

**MINUTES  
CITY OF LAKE ALFRED  
CITY COMMISSION MEETING  
MONDAY JANUARY 9, 2017  
7:30 P.M.  
CITY HALL**

**Call to Order:** Mayor Charles Lake

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

**Roll Call:** Those in attendance were Mayor Charles Lake, Vice Mayor Nancy Daley, Commissioner John Duncan, Commissioner Jack Dearmin and Commissioner Albertus Maultsby.

Staff attendance: City Manager Ryan Leavengood, Assistant Attorney Seth Claytor, City Clerk Ameen Bailey-Speck, Police Chief Art Bodenheimer, Fire Chief Chris Costine, Public Works Director John Deaton, and Parks and Recreation Director Richard Weed.

**CITY MANAGER ANNOUNCEMENTS**

**City Manager Leavengood** wished everyone a Happy New Year and stated the annual Lake Alfred Bluegrass & BBQ Bash will be held this Saturday January 14th from 11:00 am until 9:00 pm at Lions Park. The event will feature top BBQ competitors from across the state, music and other live entertainment. For more information please contact the Parks and Recreation Department.

The City offices and the Public Library will be closed on Monday, January 16th in observance of the Martin Luther King Jr. holiday. Changes to the Solid Waste schedule were distributed and posted on the City website.

The pedestrian bridge is progressing and a lane closure is scheduled for Tuesday January 17th beginning at 10 pm. The highway will be closed for installation of the beam across US 17/92. He will try to get a more specific time if anyone wants to see the installation or get pictures.

The Commissioners have been invited to the a "Water Summit" on Tuesday, January 24<sup>th</sup> starting at 6 pm to discuss the progress and future plans of the Polk Regional Water Cooperative at the Board of County Commissioners Boardroom in Bartow. The meeting is for all the elected officials across the County to receive information on agreements and projects.

The Mackay Gardens and Lakeside Preserve will host a free astronomy workshop Saturday January 28th from 7 to 10 pm.

The upcoming Lake Alfred Public Library events include story time, Lego Mania, adult coloring, story time, jewelry and computer class. The Library continues to host the book sale and Mobil Career Source. Contact the Library for more information.

**City Manager Leavengood** shared a compliment for the Fire Department. Mrs. Augusta came to the department with a laceration. Captain Allen and Firefighter Flack were on duty and

bandaged her hand. She refused ambulance service and received directions to a clinic and how to avoid the Christmas parade. The clinic staff stated the hand was well bandaged, which required 12 sutures.

**City Clerk Bailey** stated the City of Lake Alfred will conduct its Municipal Election on Tuesday, April 4, 2017, between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of electing, at large, two commissioners each for a term of four (4) years. The election will be held in City Hall. Candidates must reside within the municipal boundaries and be an elector of the City of Lake Alfred for at least one (1) year prior to the beginning of qualifying.

Qualifying for candidates will begin on Monday, February 13, 2017 at 8:30 a.m. and close on Friday, February 17, 2017 at noon. Candidates must file in person with the City Clerk at City Administration.

Registered voters in Precinct 312 are qualified to vote in this election. Advertisements for qualifying will begin next week.

### **CITY ATTORNEY ANNOUNCEMENTS**

No announcements.

### **RECOGNITION OF CITIZENS**

**Joyce Schmidt**, 365 East Sandford St., stated the historic building plaque for the Biggars Building was installed. The plaque looks very nice and she thanked the City on behalf of Mrs. Biggars. The plaque was placed on the wall outside by the front door.

**Wes Warren**, 2137 Lois Blvd in Lake Marianna Acres and the President of Lake Marianna Acres HOA stated residents plan to attend the next meeting to reinforce their concerns and work towards a resolution. He thanked the Commission for their willingness to work with the residents.

**City Manager Leavengood** responded that the City has started the process of looking for a compromise and has reached out to Raftelis to review the rate study. There may be an opportunity to reduce the base rate. Other cities that charge the entire base rate have rates that are lower than the new Lake Alfred rate. Any changes would be retroactive. He may not have more information at the next meeting.

### **PROCLAMATION – AGRICULTURAL AND LABOR PROGRAM, INC. (ALPI)**

**Mayor Lake** read the proclamation in its entirety he also congratulated **Mr. Al Miller** on receiving his Certified Community Action Profession designation. The proclamation was received by Mr. Miller who stated the program started for agricultural workers, but has expanded to low income families and the elder. They also provide food to children. He thanked the City for their partnership in the work assistance program. He stated their anniversary is January 21<sup>st</sup> and they are celebrating 49 <sup>years</sup> of service to the community. If you cannot make this year, he encouraged everyone to mark their calendars for when they celebrate 50 years next year in Orlando.

