

**MINUTES
CITY OF LAKE ALFRED
CITY COMMISSION MEETING
MONDAY APRIL 1, 2019
CITY HALL**

Call to Order: Mayor Charles Lake

Invocation and Pledge of Allegiance: Pastor Wilson Diaz Jr.

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

Staff in attendance: City Manager Ryan Leavengood, Assistant City Attorney Seth Claytor, Community Development Director Ameer Bailey, Fire Chief Chris Costine, Financial Director Amber Deaton, Parks and Recreation Director Richard Weed, Police Chief Art Bodenheimer, Public Works Director John Deaton, Deputy City Clerk Mamie Drane, and other staff.

CITY MANAGER ANNOUNCEMENTS

City Manager Leavengood stated items four and five, Resolutions 04-19 and 07-19, will not be presented tonight as the supporting documentation was not ready.

April 11th the Lake Alfred Chamber of Commerce will host the "State of the City" By City Manager Ryan Leavengood. This event is part of the Lunch and Learn series and will be held at the Lions Club from 11:15 to 1:00 pm. Please RSVP to the Chamber by April 8th.

On April 11th at 6:00 pm Lake Alfred and the Polk County School Board have partnered for a presentation on the State of the Polk County Public Schools. The guest speaker will be Jacqueline Byrd, Polk County Superintendent of Schools. Space is limited please make your reservations by April 4th. For more information or to RSVP contact the Parks and Recreation Department.

City Manager Leavengood provided an update regarding the annexation of Kings Pointe. He, Director Deaton and Director Bailey has presented to the residents of Kings Point. The residents seem to be in favor of being annexed into the City, however the property owner is weighing the differences and will make the decision at a later date.

CITY ATTORNEY ANNOUNCEMENTS

No comments

RECOGNITION OF CITIZENS

Rodney Thompson 640 N. Pennsylvania Ave. stated he found something on Face Book, allegedly posted by a Commissioner, saying it was in poor taste and not appropriate for a City representative. He continued that some of the Commissioners approve of term limits for state offices but not for the offices held by the City Commissioners themselves. He also questioned Commissioners attendance at the two campaign parties held this past weekend, saying the present Commissioners only made a visit to one party. He asked if this was ethical behavior.

Mayor Lake stated the City Attorney addressed this issue at a prior meeting to the Commissions satisfaction.

Assistant City Attorney Claytor stated this issue was addressed at the last City Commission meeting and if further clarification is needed the City will provide Mr. Thompson a copy of the minutes from the last meeting.

Ed Martin 297 Chamberlain Dr. stated he lives outside the City limits but he is impressed with Lake Alfred's forward movement. The new retail stores and improvements throughout the city made a difference. He thanked the City Commission and City Staff and asked them to keep up the good work and keep moving forward.

PRESENTATION OF CAFR AND ANNUAL AUDIT

Mike Brynjulfson, President of Brynjulfson, CPA external auditor reviewed the audit for the year ending September 30, 2018. He reviewed the documents included in the packets, including the Financial Statements, Report on Internal Control and Compliance, Trend and Analysis, Management Letter, Compliance Report, and Letter to the Members of the City Commission.

Overview

- Report on the Financial Statements – Unmodified “Clean” audit opinion with no material errors. Implementation of New Accounting Standards –GASB 75 – OPEB.
- Report on Internal Control & Compliance – No material Weakness or significant deficiencies reported. No instances of noncompliance reported.
- Compliance report with Section No instances of noncompliance with Section 218.415, Florida Statutes - Local Government Investment Policies.
- Management Letter – No findings reported.
- Governance Letter to the Members of the City Commission – no disagreements with management or difficulties encountered while performing audit.

General Fund Snapshot

- At September 30, 2018 the unassigned and assigned fund balance was \$1,445,212.
- This would provide 3.5 months without any revenue coming into the City.
- City trend showed 29%; and is above the minimum 15% fund balance policy established by City and the industrial standard. This will fluctuate based on cash flows.
- Total revenues for 2018 were \$5,055,828 up \$700,948 from last year.
- Total expenditures for 2018 \$4,951,939 an decrease from 5,550,551 in 2017. Capital outlay was down 72% from 2017.

- For every dollar brought into the City, as a percentage, in 2018 revenue exceeded expenditures by 2%.

Enterprise Fund Snapshot

- Total Net Position in 2018 (equivalent of fund balance in the general fund) was \$10,662,671.
- Unrestricted Net Position (equivalent to unassigned fund balance in the general fund) was \$2,314,633.
- This would provide 10.76 months without any revenue coming into the City.
- Net position as a percent of revenues was 89.7%.
- For every dollar brought into the City, as a percentage, in 2018 revenues exceeded expenditures by 17% gross profit. (Does not include interest or operating transfer expenses).
- After operations, paying debt, and interfund transfers the enterprise fund had a deficit of \$35,440.

