

City of Lake Alfred
120 E. Pomelo Street
Lake Alfred, FL 33850



Phone: (863) 291-5270
Fax: (863) 291-5317
www.mylakealfred.com

**AGENDA
CITY COMMISSION MEETING
MONDAY JUNE 5, 2017
7:30P.M.
CITY HALL**

CALL TO ORDER: MAYOR CHARLES LAKE

INVOCATION AND PLEDGE OF ALLEGIANCE: PASTOR STRAWN

ROLL CALL: CITY CLERK AMEÉ BAILEY

CITY MANAGER & CITY ATTORNEY ANNOUNCEMENTS

RECOGNITION OF CITIZENS: ITEMS THAT ARE NOT PUBLIC HEARINGS

**PROCLAMATION –SLOW DOWN PLEDGE
PRESENTATION – CRIME STOPPERS**

CONSENT AGENDA

- 1.) CITY COMMISSION MEETING MINUTES FOR MAY 15, 2017
- 2.) CITY COMMISSION ANNOUNCEMENTS

AGENDA

- 1.) PUBLIC HEARING: ORDINANCE 1380-17: DRAWING OF LOTS
- 2.) PUBLIC HEARING: ORDINANCE 1383-17: UTILITY VACATION POLICY
- 3.) ORDINANCE 1385-17: SANITATION RESTRICTED RESERVES

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

COMMISSIONER QUESTIONS AND COMMENTS:

**MAYOR LAKE
VICE MAYOR DALEY
COMMISSIONER DUNCAN**

**COMMISSIONER DEARMIN
COMMISSIONER MAULTSBY
ADJOURN**

Should any person decide to appeal any decision made at a meeting, or any meeting announced in this agenda, such person will need a record of the proceedings and may need to ensure that a verbatim record of the proceedings is made. In accordance with the American with Disabilities Act, persons with disabilities needing special accommodations to participate in this proceeding should contact the City Clerk not later than four days prior to the proceeding at 863- 291-5747.

**LAKE ALFRED CITY COMMISSION MEETING
JUNE 5, 2017**

CONSENT AGENDA

All matters listed under this item are considered to be routine and action will be taken by one motion without discussion. If discussion is requested by a Commissioner, that item(s) will be removed from the Consent Agenda and considered separately.

1.) MAY 15, 2017 CITY COMMISSION MEETING MINUTES

ATTACHMENTS:

- Draft Minutes

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

2.) CITY COMMISSION ANNOUNCEMENTS

ANALYSIS: Each of the meetings/ events scheduled below may constitute a public meeting at which two or more City Commissioners or Planning Board Members may attend and discuss issues that may come before the City Commissioners.

Date	Meeting/ event	Location	Time
June 8	Ridge League of Cities Dinner	Lakeland	6:30 pm
June 14	Ethics Training	Haines City	9:00 am
June 15	Code Enforcement Special Magistrate	City Hall	3:00 pm
June 20	Pension Boards	City Hall	3:00 pm

DRAFT MINUTES
CITY OF LAKE ALFRED
CITY COMMISSION MEETING
MONDAY MAY 15, 2017
7:30 P.M.
CITY HALL

Call to Order: Mayor Charles Lake

Invocation and Pledge of Allegiance: Pastor Blocker

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

Staff attendance: City Manager Ryan Leavengood, Attorney Frederick John Murphy, City Clerk Ameé Bailey-Speck, Police Chief Art Bodenheimer, Fire Chief Chris Costine, Public Works Director John Deaton, and Finance Director Amber Deaton, and Parks and Recreation Director Richard Weed.

CITY MANAGER ANNOUNCEMENTS

City Manager Leavengood stated the City will be closed in observance of Memorial Day on May 29th.

The Florida Association of City Clerks, Class of 2017 has chosen to support veterans as part of their community service projects. They are collecting items to provide to veteran organizations around the state. Each member of the class, including our current clerk, Ameé Bailey, will be distributing items to local districts, cities and towns; in addition we will be distributing items to the state for homeless veterans. May is a great time to donate items in recognition of Memorial Day. Please contact Ameé if you have any items you would like to donate.

City Manager Leavengood provided several facilities updates. The Hughs Building renovations are complete and include an employee break room, storage area, and a room for the Friends of the Library. Handrails were added to the new dock at Lions Park and the remains from the previous dock were removed to allow for mooring. Public Works has replaced several culverts, stormwater drains and man-holes. Two of the remaining downtown signs have been installed (Gardner Park from Haines City and on CR 557 near Growers Fertilizer). The Mackay sign is still under construction.

He also stated that the City had received a certificate of appreciation for hosting the Discovery Leadership Team.

CITY ATTORNEY ANNOUNCEMENTS

City Attorney Murphy stated the legislative session ended and they are reviewing the effects for cities. One item of interest would make a change to public records attorney fees and notice.

RECOGNITION OF CITIZENS

Jean Brittan, 370 South Echo Dr. stated she appreciated the staff and the work around Echo Terrace (stormwater, parks, and safety).

Vice Mayor Daley thanked Mrs. Brittan for bringing issues to the attention of the City.

Proclamation: FACC 45th ANNIVERSARY

Mayor Lake read a proclamation to recognize Municipal Clerks Week and the 45th Anniversary of the Florida Association of City Clerks. He urged all citizens to extend appreciation to our Municipal Clerk and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent. The proclamation was accepted by **Cheryl Mooney, MMC**.

Cheryl Mooney, City Clerk for the City of Temple Terrace and the Central West District Director for the Florida Association of City Clerks thanked the Commission. She also thanked the Commission for the opportunity to recognize City Clerk Ameen Bailey for obtaining her Certified Municipal Clerk designation.

Mrs. Bailey has been employed by the City of Lake Alfred since February 2015 as City Clerk. Prior to joining the City, she worked in the planning department at Polk County for 10 years. She became a member of the Florida Association of City Clerks in 2015 and attended her first Training Academy in June 2015.

Currently, the Florida Association of City Clerks has 606 members. Of the 606 members, there are 219 members who have reached the Certified Municipal Clerk designation.

The Certified Municipal Clerk program is designed to enhance the job performance and recognizes the professionalism of the Clerk's office in small and large municipalities. To earn the Certified Municipal Clerk designation, a Clerk must attend extensive education programs and requires experience in a municipality. The program prepares the applicants to meet the challenges of the complex role of the Municipal Clerk by providing them with quality education in partnership with institutions of higher learning.

Ms. Mooney shared her appreciation for Mrs. Bailey. Mrs. Bailey has served as the Secretary for the Polk County City Clerk's Association and Chair for the Polk County GIS users group. She is also the secretary of the FACC 2017 graduating class coordinating their class project to support Veterans. Her graduating class collects supplies for local veteran organizations and provides other supplies to the state for homeless veterans.

She thanked the City for their support of Mrs. Bailey and congratulated on her efforts as one of our newest Certified Municipal Clerks.

City Manager Leavengood also congratulated Mrs. Bailey for the Certification of Clerk and the importance of the position.

CONSENT AGENDA

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

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

AGENDA

1.) ORDINANCE 1380-17: DRAWING OF LOTS

City Attorney Murphy read the ordinance title.

City Manager Leavengood stated On November 3, 2014, the City Commission adopted several ordinances suggesting changes to the Charter regarding the Election Processes. Ordinance 1342-14 proposed referendum language to amended Article IV, Section 4.05(c) of the Charter to require all ties in and/or for municipal elections to be decided by a drawing of lots. The language suggested that the specific process would be determined by an Ordinance to the Code of Ordinances. Subsequently, on April 7, 2015, the citizens voted on and approved the amendments to the Charter. The proposed Ordinance provides guidance for a specific process that would meet the requirements of the Charter and Florida Law.

Staff recommended approval of Ordinance 1380-17 on first reading.

Vice Mayor Daley asked if there would be a recount before the drawing of lots.

City Attorney Murphy stated as a requirement of state law any tie or close-call would be recounted and would determine if the recount would need to be manual.

Vice Mayor Daley moved to approve Ordinance 1380-17 on first reading, seconded by **Commissioner Duncan**. The motion was approved by unanimous voice call vote. There were no citizen comments.

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

2.) ORDINANCE 1382-17: WATER SUPPLY PLAN

City Attorney Murphy read the ordinance title.

City Manager Leavengood stated in 2005, the Florida Legislature made significant changes to Chapters 163 and 373, F.S., to strengthen the link between land use and water supply planning. The requirements adopted affect local comprehensive planning programs:

- Ensuring intergovernmental coordination with regional water supply authorities;
- Ensuring that the local government's future land use plan and development approvals are based upon the availability of adequate water supplies; and
- Identifying and including selected "alternative" water supply projects in the comprehensive plan, consistent with Southwest Florida Water Management District's Regional Water Supply Plan adopted December 2006 and updated in November 2015.

A Ten-Year Water Supply Facilities Work Plan has been prepared. It identifies existing water service providers and water supply facilities within the Lake Alfred Public Water Service Area, conservation practices and future water needs based on projected population estimates. Based on the Ten-Year Water Supply Facilities Work Plan, amendments to various elements of the City's Comprehensive Plan have been drafted. Also included is the City's 5-Year Capital Improvements Plan which outlines the City's identified Capital Improvement projects for the five-year period covering FY 2016/2017 thru FY 2020/2021.

On Tuesday, April 11, 2017, the Planning Board held a public hearing on the proposed amendments and unanimously voted to provide a recommendation of approval to the City Commission.

