

**MINUTES  
CITY OF LAKE ALFRED  
CITY COMMISSION MEETING  
MONDAY FEBRUARY 5, 2018  
CITY HALL**

**6:00 pm Workshop:** Parks and Recreation Master Plan

**City Manager Leavengood** opened the workshop and detailed the planning process for the Parks and Recreation Master Plan.

**Kristin Caborn and Patrick Panza from GAI Consultant** led a discussion. They reviewed each of the parks and their inventory. They asked question about park usage, issues, and priorities and then presented the next steps in the process.

**7:30 pm Call to Order:** Mayor Charles Lake

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

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 City Attorney Seth Claytor, City Clerk Ameen Bailey-Speck, Finance Director Amber Deaton, Parks and Recreation Director Richard Weed, Police Chief Art Bodenheimer, and Public Works Director John Deaton.

**CITY MANAGER ANNOUNCEMENTS**

The Mackay Gardens and Lakeside Preserve will host Astronomy Night February 17<sup>th</sup> from 7:00 PM till 10:00 PM. The presentation will be about meteors. Contact the Parks and Recreation Department for more details or to sign-up for one of these events.

The Parks and Recreation Master Plan survey has been posted on the City website and on social media. He encouraged everyone to spread the news about the Parks and Recreation Master Plan and the survey.

**CITY ATTORNEY ANNOUNCEMENTS**

No Comments.

**RECOGNITION OF CITIZENS:**

**Margaret Wheaton**, 330 Carolina Ave South and **Jane Brumbragh**, 655 E. Pierce St. invited everyone to an event on February 14<sup>th</sup>, Valentine's Day, 5:00 to 6:00 PM, in Winter Haven's Central Park. The event is to bring attention to the problem of violence against women. One in three women will face violence in their lifetime.

**Mary Neily** 640 East Tangerine Ave in Fruitland Park, stated they have a concern about a street that is depressing and damaging cars. She asked if City signage that could be added to the community to promote businesses and the community.

**Annie Mae Lewis** 946 Everett St. asked about the process of annexation for their area behind IFAS. She stated her concern about street signs and street lights in Fruitland. She also asked if she was eligible to be a City Commissioner.

**City Manager Leavengood** stated that the City is in the process of annexing the enclaves and properties that are contiguous. She would need to be a City resident in order to qualify to run for the City Commission.

**Director Bailey** said their community is adjacent to and is an enclave to the City. The difficulty is the individual lots within the subdivision, on several different streets. The City would not normally take in one residential unit at a time; we would want to have a portion or a street of the community. If Mrs. Lewis would help advocate the annexation the City could meet with them and explain the benefits and the process of annexation. The community is on City water, but they pay the surcharge.

**Commissioner Dearmin** stated that the City previously discussed annexation with the community but it didn't succeed.

**Commissioner Maultsby** suggested the City hold a meeting with the residents in Mrs. Lewis' community to explain the benefits of annexation. He also stated the community is on septic systems.

**City Manager Leavengood** stated the City had looked at the sewer infield project through CDBG, it had to be in the City limits for us to qualify for the program. There is a program through the State that we are exploring.

**Brenda Arnold** 435 W Pierce St. stated the parks and recreation plan should focus on improvements for our kids and not having to go to other cities for facilities. She liked some of the ideas from the workshop and that there is parking needed at the park facilities. She also mentioned the need for more kid friendly restaurants in town, like MacDonald's. She thanked the Police for their attention to the school zones. She expressed her concern for a community center and for the drainage in her community.

**City Manager Leavengood** stated that the city is working to get restaurants in the city.

**Public Works Director Deaton** stated that the homes in that area were built below the surface of the road and when it rains there is runoff. There's not much the City can do to fix the problem. The City can build catches or try to direct the runoff between the houses, but if we get heavy rain it will run across the yards.

**Jean Brittan**, 370 South Echo Dr. thanked the City for taking care of various problems and the opening of Buena Vista.

