

**MINUTES
CITY OF LAKE ALFRED
CITY COMMISSION MEETING
MONDAY OCTOBER 15, 2018
CITY HALL**

Call to Order: Mayor Charles Lake

Invocation and Pledge of Allegiance: Rob Terry

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

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, and other staff.

CITY MANAGER ANNOUNCEMENTS

City Manager Leavengood announced and thanked **Commissioner Duncan** and the Ridge Art League for the new art that is on display in the Commissioners Chamber. He stated the art work has been judged and the awards will be announced at the reception on Friday, October 26 at 6:00 pm.

Southern Gardens will sponsor a luncheon on October 18th at 11:30 am as part of the Lake Alfred Chamber of Commerce's Lunch and Learn program. The cost is \$5.00 per person, please RSVP by October 16th by contacting the Chamber.

Saturday Nov 10th the Lake Alfred Chamber of Commerce will sponsor the Inaugural Race for Liberty featuring a 5k run and 1 mile fun walk. Race start time is 9:00 am. Proceeds will benefit both the VFW and Fallen Warriors Foundation. There will be music, entertainment and raffle prizes for the participants. For questions please call the Lake Alfred Chamber of Commerce office."

Policy Committees will meet during Legislative Conference on November 15th and 16th. There will be a variety of informative workshops to help prepare for the 2019 legislative session. For more information contact the City Clerk or the Deputy Clerk.

Information concerning a controlled burn at Mackay Gardens and Lakeside Preserve has been posted on the City's Face Book site, it is weather dependent but the City is trying for the end of November.

CSX made improvements to CR 557 by patching the area around the tracks. As explained by CSX, they have 3 different grades for their rail road crossings, the one on CR 557 is in the mid-range. However, the traffic count has increased significantly (by 50%) over the last 5 years, especially with the truck traffic, since that grade determination was made.

The City is now accepting applications for the 2018 Christmas Parade if you're interested visit the web site to download an application or contact the Parks & Recreation Department.

There will be a volunteer event Saturday, October 20th at the Gardner House starting at 8:00 am the City will be coordinating with the Baptist Church to install sod in anticipation for the open house that will be held November 9th at 5:00 pm.

The Commissioners have received the advertising for the Leland Young BBQ that will be Thursday, October 25th please contact the City Clerk or the Deputy Clerk for RSVP.

Police Chief Bodenheimer stated members of the Florida Police Chief Association is collecting supplies to take to the Panhandle. Donations can be taken to the Police Department.

CITY ATTORNEY ANNOUNCEMENTS

No comments.

RECOGNITION OF CITIZENS

Mayor Lake recognized Martha Santiago running for County Commission

Martha Santiago stated that she is running for County Commission District 4, she has resided in Polk County for 39 years, and she's been involved with the County since she moved here. The general election is November 6th.

Brenda Arnold 435 W Pierce St. stated she had also contacted CSX regarding the railroad track crossing, asking them to repair the crossing at CR 557.

EMPLOYEE OF THE QUARTER

Parks and Recreation Director Weed stated that AJ came to work for the City as a part-time employee for the streets department in April 2017. As a part-time employee his work ethic was quickly noticed and when the opportunity arose in July 2017 he was hired on as full-time employee in the Parks and Recreation Department.

AJ continues to do good work and will always find a way to go above and beyond. However, this past summer he truly went above and beyond when he stepped up to the plate when the parks crew lead was out and helped to fill that role. Every day he made sure of the assignments for himself and the crew, made sure the job was complete and notified the director of anything else he noticed that could or needed to be done.

AJ very rarely takes a sick day and quietly gets the job done no matter how big or small the job and is willing to learn along the way. Recently he has taken on more skilled tasks like irrigation and has shown in interest in learning as much as he can. He said he is proud to say AJ works for the Parks and Recreation Department and has been a great addition to the City.

For earning employee of the quarter AJ will receive a day off with pay, a \$50 gift card donated by a Lake Alfred resident and a plaque.

CONSENT AGENDA

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

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

AGENDA

1.) **ORDINANCE 1403-18: COMMUNICATIONS RIGHTS OF WAY**

Assistant City Attorney Claytor read the ordinance title.

