

City of Lake Alfred  
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Lake Alfred, FL 33850



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**AGENDA**  
**CITY COMMISSION MEETING**  
**TUESDAY, JANUARY 20, 2015**  
**7:30 P.M.**  
**CITY HALL**

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**CALL TO ORDER: MAYOR NANCY Z. DALEY**

**INVOCATION: PASTOR MIKE JONES**

**PLEDGE OF ALLEGIANCE: MAYOR NANCY Z. DALEY**

**ROLL CALL: INTERIM CITY CLERK VALERIE FERRELL**

**CITY MANAGER & CITY ATTORNEY ANNOUNCEMENTS**

**RECOGNITION OF CITIZENS: ITEMS NOT ON AGENDA**

**CONSENT AGENDA: APPROVE CITY COMMISSION MEETING MINUTES 1/5/15.**

**EMPLOYEE SERVICE RECOGNITION: AMBER DEATON – 10 YEARS**

**AGENDA**

- 1.) PUBLIC HEARING: ORDINANCE 1347-15: ANIMALS (ULDC)
- 2.) PUBLIC HEARING: ORDINANCE 1348-15: SIGNAGE
- 3.) ORDINANCE 1349-15: TECO FRANCHISE AGREEMENT
- 4.) ORDINANCE 1350-15: MOTOR VEHICLE NOISE
- 5.) BID PROPOSAL: DOWNTOWN WAYFINDING SIGNAGE

**RECOGNITION OF CITIZENS (PLEASE LIMIT YOUR COMMENTS TO 5 MINUTES.)**

**COMMISSIONER QUESTIONS AND COMMENTS:**

**COMMISSIONER DEARMIN**  
**COMMISSIONER DUNCAN**  
**COMMISSIONER MAULTSBY**  
**VICE MAYOR LAKE**  
**MAYOR DALEY**

**ADJOURN**

**LAKE ALFRED CITY COMMISSION MEETING  
JANUARY 20, 2015**

**CONSENT AGENDA**

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**1.) CITY COMMISSION MEETING 1/5/15**

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**ATTACHMENTS:**

- January 5, 2015

**ANALYSIS:** Please review the minutes at your earliest convenience and if there are any questions, comments or concerns please contact the Interim City Clerk, Valerie Ferrell at (863) 291-5747.

**MINUTES  
CITY COMMISSION MEETING  
MONDAY, JANUARY 5, 2015  
7:30 P.M.  
CITY HALL**

**Call to Order: Mayor Nancy Z. Daley**

**Invocation and Pledge of Allegiance**

**Roll Call:** Those in attendance were Mayor Nancy Z. Daley, Vice Mayor Charles Lake, Commissioner Albertus Maultsby, Commissioner Jack Dearmin, City Manager Ryan Leavengood, Assistant City Attorney Seth Claytor, and Interim City Clerk Valerie Ferrell.

Mayor Daley indicated Commissioner Duncan has requested to be excused from this evening's meeting due to illness.

Staff attendance: Finance Director Amber Deaton, Public Works Director John Deaton and Police Chief Art Bodenheimer.

**CITY MANAGER ANNOUNCEMENTS**

The City of Lake Alfred's Annual Bluegrass Bash and Centennial Kickoff Celebration will be held on Saturday, January 10, 2015 at the Mackay Gardens and Lakeside Preserve. This event will start at 11:00a.m. with food, fun, and entertainment for the entire family and end at 9:00pm.

City offices will be closed in observance of the Martin Luther King Jr. Holiday on Monday, January 19, 2015. Also, the City Commission will need to provide a consensus to move their regular meeting to Tuesday, January 20<sup>th</sup> at 7:30pm. The Commission was in consensus to move the meeting date.

The Chamber of Commerce will hold its Annual Banquet and Silent Auction on Thursday, January 22, 2015 at 6:00pm in the First Presbyterian Church Fellowship Hall.

He also reviewed the progress on the Veterans Memorial expansion and Purple Heart monument. Installation should occur later this week, and a dedication/ribbon-cutting will be set for a later date. He stated this would also include the pedestal monument for the Korean War that is being built and donated by the Winter Haven Veterans of Foreign Wars. He shared a special thanks to Judy Schelfo, Lions Club, and Home Depot Foundation for making this project a success.

He shared the progress on the City Clerk selection process. He indicated six candidates will be interviewed over the next week, and also announced that two finalists are in attendance in the audience this evening: Melissa Konkol and Opal Jones.

**CITY ATTORNEY ANNOUNCEMENTS**

**Assistant City Attorney Claytor** indicated the City Commission should make a motion to move the regular meeting date in January since Commissioner Duncan is not present this evening.

**Vice Mayor Lake** moved to change the second regular meeting to January 20, 2015; seconded by **Commissioner Maultsby** and the motion was approved by unanimous voice call vote.

There were no public comments.

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

### **RECOGNITION OF CITIZENS**

There were none.

### **CONSENT AGENDA: APPROVE CITY COMMISSION MEETING MINUTES 12/15/14**

**Commissioner Dearmin** moved to approve the City Commission Meeting minutes for the December 15, 2014 regular meeting; seconded by **Commissioner Maultsby** and the motion was approved by unanimous voice call vote.

There were no public comments.

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

**Mayor Daley** read a letter from Florida Governor Rick Scott designating January 5-9, 2015 as Florida First Responder Appreciation Week. She invited all to join in honoring the first responders who risk their lives every day to protect Florida families, visitors and businesses. This is a great opportunity to say "Thank You" to first responders and their families and share how much their service is valued.

### **PROCLAMATION: AGRICULTURAL AND LABOR PROGRAM, INC.**

Mayor Daley read the Proclamation in its entirety.

### **AGENDA**

#### **1.) ORDINANCE 1347-15: ANIMALS (ULDC)**

**Mayor Daley** read the title of Ordinance 1347-15.

**City Manager Leavengood** stated that as a part of a comprehensive review of city codes and policies, city staff has identified an opportunity to clean-up and improve Section 2.02.07 of the City's Unified Land Development Code (ULDC) related to zoning limitations on domestic and wild animals. The City Commission recently passed a similar ordinance amending the City's Code of Ordinances, removing city regulations in favor of utilizing Florida Fish & Wildlife (FWC)

and the County's Animal Control Ordinance to regulate nuisance animals and nuisance wildlife within the City.

The proposed ordinance removes language from the land development code that regulates the breeding or maintenance of wildlife within the City. Florida Fish & Wildlife is the agency that regulates these activities within the state and requires permits with requirements that are detailed within the Florida Administrative Code. Additionally, the ordinance removes language from the land development code that regulates the number of dogs a residence may have. The intent of this provision is already regulated under the County Animal Control Ordinance related to nuisance animals that was previously have adopted by reference within the City Code.

Also, he reviewed an amendment to the first reading of Ordinance 1347-15 as proposed this evening, specifically Section 2.02.07(b) removing bees from the restrictions to animals within rural zoning designations. He stated the city staff and City Attorney reviewed Florida Statutes Chapter 586, which preempts local regulations related to land use or zoning from prohibiting bees, since it is consistent with agricultural exemptions and is under the control of the Department of Agriculture.

The proposed Ordinance has been reviewed by the City Attorney, and comes with a recommendation of approval from the Planning Board. Staff recommends approval of the Ordinance on first reading.