Overall Snapshot

- Unrestricted cash and investment includes proprietary funds and governmental funds for a total of \$3,770,046.
- The City's Capital Activity in 2018 include the following purchases:
 - Repair and Maintenance for Buildings~\$49,000.
 - Park Master Plan~\$35,000.
 - Ramona Road Resurfacing~\$67,000.
 - Land Purchases~\$34,000.
 - Professional Services in Community Development~\$34,000.
 - Disposal Fees~\$32,000.
 - Cell Tower Consultant~\$24,000.
 - Other postemployment Benefits Payable~\$46,715

Mike Brynjulfson stated the postemployment benefits of \$242,000 was added to the books this year. The City is required to put the unfunded portion of the pension plan on the books as a liability. The General Employees' Pension Plan has an unfunded portion of \$257,000. Police and Fire Pension Plan is as asset to the City, as it is over funded by 3%.

In 2011 the City prepared and submitted its first Comprehensive Annual Financial Report (CAFR), and the City has received the award every year since. This is the eighth year the City has received the CAFR award.

City Manager Leavengood asked if it is common for cities to have an audit report without findings.

Mike Brynjulfson stated it is relatively rare to have consistently clean audits. The City has strong leadership in the finance department with few turnovers. In wrapping up, he said the report was a month earlier than last year and the City had a very good report.

Mayor Lake thanked Mr. Brynjulfson and stated the City's financial success is due to the City Manager along with the Finance Department being conservative and working to keep the City out of debt.

Commissioner Duncan asked if the Water Co-op expense will be shown as a debt in the future.

City Manager Leavengood stated the Water Co-op will show up as a debt in the future. As Mr. Brynjulfson pointed out the two notes the City has in the Enterprise fund will be paid off soon and that should offset new debt. As the City experiences growth there will be other expenses, but the customer base will be there to pay for that growth.

Vice Mayor Dearmin stated he appreciated the planning that staff does to keep the City proactive and prosperous

CONSENT AGENDA

Commissioner Daley stated there was a correction to the Commissioners Announcements on the Consent Agenda. The Canvassing Board Meeting for April 2nd shows 6:00 pm, the Supervisor of Election sent out a notice stating the meeting will be at 5:30 pm.

City Manager Leavengood stated the City Attorney submitted red line corrections to the minutes, the corrections have been placed on the dais for the Commissioners.

Vice Mayor Dearmin moved to approve the Consent Agenda with changes, seconded by Commissioner Maultsby. The motion was approved by unanimous voice call vote.

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| MAYOR LAKE | AYE |
| VICE MAYOR DEARMIN | AYE |
| COMMISSIONER DALEY | AYE |
| COMMISSIONER DUNCAN | AYE |
| COMMISSIONER MAULTSBY | AYE |

AGENDA

1.) PUBLIC HEARING: ORDINANCE 1412-19: BROWNFIELD DOWNTOWN SITE REMEDATION

Assistant City Attorney Claytor read the ordinance title.

City Manager Leavengood stated over the past several years the City has assembled approximately a 3 acre tract of commercial property in the downtown area. The original acquisition consisted of the old Buchanan Building which the City demolished and performed environmental testing on which determined the site to be clear. The City then purchased two additional parcels that were adjoining to the Buchanan lot; a vacant parcel and the former "Junk Trunk" thrift store which was demolished to accommodate future development. The City performed additional environmental testing on the newly acquired properties and it was determined that the former Junk Trunk site had petroleum contamination that would require site remediation to unlock the full development potential of the site and to be "shovel ready" for new development.

The property is located within a designated brownfield area which the City established through the Florida Department of Environmental Protection which gives the City access to grants, loans, and cleanup credits for environmental testing and site remediation.

The Central Florida Regional Planning Council (CFRPC) has entered into an Assistant Agreement with the Environmental Protection Agency (EPA) to create a Revolving Loan Fund Program to provide low interest loans and sub grants for environmental cleanups at Brownfields properties. The City utilized this program for a grant on the original environmental testing performed on the site that was performed by Cardno, who is the firm that was selected by the CFRPC to be the Qualified Environmental Professional and provide services related to the Revolving Loan Fund.

The proposed ordinance executes a low interest loan agreement with the CFRPC for the cleanup of the downtown site in the amount of up to \$130,450 at a 1% interest rate for up to five years. The note will be paid in full upon the City receiving the proceeds from the sale of the Voluntary Cleanup Tax Credits upon completion of the site cleanup. The remediation can receive a 75% tax credit on eligible costs and those can be brokered for approximately 80 cents on the dollar (since the City can't use them directly as a governmental agency that doesn't pay taxes) resulting in approximately a 60% cost recovery of expended funds.

Staff recommended approval of Ordinance 1412-19 on second and final reading.

Commissioner Maultsby asked how long it will take to remediate the property.

City Manager Leavengood stated the consultant estimates 12 to 18 months, in the meantime the City will be marketing the property. Because the City identified the Downtown Corridor as a brownfield area the City's cost exposure is small compared to the total cost of the project.

Commissioner Duncan asked if the loan was an open fund loan and what is the additional \$79,000 shown in the initial report.

