

**MINUTES
CITY COMMISSION MEETING
MONDAY DECEMBER 7, 2020
7:30 PM
CITY HALL**

Call to Order: Mayor Nancy Z. Daley

Invocation and Pledge of Allegiance: Police Chief Art Bodenheimer provided the invocation.

Roll Call: Linda Bourgeois

Those in attendance were Mayor Nancy Daley, Vice Mayor Jack Dearmin, Commissioner Brent Eden (Zoom), Commissioner Charles Lake, and Commissioner Albertus Maultsby.

Staff in attendance: City Manager Ryan Leavengood, Assistant City Attorney Seth Claytor, City Clerk Linda Bourgeois, Community Development Director Ameen Bailey (Zoom), Finance Director Amber Deaton, Parks and Recreation Director Richard Weed, Police Chief Art Bodenheimer, and Public Works Director John Deaton.

City Manager Leavengood shared Commissioner Eden was attending the City Commission meeting by Zoom.

Assistant City Attorney Claytor explained Commissioner Eden could participate, as an observer, but not vote. He went on to say the authorization for Communications Media Technology had expired at the end of October.

City Manager Leavengood said there were minimal announcements this evening due to the cancellations of several events. He said we were looking forward to a good 2021. He continued and said out of an abundance of caution the employee luncheon was cancelled and explained the employees' risk and the rise in cases nationwide. He wished everyone a Merry Christmas and said we were, again, looking forward to a good 2021.

City Attorney Claytor said they remain grateful to the City of Lake Alfred.

Recognition of Citizens: There were none.

Mayor Daley shared about Pearl Harbor Remembrance Day and said it occurs on December 7th of each year, designated in memory of the lives lost in the 1941 attack and to remember that we enjoy freedom thanks to their sacrifice. The attack claimed the lives of 2,334 servicemen and servicewomen and wounded another 1,143. Everyone participated in a moment of silence.

City Manager Leavengood administered the Oath of Office to the City Clerk. He shared he was happy to have her back in Lake Alfred, and Linda Bourgeois shared she had the same sentiments.

Mayor Daley presented a recognition plaque to Julie Grice for her outstanding work as Principal at Lake Alfred Polytech Academy. Ms. Grice served on the transition team to convert Lake Alfred Adair Middle School with a grade of 3 points from a D to Lake Alfred Polytech Academy with a grade of 3 points from a B which was the second-highest increase in the County.

Julie Grice shared her appreciation for the recognition and credited the Superintendent of Polk County Schools for allowing her to serve on the transition team. She said she was honored and thanked the City Commission.

Commissioner Lake congratulated Ms. Grice and said she would be terribly missed.

Before the Consent Agenda was presented for consideration of approval, Mayor Daley said she would like to have further discussion on item number five.

Commissioner Maultsby made a motion to remove item number five [Special Event Fireworks] from the consent agenda. The motion was seconded by **Vice Mayor Dearmin** and approved by unanimous voice call vote.

Mayor Daley presented the consent agenda for approval and read them into record.

Consent Agenda:

- 1.) City Commission Meeting Minutes for November 16, 2020
- 2.) City Commission Announcements
- 3.) Board Appointment(s)
- 4.) 2021 Meetings and Holiday Schedule

Commissioner Lake made a motion to approve the consent agenda. The motion was seconded by **Vice Mayor Dearmin** and approved by unanimous voice call vote.

Mayor Daley expressed her concerns regarding the special event fireworks application. She said the application was for 11:45p.m. on a Sunday which was a school night. She continued and asked for provisions or regulations to be reviewed by city staff including timeframes and days.

Vice Mayor Dearmin agreed and said if it were on a Friday or Saturday, it would be a lot different than a Sunday.

A discussion ensued regarding the acceptable times being between 8:00 p.m. and 9:00 p.m., the seasonal changes and how to adjust the times, the decibel level of the fireworks, and the display lasting for five minutes.

Wedding Planner, **Maricela Baker**, approached the podium and said the applicants were willing to adjust the timeframe and abide by any other requirements the City Commission would desire.

Mayor Daley asked if there were any complaints from the first approval, and if this application was from the same entity.