**EMPLOYEE RECOGNITION: CHRIS COSTINE – 10 YEARS**

**City Manager Leavengood** stated that Chief Costine came to the City of Lake Alfred in January of 2007 with over 20 years of experience in firefighting from the Polk County Fire Department. On February 28, 2011, he was promoted to Fire Chief of the City of Lake Alfred. In the past five years, as part of the management team he has overseen improvements to the Fire Department operations and equipment including the renovation of the facility. He has obtained grant funding to assist with the improvements. His relationships with the County and other agencies were critical in navigating the ISO process and the Automatic Aide Agreement.

**CONSENT AGENDA**

**City Manager Leavengood** requested the Mayor ask for public comment on the consent agenda since it includes an interlocal agreement.

**Commissioner Dearmin** moved to approve the consent agenda, seconded by **Commissioner Duncan**. The motion was approved by unanimous voice call vote. No citizen comments.

<b>MAYOR LAKE</b>	<b>AYE</b>
<b>VICE MAYOR DALEY</b>	<b>AYE</b>
<b>COMMISSIONER DEARMIN</b>	<b>AYE</b>
<b>COMMISSIONER DUNCAN</b>	<b>AYE</b>
<b>COMMISSIONER MAULTSBY</b>	<b>AYE</b>

**AGENDA**

**1.) ORDINANCE 1377-17: GENERAL EMPLOYEE RETIREMENT SYSTEM**

**Assistant City Attorney Seth Claytor** read the Ordinance title.

**City Manager Leavengood** stated the City maintains a defined benefit retirement system for its general employees. The proposed ordinance includes updated language to be in compliance with Internal Revenue Code (IRC) changes. The proposed ordinance also includes updated language and provisions for membership; pickup contributions; and permissive service credits.

The proposed changes have no financial impact to the plan. The attached impact statement provided by the plan’s actuary highlights the primary changes. The ordinance was prepared by the pension attorney and was recommended for approval by the pension board

**Staff** recommended approval of Ordinance 1377-17 on first reading.

**Commissioner Dearmin** moved to approve Ordinance 1377-17 on first reading, seconded by **Commissioner Maultsby**. The motion was approved by unanimous voice call vote.

<b>MAYOR LAKE</b>	<b>AYE</b>
<b>VICE MAYOR DALEY</b>	<b>AYE</b>
<b>COMMISSIONER DEARMIN</b>	<b>AYE</b>
<b>COMMISSIONER DUNCAN</b>	<b>AYE</b>
<b>COMMISSIONER MAULTSBY</b>	<b>AYE</b>

## **2.) ORDINANCE 1378-17: MEDICAL MARIJUANA DISPENSARY MORATORIUM**

**Assistant City Attorney Seth Claytor** read the Ordinance title.

**City Manager Leavengood** stated on November 8th, 2016 voters approved a ballot initiative to amend the Florida Constitution to allow for boarder sale and use of marijuana to treat Debilitating Medical Conditions within the State of Florida. Under state law, a municipality may determine by ordinance the criteria for the number, location, and other permitting requirements for dispensaries that do not conflict with state law or department rule.

The proposed six month moratorium for the permitting and placement of these dispensaries will give staff the time necessary to study the issue and to coordinate our efforts with Polk County and other cities in the area. The proposed ordinance has been modeled after Polk County's ordinance that is taking the same action by placing a six month moratorium to allow time for regulations to be drafted and implemented.

The end result of this process will be draft land development code provisions that will be transmitted to the Planning Board for their recommendation before coming to the City Commission as an ordinance to be in effect by the expiration of the moratorium.

**Staff** recommended approval of Ordinance 1378-17 on first reading.

**Commissioner Maultsby** asked if there had been any inquiries.

**Vice Mayor Daley** stated that the Lake Alfred residents are not against the use and that the City does not need to follow the county or other cities. She stated she did not think the delay was necessary or that the City should turn away a legitimate business. She asked if the facilities would need to get state permitting.

**Commissioner Duncan** asked what would happen if the moratorium was not passed or if the state does not have regulations in 180 days.

