

**MINUTES
CITY COMMISSION MEETING
TUESDAY, JANUARY 20, 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 Daley, Vice Mayor Charles Lake, Commissioner John Duncan, Commissioner Albertus Maultsby, Commissioner Jack Dearmin, City Manager Ryan Leavengood, Assistant City Attorney Seth Claytor, and Interim City Clerk Valerie Ferrell.

Staff attendance: Police Chief Art Bodenheimer, Finance Director Amber Deaton, Public Works Director John Deaton and Parks and Recreation Superintendent Richard Weed.

CITY MANAGER ANNOUNCEMENTS

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

The Florida League of Cities is offering an education course on Ethics in Winter Haven on Saturday, February 7th. This will allow elected officials to receive 4 hours of ethics training, as now required by state law.

The City of Lake Wales will be hosting the next Ridge League of Cities dinner meeting on Thursday, February 12th 6pm at the Lake Wales Country Club.

The City will conduct its Municipal Election on April 7th for the purpose of electing two commissioners (Duncan/Maultsby), each for a term of four years and to consider three charter referendum items. Qualifying for candidates will begin Monday, February 16th at 8:30am and close on Friday, February 20th at 12pm.

The City Clerk selection process is ongoing, and announced a selection will be made by the end of week.

There will be a Nature Appreciation Tour at Mackay Gardens and Lakeside Preserve on Sunday, February 8th 2pm

The City crews are working to make a few repairs and upgrades to Little League Fields at Lions Park.

The Veterans Memorial expansion is progressing. This Purple Heart Monument project was a partnership with the Home Depot Foundation, Judy Schelfo, and the Lake Alfred Lions Club. The Korean War Monument project is possible by coordination with Winter Haven Veterans of Foreign Wars. Both projects are almost complete and the City will schedule a dedication ceremony in February.

CITY ATTORNEY ANNOUNCEMENTS

There were no legal announcements.

RECOGNITION OF CITIZENS

There were no public comments.

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

Vice Mayor Lake moved to approve the City Commission Meeting minutes for the January 5, 2015 regular meeting; seconded by **Commissioner Dearmin** and the motion was approved by unanimous voice call vote.

There were no public comments.

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

EMPLOYEE SERVICE RECOGNITION: AMBER DEATON – 10 YEARS

Mayor Daley and **City Manager Leavengood** congratulated Amber Deaton for 10 years of service with the City of Lake Alfred.

AGENDA

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

Mayor Daley read the title of Ordinance 1347-15.

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 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.

Mayor Daley opened the public hearing.

There were no public comments.

Mayor Daley closed the public hearing.

Commissioner Maultsby moved to approve the Ordinance 1347-15 on second and final reading; seconded by **Commissioner Dearmin** and the motion was approved by unanimous voice call vote.

There were no public comments.

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

2.) PUBLIC HEARING: 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, City “content neutral” regulations focus instead on the number and size of signs each business may have.

As a holdover from earlier versions of 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 regulations on permanent business signage.

Mayor Daley opened the public hearing.

There were no public comments.

Mayor Daley closed the public hearing.

Commissioner Dearmin moved to approve the Ordinance 1348-15 on second and final reading; seconded by **Vice Mayor Lake**.

Vice Mayor Lake asked for clarification on size limitation for sandwich signs.

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

After brief discussion, the motion was approved by unanimous voice call vote.

There were no public comments.

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

3.) ORDINANCE 1349-15: TECO FRANCHISE AGREEMENT

Mayor Daley read the title of Ordinance 1349-15.

City Manager Leavengood stated 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 TECO representatives and advocated the City’s position.

In consideration for a five (5) year extension of the agreement to 2031, TECO has agreed to clean up the language within the agreement to remove the tax “back out” provision and to apply the franchise fee to all customer classes. This will increase the City’s 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.

Mayor Daley clarified that the extension proposed this evening will extend the agreement to 2031. She also stated that the customers ultimately will be paying the 6% franchise fee, so all customers will see this increase in their monthly electric bill.

After brief discussion, **Vice Mayor Lake** moved to approve the Ordinance 1349-15 on first reading; seconded by **Commissioner Dearmin** and the motion was approved by unanimous voice call vote.

There were no public comments.

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

4.) ORDINANCE 1350-15: MOTOR VEHICLE NOISE

Mayor Daley read the title of Ordinance 1350-15.

City Manager Leavengood stated in December 2016 the Polk County Board of County Commissioners 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.

Commissioner Maultsby inquired if there is an instrument or device used to measure the noise at any distance.

City Manager Leavengood stated the intent of the proposed ordinance is to use a police officer's common sense judgment in determining the plainly audible noise derived from motor vehicles. The Polk County ordinance was modeled after language included in the City of Tampa's recent noise ordinance, and has extensive legal review from attorneys representing the County, Cities as well as the Polk County Sheriff's Department.

Vice Mayor Lake inquired if the Code Enforcement officer could enforce the provisions of this ordinance.

Assistant City Attorney Clayton stated that Code Enforcement does not have the authority to make traffic stops. The offenses are limited to motor vehicle noise occurring within state or local rights-of-way, and only sworn law enforcement officers are statutorily authorized to enforce the regulations.

After brief discussion, **Vice Mayor Lake** moved to approve the Ordinance 1350-15 on first reading; seconded by **Commissioner Dearmin** and the motion was approved by unanimous voice call vote.