#### **EMPLOYEE RECOGNITION: ADAM LEATHERBERRY - 5 YEARS**

**Police Chief Bodenheimer** stated Officer Leatherberry began his law enforcement with Lake Alfred Police Department November 21, 2009. He worked with the patrol division until August 28, 2013, when he went to work for Winter Haven Police Department. In February 2016 he returned to Lake Alfred. Since returning he has been assigned as a school resource officer and to assist the officers with the new county-wide reporting system. He congratulated Officer Leatherberry.

**PROCLAMATION: 10 MINUTE WALK**

**Mayor Lake** read the proclamation recognizing the 10-Minute Walk Campaign and urged all citizens to discover the parks near your home and to walk to the park.

**CONSENT AGENDA**

**Commissioner Dearmin** moved to approve the Consent Agenda; 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>

**AGENDA**

**1.) ORDINANCE 1396-18: VERIZON TOWER SITE LEASE RENEWAL**

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

**City Manager Leavengood** stated the City currently has a lease agreement with Verizon Wireless regarding cellular service on the cellular tower behind the Fire Department. The original lease was executed in September of 2000 for a period of 25 years and is set to expire in October of 2025. The lease currently generates \$27,375 revenue per year to the City.

The City has been approached by representatives of Verizon Wireless to extend the lease for an additional thirty (30) years. In consideration for the extension the City would receive a lump sum payment of \$30,000 upon execution of the agreement and the lease revenue will increase to \$31,482 beginning in October of 2020 and increase three percent (3%) each year thereafter. The City shall also receive twenty percent (20%) of revenue from new subleases on the tower (i.e. if another company rents space on Verizon's tower).

The agreement was negotiated with the City's cellular consultant from Gray Robinson and reviewed by the City Attorney. If approved, this item will come back to you for second reading within 45 days following execution of the agreement by the other party and adequate public hearing notice. Staff has heard back that they are in agreeance with the current agreement.

The current item is an amendment to the existing agreement, which is still in effect. An existing provisions states that the City has use of the portion of the tower for City services (between ten and eighty feet). The City would like to update the provision to clarify that there is no cost to the City to use this portion of the tower. This would be included in the final agreement.

Staff recommended approval of Ordinance 1396-18 on first reading.

**Commissioner Duncan** asked if they would pay the attorney fees and who owned the tower.

**Commissioner Maultsby** asked if the \$30,000 was a bonus in addition to the annual payment.

**Vice Mayor Daley** asked why Verizon would want a thirty year lease with the rapidly changing technologies.

**City Manager Leavengood** stated since we are getting a lump sum payment in addition to incremental increases that will cover the attorney fees. The new agreement also includes an increase of 3% each year, which is an increase over the existing contract. The City owned the previous tower which was removed to allow the taller Verizon tower. Verizon owns the current tower, but the City has use of the lower portion. The \$30,000 is paid as a bonus. The expenditure of these funds will be addressed during the Capital discussions and could be used for a park project. According to the consultant, Verizon will need the core towers in the future. They are not locked into thirty years, but they would have to remove the tower if they cancelled the lease.

**Community Development Director Bailey** stated there is an option in the agreement for the City to purchase the tower for \$1 if the lease was terminated.

**Mayor Lake** opened the public hearing. There were no comments.

**Mayor Lake** closed the public hearing.

**Vice Mayor Daley** moved to approve Ordinance 1396-18 on first reading; 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>

## **2.) RESOLUTION 02-18: SUPPORT OF HOME RULE**

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

**City Manager Leavengood** stated a presentation on Home Rule was given at the 2017 Florida League of Cities (FLC) conference. They discussed the need to preserve the rights of local self-government. In recent years, the Florida Legislature has passed or, attempted to pass, a number of pieces of legislation that would erode the home rule power of Florida cities. The FLC has included the protection of local government under municipal Home Rule powers as one of its' 2018 Legislative Priorities. They have asked that local municipalities support the priority through a resolution. The concept was presented to the City Commission on January 22, 2018 and City Commission appeared to be in support of such a resolution. Therefore, staff has prepared the attached resolution for consideration by the Commission.