Pat Stead, CFRPC stated the City is within the Southern Water Use Caution Area (SWUCA) which has a 150 gpcd. The City' adopted level of service is 130 gpcd. The level was exceeded in 2012 and 2015 giving a five year average of 132 gpcd. The consumption rate is then multiplied by the population to project future needs. The current water use permit is for 1.3 million gpd and expires in 2023. Based on the projected demand the City is projected to exceed the permit capacity in 2025. Therefore, the City is participating in the Polk County Water Cooperative initiative. The water supply plan requires conservation efforts such as a continual audit of the system to determine areas that need repairs or to be replaced, requiring low volume plumbing fixtures in new homes, requiring Florida friendly landscape in new developments, maintaining the water conservation rate structure and education of the residents in water conservation. The City should be in good shape for a period of time and in five years this issue should be revisited. The City is already implementing conservation measures such as upgrading facilities, enforcing the new utility rates, and other conservation measures.

City Manager Leavengood stated the City has the capacity to pump over 3 mgd, however there may be permit limitations to water supply permits in the future. The SWFWMD will not allow for additional permitted capacity without alternate water supply methods in place such as deep well injection or desalination. The new user rate system will assist in lowering the per capita use. Water conservation is something the City will have to actively manage from here on as the City experiences growth.

Staff recommended approval of Ordinance 1382-17 on first reading and forward to the Department of Economic Opportunity for review.

Commissioner Dearmin moved to approve Ordinance 1382-17 on first reading and to transmit to the Department of Economic Opportunity, seconded by **Commissioner Maultsby**.

Vice Mayor Daley asked if the City had any authority to require conservation and ability to override HOA watering requirements.

Commissioner Duncan asked about adding to the Lake Alfred app for reporting miss-use of irrigation. He also asked about drought restrictions, how much water is used for irrigation, and if lake water can be used for irrigation.

Mayor Lake asked if there was any way to determine the water sources for yard watering and if information could be posted on the website or provided to HOAs.

City Manager Leavengood stated having a language in the comp plan is the first step. One of the biggest concerns right now is unregulated irrigation wells are still allowed and residents have no idea how much they are using monthly. There is a societal cost associated with this usage. It would be better if they were on a regulated system. The City does not tract water usage by other sources or water strictly used for irrigation unless a resident has a separate irrigation meter. The City needs to work with the other cities, County and the WMD to regulate and educate about water usage.

City Attorney Murphy stated that with a concerted effort with other regulatory agencies.

Community Development Director Bailey stated that water usage is policed by the water district, especially during droughts. Just like Code Enforcement it is citizen based calls, they monitor communities and notify residents when they water their lawns on the wrong days, and they do issue tickets.

Public Works Director Deaton provided the current SWFWMD guidelines of watering two days a week. A resident can use lake water for irrigation, however they must follow the same watering schedule. He went on to say if anyone sees a broken sprinkler please notify Public Works and they will contact the home owner. Public Works is also required to report any violations issued.

The motion was approved by unanimous voice call vote. There were no citizen comments.

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

3.) ORDINANCE 1383-17: UTILITY VACATION POLICY

City Attorney Murphy read the ordinance title.

City Manager Leavengood stated In January of 2016 the City entered into a continuing service agreement with Raftelis Financial Consultants to perform a utility rate study. The goal of the study was to restructure the existing rate system to be more equitable and to promote conservation by lowering the base rate and having a larger portion of the utility bill based upon usage. The new rate system removed the 6,000 gallons included in the old base rate of \$53.49. It also lowered the base rate to \$38.45 with a usage charge applied to every 1,000 gallons used by each customer. The new rate structure was designed to be revenue neutral with a breakeven

point between the rate two systems for individual customers at approximately 4,500 gallons of usage per month.

By establishing a base rate without any usage included the City established a true “service availability fee.” A side effect of this change was the effective removal of the City’s informal vacation policy that allowed part-time residents to shut off service (or to keep irrigation on) and not pay for water or sewer service at their residence when they were away. The vacation policy, in effect, is already built into the new rate structure since each customer is no longer charged for usage when they are away (whether it’s for the weekend or six months). The base service charge represented everyone’s fair share of the cost in having the service available. This type of setup is also consistent with the fact that approximately 80%+ of the cost of providing utility service is fixed.

However, based on utility customer feedback, city staff and Raftelis took a second look at the vacation rate to see if there were any other options to consider. In summary, even though we lowered our base rates under the new system, other utilities in our area still have considerably lower base rates (and higher usage charges) and by extension lower vacation rates:

	Minimum Bill	Vacation Rate	
Old Lake Alfred:	\$53.49	\$0-\$19	Old Rate (Mariana paid \$19)
New Lake Alfred:	\$38.45	\$38.45	Existing Rate: 100% Base Charge
		\$19.23	Proposed Rate: 50% Base Charge
Auburndale:	\$48.38	\$0 - \$10.67	
Bartow:	\$31.87	\$17.67	
Lake Wales:	\$31.77	\$15.89	
Winter Haven:	\$18.07	\$18.07	
Dundee:	\$77.95	\$17.00	

A fifty percent (50%) reduction in the base rate would bring our vacation rate for inside customers to \$19.25 which is consistent with the other vacation rates that Raftelis looked at in our area (\$24.06 for outside customers with the 25% outside customer surcharge which is also consistent with the petition we received from the residents of Mariana Acres for the \$25 a month rate).

In the original rate study Raftelis averaged out part-time residents for revenue and rate purposes (i.e. they treated 2 part-time residents as one resident). As a result, any vacation rate option the Commission selects will not have a financial impact to the utility.

The proposed ordinance provides a vacation policy with a fifty percent (50%) credit on base service charges for residential customers for the months they have no appreciable water usage

on their home meter. The vacation policy is available to residential customers that are away for a minimum of two months and may receive a maximum credit for up to six months in a given year.

In the future (5-15 years), as we and the other surrounding utilities move into higher cost alternate water supply projects and conduct rate studies to accommodate these large capital expenses it is uncertain whether these types of policies will be able to continue.

Staff recommended approval of Ordinance 1383-17 on first reading.

City Clerk Bailey stated some minor changes were made and the updated documents were provided to the City Commission.

City Manager Leavengood stated that Mr. Juday pointed out the provision that a landowner cannot receive a lien for a tenant's utility bill.

City Attorney Murphy stated the information from Raftelis dated March 10, 2017 which is included as back-up to the ordinance.

Commissioner Duncan asked if residents in Marianna Acres have one or two meters.

Public Works Director Deaton stated there is a small amount of residents in Marianna Acres that have two meters. Residents in Kingspoint have two meters.

Lowell Schmidt, 365 East Sandford St. asked if the irrigation and potable water have the same cost and if a resident can use lake water for irrigation.

Commissioner Maultsby asked how the policy would be applied to a resident in a mobile home park and if it would save them money if they annexed.

City Manager Leavengood stated the water rate is the same for potable or irrigation water. The water cost is the same for a mobile home or site built home. The sewer charge for a resident with only one meter is capped at 10,000 because it is assumed that the resident is using the water for irrigation. Residents could save money by annexing and would receive City services.

Commissioner Duncan moved to approve Ordinance 1383-17, with Mr. Juday's correction, on first reading, seconded by **Commissioner Dearmin**. The motion was approved by unanimous voice call vote.

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

4.) ORDINANCE 1384-17 - BUSINESS TAX RECEIPT INCREASE

City Attorney Murphy read the ordinance title.

City Manager Leavengood stated pursuant to Florida Statutes Chapter 205, local municipalities may levy a business tax for the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction every other year. State law also allows the business tax levy to be increased by up to five percent (5%) every other year. The City Commission approved the five percent increase in 2011 and rejected the rate increase in 2013 and 2015.

The City currently issues 234 business tax receipts to businesses that operate within the City limits and receives approximately \$10,000 in revenue from the fee. The proposed increase of 5% would produce an approximate increase of \$500 in revenue. If approved, the proposed increase would take effect on June 30, 2017 and be reflected in the FY 17/18 Budget. Per state statutes, the next opportunity for a rate increase will be in 2019.

The primary function of the business tax receipts is for the City to have a record of businesses that are operating within the city limits and to initiate contact with new businesses so that we can perform inspections. As with previous years, staff has no objection with rejecting the rate increase as the revenue increase it would generate is minimal. There is no **Staff** recommendation on this item.

Vice Mayor Daley moved to reject Ordinance 1384-17, seconded by **Commissioner Maultsby**. The motion was approved by unanimous voice call vote. There were no citizen comments.

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

5). MASTER CONSULTING AGREEMENT: GAI CONSULTANTS

City Manager Leavengood stated on March 20th, 2017 the City Commission gave staff approval to pursue a Master Consulting Agreement with GAI Consultants for preparing a Citywide Parks and Recreation Master Plan.

The proposed agreement establishes a general basis between the firm and the City for performing services (umbrella agreement). Specific projects or services will be carried out under separate agreements or “task orders” that will specify the scope, timeline, cost, and other provisions specific to each project. This setup is identical to the engineering services provided to the City through CPH through a master agreement.

Staff recommended approval of the Master Consulting Agreement with GAI Consultants.

Vice Mayor Daley moved to approve the Master Consulting Agreement with GAI Consultants, seconded by **Commissioner Dearmin**. The motion was approved by unanimous voice call vote. There were no citizen comments.

MAYOR LAKE	AYE
VICE MAYOR DALEY	AYE
COMMISSIONER DEARMIN	AYE

COMMISSIONER DUNCAN
COMMISSIONER MAULTSBY

AYE
AYE

6). GAI CONSULTANTS: TASK ORDER #1: PARKS & RECREATION MASTER PLAN

City Manager Leavengood stated the proposed Task Order #1 with GAI consultants for the Park Master Plan provides for an inventory and analysis of existing facilities; public, staff, and community input; identified projects; and implementation plan. These elements will form together to create a vision and master plan which will guide future projects and investments into the City's parks and recreation services and facilities.