City Manager Leavengood stated up to \$130,000 will be on the initial remediation. The \$80,000, that is tied to the resolution, will be for additional testing to possibly pinpoint the area that requires remediation.

Mayor Lake opened the public hearing.

Alverta Ray Jr. 1320 asked what the cost of the property has been to date and why is the City asking so much for it when there are houses selling for less in the downtown area.

City Manager Leavengood explained how the City attained the different parcels of the downtown area to piece together the property in question. Property in the downtown area is selling for \$250,000 to \$500,000 per acre and the cost will continue to increase. The total cost the City has invested is approximately \$250,000 in the three acres.

Commissioner Maultsby moved to approve the Ordinance 1412-19; Downtown Site Remediation; seconded by **Commissioner Duncan**. The motion was approved by unanimous voice call vote.

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| MAYOR LAKE | AYE |
| VICE MAYOR DEARMIN | AYE |
| COMMISSIONER DALEY | AYE |

COMMISSIONER DUNCAN
COMMISSIONER MAULTSBY

AYE
AYE

2.) PUBLIC HEARING: ORDINANCE 1413-19: SAC CITRUS INC. ZONING REQUEST (LYNCHBURG)

Assistant City Attorney Claytor read the ordinance title.

City Manager Leavengood stated the City has received a request by SAC Citrus Inc. to amend the zoning designation for property totaling approximately 407 acres to accommodate an age restricted (55+) manufactured home community with an 18-hole public golf course to Planned Unit Development-Mixed Use (PUD-MU). The golf course and related amenities such as a Pro Shop would be open to the public. Amenities within the development would include a clubhouse, pool(s), and access to Lake Cummings and Lake George. The Master Development Plan proposes not to exceed 970 residential units for a gross density of 2.38 units per acre.

The subject property consists of 13 parcels totaling approximately 407 acres. The property is bordered to the north by Lake Alfred Road, to the west by Lynchburg and Myers Road, and by US Highway 92 on the south. The property was annexed in 1999, but remained in agricultural use as a citrus grove. The property was assigned the current residential and commercial zoning in 2006; however the site is currently vacant pastureland.

The Applicant has stated that they plan to develop the project in phases; a proposed phase plan is included as an attachment. The Applicant will present additional details as each phase is reviewed through Site Plan and Platting. The requested PUD-MU zoning provides the Applicant the opportunity to incorporate commercial components within the development. The densities and intensities are regulated by the underlying future land use classifications. The proposed development is compatible with the existing development in the surrounding area.

In anticipation of this development the City accepted Lynchburg Road from Polk County in June of 2018 to have local regulatory control over the road through the development process. The Applicant will dedicate right-of-way for the partial relocation and reconstruction of Lynchburg Road. The road would remain open to the public at all times during the realignment.

Staff has coordinated with the Applicant regarding the proposed development and conditions of approval. Nineteen conditions for approval have been attached to the requested PUD through the Development Review Committee and vetted by the City's Planning Board including: wetland protection; dedication of right of way along Lynchburg Road (for sidewalks and future improvements); to water conservation standards.

The City's Planning Board voted unanimously (6-0) to provide a recommendation of approval on the proposed zoning amendment.

Based on the feedback and a motion made at the last meeting, the ordinance has been amended and nonuse of the lakes for surface irrigation has been included in the second read. There was also a change from staff, stating the developer would not connect to the City's potable water system for the irrigation of the golf course. The development would rely solely on the existing grove wells that exist on the property.

Staff recommended approval of Ordinance 1413-19 with the Master Development Plan and Conditions of Approval on second and final reading.

Commissioner Maultsby asked if the Star Water Plan is a condition of the development. He also wanted to know if the developer will be responsible for the road to the ALPI building.

City Manager Leavengood stated Water Star was one of the conditions that the City added based on information coming from the Water Co-op process and the future debt service the auditor spoke of earlier. It is in everyone's best interest to push for water conservation standards for any new development in the City. The developer will be responsible for any part in the reconfiguring of the road.

Commissioner Duncan asked if the concerns and requests of the residents from the last meeting had been addressed by the developer.

Director Bailey stated staff included in the agreement landscape buffering between the road and the right-of-way. Staff will be conscientious of improvements that may be available during the construction phases of the community. Including possibilities such as banking the road to alleviate lights shining into resident's homes or backyards. This will all be addressed during the engineering phase of the development process. Staff spoke to several residents after the last meeting and they are aware of the plans.

Mayor Lake asked if after the reconstruction of Lynchburg Road the City will still have ownership of the road.

City Manager Leavengood stated the developers will rededicate the new portion of the road back to the City after providing the appropriate right-of-way and easements required by the City. It will remain a City road.

Commissioner Maultsby asked about the projected water usage from the new development upon built out.

Director Bailey stated at build out the maximum water demand from the development will be 349,000 gallons per day.

Commissioner Maultsby stated that at total build out they will use the remaining allotment that the City has allocated on a yearly basis.