City Manager Leavengood stated no there were not any complaints and explained it was from the same wedding venue. He went on to say the events were similar with a request to shoot off the lowest level of fireworks. He said the City would draft provisions for a pre-approval process and consult with the professionals on types of pyrotechnics.

Assistant City Attorney Claytor said the criteria should be objective for the permit requirements, so we stay within the confines of the law.

Vice Mayor Dearmin made a motion to approve the special event application with the display to occur no later than 9:00 p.m., and then added to the motion that the fireworks were to be the same or similar to the lowest decibel level as last time. The motion was seconded by **Commissioner Lake**. The motion was approved by a unanimous voice call vote.

City Manager Leavengood requested for Commissioner Brent Eden to be considered as an excused absence for the meeting tonight and explained the reason why he was not in attendance.

Vice Mayor Dearmin made a motion to excuse Commissioner Eden's absence. **Commissioner Lake** seconded the motion, and the motion was unanimously approved.

Community Development Director Bailey, from Zoom, shared she was doing well.

Mayor Daley wished her a Merry Christmas, and Director Bailey replied thank you. She wished everyone a Merry Christmas.

Mayor Daley presented the next item on the agenda for consideration.

Assistant City Attorney Claytor read the Ordinance title into record.

City Manager Leavengood read the analysis into record.

2.) Ordinance 1450-20: Fletcher Cutoff Rd Area Annexation

Issue: The applicants, ILP Lake Alfred LLC, Inc., have requested approval of their annexation request.

Analysis: Pursuant to Florida Statutes Chapter 171, the City may consider the annexation of unincorporated areas of a county which are contiguous to the municipality, compact, and will not create an enclave. The City may process annexations pursuant to Chapter 171.0413 provided the criteria is met. The owners of four of the five parcels have consented to the annexation by virtue of fully executed Petitions for Voluntary Annexations and represent 80% of the total parcels. Additionally, the four parcels total approximately which represent approximately 98.9% of total acres. Together the parcels total 22.87 acres.

The annexation area is contiguous to the City. The properties are developed as retail sales, communication tower, and vacant property under construction plan review. Potable water and wastewater services have been extended to service the area. The Urban Service Report was approved on November 2, 2020 via Resolution 15-20 and was sent to Polk County as required by F.S.

The action currently before the City Commission is only on the annexation of the property into the City. The future land use and zoning classification on the property would be presented following an approval of the annexation. If approved on first reading, the proposed Ordinance will be presented for second and final reading on January 4, 2021.

Staff Recommendation: Approval of Ordinance 1450-20 on first reading.

Mayor Daley asked if there was a process for changing the postal address once they are annexed into the City.

Assistant City Attorney Claytor said for tax purposes it would be in the City of Lake Alfred, but he does not believe the mailing address would change. He said he may be incorrect and could certainly get back to the City Commission with the information.

Discussion surrounded the address of the Dollar General being identified as a Haines City address, the parcel being in unincorporated Polk County, similar issues with other places in our service area, and the City staff and Assistant City Attorney to research the City's options.

Mayor Daley asked if there was a process for changing the postal address once they are annexed into the City.

Mayor Daley opened the floor to public comments, seeing none she closed the floor to public comments.

Commissioner Lake made a motion approve Ordinance 1450-20 on first reading. **Vice Mayor Dearmin** seconded the motion, and the motion was unanimously approved.

Mayor Daley presented the next item on the agenda for consideration.

Assistant City Attorney Claytor read the Ordinance title into record.

City Manager Leavengood read the analysis into record.

3.) Ordinance 1451-20: Sunset Road Annexation Update

Issue: The applicants, ILP Lake Alfred LLC, Inc., have requested approval of their annexation request.

Analysis: Pursuant to Florida Statutes Chapter 171, the City may consider the annexation of unincorporated areas of a county which are contiguous to the municipality, compact, and will not create an enclave. The applicant has submitted a voluntary annexation petition pursuant to Chapter 171.044 to request the annexation of three parcels into the city limits of Lake Alfred. The properties are located west of Lynchburg Rd. The applicant is seeking annexation for the purposes of receiving additional city services and the possible addition of more mobile homes. The three properties total approximately 14.51 acres. Currently, there are 86 mobile home units across the two mobile home parks and one mobile home on a 0.14-acre lot.