After brief discussion, **Commissioner Maultsby** moved to approve Ordinance 1347-15 on first reading including the amendment to Section 2.02.07(b) as proposed this evening; seconded by **Vice Mayor Lake** and the motion was approved by unanimous voice call vote.

There were no public comments.

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

## **2.) ORDINANCE 1348-15: SIGNAGE**

**Mayor Daley** read the title of Ordinance 1348-15.

**City Manager Leavengood** stated as a part of a comprehensive review of city codes and policies, city staff has identified an opportunity to clean-up and improve Sections 4.03.00 and 4.05.02 in the Unified Land Development Code (ULDC) relating to signs. The current regulations on permanent business signage within the City do not regulate the contents of signage or whether it is onsite or offsite. In order to protect first amendment rights, our "content neutral" regulations focus instead on the number and size of signs each business may have.

As a holdover from earlier versions of our signage regulations that were likely overlooked in previous revisions, sections 4.03.00 and 4.05.02 related to special event and sandwich signs still contain language restricting signage based on content (onsite/offsite). The proposed ordinance removes the onsite requirements of these signs thereby making them content neutral and consistent with our regulations on permanent business signage.

The proposed Ordinance has been reviewed by the City Attorney, and comes with a recommendation of approval from the Planning Board. Staff recommends approval of the Ordinance on first reading.

**Vice Mayor Lake** requested clarification that one sandwich sign would now be permitted per business site, however they must still remove the sign at the close of business each day.

**City Manager Leavengood** agreed that the one sandwich sign permitted per each business site, regardless of what they may choose to have displayed in the sign, would still be required to remove the sign at the close of business each day. Permission is required from property owners to display any type signage.

**Mayor Daley** stated there is still a size limitation on the sandwich sign.

**City Manager Leavengood** concurred that the Code still limits the size of the sandwich sign to one 2' x 4' sign per business.

**Commissioner Dearmin** moved to approve Ordinance 1348-15 on first reading; seconded by **Vice Mayor Lake** and the motion was approved by unanimous voice call vote.

There were no public comments.

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

### **3.) RESOLUTION 01-15: EMPLOYEE INCENTIVE PROGRAMS**

**Mayor Daley** read the title of Resolution 01-15.

**City Manager Leavengood** indicated in July 2014, the City Commission adopted guidelines for employee incentive programs including: tuition assistance, commercial driver license assistance, and education incentive pay.

Following adoption and implementation of these guidelines staff has identified several improvements that will better generalize the guidelines while still meeting the original intent of the program. Namely:

- Opening tuition assistance to all Florida regionally accredited schools instead of just "Florida Public State" regionally accredited schools. The previous language prevented someone from receiving assistance from Florida Southern since they are a private college but otherwise met the same standards of education as other public institutions with regional accreditation.
- Cleanup of eligibility language based on budget guidelines.
- Removed education incentive pay formula. The formula was too specific to be included in general guidelines and is better served in departmental policies and considered by the Commission as a part of the budget process (along with salary, longevity pay, holiday pay, etc.)

After brief discussion, **Vice Mayor Lake** moved to approve Resolution 01-15; seconded by **Commissioner Maultsby** and the motion was approved by unanimous voice call vote.

There were no public comments.

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

#### **4.) BOARD APPOINTMENT**

**Mayor Daley** stated the Commission will consider appointment of Mr. Herbert Nigg to the General Employee's Retirement Board. Mr. Nigg currently serves on the Board of Adjustment but has submitted his resignation pending appointment to the General Employee's Retirement Board. Also the City Commission will consider re-appointments of Lowell Schmidt to the General Employee's Retirement Board and re-appointment of Ed Arbuthnot and Lee Evett to Police/Fire Retirement Board. All members have expressed an interest in continuing to serve for an additional three year term

**Interim City Clerk Ferrell** stated the Police/Fire Retirement Board members serve for a four year term and indicated Mr. Arbuthnot and Mr. Evett have agreed to continue their service to that Board.

**Commissioner Dearmin** moved to appoint Herbert Nigg to the General Employee's Retirement Board; seconded by **Commissioner Maultsby** and the motion was approved by unanimous voice call vote.

There were no public comments.

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

**Commissioner Maultsby** moved to appoint Lowell Schmidt to the General Employee's Retirement Board; seconded by **Commissioner Dearmin** and the motion was approved by unanimous voice call vote.

There were no public comments.

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

**Vice Mayor Lake** moved to appoint Ed Arbuthnot and Lee Evett to the Police/Fire Retirement Board; seconded by **Commissioner Dearmin** and the motion was approved by unanimous voice call vote.

There were no public comments.

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

AYE  
AYE  
AYE

### RECOGNITION OF CITIZENS

**Ron Schelfo, 640 E Lake View Rd**, made a suggestion for new businesses to be provided with a guideline of general rules in the City of Lake Alfred in regards to items such as signage, outside displays, etc.

**Assistant City Attorney Claytor** suggested if staff were to implement this, that the form be an acknowledgement of all code regulations. He stated to avoid selective enforcement, therefore a very general statement would be recommended.

**City Manager Leavengood** stated staff has implemented something similar in regards to a sign code acknowledge as well as a general sign brochure.

**Commissioner Dearmin** also commented on the City's Downtown Vision and many improvements being made to the community.

**Mayor Daley** also added that the City App is useful for identifying code enforcement issues that residents may observe. Many business owners may not realize they have a violation until it is brought to their attention.

There was some discussion on a public awareness campaign for promoting the City App to more residents. City staff will report back to the Commission on this endeavor. **City Manager Leavengood** continued by referencing code language and policy changes are proposed to match the Commission's vision of community. Code can be ambiguous and difficult to enforce, yet the key is to be consistent. Based on the vision of community, staff has worked to propose several code updates including downtown overlay language, property maintenance code, and even establishing the CRA. He concluded that City staff is working towards the same goals.

### COMMISSIONER QUESTIONS AND COMMENTS

**Commissioner Dearmin** stated he was looking forward to a new year in Lake Alfred, and expressed his enthusiasm for the upcoming Bluegrass Bash event Saturday.

**Commissioner Maultsby** wished all a prosperous New Year. He also expressed satisfaction with recent sidewalk projects and asked how to continue receiving funding for this type project. He also inquired about the Community Development Block Grant fund program and if sidewalk projects are eligible under this funding mechanism.

**City Manager Leavengood** indicated several sidewalk projects have been funded through the Safe Routes to Schools program. The City has been successful for several years in receiving sidewalk projects, however the routes are being completed and leaving less projects that would qualify under this program. He also stated the Community Development Block Grant program is based upon low to medium income levels which are derived on US Census data. He stated our Census tracts do not reflect a high percentage of low to medium income levels. He then reviewed the City's participation in the Community Development Block Grant program, and how the City was removed from the Polk County entitlement program and is currently in the State of Florida competitive funding program. The intent of competing in the State program was to

complete sewer infill projects, however it was quickly determined that the areas in question were not eligible due to income limits, or they were located outside of the City limits.

**Vice Mayor Lake** also commended the Polk County Complete Streets program and Safe Routes to Schools programs for sidewalks recently completed in the community. He also mentioned the recent grand opening of Family Dollar. He mentioned the Centennial Calendar can be distributed to the Chamber of Commerce office as well as City Hall.