City Manager Leavengood stated the community will not be build out all at once, the developers are planning to build in phases. This and future developments are the reason the City has invested in the Water Co-op.

Mayor Lake stated with the investment in the Water Co-op the City can plan for the future including any new development.

Mayor Lake opened the public hearing.

Wes Warren 2137 W. Lois Blvd., President of the Lake Mariana HOA stated on behalf of the Lake Mariana Acres residents he asked the Commissioners to include a condition, in writing, for a barrier to protect the residents from the traffic that restructuring the road will incur. Mr. Warren read the request from a letter that had been signed by 21 residents of Lake Mariana Acres. He

stated most of the residents are in favor of a raised berm. He also asked when will construction begin on the road and if additional street lighting will be installed.

Jack Brandon, Peters and Myers Law Firm addressing the issue of landscaping he stated the developers have not submitted a final plan. They propose to have a landscaping plan that would meet the requirements of a type B buffer. The developers want to be good neighbors and will be responsive and they welcome the opportunity to have input.

Commissioner Duncan stated the landscaping is good for the visual but what about sound barriers. He asked about netting for the golf course and if future plans will come back through the Commission.

Director Bailey stated the stipulation is already in the Development Conditions. There is not a mandatory fence component in the type B buffer. When comparing buffers in other situations they have generally used raised landscaping and road alignment. The sound will not be significantly increased from what is there now. Using fencing to control noise can sometimes cause echoing creating more noise. Sound barriers would be a major consideration and they are only required along interstates and major roadways. The landscaping is a combination of issues being addressed, when the project is completed and all DRC specification have been met, if inspections shows the landscaping is not sufficient it would not be a significant leap to install a fence. The next phase that the Commission will review is the platting process. Construction plan details will not be brought back to the Commission. Future plans will be reviewed by the Public Works Director, Police and Fire Chief, and Community Development Department, however, any modifications to the plans would come back before the Commission.

The development will occur in phases. Currently the plan calls for five phases. The fifth phase includes Lynchburg Road. The road reconstruction will be one of the last phases to complete. Phase one is planned for two to three years. The realignment will not take place for several years. It also depends on the market and how fast the homes sell. Currently there is not a requirement for street lights on Lynchburg Road. In answer to **Commissioner Duncan's** golf course question, she stated there has been a condition added regarding maintaining and keeping golf balls on their property.

Assistant City Attorney Claytor stated the applicant as well as council for the applicant has been very responsive to the City's concerns. He has no reason to doubt that they will address the residents' concerns. He also said the landscaping will be in the right-of-way so the City will control the end product.

Mayor Lake stated a well-planned landscaping plan would solve both the noise and light issue.

Commissioner Daley stated this evening the Commission is voting on just the zoning of the property, which is a very broad issue. This zoning will limit the developers to 2.3 units per acre.

Barbara Long 2315 Kay Street stated her property will back up to Lynchburg Road and she is encouraged by all she has seen and heard. The residents of Lake Mariana should have the same considerations that the residents on the other side of the road will have. The noise and light abatement as well as their privacy is important to the residents. The landscape plans she saw at the last meeting did not look like they would be sufficient as a noise or light barrier.

Mr. Brandon stated there will probably be additional meetings to address the different phases and potential changes. The developers will try and stay in the loop to be able to address the additional concerns that may come up.

City Manager Leavengood stated from staffs standpoint, after hearing the resident's concerns, the City will stay on top of any changes and concerns throughout the many phases of construction. The community will not be an overnight development it will proceed in phases. The traffic on Lynchburg will not suddenly increase, there is still time to work on any issues that may come into question.

John Sansone 2176 Lois Blvd. asked now that the City has taken over Lynchburg Road what are the intentions for the road. He also asked if the residents off of Lynchburg road would still have access to Lake Alfred Road.

City Manager Leavengood stated the property will access Hwy 17/92. The only road access the development will have to Lynchburg Road is the break-a-way gate for emergency access for a firetruck. There are no immediate plans for Lynchburg Road as it is in good shape. The residents on Lynchburg will have the same access to Lake Alfred Road as they do now.

Director Bailey stated the old road will be in use until the new road is constructed and ready to use. Lynchburg will not be closed. There will also be a three way stop at the crossroad. She also has provided information on capacity for Lynchburg Road. The road is operating at a service level B and the road has the capacity of 792 trips. This development will not have a major impact on Lynchburg Road.

Ilene Mullin 534 Club Hill Road in Kings Point her property borders the Club House property her concern is for the lights and traffic associated with the Club House.

Director Bailey stated as discussed with the buffering, and there will be buffering between Kings Pointe and the road. There will also be a Boulevard Road before ending at the Club House. The lighting planned is tailored to light designated areas.

Steve Slone, Slone Engineering Group 150 S Woodlawn Bartow stated there is a meeting scheduled to begin design. Moving dirt will depend on how long it takes to get through the design phase. They hope to be moving dirt by the end of the year.

