting was adjourned.

Respectfully submitted,



Linda Bourgeois, BAS, MMC,
City Clerk