**Mayor Daley** stated there will be a Gardening Workshop held on Thursday, January 8, 2015 at 10am at the Mackay Gardens and Lakeside Preserve. She stated the meeting will also include information regarding Mackay improvement projects, volunteerism and a presentation from Bill Bissett, naturalist and expert in land management, on landscape design concepts for Mackay. She invited any Commissioners and members of public to come to this informative meeting and find out how to become more involved at the Mackay Gardens and Lakeside Preserve. She also had some concerns about the Lake Alfred Animal Hospital and other businesses located on North Lake Shore Way regarding their business signage and if they will be included in the Wayfinding signage program.

**City Manager Leavengood** stated staff is working to address this in several areas, including contacting Google for clarification on this location as well as reviewing the availability to have it included in the Wayfinding signage program. He will continue to research viable options.

**Mayor Daley** also indicated she attended a Central Florida Legislative Delegation meeting that was very informative. She also commended our local first responders with the Police and Fire Department staff.

**Commissioner Maulsby** also commended our Police and Fire Department staff and expressed appreciation for their service to the community.

With there being no further business to discuss, Mayor Daley adjourned the meeting at 8:27p.m.

Respectfully Submitted,

Valerie Ferrell  
Interim City Clerk

**LAKE ALFRED CITY COMMISSION MEETING  
JANUARY 20, 2015**

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**1.) PUBLIC HEARING: ORDINANCE 1347-15: ANIMALS (ULDC)**

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**ISSUE:** The City Commission will consider an ordinance providing for revisions to the Unified Land Development Code relating to animals.

**ATTACHMENTS:**

- Ordinance 1347-15
- Planning Board Minutes Excerpt 12/17/14

**ANALYSIS:** As a part of a comprehensive review of city codes and policies, city staff has identified an opportunity to clean-up and improve Section 2.02.07 of the City's Unified Land Development Code (ULDC) related to zoning limitations on domestic and wild animals. The City Commission recently passed a similar ordinance amending the City's Code of Ordinances, removing city regulations in favor of utilizing Florida Fish & Wildlife (FWC) and the County's Animal Control Ordinance to regulate nuisance animals and nuisance wildlife within the City.

The proposed ordinance removes language from the land development code that regulates the breeding or maintenance of wildlife within the City. Florida Fish & Wildlife is the agency that regulates these activities within the state and requires permits with requirements that are detailed within the Florida Administrative Code. Additionally, the ordinance removes language from the land development code that regulates the number of dogs a residence may have. The intent of this provision is already regulated under the County Animal Control Ordinance related to nuisance animals that we previously have adopted by reference within the City Code.

**STAFF RECOMMENDATION:** Approval of Ordinance 1347-15 on second and final reading.

## ORDINANCE 1347-15

### AN ORDINANCE OF THE CITY OF LAKE ALFRED, FLORIDA AMENDING SECTION 2.02.07 OF THE CITY OF LAKE ALFRED UNIFIED LAND DEVELOPMENT CODE REGARDING LIMITATIONS ON ANIMALS AND ZONING FOR AGRICULTURAL USES WITHIN THE CITY OF LAKE ALFRED, FLORIDA; PROVIDING FOR THE CORRECTION OF SCRIVENERS ERRORS, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

**WHEREAS**, the City of Lake Alfred City Commission approved the Unified Land Development Code in 1993, and prescribed regulations as related to animals; and

**WHEREAS**, as originally adopted by the City Commission of the City of Lake Alfred, Florida, the regulations governing animals within the municipal boundaries of the City of Lake Alfred, Florida, were codified in Section 2.02.07, Article 2, Unified Land Development Code; and

**WHEREAS**, the City Commission of the City of Lake Alfred, Florida, has adopted certain amendments to the Unified Land Development Code of the City of Lake Alfred, Florida, as related the regulations governing animals in order to maintain consistency with Florida law; and

**WHEREAS**, the City of Lake Alfred City Commission approved an update to said Code of Ordinances via Ordinance 1346-14 on December 1, 2014 providing consistency with applicable state law and local county ordinance on wild game, nuisances and domesticated animals such as dogs and cats; and

**WHEREAS**, the City Commission of the City of Lake Alfred, Florida, has determined that the Unified Land Development Code of the City of Lake Alfred, Florida, and the regulations governing animals must be amended in order to maintain consistency with Florida law, the regulations prescribed by the Florida Fish and Wildlife Conservation Commission, and the regulations prescribed by Polk County, Florida; and

**WHEREAS**, amending Article 2 of the Unified Land Development Code of the City of Lake Alfred, Florida, in order to maintain consistency with Florida law and incorporate the regulations prescribed by the Polk County Animal Control and Animal Services Ordinance will advance the health, safety and welfare of the residents and citizens of the City of Lake Alfred, Florida.

**NOW THEREFORE, BE IT ORDAINED** by the City Commission of the City of Lake Alfred, Florida that this Ordinance is hereby passed for the protection and welfare of the citizens of Lake Alfred, and that:

**Section 1.** Section 2.02.07 of the Unified Land Development Code of the City of Lake Alfred is hereby amended to read as follows (language stricken is shown in ~~stricken~~ format; language added is shown as underlined format):

**2.02.07 Limitations on Animals and Zoning for Agricultural Uses (Including Farm Animals)**

~~(A) No person shall keep or maintain in connection with any residential dwelling unit more than two (2) dogs aged six (6) months or older. No person shall keep or maintain more than two (2) dogs in connection with any building used for commercial or industrial purposes.~~

(B) No person shall breed or maintain farm animals, fowl, or other livestock within the City of Lake Alfred except in residential districts RR and RE with the restrictions outlined in (D) below. These shall include, but are not limited to bees, cattle, chickens (including roosters), goats, horses, peacocks, pigeons, and pigs.

~~(C) No person shall breed or maintain any wild animal or poisonous reptile that, in the opinion of the Chief Building Official, poses a threat to human safety in Lake Alfred. Excluded from this restriction are animal shelters, medical or scientific facilities, pet shops, zoos or other locations where the showing or maintenance of such animals is a permitted use under the provisions of this Code. No person shall breed or maintain captive wildlife within the City of Lake Alfred without first obtaining a Captive Wildlife Permit from the Florida Fish and Wildlife Commission. Captive wildlife requiring a permit may include venomous reptiles, conditional reptiles, and Classes I, II and III Wildlife pursuant to 68A-6.002, 68A-6.0021 and 68A-6.0022 Florida Administrative Code.~~

(D) Property that was previously classified and zoned by Polk County for agricultural uses; and is used for a "Bona Fide Agricultural Purpose", as certified by the Polk County Property Appraiser; and qualifies for an agricultural tax exemption by the State of Florida under F.S. 193.461; may be annexed into the City with the Rural-Residential/Agriculture, Very Low Density Residential or Low Density Future Land use classification to allow the property owner to continue his agricultural (including farm animal) activity. These lots may only be zoned under an RR or RE district.