Ed Martin 297 Chamberlain Drive stated he has developed properties and the hardest thing on a City that's growing is to make decision of impact for the future. Safety is the primary factor that should be taken into consideration.

City Manager Leavengood stated Mr. Martin made good points, some were part of the reason the City wanted the three way stop installed, to slow down the traffic on that section. This is much lower density that could be going in on that property. The traffic will be impacted more by the build out of Water Ridge and other developments that will be going along Lake Alfred Road.

Director Bailey pointed out that one of the conditions was for the applicant to provide the City a routing plan for the construction traffic. The City is aware of what significant traffic from the construction process can do to the roads. Staff will be evaluating the development though out all the phases of the project. The development will be gated with limited access and that is by design.

Staff went through the different zoning categories with the applicant trying to find the best fit for both the applicant and the City. Normally modular home parks are found in the R-2 zoning which is a multi-family zoning. Staff and the developers thought the best zoning would be the PUD. That allowed the City more input and satisfied the needs of the applicant as well. Staff is concerned with safety and continue to have discussions with the applicant to assure everyone's safety.

Commissioner Duncan stated there were no specific conditions that define what the buffering should be to protect the residents on Lynchburg. Mr. Juday asked about lake access and if it had been addressed.

Mr. Slone stated there are actually specific conditions that if the applicant does not adhere to them they will not be granted approval. One of those is the buffering of the existing residents. The development will not be accessing Lynchburg Road except for emergency access, that is at the City's request, and the developer is providing the breakaway gate. The applicant is also providing the City with 80' of right-of-way to facilitate the widening of the road at a later date.

City Manager Leavengood stated the condition that staff came up with was on the surface draw on the water, lake access is a priority. If this was a traditional neighborhood with five units per acre with cross streets connecting along Lynchburg Road, that may be a more appropriate option. The boat traffic and where the trailers are parked will be up to the developers. The City has eleven boat docks or ramps that are already maintained by the City.

Mr. Brandon stated the applicant has limited the number of boat docks and they will be private. There will not be more than four boat docks, inside a controlled environment.

Brenda Arnold 435 W Pierce stated her concern is the safety of Pierce Street she asked if the City would please have speed bumps to slow down the traffic.

City Manager Leavengood stated Pierce Street is a County road. The City can look at Pierce Street but separate from this zoning action. There are other things that can be done other than speed bumps.

Commissioner Duncan moved to approve ordinance 1413-19 SAC Citrus Inc. zoning request, on second and final reading; seconded by **Commissioner Maultsby**. The motion was approved by unanimous voice call vote.

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| MAYOR LAKE | AYE |
| VICE MAYOR DEARMIN | AYE |
| COMMISSIONER DALEY | AYE |
| COMMISSIONER DUNCAN | AYE |
| COMMISSIONER MAULTSBY | AYE |

3.) ORDINANCE 1414-19: RELEASE OF REVERTER (WELLS FARGO PROPERTY)

Assistant City Attorney Claytor read the ordinance title.

City Manager Leavengood stated in the 1950s the City conveyed a portion of the current Wells Fargo property to the Bank of Lake Alfred with a reversionary interest in the event the conveyed property no longer operated as a bank. Additionally, the City reserved areas for alley right of

way in the immediate area around the existing building. The City has no interest in maintaining the reservation of right of way. Additionally, releasing the reverter is in the City's best interest in order to facilitate redevelopment. The final component of the ordinance is the donation of the currently owned bank parcel to the east of the drive through to the City which we currently use in combination with the City owned property for event parking.

Staff recommended approval of Ordinance 1414-19 on first reading.

Vice Mayor Dearmin asked if Lake Alfred would own the property delineated showing on the visual presented.

Commissioner Duncan asked about the alley to the north of the property and if the City will be using it for anything.

City Manager Leavengood stated the City will maintain the alley, it creates a public access along the back of the businesses for drop-offs and deliveries.

Mayor Lake opened the public hearing, with no public comment, he closed public hearing.

Commissioner Daley moved to approve ordinance 1414-19 on first reading; seconded by **Vice Mayor Dearmin**. The motion was approved by unanimous voice call vote.

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| MAYOR LAKE | AYE |
| VICE MAYOR DEARMIN | AYE |
| COMMISSIONER DALEY | AYE |
| COMMISSIONER DUNCAN | AYE |
| COMMISSIONER MAULTSBY | AYE |

4.) RESOLUTION 05-19: COMMISSION RULES AND PROCEDURES

Assistant City Attorney Claytor read the resolution title.

City Manager Leavengood stated at the last regular meeting a citizen brought forward a question related to the procedure and timeline regarding the public release of the City Commission agenda and packet.

Section 2.08(b) of the City Charter states that, "The Commission shall determine its own rules of order and shall adopt said rules by resolution. Said rules, and amendments by resolution to said rules, shall be made available to the public. The city manager shall compile the agenda for each commission meeting. The agenda shall be made available to the public not less than five (5) days prior to each regular meeting and not less than forty-eight (48) hours, whenever practicable, prior to each special meeting."