Funding in the amount of \$30,000 has been included in the current fiscal year budget for the Parks and Recreation Master Plan.

Staff recommended approval of Task Order #1 with GAI Consultants in the amount of \$30,000.

Commissioner Duncan asked about public meetings with the residents.

Kristin Caborn stated there will be only one meeting but there will be a lot of opportunity for input. GAI will be setting up focus groups that will be open to the residents at different times, to include everyone that is interested. The outreach events include one open public meeting, focus group meetings (open but require RSVP), staff work shop, Commission workshop (public meeting), and a Parks and Recreation Board meeting (public meeting).

City Manager Leavengood stated they had discussed outreach events. The task order is the starting point and as we get into the project, if we need to add an additional events, they can be added.

Commissioner Dearmin moved to approve of Task Order #1 with GAI Consultants in the amount of \$30,000, seconded by **Commissioner Maultsby**. The motion was approved by unanimous voice call vote. There were no citizen comments.

MAYOR LAKE
VICE MAYOR DALEY
COMMISSIONER DEARMIN
COMMISSIONER DUNCAN
COMMISSIONER MAULTSBY

AYE
AYE
AYE
AYE
AYE

RECOGNITION OF CITIZENS

Errol Evens asked if the City would address traffic on Hwy 557 and the railroad crossings.

City Manager Leavengood stated The CSX and County Road 557 were repaired a few years ago by CSX, although they did not hold up very well. Neither County Road 557 nor the CSX railroad are within the City's jurisdictions. The City has made CSX and the County aware of the problems on CR 557 and SR 17/92. FDOT has evaluated the light timing.

Community Development Director Bailey stated that FDOT has funded a study for Hwy 27 involving alternative routes. County Road 557 has been identified as one of the alternative routes for Hwy 27, as a result they have upgraded the status of CR 557 to a regional roadway.

Changing the status opens up more funding opportunities and they can look at the process for four lanes. Also, the FDOT has agreed to fund a study to evaluate the traffic movement at Pomelo and CR 557.

Joyce Schmidt, 365 East Sandford St. asked about public meeting to educate the public on water conservation measures with an advertisement on the new digital board.

Public Works Director Deaton stated the City is working with other cities to apply for a grant program for low flow toilets, aerators, low flow fixtures several other conservation tools, and education.

Mayor Lake asked about a public service announcement.

City Manager Leavengood stated the changes to the rates and grant opportunities to change out fixtures will assist in reducing water use. The City can use the website and social media to announce the programs.

Wes Warren 2137 Lois Blvd in Lake Marianna Acres and the President of Lake Marianna Acres HOA thanked the City Commission for the utility vacation rate.

City Manager Leavengood stated the vacation rate change was passed on first reading and will be heard in two weeks for final action. If approved, a notice will be sent out with the utility bill.

COMMISSIONER QUESTIONS AND COMMENTS

Commissioner Maultsby thanked the Police and Firefighters for their work.

Mayor Lake stated this is National Police Week, and flags at half-staff today. He congratulated Ameer on her Certified Municipal Clerk designation and that May 26 is the last day Langs restaurant will be open for the season. There will be an event at the Historic Society on Saturday May 27th.

Vice Mayor Daley congratulated City Clerk Bailey on her accomplishments. She stated that there is a new rack card at Mackay that show the trails and lakes around the Mackay property. She also asked about the 'for sale' sign that was taken down at the Buchan property.

City Manager Leavengood stated it was in part due to a request by Greys and to update the signs. The new signs will reflect the additional acres.

Commissioner Duncan stated there is a Managers meeting hosted by the Ledger. He then asked about the Gardner house grant funding, and the drainage project on Shinn Blvd. He also thanked the City for the Lions Park dock railings.

Ron Schelfo, 640 East Lakeview Rd. asked about drainage at SR 17/92 and Cummings.

City Manager Leavengood stated he was aware of the Managers meeting and the main topic will be the Water Coop. The work is on line relocation in preparations for the July roadway projects.

City Clerk Bailey stated the grant funding is still unclear.

Commissioner Dearmin hoped everyone had a wonderful Mother Day.
With there being no further business to discuss, Mayor Lake adjourned the meeting at 9:23 pm.

Respectfully Submitted,

Ameé Bailey
City Clerk

**LAKE ALFRED CITY COMMISSION MEETING
JUNE 5, 2017**

AGENDA

1.) PUBLIC HEARING: ORDINANCE 1380-17: DRAWING OF LOTS

ISSUE: The City Commission will consider an ordinance establishing the procedure for a drawing of lots in the event of a municipal election that resulted in a tie.

ATTACHMENTS:

- Ordinance 1380-17

ANALYSIS: On November 3, 2014, the City Commission adopted several ordinances suggesting changes to the Charter regarding the Election Processes. Ordinance 1342-14 proposed referendum language to amended Article IV, Section 4.05(c) of the Charter to require all ties in and/or for municipal elections to be decided by a drawing of lots. The language suggested that the specific process would be determined by an Ordinance to the Code of Ordinances. Subsequently, on April 7, 2015, the citizens voted on and approved the amendments to the Charter.

The proposed Ordinance provides guidance for a specific process that would meet the requirements of the Charter and Florida Law.

STAFF RECOMMENDATION: Approval of Ordinance 1380-17 on second and final reading.

ORDINANCE 1380-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE ALFRED, FLORIDA, AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF LAKE ALFRED, BY ADDING SECTION 26-7 RELATING TO PROCEDURES FOR THE DRAWING OF LOTS TO DETERMINE PERSON(S) ELECTED TO THE CITY COMMISSION IN THE EVENT OF A TIE; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 2(b), Article VIII of the Florida Constitution and Chapter 166 of the Florida Statutes, the City of Lake Alfred possesses the police powers to enact ordinances in order to protect the health, safety, and welfare of the City's citizens and residents; and

WHEREAS, pursuant to Section 100.181 of the Florida Statutes, the person receiving the highest number of votes cast in a general or special election for an office shall be elected to the office; and

WHEREAS, pursuant to Section 100.181 of the Florida Statutes, in the event two or more persons receive an equal and highest number of votes for the same office, such persons shall draw lots to determine who shall be elected to the office; and

WHEREAS, on November 3, 2014, the City Commission adopted Ordinance 1342-14 which amended Article IV, Section 4.05(c), of the Charter of the City of Lake Alfred, Florida, to require all ties in and/or for municipal elections to be decided by a drawing of lots; and

WHEREAS, on April 7, 2015, the citizens of the City of Lake Alfred, Florida, voted on and approved the amendment(s) to Article IV, Section 4.05(c), of the Charter of the City of Lake Alfred, Florida, requiring all ties in and/or for municipal elections to be decided by a drawing of lots; and

WHEREAS, pursuant to the amendment(s) to Article IV, Section 4.05(c), of the Charter of the City of Lake Alfred and Florida law, rather than holding a second election in the event of a tie vote between candidates running for a commission place seat, a tie vote for a municipal election will be decided by a drawing of lots in accordance with procedures to be established by Ordinance of the City Commission; and

WHEREAS, upon review, the City Commission desires to amend its Code of Ordinances to add Section 26-7 relating to procedures for the drawing of lots in order to determine person(s) elected in the event of a tie for elections within the City of Lake Alfred, Florida; and

WHEREAS, the City Commission for the City of Lake Alfred, Florida, finds and declares that this Ordinance is in the best interest of the public health, safety and welfare of the citizens and residents of the City of Lake Alfred, Florida, and that it advances a significant and important governmental interest.

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. AMENDMENT. Chapter 26 of the Code of Ordinances for the City of Lake Alfred is hereby amended by adding a new Section 26-7 to the Code of Ordinances regarding establishing procedures for the drawing of lots in the event of a tie vote for the office of a city commission place seat, as follows:

Sec. 26-7. – Determination of person(s) elected and drawing of lots in the event of a tie vote.

- (a) Subject to Florida law and applicable provisions of the Charter and Code of Ordinances of the City of Lake Alfred, Florida, the person receiving the highest number of votes cast in a general or special election for a city commission place seat shall be elected to the office. Provided however, in the event two or more persons receive an equal and highest (in the event of three (3) or more candidates) number of votes for the same city commission place seat in a general or special election, the tie shall be determined by the drawing of lots.
- (b) The drawing of lots shall be conducted by the city clerk in the presence of the City's canvassing board at a duly noticed and held meeting of the City's canvassing board.
- (c) For purposes of this section, in the event two (2) persons receive an equal and highest number of votes for the same city commission place seat, the "drawing of lots" shall mean a coin toss for which the persons involved in the tie will have an equal chance of being selected.
- (d) For purposes of subsection (c), the drawing of lots shall be conducted by the city clerk, as follows:
 - (1) The city clerk shall, at any time during the meeting of the City's canvassing board and in the presence of the City's canvassing board members present at the meeting, provide the persons involved in the tie with a piece of paper (identical in size, color, shape and texture); and
 - (2) Upon receipt of the piece of paper from the city clerk, the persons involved in the tie shall, in the presence of the city clerk and the City's canvassing board members present at the meeting, write their name on the piece of paper provided by the city clerk using the same pen or pencil; and
 - (3) Upon witnessing the persons involved in the tie write their names on the pieces of paper, the city clerk shall provide a box and/or container and instruct said persons to place the pieces of paper into the box and/or container without bending, folding, and/or otherwise physically altering their piece of paper; and
 - (4) After the persons involved in the tie have placed their piece of paper in the box and/or container, the city clerk shall choose a member of the City's canvassing board at random and, while holding the box and/or container, instruct the chosen member to reach into the box and/or container without looking into the box and/or container and remove one (1) piece of paper; and
 - (5) The city clerk shall thereafter read the name written on the piece of paper selected into the record and instruct the person whose name was read into the record that he/she shall call the coin toss; and

- (6) The city clerk shall, prior to conducting the coin toss, show to the persons involved in the tie the coin to be used in and/or for the coin toss and identify which side represents "heads" and "tails"; and
- (7) The city clerk shall instruct the person selected to call the coin toss, prior to conducting the coin toss, to select either heads or tails; and
- (8) The person selected to call the coin toss shall verbally identify their selection (heads or tails), and the city clerk shall record the call (heads or tails) in the minutes of the meeting for the Canvassing board and the city clerk shall thereafter conduct the coin toss by flipping the coin into the air and allowing same to come to rest on the ground; and
- (9) Once the coin has come to rest on the ground, the city clerk shall announce the result and winner of the coin toss and record same in the minutes of the meeting for the Canvassing board.