Lands that are surrounded by the city limits, and are known as "enclaves", may not be annexed in and zoned agricultural (including farm animal) activity unless the use is a limited agricultural use. For the health, safety and welfare of the citizens of Lake Alfred, this activity will only be permitted at the perimeter of the City, in areas that already support agricultural uses and have qualifying agricultural tax exemptions. At the time of development, or subdivision of the land for development, or when the agricultural tax exemption is removed, all rights to agricultural uses (including the keeping of farm animals) shall cease.

**Section 2.** All ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect, provided however, that nothing herein shall be interpreted so as to repeal any existing ordinance or resolution relating to means of securing compliance with the City's Code of Ordinances, unless such repeal is explicitly set forth herein.

**Section 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City of Lake Alfred, Florida, hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof,

irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 4.** It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lake Alfred; and that sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to, "section", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code of Ordinances of the City of Lake Alfred is accomplished, sections of this Ordinance may be renumbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or his or her designee, without need of public hearing, by filing corrected or re-codified copy of same with the City Clerk.

**Section 5.** The effective date of this Ordinance shall be immediately upon adoption at Second Reading.

**INTRODUCED AND PASSED** on first reading at a regular meeting of the City Commission of Lake Alfred, Florida held this 5<sup>th</sup> day of January, 2015.

**PASSED AND ENACTED ON SECOND READING**, with a quorum present and voting, at the regular City Commission meeting of Lake Alfred, Florida, this 20<sup>th</sup> day of January, 2015.

**CITY OF LAKE ALFRED  
CITY COMMISSION**

ATTEST:

By: \_\_\_\_\_  
Nancy Z. Daley, Mayor

By: \_\_\_\_\_  
Valerie Ferrell, Interim City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Frederick J. Murphy Jr., City Attorney

**Planning Board Meeting  
Amendment to ULDC Section 2.02.07 Animals**

The following is an excerpt from the Planning Board meeting minutes for the December 17, 2014 regular meeting.

Mamie Drane  
Mamie Drane, Administrative Assistant

Date: 12/29/14

**3.) PUBLIC HEARING: CONSIDER MAKING A RECOMMENDATION TO THE CITY COMMISSION TO AMEND SECTION 2.02.07 OF THE CITY OF LAKE ALFRED UNIFIED LAND DEVELOPMENT CODE, RELATING TO LIMITATIONS ON ANIMALS.**

**Director Ferrell** stated this amendment was prepared as a part of a comprehensive review of the City Charter, City codes, and policies, city staff has identified an opportunity to clean-up and improve Section 2.02.07 in the Unified Land Development Code relating to limitations on animals as it relates to zoning. Staff also presented a companion Ordinance to the City Commission amending Chapter 10 of the Code of Ordinances related to animals providing clarity on nuisance animals and preemption of Florida Fish and Wildlife laws as well as the Polk County Animal Control Ordinance. The existing provisions within Section 2.02.07 provide for prohibitions to breed or maintain wild animals in the City, however Florida Fish and Wildlife is the regulatory agency who oversees permitting captive wildlife. Also, the limitation on adult dogs per residence is arbitrary and difficult to enforce by city staff. The Florida Fish and Wildlife already have definitions and procedures in place for addressing nuisance wildlife. Additionally, the county animal control ordinance that we previously adopted by reference already provides regulations and penalties related to dogs and other animals. The proposed amendment removes these provisions within our code and better aligns it with state law and county ordinances related to the regulation of animals within the City.

**Chair Roach** opened the public hearing.

There were no public comments.

**Chair Roach** closed the public hearing.

After brief discussion, **Board Member Spokony** made a motion to recommend approval of changes to Section 2.02.07 in the Unified Land Development as presented; seconded by **Board Member Hoffman** and the motion was approved by unanimous voice call vote:

<b>CHAIR DAME</b>	<b>AYE</b>
<b>VICE CHAIR ROACH</b>	<b>AYE</b>
<b>BOARD MEMBER BIGGAR</b>	<b>AYE</b>
<b>BOARD MEMBER HOFFMAN</b>	<b>AYE</b>
<b>BOARD MEMBER SPOKONY</b>	<b>AYE</b>
<b>BOARD MEMBER ABDUL-HAMEED</b>	<b>AYE</b>
<b>ALTERNATE MEMBER HULTS</b>	<b>AYE</b>

**LAKE ALFRED CITY COMMISSION MEETING  
JANUARY 20, 2015**

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**2.) PUBLIC HEARING: ORDINANCE 1348-15: SIGNAGE**

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**ISSUE:** The City Commission will consider an ordinance providing for revisions to the Unified Land Development Code relating to sandwich signs and special event signs on second and final reading.

**ATTACHMENTS:**

- Ordinance 1348-15
- Planning Board Minutes Excerpt 12/17/14

**ANALYSIS:** As a part of a comprehensive review of city codes and policies, city staff has identified an opportunity to clean-up and improve Sections 4.03.00 and 4.05.02 in the Unified Land Development Code (ULDC) relating to signs.

The current regulations on permanent business signage within the City do not regulate the contents of signage or whether it is onsite or offsite. In order to protect first amendment rights, our “content neutral” regulations focus instead on the number and size of signs each business may have.

As a holdover from earlier versions of our signage regulations that were likely overlooked in previous revisions, sections 4.03.00 and 4.05.02 related to special event and sandwich signs still contain language restricting signage based on content (onsite/offsite). The proposed ordinance removes the onsite requirements of these signs thereby making them content neutral and consistent with our regulations on permanent business signage.

(Sandwich signs are limited to one (1) 2' x 4' per business and special event signage must be permitted by the Community Development Department.)

**STAFF RECOMMENDATION:** Approval of Ordinance 1348-15 on second and final reading.

## ORDINANCE 1348-15

### AN ORDINANCE OF THE CITY OF LAKE ALFRED, FLORIDA AMENDING SECTIONS 4.03.00 AND 4.05.02 OF THE CITY OF LAKE ALFRED UNIFIED LAND DEVELOPMENT CODE REGARDING EXEMPTED SIGNS AND SPECIAL EVENT SIGNS WITHIN THE CITY OF LAKE ALFRED, FLORIDA; PROVIDING FOR THE CORRECTION OF SCRIVENERS ERRORS, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

**WHEREAS**, the City of Lake Alfred City Commission approved the Unified Land Development Code in 1993, and prescribed regulations as related to signs; and

**WHEREAS**, as originally adopted by the City Commission of the City of Lake Alfred, Florida, the regulations governing signs within the municipal boundaries of the City of Lake Alfred, Florida, were codified in Article 4, of the Unified Land Development Code of the City of Lake Alfred; and

**WHEREAS**, on December 17, 2014 the City of Lake Alfred Planning Board held a public hearing on the proposed amendments to the Unified Land Development Code of the City of Lake Alfred as more particularly set forth below and after hearing from all interested persons and members of the public in attendance who desired to address the Planning Board, the Planning Board recommends that the City Commission of the City of Lake Alfred adopt the proposed amendments related to regulations governing signs to the Unified Land Development Code of the City of Lake Alfred; and

**WHEREAS**, the City Commission of the City of Lake Alfred, Florida, has adopted certain amendments to the Unified Land Development Code of the City of Lake Alfred, Florida, as related to regulations governing signs in order to maintain consistency with Florida law; and

**WHEREAS**, the City Commission of the City of Lake Alfred, Florida, has determined that the Unified Land Development Code of the City of Lake Alfred, Florida, and the regulations governing signs must be amended as more particularly set forth below in order to maintain consistency with Florida law and other provisions of Article 4 of the Unified Land Development Code of the City of Lake Alfred; and

**WHEREAS**, amending Article 4 of the Unified Land Development Code of the City of Lake Alfred, Florida as more particularly set forth below, will advance the health, safety and welfare of the residents and citizens of the City of Lake Alfred, Florida.