**Commissioner Maultsby** stated he thought the City should have home rule it will prevent the State from taking advantage of the smaller cities and reducing the tax base.

**City Manager Leavengood** responded that he is aware of all the challenges. We are already threatened by everyday cost increases and when the legislature adds the threat of losing the CRA or the Homestead exemption the cost adds up.

**Commissioner Dearmin** stated that he supports the people of Lake Alfred, that's why we need Home Rule.

**Mayor Lake** stated this was an item of concern at the Florida League of Cities, that Home Rule would be better for the cities and for the state. But there are those legislators that don't see it that way.

**Vice Mayor Daley** asked who would receive the resolution.

**City Manager Leavengood** stated we will send it to the Florida League of Cities, our local Representatives, and the Governor.

**Mayor Lake** opened the public hearing. There were no comments.

**Mayor Lake** closed the public hearing.

**Commissioner Duncan** moved to approve Resolution 02-18; 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>

### **3.) RESOLUTION 03-18: ACCEPTANCE OF LAND AND LIMITED DRAINAGE EASEMENT ASSOCIATED WITH THE LAKES TRACT 8**

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

**City Manager Leavengood** stated On August 21, 2017 the City Commission approved the Planned Unit Development – Residential (PUD-R) on property owned by Lake Alfred Land Partners II, Inc. known as Water's Edge at the Lakes (The Lakes Tract 8). As a condition of the approval the owners were required to dedicate a tract of land. On November 20, 2017 the City Commission approved the Development Agreement which included provisions to purchase an additional lot. This resolution includes the conveyance of both areas.

A drainage easement was granted to Meritage Homes of Florida (previous owner) to allow stormwater drainage from the subdivision onto the City property south of Tract 8. The easement was granted in October of 2007 and would take effect upon the final approval of the plat. The

document also stated that if the plat was not approved and recorded within ten (10) years, the easement would cease and the rights would revert back to the City in full. The easement has now expired. The currently approved site plans and Southwest Florida Water Management District permits require the same drainage pattern and therefore use of the City property for drainage purposes. The easement is worth \$1,450 which has been deducted from the purchase price of the lot in Tract 8.

Staff recommended approval of Resolution 03-18 authorizing the acceptance of land from Lake Alfred Land Partners II, LLC and authorizing the execution of the drainage easement.

**Commissioner Duncan** asked about the size of the drainage easement in reference to the tract we are purchasing. He also asked about the stormwater flow.

**Community Development Director Bailey** responded stating the size of the easement is about a lot and a half. The difference regarding the price of the easement lot versus a buildable lot is that the City is buying a developable lot. The lot will have water, sewer, and stormwater. The easement will remain with the City and is not developable. The stormwater will drain onto the easement and not into the canal.

**Mayor Lake** opened the public hearing.

**Mary Neily** on 640 East Tangerine Ave asked if the drainage in front of her house was run-off or drainage from the distillery. The drainage ditch is full of weeds and water is overflowing.

**Public Works Director Deaton** stated the distillery has a spray field on Tangerine that is treated water. It does travel down Tangerine to the wetland and has been approved by DEP. The water then then goes back into the ground into the aquifer.

**Vice Mayor Daley** asked about the boundaries shown on the map, who is responsible for maintaining the easement, and the amount of flow onto the easement.

**Commissioner Maultsby** asked how many houses will be built on tract eight.

**Community Development Director Bailey** stated that the map is not current, but it showed the lot under consideration. Tract eight has been approved for fifty nine lots. The developers will be responsible for maintaining the easement portion to meet their drainage purposes. During the annual stormwater evaluation, they would make sure the easement is open and accessible for the water to drain from the on-site pond.

**City Manager Leavengood** stated there are many opinions on development in the City but if restaurants are going to build, the City must have the roof-tops.