There were no public comments.

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

5.) BID PROPOSAL: DOWNTOWN WAYFINDING SIGNAGE

City Manager Leavengood stated in October 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 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

He stated the bid from Gulf State Signs is the lowest on the price per sign with or without installation. He further indicated the total number of signs are as follows: 3 Gateway, 8 Directional, and 9 Side Street signs for a total bid of \$80,534. 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 is to complete the full project and award the bid to Gulf State Signs for Downtown Wayfinding Signage with an estimated project cost of \$80,534.

Commissioner Maultsby inquired if installation is included in the proposal. Also if the savings would be significant to have City crews install the signs.

City Manager Leavengood stated he is recommending the contractor install the signs, as they will be responsible for fabrication and installation according to the permit issued by the Florida Department of Transportation.

Mayor Daley inquired about the number of signs and the opportunity to phase in future signs. She also asked how many destinations can be listed on each sign and if the City will be able to accommodate any signage for the businesses on North Lake Shore Way, such as the Lake Alfred Animal Hospital and Lavender N' Lace Tea Room.

City Manager Leavengood stated that the Florida Department of Transportation has already reduced the total number of signage significantly based on proximity to the destinations and other traffic control devices. The final approved sign locations will be distributed to the Commission once a permit is issued. Staff is requesting the total number of signs that were bid upon be approved, although the final number of signs installed may be reduced by the time the final permit is approved. Only four destinations are permitted on wayfinding signs. There is a side street sign that can be accommodated for the North Lake Shore Way.

Commissioner Duncan inquired the number of businesses listed on side street signage, and the cost passed on to businesses to be included on the side street signage.

City Manager Leavengood stated the City will absorb the initial cost of the installation and fabrication with businesses that are currently open. As new businesses open, they will have an opportunity to be added to the side street signs for a small fee, equivalent to the City's cost to add the business name. He concluded that the City has full discretion over the side street signage and the number of businesses to be displayed on each.

Vice Mayor Lake inquired about the current sign located at the corner of Seminole and Pomelo Street directing traffic to the police department. He asked if it will be replaced with this signage plan.

City Manager Leavengood stated the sign will be replaced with the side street sign proposal.

Commissioner Dearmin moved to complete the Wayfinding sign project as presented and award the bid to Gulf State Signs for Downtown Wayfinding Signage with an estimated project cost of \$80,534; seconded by **Commissioner Maultsby** and the motion was approved by unanimous voice call vote.

Commissioner Dearmin stated his support of selecting a local sign company to complete this project.

There were no public comments.

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

RECOGNITION OF CITIZENS

Jean Brittain, 370 S Echo Dr, stated she appreciates the parks in her neighborhood, Echo Terrace and expressed her gratitude to City crews working to maintain them. She asked if the light can be repaired at the Lake Echo fishing pier, as well as clearing the grass and debris blocking the storm drain into Lake Echo. She stated a pothole needs attention next to the Echo Terrace playground. Also, there is a need for pedestrian caution light crossing Shinn Boulevard, near the Dollar General store at Thelma Street.

Public Works Director Deaton stated the City crews will be able to clear the storm drain when the lake level recedes. Also, the light pole will be replaced entirely within a week.

City Manager Leavengood shared his concerns for pedestrian crossings on Shinn Boulevard, and stated the process is long and arduous with the Florida Department of Transportation.

Vice Mayor Lake also stated he is working to have the pedestrian crossings with a traffic light installed at Cummings Street.

COMMISSIONER QUESTIONS AND COMMENTS

Commissioner Dearmin commended the design of the Veterans Memorial expansion projects. He congratulated Amber Deaton on her tenure with the City. He also expressed his support of the Wayfinding Signage project.

Commissioner Duncan shared the success of the Bluegrass Bash, as well as other events held in Winter Haven and Auburndale on the same day. He stated Little League will hold its Jamboree on February 21st and asked the Mayor if she would be available to throw the first pitch at the opening ceremony.

Commissioner Maultsby stated he has been a resident of Lake Alfred for 84 years and is excited to celebrate the Centennial. He mentioned recent residential housing growth and commercial development continuing to make Lake Alfred prosper.

Vice Mayor Lake stated he welcomes new residents to Lake Alfred by asking them to visit the Veterans Memorial. Also, he was honored to attend the Bluegrass Bash and unveil the Centennial logo to the audience. He was recently invited to ride on the Polk County Transit bus, to experience the transportation disadvantaged services offered. Polk Training Center held a fundraising event at The Outback Oasis in Winter Haven, which is owned by the Schulz family who are from Lake Alfred. He also stated a teacher, Carlos Selina, sent an email requesting opportunities for students to volunteer or become involved in the City.

Mayor Daley mentioned the Mackay Gardens and Lakeside Preserve Fact-Finding Committee held a meeting with Myrtice Young of the Polk County History Center. She stated the

partnership is planning a video on the Lake Alfred Centennial in coordination with Polk County Government Television. Also, the Mackay Nature Tour is being promoted with flyers at the History Center as well as the Polk County Library Cooperative and its partner libraries. She congratulated Amber Deaton for her tenure at Lake Alfred.

With there being no further business to discuss, Mayor Daley adjourned the meeting at 8:52 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Valerie Ferrell". The signature is written in a cursive style with a large, prominent "V" at the beginning.

Valerie Ferrell
Interim City Clerk