**Assistant City Attorney Seth Claytor** stated the moratorium was a precautionary measure to prevent the City from adopting rules and regulations that may be in conflict with future state law. The City's code is currently silent as related to establishing said use(s). A concern is the effect any City regulations may have on an established business if allowed prior to the state establishing rules and regulations. The City may inadvertently approve a facility in a location that the state would not allow. The City would then have to tell the business to close (regulatory taking). If the state provides regulations before the end of the moratorium, the City may adopt an ordinance revoking the moratorium. The City Attorney stated that, in the event the City decided allow such dispensary facilities to locate within the City prior to the state adopting rules and regulations, the City Attorney would not recommend permitting said use. There would need to be another discussion in 180 days if the state still does not have regulations in place. The facility would also need state permitting and licenses.

**City Manager Leavengood** stated that had not been any local inquires, however there was a request statewide regarding local regulations. The moratorium gives the City time to evaluate land use and zoning categories that may be appropriate and await further regulations from the state. The City does not have to follow county regulations. It may be as easy to add the use to an existing zoning category. However, there is also still the complication with federal law. An example is that banks are prohibited from working with these dispensaries, therefore the facility

will have large supplies of cash. This current complication separates the dispensary form from a typical pharmacy. If a business wanted to come in and the City did not have the moratorium, then the City would have to try to find the most similar zoning use and permit it under those guidelines. The moratorium is an insurance policy to prevent the City from being in conflict with state law. Staff is approaching from the liability side, but it is a policy decision. However if the moratorium was not in place and the City did not permit the facility, it could also be considered a taking.

**Mayor Lake** stated he did not think the moratorium would have much effect and that pain management facilities similar to the one being built in Winter Haven, will locate close to medical facilities. He also stated that the medical marijuana issue was raised at the Legislative committee meeting, however the committee decided to wait to see what type of regulations the state proposes before making the issue a priority.

**Judy Resmond** 395 South Romona St., stated she was a nurse and a physician has to go through approvals to be able to write a prescription for marijuana. Currently, there are only three in Orlando and one in Winter Haven. It is going to take time for physicians to get certified. The pharmacies will also have to go through state approvals which will take longer than six months.

**Michael Strawn**, 149 Cypress Way, stated that there would be a hardship to a business if the City approved them and then they were in conflict with state law.

**City Manager Leavengood** stated that most of the cities in Polk County are considering the moratorium. The only city that is not is Lake Wales. The facility being considered in Lake Wales is a production facility. That use is more in line with industrial. The dispensary has more liability. The sector is a new industry and will take time to establish.

**Commissioner Dearmin** moved to approve Ordinance 1378-17 on first reading, seconded by **Commissioner Maultsby**. The motion passed 3:2.

<b>MAYOR LAKE</b>	<b>AYE</b>
<b>VICE MAYOR DALEY</b>	<b>NAE</b>
<b>COMMISSIONER DEARMIN</b>	<b>AYE</b>
<b>COMMISSIONER DUNCAN</b>	<b>NAE</b>
<b>COMMISSIONER MAULTSBY</b>	<b>AYE</b>

### **3.) INTERLOCAL AGREEMENT: LAKELAND AREA MASS TRANSIT DISTRICT**

**City Manager Leavengood** stated in October of 2009 the City entered into an interlocal agreement with the Polk Transit Authority for local area transit services. The City has subsequently renewed the agreement each year through 2015. The proposed agreement is with the Lakeland Area Mass Transit District which is the taxing district recognized by the State of Florida (formerly our agreement was with the Winter Haven Area Transit and Polk Transit Authorities).

The term of the agreement is one year and a \$5,000 proportionate share cost for the operation of the transit services within the City. Funding has been set aside in the current FY 16/17 Budget to accommodate the expense.

**Staff** recommended approval of agreement with Lakeland Area Mass Transit District for \$5,000.

**Erin Killebrew**, Director of Government and Community Relations for Citrus Connection, stated the agreement should run from October 1, 2016 to September 31, 2017. The current agreement is for \$5000, however that may change in the future. The county may not provide as much funding. The recommendation is for 20% for what it would cost to run transit in the City per revenue mile.

**Vice Mayor Daley** stated she was a supporter of mass transit, however the City may have higher cost due its location in the county and the need to pass through Lake Alfred to reach other cities. The City residents may not even utilize the routes. She questioned the methodology for the cost sharing.

**Commissioner Duncan** stated that the cost is \$1 per person in the City and asked how many people in Lake Alfred use transit. He also asked about budgeting for next year.

**Erin Killebrew** stated she can provide additional information as they move forward.

**City Manager Leavengood** stated the agreement is normally presented over the summer and would allow for next year's budgeting.

**Assistant City Attorney Seth Claytor** requested the City Commission to first amend the dates before approving the agreement.

