

**MINUTES
CITY OF LAKE ALFRED
CITY COMMISSION MEETING
MONDAY, SEPTEMBER 23, 2015
7:30 P.M.
CITY HALL**

Call to Order: Mayor Charles Lake

Invocation and Pledge of Allegiance: Pastor Strawm

Roll Call: Those in attendance were Mayor Charles Lake, Vice Mayor Nancy Daley, Commissioner John Duncan, Commissioner Jack Dearmin, Commissioner Albertus Maultsby, City Manager Ryan Leavengood, Assistant City Attorney Seth Claytor, and City Clerk Ameeré Bailey-Speck.

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

CITY MANAGER ANNOUNCEMENTS

City Manager Leavengood stated Mae Long's 30th Anniversary retirement party is scheduled for Friday, September 25th at noon at City Hall. The event will be catered by Luigi's.

The City is offering a free clean water training for illicit discharge September 24th at 8 am in the Administration Conference Room. The Class will be taught by Wil Harboe and Mark Mikolon from Polk County Natural Resources. If you have any questions please call Public Works at 863-298-5458.

The Discovery Academy Mock Commission meeting is scheduled for September 24th at 9:30 am in City Hall. The Leadership Team of approximately twelve students from Discovery Academy led by Charlotte Butler met with the City Manager and Commissioner Duncan to review City Government in preparation for the mock meeting.

The Lake Alfred Public Library will be closed on Friday, September 25th for building maintenance. It will reopen on Saturday, September 26th at 9 am for normal business hours.

Mackay Gardens and Lakeside Preserve will host a free community gardening workshop on October 1st at 10 am, a guided nature walk on October 4th at 2 pm, and an eagle training by the Audubon Society October 4th at 10 am.

On November 11th at 11 am the Cities of Lake Alfred and Auburndale will honor all those who served in times of war and in times of peace. Please join us for this Veterans Day event at the Veterans Memorial at the Frank C. Gardner Park.

The Parks and Recreation Department is now accepting applications for the 2015 Lake Alfred Christmas Parade. Applications are due by November 20th. The application and more information can be found on the website or by calling the Parks and Recreation Department.

The City received a letter from Michael Teague, President of the Lake Master Homeowners Association off of Mackay Blvd. thanking the City for the beautification projects and work on the medians. In addition, they donated \$1,000. The City plans to continue the work and hopefully add a lighting project with TECO. More than 300 homes are slated in the area and should provide a return on the investment.

Vice Mayor Daley requested that the City Commission send a letter thanking the homeowners association for their donation.

City Manager Leavengood provided an update and showed pictures of the bay door installation at the Fire Department. He also provided an update on the property compliance issue raised by Joyce Schmidt. Code Enforcement has an active case, however the City had the lot mowed due to the high visibility. The property is in foreclosure and the City will continue to monitor the site for compliance.

CITY ATTORNEY ANNOUNCEMENTS

No announcements.

RECOGNITION OF CITIZENS

There were no citizen statements.

PROCLAMATION: FLORIDA ADULT AND FAMILY LITERACY MONTH

Mayor Lake read the proclamation for September 2015 as Florida Adult and Family Literacy Month. The proclamation urged all citizens to become familiar with the services and benefits offered and to support and participate in these programs. Linda Hitchcock from the Lake Alfred Public Library accepted the proclamation.

EMPLOYEE SERVICE RECOGNITION: DEBORAH OLSON – 5 YEARS

Mayor Lake and City manager Leavengood presented Ms. Olson with her 5 year recognition certificate. Mayor Lake stated that Ms. Olson started her career with the Lake Alfred Police Department on August 16, 2010. Ms. Olson is currently assigned as the night shift communications operator. Ms. Olson is known to be a great team player and can be counted on to complete extra assignments whenever needed or in other employees absence. Ms. Olson assists with covering extra shifts, traffic citation reports and filing of criminal cases. Her calm demeanor during crisis situations helps control communications in a professional manner.

Ms. Olson previously had experience with the Auburndale Police Department which has proven positive in her position. Ms. Olson is a great asset to the City of Lake Alfred, Lake Alfred Police Department, the citizens and visitors of Lake Alfred.

CONSENT AGENDA:

Commissioner Dearmin moved to approve the City Commission meeting minutes from September 9, 2015 and the Commission announcements; seconded by **Commissioner Duncan** and 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

Mayor Lake stated State Law requires the first substantive issue to be discussed at this hearing is the percentage increase in the millage over the rolled back rate and the reasons ad valorem taxes are being increased. The City of Lake Alfred's proposed operating millage is 7.489 mills which is 2.44% more than the rolled back rate of 7.3107 mills. The ad valorem proceeds resulting from the difference between the proposed rate and the rolled back rate will be used to offset increased operating costs of the City.