(e) In the event three (3) or more persons receive an equal number of votes for the same commission place seat in a general or special election, the tie shall be determined by the drawing of lots in accordance with a selection method determined and administered by the city clerk in accordance with Florida law. The selection method for the drawing of lots shall be on a random basis using a uniform distribution method in which all persons involved in the tie have an equal chance of being selected. For example, the drawing of lots may be accomplished by using a ten-sided die, or using a computerized random selection or some other random uniform method as determined by the city clerk. Such random selection method shall be conducted by the city clerk at a duly noticed and held meeting of the Canvassing board of the City and, upon the conclusion of the random selection method utilized by the city clerk, the city clerk shall announce the results of the random selection method employed and winner of the election at which a tie vote occurred. The city clerk shall record in the minutes of the Canvassing board meeting, at which the random selection method is utilized, the random selection method employed to determine the tie vote and winner of the election determined by the random selection method utilized.

SECTION 2. CODIFICATION. It is the intention of the City Commission that the provisions of this Ordinance shall be made a part of the City of Lake Alfred Code of Ordinances; and that sections of this Ordinance may be renumbered or relettered and the word *ordinance* may be changed to *section*, *article*, or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the code is accomplished, sections of this Ordinance may be renumbered or relettered and typographical 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 recodified copy of same with the City Clerk.

SECTION 3. CONFLICTS. 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 4. SEVERABILITY. It is declared to be the intent of the City Commission of the City of Lake Alfred, Florida, that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such section, subsection, sentence, clause, phrase, or portion shall be deemed a separate, distinct and independent section, subsection, sentence, clause, phrase, or portion, and

such holding shall not affect the validity of the remaining sections, subsections, sentences, clauses, phrases, or portions thereof.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage after second reading/public hearing.

INTRODUCED AND PASSED on first reading at the regular meeting of the City of Lake Alfred City Commission held this 15th day of May, 2017.

PASSED AND ADOPTED on second reading at the Regular meeting of the City of Lake Alfred City Commission held this 5th day of June, 2017.

CITY OF LAKE ALFRED, FLORIDA

By: _____
Charles O. Lake, Mayor

ATTEST:

Ameé Bailey-Speck, City Clerk

Approved as to form:

Frederick J. Murphy, Jr., City Attorney

**LAKE ALFRED CITY COMMISSION MEETING
JUNE 5, 2017**

2.) PUBLIC HEARING: ORDINANCE 1383-17: UTILITY VACATION POLICY

ISSUE: The City of Lake Alfred will consider an ordinance providing a vacation rate for utility customers that are part-time residents.

ATTACHMENTS:

- Ordinance 1383-17
- Raftelis: Vacation Policy Memo

ANALYSIS: In January of 2016 the City entered into a continuing service agreement with Raftelis Financial Consultants to perform a utility rate study. The goal of the study was to restructure the existing rate system to be more equitable and to promote conservation by lowering the base rate and having a larger portion of the utility bill based upon usage. The new rate system removed the 6,000 gallons included in the old base rate of \$53.49. It also lowered the base rate to \$38.45 with a usage charge applied to every 1,000 gallons used by each customer. The new rate structure was designed to be revenue neutral with a breakeven point between the rate two systems for individual customers at approximately 4,500 gallons of usage per month.

By establishing a base rate without any usage included the City established a true “service availability fee.” A side effect of this change was the effective removal of the City’s informal vacation policy that allowed part-time residents to shut off service (or to keep irrigation on) and not pay for water or sewer service at their residence when they were away. The vacation policy, in effect, is already built into the new rate structure since each customer is no longer charged for usage when they are away (whether it be for the weekend or six months). The base service charge represented everyone’s fair share of the cost in having the service available. This type of setup is also consistent with the fact that approximately 80%+ of the cost of providing utility service is fixed.

However, based on utility customer feedback, city staff and Raftelis took a second look at the vacation rate to see if there were any other options to consider. In summary, even though we lowered our base rates under the new system, other utilities in our area still have considerably lower base rates (and higher usage charges) and by extension lower vacation rates:

**LAKE ALFRED CITY COMMISSION MEETING
JUNE 5, 2017**

	Minimum Bill	Vacation Rate	
Old Lake Alfred:	\$53.49	\$0-\$19	Old Rate (Mariana paid \$19)
New Lake Alfred:	\$38.45	\$38.45	Existing Rate: 100% Base Charge
		\$19.23	Proposed Rate: 50% Base Charge

Auburndale:	\$48.38	\$0 - \$10.67
Bartow:	\$31.87	\$17.67
Lake Wales:	\$31.77	\$15.89
Winter Haven:	\$18.07	\$18.07
Dundee:	\$77.95	\$17.00

A fifty percent (50%) reduction in the base rate would bring our vacation rate for inside customers to \$19.25 which is consistent with the other vacation rates that Raftelis looked at in our area (\$24.06 for outside customers with the 25% outside customer surcharge which is also consistent with the petition we received from the residents of Mariana Acres for the \$25 a month rate).

In the original rate study Raftelis averaged out part-time residents for revenue and rate purposes (i.e. they treated 2 part-time residents as one resident). As a result, any vacation rate option the Commission selects will not have a financial impact to the utility.

The proposed ordinance provides a vacation policy with a fifty percent (50%) credit on base service charges for residential customers for the months they have no appreciable water usage on their home meter. The vacation policy is available to residential customers that are away for a minimum of two months and may receive a maximum credit for up to six months in a given year.

In the future (5-15 years), as we and the other surrounding utilities move into higher cost alternate water supply projects and conduct rate studies to accommodate these large capital expenses it is uncertain whether these types of policies will be able to continue.

STAFF RECOMMENDATION: Approval of Ordinance 1383-17 on second and final reading.

ORDINANCE 1383-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE ALFRED, FLORIDA, AMENDING SECTION 58, CHAPTER 2, ARTICLE II WATER SERVICES AND ARTICLE III SEWER SERVICES, OF THE CODE OF ORDINANCES OF THE CITY OF LAKE ALFRED, FLORIDA, BY ESTABLISHING A VACATION POLICY AND DISCOUNT FOR RESIDENTIAL WATER AND SEWER CUSTOMERS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lake Alfred City Commission has determined it is in the best interest of the citizens to establish a residential water and sewer utility vacation policy and associated rates; and

WHEREAS, on January 4, 2016, the City Commission approved entering into a Continuing Service Agreement and Task Order #1 with Raftelis Financial Consultants, Inc., to perform a water and sewer utility rate study; and

WHEREAS, on June 20, 2016 Raftelis Financial Consultants, Inc., presented the results of the water and sewer utility rate study to the City Commission; and

WHEREAS, the City of Lake Alfred updated the water and sewer utility rates, fees, charges, and related usage blocks via the passage of Ordinance 1368-16 on September 26, 2016; and

WHEREAS, a vacation policy and associated rates for water and sewer service for part-time residents was not specifically included in Ordinance 1368-16; and

WHEREAS, City staff and Raftelis reviewed options related to consideration of a water and sewer utility vacation policy and associated rates for part-time residents who are customers of the City's water and sewer utility services; and

WHEREAS, upon review of the study the City Commission desires to amend Section 58, Chapter 2, Articles II and III of the Code of Ordinances of the City of Lake Alfred to establish a water and sewer utility vacation policy and associated rates for eligible customers of the City's water and sewer utility system; and

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. CODE OF ORDINANCES. Section 58 of Chapter 2, Article II and Article III of the Code of Ordinances for the City of Lake Alfred is hereby amended as identified in Exhibit "A" attached hereto and made a part hereof (deletions are shown in ~~strike through~~ and additions are shown in underline format).

SECTION 2. CODIFICATION. 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 a corrected or re-codified copy of same with the City Clerk.

SECTION 3. CONFLICTS. 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 4. SEVERABILITY. 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. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage after second reading/public hearing

INTRODUCED AND PASSED on first reading at a regular meeting of the Lake Alfred City Commission held this 15th day of May, 2017.

PASSED AND FINALLY ADOPTED on second reading at the meeting of the Lake Alfred City Commission duly assembled on this 5th day of June, 2017.

**CITY OF LAKE ALFRED
CITY COMMISSION**

By: _____
Charles O. Lake, Mayor

ATTEST:

By: _____
Ameé Bailey-Speck, City Clerk

APPROVED AS TO FORM:

By: _____
Frederick J. Murphy Jr., City Attorney

Ordinance 1383-17
Exhibit "A"

Language stricken is shown in ~~strike through~~ format; language added is shown in underlined format.

PART II - CODE OF ORDINANCES
ARTICLE II. – WATER SERVICE
DIVISION 1. - GENERALLY

Sec. 58-31. - Water used for irrigation.

- (a) From and after September 20, 1991, it shall be unlawful to use city water for irrigation purposes in distribution lines installed after September 20, 1991, unless such water has been first separately metered and measured through a water meter approved by the city, and a backflow preventer valve approved by the city.
- (b) Irrigation is defined as an underground watering system used exclusively to irrigate lawns, flora and fauna.