**NOW THEREFORE, BE IT ORDAINED** by the City Commission of the City of Lake Alfred, Florida that this Ordinance is hereby passed for the protection and welfare of the citizens of Lake Alfred, and that:

**Section 1.** Sections 4.03.00 and 4.05.02 of the Unified Land Development Code of the City of Lake Alfred are hereby amended to read as follows (language stricken is shown in ~~strike through~~ format; language added is shown as underlined format):

#### **4.03.00 Exempted Signs**

(B) Sandwich or sidewalk signs may not exceed a dimension of 2 feet by 4 feet. One sandwich or sidewalk sign may be displayed for each business located within development site provided the business maintains a valid City issued business tax receipt. This type of sign shall follow all other sign regulations as to safety and condition, but shall not be limited as to the number of signs per development site or the total sign area restriction. All sandwich or sidewalk signs must be ~~displayed on site and~~ removed to the interior of the business at the close of each business day. All sandwich or sidewalk signs are permitted on commercial or industrial zoned property only.

#### **4.05.02 Special Event Signs**

The following signs may be allowed up to four times per calendar year in connection with a special event and shall require a permit issued by the Chief Building Official. Such permit shall be valid for a specified period not to exceed fourteen (14) days, after which time the sign or object shall be removed. ~~All special event signs must be placed on site of the permitted business.~~

**Section 2.** All ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect, provided however, that nothing herein shall be interpreted so as to repeal any existing ordinance or resolution relating to means of securing compliance with the City's Code of Ordinances, unless such repeal is explicitly set forth herein.

**Section 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City of Lake Alfred, Florida, hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 4.** It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lake Alfred; and that sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to, "section", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code of Ordinances of the City of Lake Alfred is accomplished, sections of this Ordinance may be renumbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or his or her designee, without need of public hearing, by filing corrected or re-codified copy of same with the City Clerk.

**Section 5.** The effective date of this Ordinance shall be immediately upon adoption at Second Reading.

**INTRODUCED AND PASSED** on first reading at a regular meeting of the City Commission of Lake Alfred, Florida held this 5<sup>th</sup> day of January, 2015.

**PASSED AND ENACTED ON SECOND READING**, with a quorum present and voting, at the regular City Commission meeting of Lake Alfred, Florida, this 20<sup>th</sup> day of January, 2015.

**CITY OF LAKE ALFRED  
CITY COMMISSION**

By: \_\_\_\_\_  
Nancy Z. Daley, Mayor

ATTEST:

By: \_\_\_\_\_  
Valerie Ferrell, Interim City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Frederick J. Murphy Jr., City Attorney

**Planning Board Meeting  
Amendment to ULDC Sections 4.03.00 and 4.05.02 Signs**

The following is an excerpt from the Planning Board meeting minutes for the December 17, 2014 regular meeting.

Mamie Drane  
Mamie Drane, Administrative Assistant

Date: 12/29/14

**4.) PUBLIC HEARING: CONSIDER MAKING A RECOMMENDATION TO THE CITY COMMISSION TO AMEND SECTIONS 4.03.00 AND 4.05.02 OF THE CITY OF LAKE ALFRED UNIFIED LAND DEVELOPMENT CODE, RELATING TO EXEMPTED SIGNS AND SPECIAL EVENT SIGNS.**

**Director Ferrell** stated as a part of a comprehensive review of the City Charter, City codes, and policies, city staff has identified an opportunity to clean-up and improve Sections 4.03.00 and 4.05.02 in the Unified Land Development Code relating to signs. The existing provisions restrict sandwich signs to be on-site with the business advertised on the sign. Also, it requires that all special event signs must be located on site of the business which is advertising the event. According to Article 4 definitions, commercial signs are defined as "any sign protected by the First Amendment of the U.S. Constitution which proposes a commercial transaction and is solely related to the economic interest of the user of the sign." With the message of the sign being protected by the First Amendment, the city cannot regulate content within the sign unless it is obscene, offensive and can cause confusion or safety concerns for motorists and pedestrians. Therefore, the City cannot regulate that the content of a sandwich sign must be placed on-site with the business being advertised, because the owner of the sign and property may choose to advertise another business. Also, special event signs are intended to be of general public interest, and is not effective on-site of the property where the event is hosted. The proposed amendment provides for content-neutrality, protecting First Amendment rights.

**Chair Roach** opened the public hearing.

There were no public comments.

**Chair Roach** closed the public hearing.

After brief discussion, **Board Member Dame** made a motion to recommend approval of changes to Sections 4.03.00 and 4.05.02 in the Unified Land Development as presented; seconded by **Board Member Abdul-Hameed** and the motion was approved by unanimous voice call vote:

<b>CHAIR DAME</b>	<b>AYE</b>
<b>VICE CHAIR ROACH</b>	<b>AYE</b>
<b>BOARD MEMBER BIGGAR</b>	<b>AYE</b>
<b>BOARD MEMBER HOFFMAN</b>	<b>AYE</b>
<b>BOARD MEMBER SPOKONY</b>	<b>AYE</b>
<b>BOARD MEMBER ABDUL-HAMEED</b>	<b>AYE</b>
<b>ALTERNATE MEMBER HULTS</b>	<b>AYE</b>

**LAKE ALFRED CITY COMMISSION MEETING  
JANUARY 20, 2015**

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**3.) ORDINANCE 1349-15: TECO FRANCHISE AGREEMENT**

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**ISSUE:** The City of Lake Alfred will consider an ordinance amending the franchise agreement with Tampa Electric Company on first reading.

**ATTACHMENTS:**

- Ordinance 1349-15

**ANALYSIS:** In 1986 the City of Lake Alfred entered into a thirty (30) year agreement with Tampa Electric Company (TECO) providing them with an electric franchise within the City. In consideration for the granting of this franchise and as compensation for specific property rights relinquished by the City, TECO pays a franchise fee to the City equal to “an amount which added to the amount of all taxes” is equal to six percent (6%) of TECO’s electric revenue generated from commercial and residential properties within the City.

While certain customer classes (namely industrial) were excluded from the initial franchise fee, state law required that the fee be applied to all customers. In application, this meant that the revenue that would have been generated by applying the 6% fee to the commercial and residential customers included in the agreement was hedged out across all customers to produce the same dollar amount. This resulted in an effective franchise fee lower than the 6% included in the ordinance. Additionally, TECO “backed out” an amount from the franchise fee equal to the taxes they paid to the City further reducing the franchise fee below 6% (actual fee was ~4%).

In 2006, the franchise agreement was amended to include Industrial customers and was extended an additional 10 years to expire in 2026. This increased the customer base the fee applied to and raised the effective rate to its current 4.78%, but still below the 6% approved in the original agreement. This was due to the tax “back out” provision and a few customer classes that were still omitted (namely institutional and governmental).