The annexation was previously approved July 6, 2020, however there was an error in the legal description. If approved on first reading, the proposed Ordinance will be presented for second and final reading on January 4, 2021. The City Commission was also presented with the proposed future land use and zoning classification at the last City Commission meeting.

Staff Recommendation: Approval of Ordinance 1451-20 on first reading.

A brief discussion ensued regarding the reason the Ordinance was coming back for consideration. It was shared it was due to an incorrect legal description. Other discussion surrounded entertaining another ordinance was the best course of action, the proposed future land use and zoning classification being considered together with this Ordinance, and they all were scheduled to be considered at the next meeting on second and final reading.

Mayor Daley opened the floor to public comments, seeing none she closed the floor to public comments.

Commissioner Maultsby made a motion to approve Ordinance 1451-20 on first reading. **Vice Mayor Dearmín** seconded the motion, and the motion was unanimously approved.

Mayor Daley presented the next item on the agenda for consideration.

Assistant City Attorney Claytor read the Ordinance title into record.

City Manager Leavengood read the analysis into record.

4.) Ordinance 1452-20: Charter Amendments

Issue: The City Commission will consider an ordinance for the placement of four (4) Charter Amendments to be presented to the electors of the City at the next municipal election.

Analysis: Section 5.01(a) of the Charter of the City of Lake Alfred allows the City Commission to place proposed charter amendments on the ballot to be approved by referendum.

On July 6, 2020, the City Commission appointed the Charter Review Committee. The City of Lake Alfred Charter Review Committee unanimously approved its Final Report identifying its recommendations and suggestions for modification to the City's Charter on November 5, 2020.

On November 16, 2020, the City Commission accepted, by consensus, the proposed slate of four (4) Charter Amendments.

1. Amends the city charter to give a governor-appointed interim city commission 180 days, instead of 90 days, to hold a special election for the election of replacement city commissioners in compliance with the Florida Election Code after a catastrophic loss or removal.
2. Amends the city charter to conform to state law and delete language permitting elected city officials to determine whether a voting conflict of interest exists.
3. Amends the city charter to permit the city commission to take certain formal acts by ordinance or resolution. Does not change the requirement to adopt the annual budget by ordinance.
4. Amends the city charter to give the city commission the ability to delete out-of-date schedule items by resolution where events have already occurred.

If approved the City Clerk will coordinate with the Supervisor of Elections office to have the items placed on the ballot for the next election.

Staff Recommendation: Pleasure of the City Commission.

Mayor Daley asked who had analyzed the ballot language, to ensure it was compliant with the law.

Assistant City Attorney Claytor said Assistant City Attorney Crawford drafted the current language.

Commissioner Lake asked who had created the wording to ensure the citizens understand what the ballot language means.

City Manager Leavengood said Assistant City Attorney Crawford drafted the language with clarity in mind and said the language had been included in the final Charter Review report.

Vice Mayor Dearmin said the Charter Review Committee had done an excellent job and he was fine with the proposed language. He went on to make the motion to approve Ordinance 1452-20 on first reading.

Mayor Daley opened the floor to public comments, seeing none she closed the floor to public comments.

Commissioner Maulsby seconded the motion, and the motion was approved by unanimous voice call vote.

Mayor Daley presented the next item on the agenda for consideration.

Assistant City Attorney Claytor read the Ordinance title into record.

City Manager Leavengood read the analysis into record.

5.) Ordinance 1453-20: Gas Utility Franchise Agreement

Issue: The City Commission will consider an ordinance renewing a gas franchise agreement.

Analysis: In 2007 the City of Lake Alfred granted a non-exclusive franchise to Florida Public Utilities Company for the transmission and distribution of natural gas within the City limits. In consideration for granting said franchise the City receives a franchise fee equal to six percent (6%) of gross revenues within the city limits. The currently receives \$45,000 per year from this fee. The proposed ordinance renews the franchise agreement with Florida Public Utilities for a 30-year term.

Staff Recommendation: Approval of Ordinance 1453-20 on first reading.

City Manager Leavengood stated he would be adding an additional "Whereas" clause to the Ordinance before second and final reading referencing the first agreement's information.

City Commission discussion surrounded the potential to place fiber in with the pipeline installation, fiber being the most beneficial on the corridor throughout the city, and whether the company had a permit.