**Vice Mayor Daley** moved to amend contract dates to October 1, 2016 through September 31, 2017, seconded by **Commissioner Dearmin**. The motion was approved by unanimous voice call vote.

<b>MAYOR LAKE</b>	<b>AYE</b>
<b>VICE MAYOR DALEY</b>	<b>AYE</b>
<b>COMMISSIONER DEARMIN</b>	<b>AYE</b>
<b>COMMISSIONER DUNCAN</b>	<b>AYE</b>
<b>COMMISSIONER MAULTSBY</b>	<b>AYE</b>

**Vice Mayor Daley** moved to approve the agreement with Lakeland Area Mass Transit District for \$5,000, seconded by **Commissioner Maultsby**. The motion was approved by unanimous voice call vote.

<b>MAYOR LAKE</b>	<b>AYE</b>
<b>VICE MAYOR DALEY</b>	<b>AYE</b>
<b>COMMISSIONER DEARMIN</b>	<b>AYE</b>
<b>COMMISSIONER DUNCAN</b>	<b>AYE</b>
<b>COMMISSIONER MAULTSBY</b>	<b>AYE</b>

#### **4.) PURCHASE: POLICE VEHICLE**

**City Manager Leavengood** stated the City's capital improvement program includes funding for the replacement of a single police vehicle each year. This schedule allows for replacement of each of the police department's twelve vehicles (ten patrol) at the end of their expected 100,000+ mile service life (approximately ten years).

The current fiscal year 2016/2017 budget includes \$30,000 for the purchase of a replacement vehicle. The proposed purchase is for the replacement of the 2007 ford explorer with 104,719

miles. City staff has received bids for the purchase of a new Ford Explorer with the associated emergency equipment from the following companies:

- Bartow Ford \$31,539.00
- HUB City Ford \$32,418.00
- Jarrett Ford \$35,669.64

**Staff** recommended approval to purchase police ford explorer from Bartow Ford in the amount of \$31,539.

**Commissioner Maultsby** asked if Brandon Ford was invited to bid.

**Commissioner Duncan** asked if the vehicle had all the needed equipment.

**Police Chief Bodenheimer** stated that they did not provided a bid because they are not on the state contact. He is considering a utility box as a separate item and other funds are available for that purchase. Bartow Ford also has experts on the emergency equipment.

**Commissioner Dearmin** moved to approve the purchase of a police ford explorer from Bartow Ford in the amount of \$31,539, seconded by **Commissioner Duncan**. The motion was approved by unanimous voice call vote.

<b>MAYOR LAKE</b>	<b>AYE</b>
<b>VICE MAYOR DALEY</b>	<b>AYE</b>
<b>COMMISSIONER DEARMIN</b>	<b>AYE</b>
<b>COMMISSIONER DUNCAN</b>	<b>AYE</b>
<b>COMMISSIONER MAULTSBY</b>	<b>AYE</b>

**City Manager Leavengood** stated that extra cost of this vehicle will not impact the budget, however, the vehicle replacement cost may increase in the next budget due to inflation.

### **RECOGNITION OF CITIZENS**

No citizen comments.

### **COMMISSIONER QUESTIONS AND COMMENTS**

**Mayor Lake** stated he was glad to be back and he recently attended the Auburndale City Commission meeting. He asked about a TECO survey and would share with the other commissioners. He is looking forward to the BBQ and Bluegrass Bash.

**Vice Mayor Daley** stated appreciated holiday celebrations and looking forward to 2017. She also congratulated the Fire Chief on his tenure.

**Commissioner Duncan** stated that the Parks and Recreation Department and Richard Weed are doing a great job at Lions Park getting ready for the event. He also asked about the Romona Ave. project.

**City Manager Leavengood** stated the inmate crew was not available, therefore staff used the funding to hire three part-time workers to assist.

**Public Works Director Deaton** stated the City is working with the engineers to apply for a grant to make the resurfacing money go further. He stated that curbing will be added on each side and the road drops pushing stormwater down the street.

**Commissioner Dearmin** acknowledged the first responders and supports them in light of current events. He enjoyed last year and is looking forward to 2017 starting with the BBQ and Bluegrass Bash. He stated that he gets comments on how good the City looks and thanked staff for their efforts.

**Commissioner Maulsby** thanked the Lake Alfred Police Department and first responders for their attention in his time of need.

**Mayor Lake** stated he also receives comments and City looks good. He also thanked staff for repairing a county sign.

With there being no further business to discuss, Mayor Lake adjourned the meeting at 8:57 pm.

Respectfully Submitted,

  
Ameé Bailey  
City Clerk