Following the evolution of franchise agreements over the decades and the language contained within, only 2 of the 13 or so localities that have Franchise agreements with TECO have an effective franchise fee lower than 6%; Temple Terrace and Lake Alfred. The City of Auburndale recently exercised a provision in their franchise agreement that allowed them to correct this issue and to collect the full 6%. While the City of Lake Alfred’s agreement does not contain such a provision, city staff has reached out to our TECO representatives and advocated our position.

In consideration for a five (5) year extension of the agreement to 2031, TECO has agreed to allow us to clean up the language within our agreement to remove the tax “back out” provision and to apply the franchise fee to all customer classes. This will increase our effective franchise fee paid by TECO to six percent (6%), consistent with the intent of the original agreement and all other TECO customers within Polk County.

**STAFF RECOMMENDATION:** Approval of Ordinance 1349-15 on first reading.

**ORDINANCE NO. 1349-15**

**AN ORDINANCE OF THE CITY OF LAKE ALFRED, FLORIDA, AMENDING ORDINANCE NO. 637 ENACTED ON MAY 13, 1986 AND ORDINANCE NO. 1174-06 ENACTED ON DECEMBER 4, 2006, RELATING TO THE GRANTING TO TAMPA ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE IN THE CITY OF LAKE ALFRED, FLORIDA, SPECIFICALLY EXTENDING THE TERM AND EXPANDING THE CLASS OF CUSTOMERS FROM WHOM THE SALE OF ELECTRICITY WOULD REQUIRE THE PAYMENT OF A FRANCHISE FEE AND OTHER MISCELLANEOUS MODIFICATIONS AND IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR SEVERABILITY, CONFLICTS, THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lake Alfred entered into a Franchise Agreement with Tampa Electric Company ("TECO"), under terms and conditions as established in Ordinance No. 637 enacted on March 13, 1986; and

**WHEREAS**. The City of Lake Alfred amended said Franchise Agreement with TECO as established in Ordinance 1174-06 enacted on December 4, 2006; and

**WHEREAS**, the City Manager has indicated that TECO is agreeable to certain additional amendments to the Franchise Agreement regarding the sale of electricity within the City limits of the City of Lake Alfred; and

**WHEREAS**, it is in the best interests of the citizens and residents of the City of Lake Alfred for the TECO Franchise Agreement to be amended as set forth herein.

**NOW THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF LAKE ALFRED, FLORIDA, AS FOLLOWS:**

That the provisions of Ordinance No. 637 enacted on May 13, 1986, and Ordinance 1174-06 enacted on December 4, 2006, are hereby amended to read as follows (language stricken is shown in ~~strikethrough~~ format; language added is shown as underlined format):

**SECTION 1: Section 1 is hereby amended to read as follows:** That there is hereby granted to Tampa Electric Company (herein called the "Grantee "), its successors and assigns, the

non-exclusive right, privilege, and franchise to construct, maintain and operate in, under, upon, over, and across the present and future streets, alleys, bridges, easements and other public places of the City of Lake Alfred, Florida (herein called the "Grantor), and Its successors, in accordance with established practice "with respect to electrical construction and maintenance, for the period of thirty (30) years from the date of acceptance hereof, electric light and power facilities (including conduits, poles, wires, and transmission lines, and, for its own use, telephone and telegraph lines) for the purpose of supplying electricity to Grantor, and its successors, the inhabitants thereof, for public and private use, and for persons and corporations beyond the limits thereof. The thirty (30) year period that had been extended for an additional ten years pursuant to Ordinance No. 1174-06, to terminate on May 13, 2026, is hereby extended for an additional five (5) years to terminate May 13, 2031 ~~ten (10) years to terminate May 13, 2026~~ subject to the terms and conditions of Ordinances 637 and 1174-06, and the additional ~~the~~ provisions of this ordinance.

**SECTION 2: Section 5 is hereby amended to read as follows:** In consideration for the granting of this franchise and as compensation for the specific property rights relinquished to the Grantee by the Grantor, the Grantee, its successors and assigns, shall pay to Grantor and its successors, an amount ~~which added to the amount of all taxes (without regard to discount for early payment or interest penalty for late payment), licenses and other impositions levied or imposed by Grantor upon Grantee's property, business or operations (except charges for city service and utilities, permit fees and assessments for special improvements directly benefiting Grantee's property), and those Grantee 's subsidiaries in the manufacture and distribution of electric energy, for preceding tax year, will equal to~~ six (6%) percent of Grantee's annual gross revenue (excluding bad debt and customer credits) from the sale of electric energy to residential, commercial and industrial customers within the corporate limits of the City of Lake Alfred as now or hereafter constituted. It is the intent of the Grantor and the Grantee that revenues derived from all classifications and categories of customers of the Grantee within the corporate limits of the City of Lake Alfred shall become the base for calculating the franchise fee payment subject to the payment of the franchise fees due hereunder. Payments shall be computed monthly and shall be made within thirty (30) days after each monthly period from the effective date of this franchise.

**SECTION 3:** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**SECTION 4:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed. Provided however that all other terms of Ordinances No. 637 enacted on May 13, 1986, and 1174-06 enacted on December 4, 2006, not amended and/or addressed herein shall remain unchanged and in full force and effect.

**SECTION 5:** It is the intention of the City Commission that regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or his/her designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

**SECTION 6:** This ordinance shall become effective immediately upon final adoption.

**INTRODUCED AND PASSED** on first reading at the regular meeting of the Lake Alfred City Commission held on the 20<sup>th</sup> day of January, 2015.

**READ, PASSED AND FINALLY ADOPTED** on second reading at the meeting of the Lake Alfred City Commission duly assembled on the 2<sup>nd</sup> day of February, 2015.

**CITY OF LAKE ALFRED, FLORIDA  
CITY COMMISSION**

ATTEST:

\_\_\_\_\_  
Nancy Z. Daley, Mayor

\_\_\_\_\_  
Valerie F. Ferrell, Interim City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Frederick J. Murphy, Jr., City Attorney

**LAKE ALFRED CITY COMMISSION MEETING  
JANUARY 20, 2015**

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**4.) ORDINANCE 1350-15: MOTOR VEHICLE NOISE**

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**ISSUE:** The City Commission will consider an ordinance adopting Polk County's motor vehicle noise ordinance by reference on first reading.

**ATTACHMENTS:**

- Ordinance 1350-15
- Polk County Motor Vehicle Noise Ordinance

**ANALYSIS:** In December of 2016 the Polk County Board of County Commissioners (BoCC) passed an ordinance to prohibit unreasonably excessive noise generated by motor vehicles. Any sound generated by a radio or electronic device from a vehicle that is plainly audible at a distance of 50ft would be considered unreasonably excessive and a violation. The ordinance allows for citations to be issued by law enforcement officers for violations in the amount of \$100, \$250, and \$500 for the first, second, and third offenses, respectively. The ordinance passed by the county applies to unincorporated Polk County and in municipalities, unless a municipality already regulates motor vehicle noise or opts out of the County's provisions.

The proposed ordinance adopts the county's motor vehicle noise ordinance by reference into the City's code. Law enforcement and management staff from various municipalities in Polk County worked together over the past year with the County and the Sheriff's Office legal staff in the preparation of the county regulations in order to provide a uniform and countywide method of enforcement that could be widely supported.