**Annie Mae Lewis** 946 Everett St. asked where Tract 8 is located.

**Mayor Lake** closed the public hearing.

**Commissioner Dearmin** moved to approve Resolution 03-18; 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>

#### **4.) DISCUSSION: CITY MANAGER EVALUATION**

**City Manager Leavengood** stated under section 5 of the City Manager employment agreement the City Manager is to receive a performance evaluation at least once every two years and in advance of the adoption of the annual operating budget. The evaluation format was consistent with previous evaluations and was composed of eight (8) categories that allowed for a numerical ranking as well as available space for additional comments under each category and at the end of the evaluation.

The documents will be updated with the forms from Commissioner Maultsby and Commissioner Duncan.

The categories of the evaluation consisted of; Fiscal Management, Management and Organization, City Assets, Program Development, Community Relations, Communication, Intergovernmental Relations and Management Style, each Commissioner was asked to rank each category numerically. The average per Commissioner and category was 4.97 out of 5.

**Mayor Lake** stated he thought City Manager Leavengood deserved a five and if there were any questions on how he was doing, it would have shown in the evaluation.

**Commissioner Dearmin** stated we have a City Manager that cares about his community and we are blessed to have him.

**Vice Mayor Daley** stated she couldn't find anything to add for improvement, everything was as it should be and she didn't have a problem giving him all fives.

**City Manager Leavengood** stated he received a card of appreciation from the Friends of the Library. He appreciates the show of support, as much as this is a City Manager evaluation it is also an evaluation of the organization. The City has a fantastic team, from the City Commission, the Community, and the staff. The City has made gains in so many areas. It is a testament to the positive attitude and working together to solve problems. Thank you for the opportunity. He lives here and is raising his family here and he enjoys working on projects for the City.

#### **RECOGNITION OF CITIZENS**

**Margaret Wheaton**, 340 Carolina Ave South stated there was an error in the survey, she was concerned about the property boundaries, and that the library was included in the Parks and Recreation Master Plan. She feels like the library will be forgotten.

**City Manager Leavengood** stated the Parks and Recreation Master Plan is still in the beginnings stages, the consultant is still gathering information to do their work. The library is a

unique division of Parks and Recreation. It benefits the library to be included with Parks and Recreation.

**Commissioner Dearmin** stated we were categorizing different areas to better utilize the funds in the budget.

### COMMISSIONER QUESTIONS AND COMMENTS

**Commissioner Maultsby** stated he remembers when the City needed a Manager, and after interviewing Ryan he thought that Ryan was just what Lake Alfred needed. He said job well done and keep up the good work.

**Mayor Lake** stated since he missed the previous meeting he listened to all the reports on line. Ridge League Dinner is coming up. The Hoe Down at Lions Club was fun. Last week at the TPO meeting he became the Vice Chair. He was pleased to see the turnout at the Commission meeting, when citizens turn out and inform the Commission about things that are going on in the City it helps the Commissioners to do a better job.

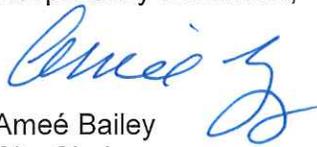
**Vice Mayor Daley** stated that the SWFWMD is hosting two workshops concerning the guidelines for the lakes in the area. The meeting coming will be held at the Chain of Lakes Complex in Winter Haven 4:30 to 6:40 this Thursday, February 8<sup>th</sup>, and Tuesday February 13<sup>th</sup> at 5:30 to 7:40. Congratulations to the City Manager.

**Commissioner Duncan** stated it's been a pleasure to work with the City Manager on projects. He looks forward to the Master Plan for the Parks.

**Commissioner Dearmin** thanked the City Manager for all he does, and he thanked the Commission and the residents. He is honored to represent the City.

With there being no further business to discuss, Mayor Lake adjourned the meeting at 8:54 pm.

Respectfully Submitted,

  
Ameé Bailey  
City Clerk