Sec. 58-32. - Production of sale of water limited; analysis.

- (a) No person shall produce for sale or sell or distribute water for domestic purposes for any of the inhabitants of the city where city water for such purposes is available. It is not intended by this section to prohibit the production and sale of water within the city for irrigation purposes.
- (b) In cases within the city where persons may already be engaged in the business of producing and selling or distributing water to the inhabitants of the city for domestic purposes, such distributor shall cause such water to be analyzed by the state department of health at least once every month; and the results of such analyses shall be filed with the city clerk. If any analysis shall show water to be unfit for human consumption, or to be below the requirements of the state department of health, the producer of such water shall, upon notification of such unfitness, immediately cease the distribution to inhabitants of the city.

Sec. 58-33. - Commission's power to regulate; city manager as administrator of utility.

Every consumer of water of the city shall be governed by and subject to the rules and regulations with reference to the use and consumption of water supplied by the city. The city commission reserves the right to require all water used to be metered and to make such rules and regulations relative to the installation of meters and charges as it may deem necessary and proper.

The city manager shall be the administrator of the city's water utility system and has the authority to make any adjustments pertaining to water and sewer bills deemed to be in the best interest of the city.

Secs. 58-34—58-55. - Reserved.

DIVISION 2. - RATES AND CHARGES

Sec. 58-56. - Classification and definitions of water users.

The users of water of the city shall be divided into the following: Residential; Non-Residential; and Multi-Family

“Residential” means premises with a primary potential for use as living quarters by an individual or single family. Each residential unit constitutes a single unit of living quarters within the lot or other identifiable unit of space.

“Non-Residential” means premises with a primary potential for use as a commercial, industrial, governmental, or any other non-residential activity or use. The premises may contain multiple units of non-residential use or activity so long as the meter size is ready to serve the potential needs of said units as determined by the city manager or his designee.

“Multi-Family” means two or more residential units situated on one or more lots or other identifiable units of space that are connected to a single master meter which is responsible for the base charge and usage for each residential unit connected to the meter. This shall include but not be limited to duplexes, triplexes, apartments, etc. All parameters within a rate block shall be multiplied by the number of units connected to the master meter (e.g. 5 residential units connected to a master meter would have a Block 1 range of up to 25,000 gallons (5 x 5,000 gallons)).

Sec. 58-57. - Rates inside and outside city; automatic escalator.

(1) The following rates are established for water supplied and metered by the city to the users designated in section 58-56 (block rates are charged per thousand gallons):

Description	Water Rates	
	Gallons Included	Monthly Rate
Base Service Charge		
Residential (per unit)	<u>0</u>	<u>\$8.95</u>
Non-Residential		
5/8-inch	<u>0</u>	<u>\$8.95</u>
1-inch	<u>0</u>	<u>\$22.38</u>
1.5-inch	<u>0</u>	<u>\$44.75</u>
2-inch & Above	<u>0</u>	<u>\$71.60</u>
Usage Charges*		
Residential		
Block 1	<u>0 - 5,000</u>	<u>\$1.04</u>
Block 2	<u>5,001 - 10,000</u>	<u>\$1.25</u>
Block 3	<u>Above 10,000</u>	<u>\$1.46</u>
Non-Residential	<u>All Usage</u>	<u>\$1.30</u>

*usage rates charged per thousand gallons

(2) Water users with separately metered irrigation systems shall pay a separate base service and usage charges for irrigation.

(3) Water users outside the city limits shall be charged an additional twenty-five percent (25%) surcharge for all rate components in subsection (1) above.

(4) All rate components set forth within subsection (1) above shall automatically increase on October 1st of every odd calendar year by three percent (3%) from each preceding biennial cycle’s rates (e.g. 2017, 2019, etc.) A schedule of all rates effective October 1, 2016 and each October 1, 2017, 2018, 2019, and 2020 is attached hereto as Schedule 1-R and is incorporated in this Ordinance by reference. A current Schedule of all rates, fees and charges shall be on file in the City Clerk’s office.

Sec. 58-58-58-59. – Reserved.

Sec. 58-60. - Meter installation; deposits, service charges; contractors, builders, renters; reactivation; vacation policy and associated rates .

- (a) Meters shall be installed at each unit for the use of contractors and builders when the building operation is begun, and the base service and usage charges shall be paid monthly for each unit.
- (b) A unit connected to the city's water system shall deposit a sum equal to three times the base monthly fees for each unit with the city as a guarantee that water bills incurred by said unit will be paid. Contractors or builders engaged in a building operation pursuant to subsection (a) above shall deposit \$150 for each unit with the city as a guarantee that water bills incurred for such use will be paid. Any remaining surplus of funds after all utility bills are paid by the respective unit shall be returned to the person making the deposit when such person deactivates their account.
- (c) A service charge of \$35.00 shall be collected for each water user to activate or deactivate services from the city's water system. A transfer of service within the city's water system shall incur a single service charge.
- (d) A unit that activates services with the city's water system that was previously deactivated within the twelve (12) month period immediately preceding the activation shall constitute a "reactivation" of service and shall pay an amount equal to fifty percent (50%) of the cumulative monthly water Base Service Charges for the period of time the service was deactivated as provided for within Section 58-57(1). Notwithstanding the foregoing, units that have changed ownership or executed a lease or rental agreement within the preceding twelve (12) month period and have provided the City with proof satisfactory to the City Manager or his designee of such change of ownership and/or lease or rental agreement shall be exempt from this provision.
- (e) A residential customer may request to receive a credit on their base water and sewer charges for the months where they had no appreciable water usage metered on their account within the twelve-month period immediately preceding the request. The credit shall be equal to fifty percent (50%) of the monthly base service charges for water and sewer service for each month the residential account had no appreciable water usage. To be eligible for the credit, the residential customer making the request must have had no appreciable water usage for at least two (2) months within the twelve-month period immediately preceding the request. Additionally, a residential customer may only receive a credit for up to a maximum of six (6) months within the twelve month period immediately preceding the request. For the purposes of this provision, "appreciable water usage" shall mean three hundred or more gallons of metered water usage in a given month.

Sec. 58-61. – Meter installation fees.

The following charges shall be made for all water meter installation connections, which meters shall be furnished by the city; and such meters shall remain the property of the city:

Size of Meter (in inches)	Meter Installation Fee
¾	\$ 500.00
1	575.00

1½	820.00
2	875.00
3	*
4	*
6	*

* To be determined by the city manager or his designee.

Sec. 58-62. - Temporary water connection charge.

Temporary service fee: The city shall allow temporary water/wastewater service connections for the purpose of cleaning and maintenance.

Residential Service:	15 days	\$50.00
Non-Residential Service:	30 days	\$100.00

Secs. 58-63 - 58-85. - Reserved.

ARTICLE III. - SEWER SERVICE

Sec. 58-121. - Commission's power to regulate; city manager as administrator of utility.

Every consumer or user of sanitary sewer services of the city shall be governed by and subject to the following rules and regulations with reference to the use of sanitary sewer services supplied by the city, and the city commission reserves the right to require all properties for which there is sanitary sewer service available to be connected to the sanitary sewers immediately upon such service's becoming available to such property and to make such rules and regulations relative to use of such sanitary sewer service in connection with and charges for such service as it may deem necessary and proper.

The city manager shall be the administrator of the city's sewer utility system and has the authority to make any adjustments pertaining to water and sewer bills deemed to be in the best interest of the city.

Sec. 58-122. - Classification and definitions of sanitary sewer users.

The users of the sanitary sewer system of the city shall be divided into the following: Residential, Multi-Family, and Non-Residential

“Residential” means premises with a primary potential for use as living quarters by an individual or single family. Each residential unit constitutes a single unit of living quarters within the lot or other identifiable unit of space.

“Non-Residential” means premises with a primary potential for use as a commercial, industrial, governmental, or any other non-residential activity or use. The premises may contain multiple units of non-residential use or activity so long as the meter size is ready to serve the potential needs of said units as determined by the city manager or his designee.

“Multi-Family” means two or more residential units situated on one or more lots or other identifiable units of space that are connected to a single master meter which is responsible for the base charge and usage for each residential unit connected to the meter. This shall include but not be limited to duplexes, triplexes, apartments, etc. All parameters within a rate block shall

be multiplied by the number of units connected to the master meter (e.g. 5 residential units connected to a master meter would have a sewer charge cap of 50,000 gallons (5 x 10k gallons).

Sec. 58-123. – Rates inside and outside city limits; automatic escalator.

(1) The following rates are established for sewer service furnished by the city to all of the users of such service as defined in section 58-122:

Description	Sewer Rates	
	Gallons Included	Monthly Rate
Base Service Charge		
Residential (per unit)	<u>0</u>	<u>\$29.50</u>
Non-Residential		
5/8-inch	<u>0</u>	<u>\$38.35</u>
1-inch	<u>0</u>	<u>\$73.75</u>
1.5-inch	<u>0</u>	<u>\$147.50</u>
2-inch & Above	<u>0</u>	<u>\$236.00</u>
Usage Charges*		
Residential	<u>Up to 10,000</u>	<u>\$2.33</u>
Non-Residential	<u>All Usage</u>	<u>\$2.33</u>

*usage rates charged per thousand gallons

- (2) Sewer usage charges are calculated by using the metered water use for each user. Separately metered irrigation systems shall not incur sewer base service or usage charges.
- (3) Sewer users outside the city limits shall be charged an additional twenty-five percent (25%) surcharge for all rate components within subsection (1) above.
- (4) All rate components set forth within subsection (1) above shall automatically increase on October 1st of every odd calendar year by three percent (3%) from each preceding biennial cycle’s rates (e.g. 2017, 2019, etc.) A Schedule of all rates effective October 1, 2016, and each October 1, 2017, 2018, 2019, and 2020 is attached hereto as Schedule 1-R and is incorporated in this Ordinance by reference. A current Schedule of all rates, fees and charges shall be on file in the City Clerk’s office.