City Manager Leavengood stated On July 1, 2018, the Florida Advanced Wireless Infrastructure Deployment Act (“Act”) became effective, controlling how local governments process applications for and regulate small cell wireless facilities in the public rights-of-way. The Act was adopted to afford the wireless industry access to public rights-of-way and to government-owned poles, to collocate and to install small wireless facilities. The proposed Ordinance creates the City’s Communications-Rights-of-Way Ordinance to exercise the City’s authority in implementing the Act and to regulate all communications facilities placed or maintained in the public rights-of-way consistent with Florida and Federal law. This does not affect facilities on private property or other City property, or facilities on rights-of-way not controlled by the City.

The Ordinance creates a registration process that requires, among other things, contact information, insurance, indemnification, and a permanent performance bond in the amount of \$10,000 for owners of facilities in the rights-of-way to ensure compliance. If the City draws on this, the owner would have to replenish it. The Ordinance requires permits and sets forth permit application requirements and review procedures. It establishes construction regulations, including restoration of the rights-of-way, and sets forth detailed requirements for location and objective design standards for such facilities, subject to a waiver, consistent with Florida law. With the primary roads within the City being state and county, staff does not anticipate there being a huge demand for small cell services at this time. However, as the City continues to develop there may be additional demand in the future and this policy sets procedures and policies in place to protect the City’s interests to the extent possible under state and federal law (i.e. right of way restoration).

On September 28, 2018, the Federal Communications Commission issued a Declaratory Ruling and Third Report and Order, which significantly limits state and local management of small wireless infrastructure deployment and associated fees for use of the rights-of-way and public property in the rights-of-way (“FCC Order”). The FCC Order does not become effective until 90

days after publication in the Federal Register and will be challenged in court by various parties. The FCC Order is largely consistent with and does not expressly preempt the Florida Act. Accordingly, we do not anticipate revisions to the proposed policy based on the FCC Order.

The proposed ordinance was drafted by Gary Resnick, the City's cellular consultant in conjunction with the City Attorney. He is a leading expert on telecommunication law and often presents at the Florida League of Cities on these topics.

Staff recommended approve of Ordinance 1403-18 on first reading.

Mayor Lake asked if this is new to the City, as he doesn't remember this Ordinance coming before the Commission prior to today.

City Manager Leavengood stated that the City has never had this type of Ordinance before. The FCC doesn't want local governments to have control over the placement of their facilities. The City has very narrow authority, we can require design standards, heights of the pole and restoration of right-of-way.

Commissioner Daley asked what might happen if the City needs to widen a road after they have utilized the right-of-way. She also wanted to know if the City can request for the FCC to use the outskirts of the right-of-way, and who will pay to have the equipment moved.

Assistance City Attorney Claytor stated he would have to reference the ordinance, the City can anticipate further push from the Federal level. It is very limited where the City can regulate placement of the equipment. It will be governed by State law and unless something preempts State law on the Federal level the City's hands are tied.

City Manager Leavengood said that the entity that initiated the move would pay for the relocation. If FDOT widens the road they would pay to have the equipment moved, if the move is initiated by the City we would have to pay the relocation cost.

Commissioner Duncan stated a lot of Cities have already adopted similar language for this. The Communication Specialist presented this at a meeting he attended the equipment is the size of a refrigerator and the City doesn't have a say in where they are placed. He asked about the assets in the public right-of-way, and if they could attach the equipment to the Lake Alfred signs.

Mayor Lake asked how this will affect the wiring, and what are the other Cities doing about their wiring.

Assistance City Attorney Claytor stated he was not sure about attaching to the Lake Alfred sign but if there were an existing pole they would be able to abut equipment to the pole. Winter Haven has been installing fiber optics that along with the cable and infrastructure is all owned by the City.

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

Commissioner Duncan moved to approve Ordinance 1403-18 on first read, seconded by **Commissioner Maultsby**. The motion was approved by unanimous voice call vote.

MAYOR LAKE	AYE
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COMMISSIONER MAULTSBY	AYE

2.) **BIDS: MACKAY SCHOOL HOUSE REBUILD**

City Manager Leavengood stated the “school house” structure is a part of the Mackay family home at the Mackay Gardens and Lakeside Preserve. Historically, the structure was used as a small school house for the Mackay family children. The current structure has no roof and is used as the primary location for the wedding ceremonies. Weddings rentals at Mackay currently generates approximately \$40,000 per year in revenue.