**STAFF RECOMMENDATION:** Approval of Ordinance 1350-15 on first reading.

## ORDINANCE 1350-15

**AN ORDINANCE OF THE CITY OF LAKE ALFRED, FLORIDA, AMENDING CHAPTER 32, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF LAKE ALFRED, FLORIDA, TO INCORPORATE THE PROVISIONS OF POLK COUNTY BOARD OF COUNTY COMMISSIONERS ORDINANCE NO. 14-073 ADOPTED DECEMBER 16, 2014, BY THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING PROHIBITING UNREASONABLY EXCESSIVE NOISE IN MOTOR VEHICLES IN THE CITY OF LAKE ALFRED, FLORIDA; PROVIDING INTENT AND PROVIDING FOR REPEALER; THE CORRECTION OF SCRIVENERS ERRORS, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Code of Ordinances of the City of Lake Alfred, Florida, was adopted in 1959 and prescribed regulations regarding noise control; and

**WHEREAS**, as originally adopted by the City Commission of the City of Lake Alfred, Florida, the regulations regarding noise control within the municipal boundaries of the City of Lake Alfred, Florida, were codified in Sections 32-31 through 32-60, Chapter 32, Article II, Code of Ordinances but did not specifically address prohibiting unreasonably excessive noise in motor vehicles within the municipal boundaries of the City of Lake Alfred, Florida; and

**WHEREAS**, the Polk County Board of County Commissioners adopted Ordinance No. 14-073 on December 16, 2014, prohibiting unreasonably excessive noise in motor vehicles in Polk County, Florida; and

**WHEREAS**, the provisions of Polk County Board of County Commissioners' Ordinance No. 14-073 shall apply to unincorporated Polk County, Florida, and the municipalities within Polk County, Florida, unless a municipality adopts or has adopted an Ordinance on the subject matter contained herein; or unless a municipality sends a written letter to the Board opting out of the Polk County Board of County Commissioners' Ordinance No. 14-073; and

**WHEREAS**, it is the intent of the City Commission of the City of Lake Alfred, Florida, for the provisions of the Polk County Board of County Commissioners' Ordinance No. 14-073 to be applicable within the municipal boundaries of the City of Lake Alfred, Florida; and

**WHEREAS**, amending Chapter 32, Article II of the Code of Ordinances of the City of Lake Alfred, Florida, to incorporate the regulations prescribed by the Polk County Board of County Commissioners Ordinance No. 14-073 adopted on December 16, 2014, regarding prohibiting unreasonably excessive noise in motor vehicles will advance the health, safety and welfare of the residents and citizens of the City of Lake Alfred, Florida.

**NOW THEREFORE, BE IT ORDAINED** by the City Commission of the City of Lake Alfred, Florida, that this Ordinance is hereby passed for the protection and welfare of the residents and citizens of the City of Lake Alfred, and that:

**Section 1.** Chapter 32, Article II, Section 32-41 of the Code of Ordinances of the City of Lake Alfred, Florida, is hereby added to read as follows:

The provisions of the Polk County Board of County Commissioners Ordinance No. 14-073 adopted on December 16, 2014, and attached hereto and incorporated by reference as Exhibit "A", are hereby incorporated into the Code of Ordinances of the City of Lake Alfred, Florida, it being the intent of the City Commission of the City of Lake Alfred, Florida, for all provisions of Polk County Board of County Commissioners' Ordinance No. 14-073 to be applicable and in full force and effect within the municipal boundaries of the City of Lake Alfred, Florida.

**Section 2.** All ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect, provided however, that nothing herein shall be interpreted so as to repeal any existing ordinance or resolution relating to means of securing compliance with the City's Code of Ordinances, unless such repeal is explicitly set forth herein.

**Section 3.** If the instance arises that the provisions or requirements of this Ordinance conflict with the requirements or provisions of any other City of Lake Alfred adopted Ordinance, then the requirements adopted in this Ordinance shall apply over any other provision in conflict therewith.

**Section 4.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City of Lake Alfred, Florida, hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5.** It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lake Alfred; and that sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to, "section", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code of Ordinances of the City of Lake Alfred is accomplished, sections of this Ordinance may be renumbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or his or her designee, without need of public hearing, by filing corrected or re-codified copy of same with the City Clerk.

**Section 6.** The effective date of this Ordinance shall be immediately upon adoption at Second Reading.

**INTRODUCED AND PASSED** on first reading at a regular meeting of the City Commission of Lake Alfred, Florida held this 20th day of January, 2015.

**PASSED AND ENACTED ON SECOND READING**, with a quorum present and voting, at the regular City Commission meeting of Lake Alfred, Florida, this 2nd day of February, 2015.

**CITY OF LAKE ALFRED  
CITY COMMISSION**

ATTEST:

By: \_\_\_\_\_  
Nancy Z. Daley, Mayor

By: \_\_\_\_\_  
Valerie Ferrell, Interim City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Frederick J. Murphy Jr., City Attorney

**POLK COUNTY ORDINANCE NO. 14- 073**

**AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS PROHIBITING UNREASONABLY EXCESSIVE NOISE IN MOTOR VEHICLES IN POLK COUNTY, FLORIDA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITED ACTS; PROVIDING FOR CONFLICT WITH OTHER LAWS; PROVIDING FOR PENALTIES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR AN ASSESSMENT; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE AND AN EFFECTIVE DATE.**

WHEREAS, Article II, Section 7 of the Florida Constitution states “(a) It shall be the policy of the state to conserve and protect its natural resources and scenic beauty. Adequate provision shall be made by law for the abatement of air and water pollution and of excessive and unnecessary noise and for the conservation and protection of natural resources;” and

WHEREAS, unreasonably loud, raucous, jarring, unseemly, disturbing, and excessive noise has been a serious problem in Polk County and problems will increase in conjunction with the growth, development, and urbanization of Polk County and changes in culture and technology; and

WHEREAS, it is the purpose of this Ordinance to prevent, prohibit, and provide for the abatement of unreasonably excessive noise in order to reasonably protect and promote the health, safety, general welfare, and the reasonable peace and quiet of the residents of Polk County; and

WHEREAS, such unreasonably excessive noise problems may not be amenable to practical measurement by decibel measuring apparatus; and

**WHEREAS**, unreasonably excessive noise from motor vehicle radios or other motor vehicle sound making devices is a public safety hazard which can inhibit a driver's ability to hear, as well as create a hazard and annoyance to other citizens; and

**WHEREAS**, such unreasonably excessive noise, as defined in this Ordinance, represents a serious threat to the public health, safety or welfare, and is irreparable or irreversible in nature; and

**WHEREAS**, the citizens of Polk County, Florida have the right to an environment free from such unreasonably excessive noise.

**NOW, THEREFORE, BE IT ORDAINED BY THE POLK COUNTY, BOARD OF COUNTY COMMISSIONERS:**

**Section 1. Incorporation of Recitals.**

The recitals above are fully incorporated herein.

**Section 2. Purpose and Intent:**

This Ordinance is not intended to limit or regulate the content of speech.