Sec. 58-124. Reserved.

Sec. 58-125. - Connection, payment; definition of availability of service.

(a) It is declared to be necessary for the benefit of the general health and welfare of the city that all property shall be connected to the municipal sanitary sewer system as soon as such service is available to property. Where there is a sanitary sewer service available to real property that falls within any of the classifications in sections 58-122 and 58-123, the owner of any such real property on which is located a building occupied full- or part-time by human beings shall, within six (6) months after being notified by the city that sewer service is available, connect such building to the sewer in a manner approved by the building inspector. In the event that such owner or occupants of the property have not connected to the City’s sewer system within six (6) months following notification, said owner or occupants

shall thereafter pay to the city fifty percent (50%) of the ~~applicable~~ monthly base sewer ~~base~~ service charge as a service availability fee for the property in question if they are water users of the City or otherwise currently receive a utility bill for city services. By Resolution of the City Commission a program may be established to finance and/or subsidize the cost of units connecting to available sewer service up to the full amount so long as such program is in compliance with any applicable law and City bond covenants.

- (b) Sanitary sewer service is defined as being available when a sewer collector main is placed in any public right-of-way abutting the front, rear or side property line of any property within the city. Any real property located within the city which is subdivided after August 24, 1989, must be connected to either the city's sanitary sewer system or to another sanitary sewer system constructed to the city's specifications.

Sec. 58-126. - Lien for sewer accounts; cutoff for delinquency; late fee; reconnecting charge; reactivation.

- (a) All bills for sanitary sewer services shall be due and payable on or before the 30th of the month, or the last day of the month, whichever is earlier, following the month in which the service is used and shall not be subject to discount.
- (b) Sanitary sewer service provided any unit, whether used by the owner of the unit or by a tenant of the unit, shall be charged against the unit and the owner and shall constitute a lien against such unit until paid.
- (c) All water/sewer bills not paid by the 30th of the month or the last day of the month, whichever is earlier, following the month in which the water was used, shall be declared past due and shall render the user liable to have his supply of water cut off without notice. In addition, a \$10.00 per month late fee will be added to all bills not paid by the 30th of each month or the last day of the month, whichever is earlier. In all cases where the account has been placed on the disconnection list or disconnected for failure to pay, a nonpayment fee of \$35.00 shall be made for reconnection of the service to the unit of such user during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday. A \$60.00 nonpayment fee will be charged if the turn on or reconnection is done at any other time.
- (d) A unit that activates services with the city's sewer system that was previously deactivated within the twelve (12) month period immediately preceding the activation shall constitute a "reactivation" of service and shall pay an amount equal to fifty percent (50%) of the cumulative monthly sewer Base Service Charges for the period of time the service was deactivated as provided for within Section 58-123(1). Notwithstanding the foregoing, units that have changed ownership or executed a lease or rental agreement within the preceding twelve (12) month period and have provided the City with proof satisfactory to the City Manager or his designee of such change of ownership and/or lease or rental agreement shall be exempt from this provision.

Sec. 58-127. - Deposits, contractors and builders.

- (a) A unit connected to the city's sewer system shall deposit a sum equal to three times the base monthly sewer fees for each unit as a guarantee that sewer bills incurred by said unit will be paid. Any remaining surplus of funds after all utility bills are paid by the respective unit shall be returned to the person making the deposit when such person deactivates their account.
- (b) Where city water service is not used by the user of the sanitary sewer system, a deposit equal to three months of base service charges shall be made with the city prior to connection to the sewer system; except, where new structures are undertaken, if city water service is available to the property where sewer service is available, both the water and

sewerage system shall be connected and the deposit for water service shall be required as provided for in Section 58-60(b) in addition to the sewer deposit in subsection (a) above.

Sec. 58-128. - Charges for sewer service connections.

- (a) Commencement of monthly service charge. The monthly service charge for sewage disposal shall begin within 30 days after formal dedication of the sewage plant, or within 30 days after formal acceptance of any expansion of the original phase of the sewer program.
- (b) Tap-in fees. The tap-in fee for a new connection shall be set at \$150.00.

Sec. 58-129. - Combined billing.

- (a) Bills for sanitary sewer service shall be rendered the same time and together with bills for water service as provided in this chapter.
- (b) Where users of the city's sanitary sewer service are not users of the city's water service or other service, bills for sanitary sewer service shall be rendered separately but at the same time and in the same manner as the bill for the city's water services.

Sec. 58-130. Reserved.

Sec. 58-131. - Maintenance of building sewer lines.

Each property owner shall maintain and be responsible for his building sewer line to its junction with the public sewer line. The city reserves to itself the right to inspect the sewer line with the property owner and together determine if a clog, damage or obstruction was caused by the city or by the property owner. After determining the cause, the responsible party shall bear the expense for repairs. All new building sewer lines shall be constructed with a four-inch or six-inch cleanout at the property line, consisting of a "Y" in the sewer line, one branch terminating with a standard ferrule at finished grade. At such time as it may be necessary to open an existing sewer lateral, a cleanout shall be installed at the property line by the city, consisting of a "Y" in the sewer line, one branch terminating with a standard ferrule at finished grade. All sewer laterals shall be constructed of either extra-strength cast iron or type PSM PVC sewer pipe and fittings as described in the latest edition of the Standard Plumbing Code. All replacements of sewer laterals shall be with extra-strength cast iron or type PSM PVC sewer pipe and fittings as described in the Standard Plumbing Code, except where the old type of pipe will not be compatible with such cast iron or PSM PVC pipe, or unless otherwise determined by the city manager or his appointed representative.

Secs. 58-132—58-165. - Reserved.



950 S. Winter Park Drive
Suite 240
Casselberry, FL 32707

Phone 407 . 960 . 1806
Fax 407 . 960 . 1803

www.raftelis.com

To: Mr. Ryan Leavengood
City Manager, City of Lake Alfred

From: Tony Hairston and Joe Williams, Raftelis Financial Consultants, Inc.

Date: March 10, 2017

Re: 2017 Vacation Policy Review

The City of Lake Alfred (City) recently completed a Water, Sewer and Stormwater Rate Study in July 2016 (2016 Rate Study). During implementation of the rates from the 2016 Rate Study the City suspended its vacation policy as it was designed with the historic rate structure. The City is now reviewing the financial feasibility of implementing a new vacation policy and has engaged Raftelis Financial Consultants, Inc. (RFC) to provide a memorandum laying out key findings and a comparison with other local utility providers.

A standard approach across the utility industry is to always maintain an adequate level of fixed revenue recovery. This is achieved by collecting fixed monthly base charges for water and sewer services provided to each customer. The base charge revenue recovery is extremely important in the utility industry due to the nature of costs being fixed. Fixed costs for a utility include expenses such as labor and debt service payments. Water and wastewater utilities incur these and other expenses, such as a large portion of electric expenses, regardless of the actual metered demand for services. Fixed costs are typically 80% to 90% of the total utility funding requirements, with the other 10% to 20% representing variable costs that are directly dependent on actual metered demand. Therefore, when seasonal customers request a temporary service turn-off, the cost of operating water and wastewater utilities does not decrease by any material factor. The City of Lake Alfred is in a somewhat unique position because the prior sewer rate structure for residential customers included a flat monthly rate with no metered consumption component. Many utilities have both a fixed monthly base rate and a consumption rate that varies each period based on metered water use. For those months where a premise is unoccupied, there is no consumption charge and only a base charge. The City previously offered a vacation policy that included a temporary suspension of the flat sewer bill presumably because there was no consumption rate to offer savings to seasonal customers. Since the City has subsequently implemented a sewer base charge and consumption charge, the vacation policy is no longer offered since there is a consumption charge that customers will not be charged if they do not occupy the premise and demand metered service. However, because of the City's historical fixed rate structure, the recently adopted sewer base charges are relatively high compared to other nearby communities. Our understanding is that the City is exploring options to potentially implement a vacation policy because of these circumstances.

In discussions with City staff and a review of the detailed billing data provided in support of the 2016 Rate Study, RFC determined the previous vacation policy of waiving base charges was appropriately reflected for the sewer customers. What this really means is that if a customer signed up on the vacation policy for six months of the year, they were only relied upon as one half of an annual customer for revenue purposes

in the 2016 Rate Study. Now that the City has temporarily suspended its vacation policy, RFC would anticipate that slightly more water and sewer revenues are being collected than those forecasted in the 2016 Rate Study. It is estimated this amount ranges between \$30,000 to \$60,000¹ depending on the number of customers and the length of time they are utilizing the policy. That being said, implementation of new vacation policy should be carefully reviewed to ensure the utility revenues are not greatly impacted.

After review of the previous vacation policy (attached as Exhibit 1) and of other local municipalities it appears that implementing a vacation policy allowing for 50.0% of the water and sewer base charges would meet the City’s financial goals and align the City with other local municipalities. This policy would maintain utility operations within the revenue parameters of the 2016 Rate Study forecast and would provide customers that do not place current demand burdens on the City’s utility system some level of rate relief. Below is a comparison of the City’s potential monthly charges at 50.0% and 66.7% with other local municipalities:

<u>Utility</u>	<u>Minimum Bill (per month)</u>	<u>Vacation Policy (per month)</u>
Lake Alfred:		
Scenario 1 (Full Base Charges):	\$38.45	\$38.45
Scenario 2 (50.0% Base Charges):		\$19.23
Scenario 3 (66.7% Base Charges):		\$25.64
Auburndale [1]	\$48.38	\$0 - \$10.67
Bartow [2]	\$31.87	\$17.66
Lake Wales [3]	\$31.77	\$15.89
Winter Haven [4]	\$18.07	\$18.07
Dundee [5]	\$77.95	\$17.00

[1] Auburndale charges Irrigation base charges only. Indoor Water and Sewer services are turned off and not billed. A fee of \$20 for turn off and \$20 for turn on services are applied to vacation customers. No minimum or maximum time restraints apply.