The charter and the existing rules and procedures resolution does not provide for a definition of "agenda." The Merriam-Webster dictionary defines "agenda" as, "a list or outline of things to be considered or done."

The longstanding practice by staff has been to attempt to send out the full agenda packet with the staff analysis and supporting documentation on Wednesday. If the full packet was not ready to send out, the 'agenda cover sheet' would be sent out and publicly posted by Wednesday night in order to meet the charter requirement. Upon researching this issue the term 'cover

sheet' would seem inaccurate in that the 'cover sheet' is actually the agenda (the list of items to be considered). The staff analysis, ordinance language and other attachments is the supplemental information to the agenda that is typically called the 'agenda packet' or 'packet.' This is not an uncommon arrangement; other cities have a similar format on their website wherein the agenda, packet, and minutes were three separate pdf files for each meeting.

The proposed resolution amends the Commission rules and procedures to clarify the agenda preparation process. The proposed resolution defines 'agenda' and 'agenda packet' as well as their respective timeframes for release. The agenda would continue to be publicly released by close of business five days prior to the regular meeting in order to meet the Charter requirement. The draft staff analysis for the items would also be included in the agenda. The agenda packet would be sent to the City Commission no later than close of business three days prior to the meeting (e.g. Friday for a Monday meeting) allowing for a minimum of the weekend to review the agenda packet.

This clarifies that if the entire agenda packet is ready on Wednesday it will go out in its entirety. Staff looks at complicated agenda items, with two weeks between meetings, that is not always time to collect everything that should go into the agenda.

Staff recommended approval of Resolution 05-19.

Commissioner Daley stated even if the agenda packet does not come out till Friday, she has always been able to get in touch with the City Manager to ask questions. Most of the Cities use the MUNI CODE on line for research. There is no reason to wait for another city's employee for information you can find on line.

Mayor Lake stated in the six years he has been on the Commission there has never been a problem with receiving the agenda. The City Manager has been there to answer any questions he may have. He has even seen the City Managers car at the Administration Building on Sundays.

Commissioner Duncan stated he also has called the City Manager as late as 11:00 pm. He appreciates that the first draft that came out was not establishing certain things. He was not around when the charter rule was passed for the agenda. From his understanding, the rule was created due to the agenda not being made available to the public. There have been instances when he needed to contact other cities for information. When the agenda comes out Friday night there is not enough time for him to do personal research.

Director Bailey stated when city staff sends out the zoning items, we provide additional details, but not as much as in the City Managers analysis. It does include the Community Development phone number, email address and a section in Spanish. Staff sent out two notices for Lynchburg, the City is only required to send out a notice before the second reading. Notices were posted at the Post Office and in the display box at Administration.

City Manager Leavengood stated there are three ordinances listed concerning the agenda process, two related to a roll call vote and the third came from the Charter review. There was no reason as to why the reference to the agenda was in the review. It referred to the public release of the agenda. If there is a 200 page agenda, it will not all be posted on the wall in the Post Office. His goal is to meet the Charter requirements. The agenda cover and the staff analysis will be going out on Wednesday.

Vice Mayor Dearmin stated the majority of the people attending the meeting tonight were also at the Planning Board Meeting.

Commissioner Maultsby stated he owns property off of Lynchburg and he received a notice for each meeting.

Mayor Lake opened the public hearing.

Rodney Thompson 640 Pennsylvania Ave. stated he would like to see a designated time for the agenda to be published. The agenda should be by posted it on the website. He asked if the language of the pending resolution could be changed to include the public in the initial distribution of the agenda. The rule is already in the Florida statute that weapons are not allowed in public buildings, but a sign is not posted in the public buildings. He is opposed to keeping the section about searching individuals in the resolution.

City Manager Ryan Leavengood stated staff's review was limited to the sections concerning the agenda. Anything in a resolution has to be in compliance with state law.

Leon Juday 535 N Todhunter Way cited the Charter stating that the Commission shall determine its own rules of order and by the end of the next meeting at least 20% - 40% of this body will have changed . He believes this action should be tabled. He would like to see the definition of agenda to follow what is in Roberts Rule of Order. He would also like the commissioners to give consideration to the term "regular meeting", and he would like the definition of agenda changed. He would also like the verbiage changed regarding public access.

Commissioner Daley stated a regular meeting can be any day of the week.

City Manager Leavengood said this was seen as a procedural correction and there has been good feedback. This could have been brought as a discussion item but he chose bringing in as a resolution. This could turn into a discussion item and be brought back the resolution in May. The rules and procedures was based on feedback regarding the agenda release.

Terry Pereria 180 Hainesport Drive stated he thinks it is a good idea to post the building with a weapon ban sign. He would also like the Commission to table this item till the next meeting when the new commissioner will be in place. He feels like the agenda should be out by Wednesday. It should not be expected for the Commissioners to spend their weekend reviewing the agenda.

City Manager Leavengood stated if the date changes for the complete agenda package then some agendas will have one or two items while others may have twelve items. It is still up to the Commission as to what the rules will be.