Public Works Director Deaton shared the company did receive a permit and staff had been given a set of plans for review. He went on to explain the fiber was being installed by a directional bore, and it was the utility company's responsibility to notify the citizens when working on their property.

Mayor Daley opened the floor to public comments, seeing none she closed the floor to public comments.

Commissioner Lake made a motion approve Ordinance 1453-20 on first reading. **Vice Mayor Dearmin** seconded the motion, and the motion was unanimously approved.

Mayor Daley presented the next item on the agenda for consideration.

Assistant City Attorney Claytor read the Resolution title into record.

City Manager Leavengood read the analysis into record.

6.) Resolution 19-20 – Charter Editorial Changes

Issue: The City Commission will consider a Resolution for editorial changes and to delete an obsolete transition schedule within the City Charter.

Analysis: The Charter Review Committee recommended the City Commission take certain editorial acts with respect to the Charter of the City of Lake Alfred, Florida in order to make the Charter more reader friendly. Specifically, the request is to add editorial notes of State Law References throughout the City's Charter in seventeen areas.

Additionally, the proposed resolution will remove Section 6.05 of the Charter to be removed. Section 6.05 of the City Charter is a transition schedule based on the effect of Ordinance 967-00, approved by referendum in 2000 which has since been completed and is eligible for removal. Section 6.06 of the City Charter allows the City Commission to delete obsolete provisions of Article VI of the Charter by resolution.

Staff Recommendation: Approve Resolution 19-20.

Mayor Daley agreed and said it makes the Charter a lot easier to read when there are State references. She opened the floor to public comments, seeing none she closed the floor and then opened it to City Commission discussion.

Without any discussion, **Commissioner Maultsby** made a motion approve Resolution 19-20. **Vice Mayor Dearmin** seconded the motion, and the motion was unanimously approved.

Mayor Daley presented the next item on the agenda for consideration.

Assistant City Attorney Claytor read the Resolution title into record.

City Manager Leavengood read the analysis into record.

7.) Resolution 20-20: Carolina-Goodman Minor Subdivision

Issue: The City Commission will consider a request by South State Bank, N.A. for Administrative Approval of a Minor Subdivision plat titled Carolina-Goodman on approximately 2.16± acres of land.

Analysis: The applicant, South State Bank N.A., has requested administrative approval of a minor subdivision plat titled Carolina-Goodman. The plat would create three lots from an existing lot located west of Goodman Avenue South, east of Carolina Avenue South and north of Cummings Street East. The new lots meet the requirements of the zoning district (R-1A) and has been reviewed by staff, the consulting engineer, and the City Attorney's office. Section 7.06.04 of

the Unified Land Development Code (ULDC) establishes an administrative review and approval process for small scale residential development and land subdivision. As required by the ULDC, the minor subdivision plat requires acceptance and approval by the City Commission.

Staff Recommendation: Approval of Resolution 20-20

A discussion ensued about the large size of the lots, clarification of the location, the City Commission approving a similar item on the east side of the city, and the request was for subdividing the lot.

Police Chief Bodenheimer explained this area was between Goodman and Carolina behind the house with all the lights.

Mayor Daley opened the floor to public comments, seeing no one she opened the floor to further City Commission discussion.

Without any further discussion, **Commissioner Lake** made a motion approve Resolution 20-20. **Commissioner Maultsby** seconded the motion, and the motion was unanimously approved.

Mayor Daley presented the next item on the agenda for consideration.

City Manager Leavengood read the analysis into record.

8.) Hazard Mitigation Grant Program: Emergency Generator

Issue: The City Commission will consider authorization of a grant agreement for the purchase and installation of a replacement emergency generator for Police and Fire.

Analysis: As a Hazard Mitigation Grant Program (HMGP) project, the City of Lake Alfred will purchase and install permanent generator(s), at the Public Safety Complex, which includes the Police Department Building located at located 190 N. Seminole Avenue, Lake Alfred; and the Fire Department Building located at 185 Pomelo Street East, Lake Alfred, Florida 33850.

The HMGP project will provide protection to the City of Lake Alfred Public Safety Complex by replacing the existing 125 kW generator with a new 140 kW generator with all necessary accessories for its operation including the connection to a transfer switch.