Auburndale Base Charges (10/1/16): Water - \$10.67; Sewer - \$37.71

[2] Bartow charges the full water base charge and 1/3 of the sewer base charge for vacation customers. In addition, irrigation consumption is metered and billed as normal. Minimum of 90 days and maximum of 180 days.

Bartow Base Charges (10/1/11): Water - \$10.55; Sewer - \$21.32

[3] Lake Wales applies the monthly water and sewer base charges at 50% for customers under the vacation policy. No consumption is allowed or customer is converted back to normal status. Water service is not disconnected.

Lake Wales Base Charges (10/1/15): Water - \$6.98; Sewer - \$24.79

[4] Winter Haven charges the full Water and Sewer Base Charges along with the Administrative Charge. They do not currently charge a disconnect or reconnect service fee, but are looking into doing so in the future.

Winter Haven Base Charges (10/1/16): Water - \$6.31; Sewer - \$8.91

[5] Dundee's vacation policy requires a minimum of 60 days and a maximum of 180 days to qualify for this policy. Water can be left on for irrigation purposes, in which case the monthly base charge will still apply. If services are to be completely turned-off and disconnected, a \$15 turn off fee will apply.

Dundee Base Charges (10/1/14): Water - \$17.00; Sewer - \$60.95

¹ The estimated range depends on the number of customers and the length of time each utilizes the vacation policy. The City provided data indicating that approximately 230 customers utilized the vacation policy historically. The estimated range of revenues is based on 200 – 250 customers using the vacation policy for somewhere between 4 – 6 months each in a given year.

**LAKE ALFRED CITY COMMISSION MEETING
JUNE 5, 2017**

3.) ORDINANCE 1385-17: SANITATION RESTRICTED RESERVES

ISSUE: The City of Lake Alfred will consider an ordinance amending the amount of revenue the City reserves for capital sanitation expenses.

ATTACHMENTS:

- Ordinance 1385-17

ANALYSIS: In October of 2015 the City elected to provide for recycling services in-house rather than renew with Republic or select another vendor to provide the service. As a part of this process the City added a used sanitation vehicle (2007) to the fleet in order to cover the additional recycling routes and to act as a backup to our primary sanitation vehicle. The used vehicle was a short term solution until the capital replacement schedule in sanitation could be rebalanced to accommodate the larger fleet.

The City currently restricts fifteen percent (15%) of revenue between sanitation vehicle reserves (11%) and equipment reserves (4%). The ten year capital replacement cost of the City's sanitation fleet (2 garbage trucks & 2 lightning loaders) is approximately \$880,000. The projected ten-year reserve generated by the fifteen percent (15%) restriction is \$830,000 which will result in a \$50,000 deficit. This projection also excludes waste receptacle replacement and the City's rear-loading truck that we use for dumpster service at City facilities.

The proposed ordinance combines the vehicle and equipment funds and restricts the same fifteen percent (15%) of revenue the previous funds did. Additionally, it allows the Commission to restrict up to an additional five percent (5%) of sanitation revenue in a given year through the budget process. This will give staff and the Commission flexibility within the budget process to adapt to the projected and changing capital expenditures necessary for sanitation services. Within the current budget process staff is proposing to restrict an additional two percent (2%) of sanitation revenue to address the projected deficit. This will restrict an additional \$11,000 per year in additional reserve funding which will result in a \$60,000 surplus with the current 10 year capital replacement schedule.

The proposed ordinance also establishes a "vacation rate" for sanitation customers consistent with what is being proposed for water & sewer customers. It would allow customers that are gone for more than three months to receive up to a 50% credit on their base service charges for the months they are gone (up to a maximum of six

**LAKE ALFRED CITY COMMISSION MEETING
JUNE 5, 2017**

months). Previously, sanitation customers did not pay any base service charges while on vacation so the proposed policy should result in a small increase in revenue.

STAFF RECOMMENDATION: Approval of Ordinance 1385-17 on first reading.

ORDINANCE 1385-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE ALFRED, FLORIDA AMENDING SECTION 42 OF CHAPTER 2, ARTICLE II SOLID WASTE, OF THE CODE OF ORDINANCES OF THE CITY OF LAKE ALFRED, FLORIDA BY ADDING A DEFINITION; REVISING FEES AND CLARIFYING WHEN PAYMENTS FOR SOLID WASTE/SANITATION SERVICES ARE DUE, AMENDING THE RESERVE FUND RATE AND RELATED PROVISIONS, AND ESTABLISHING A VACATION POLICY FOR SOLID WASTE/SANITATION CUSTOMERS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Lake Alfred desires to amend Chapter 42 of the Code of Ordinances regarding Solid Waste;

WHEREAS, the City of Lake Alfred desires to increase solid waste/sanitation reserves to support vehicle and equipment purchases related to such solid waste/sanitation services; and

WHEREAS, the City of Lake Alfred desires to establish a vacation rate for solid waste/sanitation customers of the City similar to the vacation rate structure created by Ordinance 1383-17 for water and sewer customers of the City; and

WHEREAS, the City of Lake Alfred City Commission has determined it is in the best interest of the citizens to review and amend the solid waste/sanitation fees, percentage of funds dedicated to reserves, and create a vacation policy for solid waste/sanitation customers; and

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. CODE OF ORDINANCES. Chapter 42 of the Code of Ordinances of the City of Lake Alfred is amended as set forth in Exhibit "A" attached hereto and incorporated herein by reference (Deletions and additions are shown in strike through – underline format).

SECTION 2. CONFLICTS. 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. SEVERABILITY. 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. CODIFICATION. 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 a corrected or re-codified copy of same with the City Clerk.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon adoption after a second and final reading provided however that the rates, fees, and charges established herein shall not take effect until October 1, 2017 and apply to bills in the first full billing cycle after October 1, 2017 it being the intent not to impose pro-rated rates, fees, and charges established herein and effective on October 1, 2017.

INTRODUCED AND PASSED on first reading at a regular meeting of the Lake Alfred City Commission held this 5th day of June, 2017.

PASSED AND FINALLY ADOPTED on second reading at the meeting of the Lake Alfred City Commission duly assembled on the 19th day June, 2017.

**CITY OF LAKE ALFRED
CITY COMMISSION**

By: _____
Charles O. Lake, Mayor

ATTEST:

By: _____
Ameé Bailey-Speck, City Clerk

APPROVED AS TO FORM:

By: _____
Frederick J. Murphy Jr., City Attorney

Ordinance 1385-17
Exhibit "A"

Language stricken is shown in ~~strike through~~ format; language added is shown in underlined format.

PART II - CODE OF ORDINANCES
Chapter 42 - SOLID WASTE

Sec. 42-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Appliances:

- (1) *Large appliances or household goods:* Includes discarded refrigerators, ranges, water heaters, freezers, couches, chairs, dressers, mattresses, televisions, tables, and other similar domestic and commercial large goods.
- (2) *Small appliances or household goods:* Includes portable televisions; microwaves; dormitory or boat; small refrigerators; and other small sized appliances.

Brush means cuttings of grass, leaves, weeds, small branches, shrubs and vines; provided that such grass, leaves, weeds are bagged or placed in disposable containers. Branches, shrubs and vines are not more than six feet long and are placed at curbside in front of your residence or business. May not be the result of land clearing or construction.

Garbage means any accumulation of either animal or food material, liquid or otherwise, which accumulates in the preparation of food, or any offal or refuse of meat, fish, fowl, vegetables or other refuse or waste likely to decay or become rancid or obnoxious, and any crockery, glassware or earthenware, tin cans, cartons, or other package material or wrappings coming in contact with any food material.

Garbage receptacle means a waste container used to temporarily store trash and garbage as defined within this chapter and as approved by the City of Lake Alfred.

Refuse. Items or material discarded or rejected as useless or worthless; trash or rubbish.

Trash/junk. Any refuse other than garbage. It shall include outdoor play equipment, toys, outdoor furniture, wood containers, and other similar items too large to place in garbage receptacles and must be placed in separate piles.

Cross reference— Definitions generally, § 1-2.

Sec. 42-2. - Mandatory use required; payment due regardless of whether service is rendered.

The use of the city solid waste collection service is mandatory for all occupied residential and commercial properties in the city. All fees assessed pursuant to this article shall be due and payable regardless of whether any particular dwelling, business or person avails itself or himself of this service.

Sec. 42-3. - Maintenance required by specified establishments.

Every person owning or operating any hotel, boardinghouse, restaurant, cafe, dining room, drugstore, or any other store or market, or owning or occupying any residence, boardinghouse or apartment building in the city, who shall have any garbage on the premises shall keep and maintain at all times a garbage receptacle to meet the specifications set out in section 42-1. Such

garbage receptacle shall be kept maintained on the property of such person, in a place to be designated by the director of public works.

Sec. 42-4. - Condemned.

Whenever any garbage receptacle shall become soiled from garbage, it shall be cleaned by the owner or by the occupant of the premises using such receptacle. Whenever any garbage receptacle becomes unusable, or will no longer hold liquid, it shall be condemned by the director of public works or his deputy. It shall be the duty of the director of public works to condemn and dispose of any container used for the purpose of receiving garbage that does not or shall not meet the specifications designated and required by this chapter.

Sec. 42-5. - Administration.