**Section 3. Definitions:**

For the purposes of this Ordinance the following definitions apply:

- A) "Plainly audible" means any sound produced by a radio or other mechanical or electrical sound making device or instrument from within a motor vehicle, including sound produced by a portable sound making device, that can be clearly heard outside the motor vehicle by a person using his or her normal hearing faculties at a distance of fifty (50) feet or more from a motor vehicle.
- B) "Unreasonably excessive" is when the sound is plainly audible at a distance of fifty (50) feet or more from a motor vehicle.

- C) "Law enforcement officer" means any sworn law enforcement officer.

**Section 4. Prohibited Acts:**

- A) It is unlawful for any person who operates or occupies a motor vehicle in Polk County, Florida to operate or amplify the sound produced by a radio or other mechanical or electrical sound making device or instrument from within the motor vehicle so that the sound is unreasonably excessive.
- B) To determine whether sound is "plainly audible," measurements shall be taken in accordance with the following:
1. The primary means of detection shall be by means of the law enforcement officer's ordinary auditory senses, so long as the law enforcement officer's hearing is not enhanced by any device, such as a microphone or hearing aid.
  2. The law enforcement officer must have a direct line of sight and hearing to the motor vehicle producing the sound so that the law enforcement officer can readily identify the offending motor vehicle and the distance involved.
  3. The law enforcement officer need not determine the particular words or phrases being produced or the name of any song or artist producing the sound. The detection of a rhythmic bass reverberating type sound is sufficient to constitute a plainly audible sound.

**Section 5. Conflicts with Other Laws:**

If the instance arises that the provisions or requirements of this Ordinance conflict with the requirements or provisions of any other adopted County Ordinance, then the requirements adopted in this Ordinance shall apply over any other provision in conflict therewith.

**Section 6. Penalties:**

In accordance with Section 125.69 Florida Statutes, any person, entity, group, representative, or corporation violating any provision of this Ordinance shall be subject to the following penalties.

- A) First offense: A fine of \$100.00.
- B) Second offence: A fine of \$250.00.
- C) Third or subsequent charge: A fine of \$500.00.

**Section 7. Enforcement:**

This Ordinance may be enforced by the Sheriff of Polk County and his Deputies in Polk County, Florida; and may be enforced by municipal law enforcement officers within their specific municipal jurisdictional boundaries for the municipalities that this Ordinance is effective within, as specified in Section 9 below. Fines assessed under this Ordinance shall be distributed in accordance with all applicable County Ordinances and Florida Statutes. Thereafter, remaining funds from the fines shall be distributed in the following manner: If a municipality issues a violation of this Ordinance and a fine is assessed, then 80 percent of the remaining funds shall be distributed to the municipality by the Clerk, and the Clerk shall issue the remaining 20 percent of the funds to the County. If the Polk County Sheriff's Office issues a violation of this Ordinance and a fine is assessed, then 100 percent of the remaining funds shall be distributed to the County by the Clerk.

**Section 8. Assessment:**

One (1) year after the effective date of this Ordinance, the Sheriff of Polk County shall provide a written report to the Polk County Board of County Commissioners assessing the

effectiveness of this Ordinance, together with any recommended changes that would enhance and further protect the public health, safety, and welfare of the citizens of Polk County, Florida.

**Section 9. Applicability:**

This Ordinance shall apply to unincorporated Polk County, Florida, and the municipalities within Polk County, Florida (hereinafter "municipality"), unless a municipality adopts or has adopted an ordinance on the subject matter contained herein; or unless a municipality sends a written letter to the Board opting out of this Ordinance.

**Section 10 Severability:**

If any section, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

**Section 11. Filing of Ordinance and Effective Date:**

A certified copy of this Ordinance shall be filed with the Florida Department of State. This Ordinance shall take effect upon filing with that office.

**STATE OF FLORIDA**

**COUNTY OF POLK**

I, STACY M. BUTTERFIELD, Clerk and Auditor of the Polk County, Board of County Commissioners ("Board") hereby certify that the foregoing is a true and correct copy of Ordinance No. 14- 073 which was adopted by the Board on the 110 day of December, 2014.

WITNESS my hand and official seal of said Board this 16<sup>th</sup> day of December  
2014.

**STACY M. BUTTERFIELD,**

**Clerk and Auditor of the Board**

By: Alison Prewatt  
Deputy Clerk



STATE OF FLORIDA     )  
                                  )  
COUNTY OF POLK     )

I Stacy M. Butterfield, County Clerk and Comptroller for Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Ordinance No.14-073 adopted by the Board on December 16<sup>th</sup>, 2014.

WITNESS my hand and official seal on this 16<sup>th</sup> day of December, 2014.

STACY M. BUTTERFIELD, CLERK

By: Alison Prevatt  
Alison Prevatt  
Deputy Clerk





FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

December 16, 2014

Ms. Alison Prevatt  
Deputy Clerk  
Finance and Accounting  
Post Office Box 988  
Bartow, Florida 33831-0988

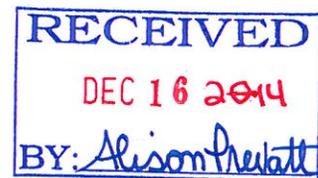
Dear Ms. Prevatt:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Polk County Ordinance No. 14-073, which was filed in this office on December 16, 2014.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb



**LAKE ALFRED CITY COMMISSION MEETING  
JANUARY 20, 2015**

**5.) BID PROPOSAL: DOWNTOWN WAYFINDING SIGNAGE**

**ISSUE:** The City Commission will consider awarding a bid for construction and installation of the City's Downtown Wayfinding Signs.

**ATTACHMENTS:**

- None

**ANALYSIS:** In October of 2014 the City Commission approved the City's Downtown Wayfinding Signage Program. The program has been submitted to the Florida Department of Transportation for permitting and the City expects to have a permit issued within the next six to eight weeks.

In December of 2014 the City put out a request for proposals for bids to construct and install the Downtown Wayfinding Signage. The City received the following bids:

Company	Prices per sign With Installation			Prices per sign Without Installation		
	Gateway	Directional	Directional (Non-FDOT)	Gateway	Directional	Directional (Non-FDOT)
Weisser Enterprises d/b/a Creative Impressions	\$7,531.68	\$6,493.32	\$1,746.24	\$5,950.68	\$5,575.32	\$1,134.24
Acolite & Claude United Sign Company	\$15,510.10	\$11,415.69	\$9,720.93	\$9,018.10	\$6,607.69	\$4,684.26
Creative Mailbox Designs d/b/a Creative Sign Designs	\$8,598.00	\$6,008.00	\$4,972.00	\$7,615.00	\$5,025.00	\$3,989.00
Gulf State Signs* (Winter Haven, FL)	\$7,173.00	\$5,470.33	\$1,695.90	\$6,191.00	\$4,254.50	\$1,475.00

<b>Gulf State Signs:</b>	Type	Cost per Sign	#	Sub Total
	Gateway	\$7,173	3	\$21,519
	Directional	\$5,470	8	\$43,760
	Side Street	\$1,695	9	\$15,255

Total: \$80,534

**LAKE ALFRED CITY COMMISSION MEETING  
JANUARY 20, 2015**

Funding in the amount of \$40,000 was initially budgeted for this project with the option of implementing it in phases due to budget constraints or advancing additional funding to complete the project.

**STAFF RECOMMENDATION:** Complete the full project and award the bid to Gulf State Signs for Downtown Wayfinding Signage with an estimated project cost of \$80,534.