Mayor Lake closed public hearing.

Mayor Lake asked for a motion.

Commissioner Duncan said he appreciate the fact that the issue was brought forward. If it is an ordinance and it is not ready by Wednesday it should be rolled to the next meeting. The agenda should be to the public by Wednesday.

Director Bailey stated the ordinance has two readings. The first reading is not required to be advertised.

City Manager Leavengood asked Commissioner Duncan if the staff report with the cover page released on Wednesday, would meet the test.

Commissioner Duncan stated he would go back to the reason the rules changed. If a development was being purposed and the notice came out on Friday that there was going to be an ordinance reading on a development. It should be met within the five day window.

Commissioner Duncan moved to table the motion, there was no second.

Assistant Attorney Claytor stated the motion dies, unless another motion is made the resolution will not be considered.

Commissioner Daley stated being a City Commissioner does not stop on 5:00 pm on Friday and start in the morning on Monday, it is seven day a week job.

Assistant City Attorney Claytor stated there is a motion on the table. This is a resolution not a charter amendment, this issue can come back before the Commission if deemed necessary. This can be changed in the future.

Brent Eden asked if the Commissioners were going to listen to the residents and go the other way. There were very valid points being made

Commissioner Daley move to approve Resolution 05-19 Commission Rules And Procedures in the second revision, **Vice Mayor Dearmin** seconded the motion. The motion was approved by majority roll call vote.

| | |
|------------------------------|------------|
| MAYOR LAKE | AYE |
| VICE MAYOR DEARMIN | AYE |
| COMMISSIONER DALEY | AYE |
| COMMISSIONER DUNCAN | NAY |
| COMMISSIONER MAULTSBY | AYE |

5.) RESOLUTION 06-19: ACCEPTANCE OF PURCHASED LAND

Assistant City Attorney Claytor read the resolution title.

City Manager Leavengood stated at the March 4th, 2019 regular meeting the City Commission agreed to purchase approximately 9 acres of land (mostly wetland) from FDOT in order to protect the City's interest in a lift station and water interconnect. The closing was completed on March 15, 2019 through a Quit Claim Deed in consideration for the purchase price of \$16,000. The proposed resolution formally accepts the conveyance of real property to the City.

Staff recommended approval of Resolution 06-19.

Mayor Lake opened the public hearing, with no public comment, he closed public hearing.

Vice Mayor Dearmin moved to approve resolution 06-19 Acceptance of Purchased Land; seconded by **Commissioner Duncan**. The motion was approved by unanimous voice call vote.

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|------------------------------|------------|
| MAYOR LAKE | AYE |
| VICE MAYOR DEARMIN | AYE |
| COMMISSIONER DALEY | AYE |
| COMMISSIONER DUNCAN | AYE |
| COMMISSIONER MAULTSBY | AYE |

6.) CAPITAL BUDGET PRESENTATION

City Manager Leavengood stated The City’s annual budget process includes the preparation and adoption of a five-year Capital Improvements Program (CIP). The CIP allows us to prepare for long-term and high expenditure projects and purchases. Inclusion of the CIP in the budget process allows for a better planning and forecasting tool. These are the projects that ultimately make their way into the balanced second year budget, and then into the operating current year budget where the project is funded and completed.

Proposed additions to the currently adopted CIP are highlighted in yellow and projects that did not have a dedicated funding source or are proposed to be grant funded were pushed back but remain in the CIP (and can effectively be advanced at any time once funding is available).

The chart below shows the level of operating revenue (non-restricted) used to fund capital projects in the currently approved FY 19/20 CIP. Negative numbers highlighted in orange represent an increase in proposed capital operating expenditures above the currently approved (and balanced) rate of operating expenditures. To fully fund the difference without cutting capital expenditures increases in operating revenue will need to be achieved (typically through growth).

| | Approved 2nd Year FY 19/20 | Proposed 1st Year FY 19/20 | Net From Approved | Proposed 2nd Year FY 20/21 | Net From Approved |
|-----------------------------|---|---|----------------------------------|---|----------------------------------|
| Total Operating GF Capital | \$290,000 | \$325,000 | -\$35,000 | \$370,000 | -\$80,000 |
| Total Operating EF Capital | \$80,000 | \$80,000 | \$0 | \$50,000 | \$30,000 |
| Total Operating CRA Capital | \$105,000 | \$100,000 | \$5,000 | \$150,000 | -\$45,000 |

City Manager Leavengood explained the above chart and identified the areas that changed in the budget. Enterprise fund was the same \$80,000 in both fiscal years. The replacement vehicles for administration will be in 2020, 2021 and 2022, there are four vehicles. These vehicles are replaced at either 10 years old or over 100,000 miles. Each year \$30,000 is set aside for future vehicle replacement. For the Police Department the primary capital expense is the vehicle replacement. There was \$70,000 allocated in the second year but there was room to advance that cost in the operating budget, and this will replace two vehicles. A new item in the budget is the \$40,000 for a new website.