(a) The city manager shall be in charge of and responsible for the collection of solid waste material by the city. He may delegate his authority to the public works director, who shall be in immediate charge of such collection and disposal. For the purpose of administering this chapter, the following categories and requirements for solid waste collection are established:

- (1) Residential collections shall include collections of all solid waste collections for all dwelling units, by the city, including multifamily apartments and similar complexes electing to use a commercial refuse container approved by the city. All refuse must be bagged.
- (2) Residential recycling service shall be provided to all single-family dwellings and mobile homes or apartment buildings by the city and/or contractor who has an agreement with the city as to removal of such items to be recycled. Specific regulations on the program and services offered are included in the service agreement approved between the City of Lake Alfred and said private contractor.
- (3) Commercial collections shall include all other collections of solid waste, other than residential collections, by the city. All refuse must be bagged and drained of all liquids. All establishments using dumpsters must have a concrete or asphalt pad 12 feet wide and ten feet long, located in an area so as to allow clear movement of service vehicles. If a dumpster is going to face a public road it shall have a closed in area so not to be seen by the public.

(b) The following schedule shall be the "residential collection rate" charged for monthly sanitation services for each customer within the City of Lake Alfred:

Residential collection rate	Per Month
One standard 95-gallon sanitation receptacle:	\$18.91
One standard 65-gallon recycling receptacle:	<u>\$ 2.38</u>
Total:	\$21.29

- (1) The residential collection rate is for once a week pick up of one standard 95 gallon sanitation receptacle and one standard 65 gallon recycling receptacle. Smaller containers may be available by request and are charged at the same monthly fee as the standard sized receptacles. A \$5.50 fee shall be charged to a customer for each additional collection; or for items collected that are placed outside of the receptacle.
- (2) Each additional sanitation receptacle shall incur a \$7.00 monthly service fee per customer in addition to the residential collection rate.

- (3) Each additional recycling receptacle shall incur a \$4.00 monthly service fee per customer in addition to the residential collection rate.
- (4) ~~The residential collection rate is for once a week pickup. A \$5.50 fee shall be charged to a customer for each additional collection; or for items collected that are placed outside of the receptacle.~~
- (c) All residential customers shall make a deposit of an amount equal to two months' billing before the beginning of collections from such customers, the deposit to be refunded at the termination of the service.
- (d) Mobile home parks, apartment buildings, or other multiunit customers shall utilize the residential collection rate for each unit, for one collection per week. Alternatively, multiunit customers may provide for their own sanitation through a private dumpster service with a 20 percent surcharge payable to the city on the fee charged by the private service in accordance with section 42-8 of this Code.
- (e) Commercial, industrial and institutional customers may be provided residential service in the same manner as other residential customers but shall be charged an additional 20 percent surcharge on the residential collection rate. Alternatively, commercial, industrial and institutional customers may provide for their own sanitation through a private dumpster service with a 20 percent surcharge payable to the city on the fee charged by the private service in accordance with section 42-8 of the Code of Ordinances of the City of Lake Alfred.
- (f) In addition to the residential collection rate each customer shall be charged an additional monthly "fuel service charge" based upon the budgeted amount of fuel for the sanitation department and proportionately cost allocated to ~~the each~~ customer ~~base~~ based upon the following formula: Budgeted Fuel Amount/estimated # of existing customers/12 + 10% = monthly fuel service charge (e.g. \$55,000.00/2,000 Customers/12 + 10% = \$2.52 monthly fuel service charge per customer). The foregoing fuel service charge shall be calculated as a part of the annual budget process and changes to the fuel service charge amount shall take effect on October 1 of each year.
- (g) From each monthly service charge collected on the residential collection rate set forth in subsection (b) above, ~~11~~ fifteen percent (15%) shall be set aside in a ~~vehicle sanitation replacement reserve~~ fund by the city treasurer and used to fund ~~the purchase of capital expenditures related to solid waste/sanitation services provided hereunder such as the purchase/replacement of sanitation vehicles and waste receptacles. In addition, the City Commission may elect through the adoption of the annual budget to restrict up to an additional five percent (5%) of service charges collected on the residential collection rate and have them deposited into the aforementioned sanitation reserve fund~~ additional or replacement city sanitation trucks. In addition, four percent shall be set aside and placed in an equipment fund by the city treasurer and used to fund the purchase of additional or replacement city sanitation equipment and capital.
- (h) Inflation/escalation clause: The residential collection rate and other fees set forth within subsection (b) above, shall automatically increase on October 1 of every even calendar year by three percent from each preceding biennial cycle's rates (e.g., 2016, 2018).

Section 42-6 – Prima facie evidence of accumulation of solid waste; authority to inspect premises and remove waste and or debris; vacation policy.

- (a) The fact that any residential unit or any commercial or multi-family residential establishment is located within the City shall be prima facie evidence that solid waste is being produced or accumulated upon such premises. However, temporary residential vacancy, regardless of duration, shall not authorize a refund or excuse the nonpayment of any solid waste fee. Solid waste fees shall be chargeable on new residential units

immediately following the issuance of a certificate of occupancy, installation of permanent electric utility service, or whenever the first solid waste is picked up from such unit by the City, whichever shall occur first.

- (b) The Public Works Director or designee, code enforcement officer or building official may inspect such premises and remove or cause the removal therefrom of all solid waste found thereon, or notify the proper persons if such removal is not the responsibility of the City.
- (c) Notwithstanding 42-6(a) & 42-2 of this Code, a residential customer that is also a water customer of the City may request to receive a credit on their base residential collection rate for the months where they had no appreciable water usage metered on their account within the twelve-month period immediately preceding the request. The credit shall be equal to fifty percent (50%) of the base residential collection rate for sanitation services (excluding fuel service charges) for each month the residential account had no appreciable water usage. To be eligible for the credit, the residential customer making the request must have had no appreciable water usage for at least two (2) months within the twelve (12) month period immediately preceding the request. Additionally, a residential customer may only receive a credit for up to a maximum of six (6) months within the twelve month period immediately preceding the request. For the purposes of this provision, "appreciable water usage" shall mean three hundred or more gallons of metered water usage in a given month.

Sec. 42-6. - Method of placement.

All solid waste, except dry solid waste, shall have drained from it all free liquids and wrapped in paper or other material. It should be bagged and placed in garbage receptacles with lids prior to collection. It shall be prohibited to place animal, human or fowl manure in any collection container. All rubbish shall be drained of liquid before being deposited for collection. Tree trimmings, hedge clippings and similar waste material shall be cut to a length not exceeding six feet and securely tied in bundles not more than four feet thick before being deposited for collection. Grass clippings, leaves and other yard materials shall be bagged or placed in a disposable container before depositing for collection. All tires may be picked up for an additional fee. All collections shall be placed at curbside in front of a residence or business. It shall be prohibited to place any garbage, trash, brush, appliance or other debris on properties other than on property you lawfully occupy. Any resident that is physically unable to comply with curbside requirements will be given special consideration.

Sec. 42-7. - Charges for special services ~~collection and removal of vegetation and debris.~~

- (a) The public works director under the direction of the city manager will establish separate charges for special services including but not limited to the collection and removal of tree stumps, limbs, appliances, furniture, tires, miscellaneous debris, debris on commercial property or debris resulting from commercial tree removal, provided that branches are cut to a size that can be loaded by city equipment. Small clippings, leaves and grass must be placed in bags, disposable boxes or disposable containers on city right-of-way at the curb in front of your occupancy.
- (b) The disposal of debris resulting from remodeling, repairs or contract labor is the responsibility of the contractor or owner, who may request special pickup for additional fees. The city will pick up debris resulting from homeowner or do-it-yourself projects when it is deposited at the normal collection point and does not exceed 75 pounds in weight.

Sec. 42-8. - Removal or disposal of garbage by persons other than city employees; surcharge.

- (a) The city shall have the sole authority to dispose of solid waste within the city limits. In cases where the city has determined that it is unable to provide specific sanitation services needed, private haulers may be permitted. No person or agency shall contract or permit himself to be employed for the private disposal of garbage unless such person or agency has been authorized by agreement with the city to provide collection services.
In all cases in which garbage is removed or disposed of by persons other than employees of the city, the owner or the occupant of the premises shall utilize only those persons or agencies that are authorized by the city to provide collection service.
- (b) There will be a 20 percent surcharge payable to the city by the contractor on a monthly basis on the charges of all garbage and trash removal from within the city limits by private contractors.

Sec. 42-9. - Collections fees added to monthly water bills; discontinuance of water service of delinquent user authorized.

The fees as set forth in this chapter shall be collected by the city's utility billing division by adding such amount to the monthly water bills of all premises within the city coming under the provisions of this chapter. If any user shall fail, neglect or refuse to pay the fee imposed and required by this section, the city shall have and is invested with the right to immediately discontinue further water service to such user until the charge shall have been paid.

Sec. 42-10. - Garbage pickup of recyclable items or hazardous materials prohibited; violation, penalty for removal of items without permission.

- (a) No person shall place for garbage pickup any recyclables or hazardous materials except as permitted by regulations adopted in this chapter. Any items determined by the city manager to be unacceptable for city garbage pickup, or prohibited by this Code, shall not be picked up by the city-authorized garbage trucks. Any accumulation of such articles in the city shall subject the violator of this section to the sanctions as provided in section 2-276 et seq. of this Code of Ordinances.
- (b) All items placed on city right-of-way or property for recycling purposes shall become the property of the contractor who has an agreement with the city as to removal of such property to be recycled. Any person removing such property without the prior permission of the city or the city's contractor shall be guilty of a misdemeanor and shall be punishable as provided in section 1-14 of this Code of Ordinances.

Sec. 42-11. - Collection of fees.

All users of city garbage collection service shall be billed by the city and collected as provided in section 58-211 of this Code of Ordinances.