The Public Safety Complex houses the City Fire Department, Police Department, city computer databases, and dispatch. The building also serves as the City of Lake Alfred Emergency Operations Center (EOC) in times of need. The Fire Station provides fire rescue and EMS services to the community and is considered a critical facility.

The total cost of the generator is estimated at \$89,980. The grant will cover 75% of the cost of the generator and installation (or \$67,485) with a net cost to the City of \$22,495.

Staff Recommendation: Approve the subrecipient agreement with the Florida Division of Emergency Management.

City Manager Leavengood continued and thanked Community Development Director Bailey and Public Works Director Deaton for their work on this business item.

Commissioner Maultsby asked how long it would be before we had the generator.

Public Works Director Deaton said once the application was submitted and approved, the City would have to formally go out for bid on the project. He concluded by saying there was a set completion date, and the grant also included installation.

Commissioner Maultsby asked about the old generator.

Public Works Director Deaton said the city would repurpose the generator at a lift station somewhere in the city.

Mayor Daley opened the floor to public comments, seeing none she then opened the floor to additional City Commission discussion.

Commissioner Lake said the generators were critical to making the city functionable during storms. He continued and made a motion approve the Hazard Mitigation Grant Program. **Vice Mayor Dearmin** seconded the motion, and the motion was unanimously approved.

Mayor Daley opened the floor to recognition of citizens. There were none.

Commissioner Eden wished everyone a Merry Christmas and a Happy New Year. He went on to thank the Military, Police and Fire personnel, and encouraged everyone to stay safe.

Commissioner Maultsby said he would like to honor his brothers and himself. He said he had six brothers and he was ten years old on a Sunday afternoon when five of them got drafted. He said he had three brothers that served in World War II, one was sent to France to rebuild the railroads, and another brother was on the USS Iowa and cooked for Admiral Nimitz. He continued and said one of his brothers was drafted for Korea. He went on to say he got drafted and was a part of NATO and went to France and Germany. He also had a brother in Vietnam that went from a second Lieutenant to a Major in ninety days because so many people were killed. He said his brother had also received two purple hearts for being wounded. He said his hat goes off to his family for defending this Country. He concluded by wishing everyone Happy Holidays and a Merry Christmas.

Mayor Daley said thank you for your service, and your family's sacrifices. She went on to thank city staff for the Thanksgiving luncheon. She shared Sam Killebrew was introducing HB 13 for this session to make sure the legislature does not take money out funding for affordable housing. She encouraged support and said he is expecting this to be a tough sell due to the budget and economy. It is most important this year to those families impacted by the virus. She shared she attended the boat parade this year and said there were many boats and spectators. It was a fun event. She continued and thanked staff, and the city attorney's office for the pumpkin bread. She said Happy Holidays to everyone whether it was Merry Christmas, Happy Hanukah, Happy Kwanza, and any other upcoming holiday.

Vice Mayor Dearmin wished everyone a Merry Christmas and a great New Year. He went on to applaud the staff for their diligent hard work with what we have come through. He said there are a lot of great people working together, the staff, the Commission and shared we have prevailed through this difficult year. He said he was proud to be a part of the leadership here in Lake Alfred and concluded by wishing everyone a Merry Christmas and Happy New Year.

Commissioner Lake echoed the sentiments of Merry Christmas and Happy New Year. He shared a comical story about the location of Winter Haven being next to Lake Alfred during a Zoom meeting and announced his last meeting schedule for the year with the Metropolitan Planning Organization and the Transportation Planning Organization. He said he was disappointed we did not have the parade this year and asked if the Christmas tree in Gardner Park was lit? City Manager Leavengood said it was. Commissioner Lake thanked all the great staff we had working for us all year and said he appreciated them for working through the challenges. He concluded by saying thank you and Merry Christmas.

Mayor Daley encouraged everyone to stay safe and said if you assume everyone has the virus and stay away, you will not catch it. She concluded by saying it is such a devastating disease and the hospitals are overwhelmed so have a safe and quiet Christmas, and we will see you all next year.

With no other business, **Mayor Daley** adjourned the meeting at 8:47 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Linda Bourgeois".

Linda Bourgeois
City Clerk