The City is looking into replacement radios for the officers and in the cars. Total replacement would be for about \$4,000 each or around a \$150,000 expense.

Chief Bodenheimer stated the county is trying to get a count on how many radios each city needs, in order to buy at a lower price.

Commissioner Duncan asked about using forfeiture money to pay for the radios.

City Manager Leavengood stated he is still doing research and reaching out to other cities. Whether it is a phase in or paying over time, switching to SUV's is part of the reason for the increase to \$40,000.

Vice Mayor Dearmin asked if the police cars are being replaced with SUVs.

Chief Bodenheimer stated we could use the forfeiture money if there was enough there. Going forward the vehicles will be hybrids including the K-9 units.

City Manager Leavengood stated we will not replace the radios in the vehicles until it is time for the vehicle to be replaced. We may not take the old radio for the new car, the dealer will be placing the new radio in the new car.

Commissioner Daley asked if the Jag grant could go toward the radios.

Chief Bodenheimer said the Jag grant is certainly something he will be looking into..

City Manager Leavengood reviewed the Fire Department section the stating the City has continued the trend to assign \$150,000 per year toward the purchase of a fire engine. It takes about a year to spec the engines and build them. The replacement for the tanker truck was already in the CIP it is a 1987. It would be replaced with a newer truck but not a new truck. The last will be the rescue truck this is the primary responder 90% of the Departments calls are for medical. The Fire Department will also need replacement radios.

City Manager Leavengood stated between the Park Master Plan and the Downtown Master Plan there will be a lot of project needs. There is funding for Lions and Central park from the Master Plan. The plan is showing \$200,000 and that will make a dent in some of the project. The playgrounds were \$150,000 that is inexpensive when you look at the other recreation projects. As the CRA continues to mature we will have more opportunities for different projects. This will all be incorporated into the Parks and Recreation Plan in total it is proposed at about \$5 million but it is not going to happen overnight. The Lions Park is estimated at \$10 million but there may be a way to cut cost. Combining the CRA, the General Fund allocation, the impact fees and grants, over time it will be possible to finalize more projects. The City is building up funds for The Library expansion and Mackay projects. The canoe launch area is still there and will remain after the improvements.

Using maps and designs concepts the City Manager showed the project up coming from the Parks and Recreation Master Plan.

Mayor Lake asked about the ownership of the Lions building.

Director Weed answered that the City owns the land and building at Lion Park, as long as the Lions maintain a charter for the Lions Club they will have use of the building.

Vice Mayor Dearmin asked about a canoe launch at Mackay.

Commissioner Daley stated there is a concession stand for canoe rentals in the Master Park Plan. She asked if the renovation of the Garden Room at Mackay was included in the upcoming plans. She stated when the construction starts the trees and surrounding area will need to be protected.

Director Weed stated they had talked about the trucks coming up from the back side of the garden, and that should keep everything safe.

City Manager Leavengood stating the lightening loader has already been replaced and the replacement schedule for Public Works shows nothing else will be replaced until 22 / 23. The sidewalks tie in with the Parks and Recreation plans and the goal is to replace the sidewalks in phases. Repairs will be different from the replacement process. The Public Utilities the three changes include replacement of vehicles, the sewer extension and the new water plant. The task order has been approved for the new water plant and we are starting to prepare for the next three years.

Director Deaton stated he appreciates the support.

City Manager Leavengood stated the proposed CIP is being presented to the City Commission for consideration and approval as submitted or with any amendments that the Commission may desire. The proposed CIP is conceptual and speculative in nature and will be included in the final budget for consideration with any changes that the Commission may determine or that may be necessary due to changes in budgeted revenues or expenditures.

STAFF RECOMMENDATION: Approval of the proposed Capital Improvement Program.

Mayor Lake opened the public hearing, seeing no one come forward, closed the public hearing

Commissioner Duncan moved to approve the Capital Budget; seconded by **Vice Mayor Dearmin**. The motion was approved by unanimous voice call vote.

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|------------------------------|------------|
| MAYOR LAKE | AYE |
| VICE MAYOR DEARMIN | AYE |
| COMMISSIONER DALEY | AYE |
| COMMISSIONER DUNCAN | AYE |
| COMMISSIONER MAULTSBY | AYE |

RECOGNITION OF CITIZENS

COMMISSIONER QUESTIONS AND COMMENTS:

Commissioner Maultsby No Comment.

Mayor Lake No Comment.

Vice Mayor Dearmin No Comment.

Commissioner Daley wished everyone a safe and happy Election Day.

Commissioner Duncan stated the Art show will be on Thursday at 6:00 pm at Mackay.

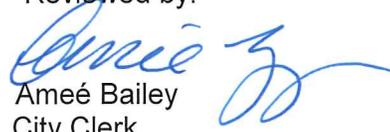
With no further business the meeting was adjourned at 12:01 am.

Respectfully submitted,



Mamie Drane
Deputy City Clerk

Reviewed by.



Ameé Bailey
City Clerk