The school house structure is in an advanced state of disrepair due to its age (e.g. walls leaning, undermined foundation, etc.). The City’s engineering firm has looked at the building as well as several contractors and the consensus was to rebuild the structure. No contractor that we spoke to was willing to attempt to renovate it due to the risk of causing further damage and forcing a rebuild anyway.

City staff has solicited the following bids for the reconstruction of the school house:

- Austin Historical: \$70,820.24
- Olson Construction: \$82,665
- Grove Construction: \$128,000

The current FY 18/19 Budget includes \$150,000 for Mackay trail improvements and a rebuild of the Mackay School House. The remaining funds will be utilized for trail equipment and lighting and that project will be scoped out and bid later in the fiscal year. Due to the Mackay venue being booked out months in advance the rebuild will not take place until Spring of 2019.

The proposed company to perform the work has experience with historic restoration work. We received a reference from a company that is having Austin Historical perform brick restoration work on a 120 year old structure and they have been very satisfied with the workmanship they have seen on the project. The proposed rebuild will use “reclaimed bricks” to preserve the aged and historical look.

Staff recommended awarding the bid to reconstruct the School House at Mackay to Austin Historical in the amount of \$70,820.24. In the submitted bid application there was a line item for demolition, the City will be doing the demolition, saving \$11,000 and bringing the amount down to \$59,820.24.

Vice Mayor Dearmin asked if the building would be a replica of what was there before.

Director Weed stated City has to demo the existing structure because it is past repair. The existing structure is not all original as there was a curved wall in the rear of the building and there is a footprint of the old wall that still exists. The re-build will have a curved back wall like the original. Before the demo the contractor will take pictures and measurements in an effort to replicate the original as much as possible.

Mayor Lake asked if the City already had the plans for the new structure. Then asked **Commissioner Daley** if there were pictures of the Schoolhouse before it became so deteriorated. He also wanted to know if the contractor could use any of the bricks from the existing building.

Commissioner Daley replied there are pictures from the 20's - 30's, the contractor could use those for a base to go on. Also on the original structure there were brackets on the inside with beams that held the building together. The family would hang plants from the beams and that's where the name, The Garden Room, came from. That would be an asset for the wedding venue. In the 70's a renovation was attempted and some of the brackets were covered up by stucco. She asked if the contractors bid was for constructing the building out of brick not block.

City Manager Leavengood asked if the chosen contractor was the only one that proposed using re-claimed brick. He stated he was pleased that **Director Weed** found a historical restoration specialist.

Vice Mayor Dearmin asked how long will it take for the project to be complete.

Director Weed stated there are still two brackets which held, maybe, cypress beams, the City could address the beams after the structural work is done. In reply to **Commissioner Daley** he answered that the structure would be out of brick, like the original. In reply to **City Manager Leavengood** he stated that when he contacted Olsen Construction about using re-claimed brick, they replied back that they could use re-claimed brick at no difference in price. In response to **Mayor Lake** he said the problem with using the existing brick from the building is the mortar is harder than the brick and removing it would damage the brick. The contractor estimates that he will be finished in eleven weeks.

Commissioner Duncan asked if there was anything in the contract with Austin Historical that binds them to the eleven week finish date. He also asked if the City advertised for the bid for the reconstruction.

Director Weed stated staff wanted to find a company that deals with historical restoration. This contractor will make the building look old while maintaining structural integrity.

Mayor Lake opened public hearing.

Leon Juday 535 N. Todhunter Way stated **Director Weed** mentioned the contractor will put a foundation under the Schoolhouse. In the proposal Olson construction the plans included a footer under the brick wall and the plans from Austin Historical did not have a footer at all. This is a serious difference and since the project is six months out it may be worthwhile to table the project until the Building Official can review the plans. The City can ask Austin Historical to include a footer in their proposal so the City can compare the two contractors equally.

Assistance City Attorney Claytor stated to revise the requirements for the project the City will have to reopen it for bids. The City wants to be clear if the approval is made on a contingency that the footer is included.

Commissioner Duncan pointed out that the submitted bid has a clause that states any additional work, not listed, will be billed. He also asked about the bracing that was in the old structure and if that should have been included in the plans.

Parks and Recreation Director Weed stated the bid from Austin Historical does include the footer, walls, the arches and the concrete cap at the top. We have a clear understanding with the contractor of what will be there. In reply to Commissioner Duncan, he stated that the bracing would be just for aesthetic reasons and could be added at a later date by the City.

City Manager Leavengood stated we will need verification from Austin Historical. In the future the City will have a detailed scope of work that all contractors will be upheld to for the City's records. He went on to say this was up to the Commission, the City can award the bid contingent on the contractor setting the footer for the existing quote. If the quote does not include the footer then the City will put the project back out to bid.

Mayor Lake commented that the structural engineer would have to include the footer in order for the Building Official to be able to sign off on the plans.

Rodney Thompson 640 N Pennsylvania Ave. stated the schoolhouse will not be historical after it's torn down and rebuilt. He believes the bidding processes should utilize engineered drawings. That way all contractors are bidding on the same specifications and the bids will be closer and more accurate. His suggestion was to have engineered drawings made and send them out with a re- bid request.

City Manager Leavengood stated staff will change the recommendation to withdraw the bid. The City will commission engineered plans and it will be listed as a sealed bid through the newspaper and the contractors can resubmit.

3.) RIDGE LEAGUE BOARD

City Manager Leavengood stated the City has received our annual dues notice from the Ridge League of Cities and is requesting the names of the City's elected officials who will serve as the board member and alternate member on the Ridge League Board of Directors. Commissioner Daley currently serves as the Board member and Mayor Lake currently serves as the alternate.

STAFF recommended: Pleasure of the City Commission.

Commissioner Daley stated she had received an email that the Ridge League Board was administering the oath of office, she called the City Manager to ask what she should do. She is still very interested in serving on the board if the Commission will allow it.

Commissioner Duncan asked if the alternate can go to the meetings.

Commissioner Daley replied that the alternates can go to the meetings but they cannot vote.

City Manager Leavengood stated the dues notice was sent out on the 1st and in between Commission meetings the Ridge League Board had the swearing in.

Commissioner Duncan moved to keep Commissioner Daley as the Ridge League Board Member; seconded by **Vice Mayor Dearmin**. The motion was approved by unanimous voice call vote.

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

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

SECOND RECOGNITION OF CITIZENS

COMMISSION COMMENTS:

Commissioner Maultsby asked if the City has paid the Ridge League dues.

City Manager Leavengood stated that dues such as the Ridge League is automatically processed.

Mayor Lake stated during the slow-down campaign and all the Commissioners took the pledge to slow down. There was a banner that we put up on the bridge, and FDOT filmed public service announcements. He presented a video to the Commission and audience. The City should congratulate PGTV and FDOT for a great job they did with this campaign. Since the City had the discussion regarding the fish sculptures, Winter Haven has decided to have a statue representing their city. They too were looking at a bass.

Vice Mayor Dearmin stated he is looking forward to the new development coming into the City.

Commissioner Daley stated she thinks the art work in the chamber is a nice addition.

Commissioner Duncan stated there were 31 artist that submitted work for this show and he agrees with **Commissioner Daley**, it is a nice addition. He also likes seeing the new development throughout the City.

Mayor Lake stated on Saturday, October 20th the City is asking for volunteers to help out at the Gardner House to install sod in preparation for the open house on November 9th.

Commissioner Duncan asked if the electrical was working at the Gardner House. He also stated that Saturday, October 27th there will be a Fall Festival at the Methodist Church, he reminded the City Manager that he has an appointment with the dunk chair.

Director Weed stated the electric has not been turned on at the Gardner House. If anyone would like to come out on Saturday but they're not interested in laying sod, there will be other

projects to work on. There will be hamburgers and hotdogs for the volunteers for all their hard work.

With no further business the meeting was adjourned at 8:35 pm.

Respectfully submitted,



Mamie Drane
Deputy City Clerk

Reviewed by.



Ameé Bailey
City Clerk