1.) PUBLIC HEARING - RESOLUTION 09-15: FINAL MILLAGE RATE

Assistant City Attorney Seth Claytor read the resolution in its entirety.

City Manager Leavengood stated the City is required to advise the Property Appraiser's Office of its final millage rate, roll-back rate, as well as the date, time and place of the final budget hearing. The final millage rate is proposed to be set at 7.489 per \$1,000 taxable value for the upcoming 2015-2016 fiscal year. Staff recommendation is for approval of Resolution 09-15.

City Manager Leavengood also presented several slides discussing the current and historic millage rate. He stated that the current rate is 7.589 and the proposed rate is 7.489. This is a reduction however it is still higher than the roll back rate.

Commissioner Maultsby stated he did not have any questions since it was a two year budget. However he did state that he would like to see the City get to the roll back rate.

Commissioner Dearmin moved to approve Resolution 09-15; seconded by **Commissioner Maultsby**. The motion was approved by unanimous voice call vote. There were no citizen statements.

MAYOR LAKE	AYE
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COMMISSIONER MAULTSBY	AYE

2.) PUBLIC HEARING: ORDINANCE 1355-15: ANNUAL BUDGET ADOPTION

Assistant City Attorney Seth Claytor read the ordinance in its entirety.

City Manager Leavengood stated over the past several months the City Commission has been presented with and has given conceptual approval to the different sections of the FY 15/16 & FY 16/17 annual operating budgets including: Capital, Expenditures, Revenue, and Payroll.

The proposed FY 15/16 & FY 16/17 budget assembles the previously approved sections into the final budget. The proposed budgets are consistent with the previous presentations, established goals, and are currently balanced with the proposed millage rate of 7.489. Staff recommended approval of Ordinance No. 1355-15 on second and final reading.

Commissioner Maultsby moved to approve Ordinance 1355-15 Budget 2015-16 adoption; seconded by **Commissioner Dearmin**. The motion was approved by unanimous voice call vote. There were no citizen statements.

MAYOR LAKE	AYE
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COMMISSIONER MAULTSBY	AYE

3.) ORDINANCE 1356-15: CHAPTER 42 - RECYCLE COLLECTION SERVICES

Assistant City Attorney Seth Claytor read the ordinance title.

City Manager Leavengood stated the City Commission was presented with bids for recycling services at the August meeting to commence on October 1st, 2015 following the expiration of our current 3-year agreement with Republic at the end of the fiscal year. Following this presentation at the August 17, 2015 Commission meeting, the City Commission instructed staff to proceed with establishing in-house recycling services.

The ordinance is paired with a recycling agreement for drop off of recyclable materials picked-up by staff. The draft agreement contains a provision for purchase of Republic's existing receptacles for a total of approximately \$30,000; a reduction of \$15,000 from the initial proposed purchase of price of \$45,000. However there is an additional \$12,000 in expense for applying city decals to the containers. This option is less than half of the estimated cost of \$90,000 for the purchase new containers.

The proposed ordinance amends the sanitation section of the code to allow for in-house sanitation services. The proposed ordinance also updates and rebalances the fee schedule (cost neutral); converts the restricted portion of the bill into a percentage; provides a budget formula to calculate the fuel service charge to equitably pass on increased or reduced fuel costs to the customer base; and provides an escalator provision to help account for inflation and increased operational costs. The fees have been rebalanced although the total cost is the same. The fuel cost is formula based and more reflective of today's cost. The budgeted

amount for fuel will be divided proportionately among the customers. If the fuel rate decreases the customer rate will be reduced and if the rate remains the same but more homes are built the rate will also be reduced. Staff recommended approval of Ordinance 1356-15 on second and final reading.

Vice Mayor Daley thanked staff for stepping up to collect the recycling and for making the fees cost neutral.

Commissioner Dearmin moved to approve Ordinance 1356-15 on second and final reading; seconded by **Commissioner Maultsby**. The motion was approved by unanimous voice call vote. There were no public comments. There were no citizen statements.

MAYOR LAKE	AYE
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COMMISSIONER MAULTSBY	AYE

4.) REPUBLIC SERVICES AGREEMENT: PROCESSING OF RECYCLABLE MATERIALS

City Manager Leavengood stated the proposed agreement provides for the processing of recyclable materials collected by the City's curbside recycling collection program at Republic's Materials Recovery Facility (MRF) in Lakeland. The proposed agreement also allows for the City to purchase Republic's current recycling containers at a discounted rate (\$17 per can; ~\$30,000 total). This amount, combined with the purchase of City decals (\$12,000) represents an approximate cost savings of \$45,000 from the capital expense of purchasing new containers (~\$90,000).

The current terms of the agreement include a processing fee of \$18.90 per ton based upon the value of the recyclable materials as compared to the \$95 processing fee. In the event the value of the recyclable materials increases beyond the \$95 processing fee, the City and Republic will share the value of the rebate equally (50/50). The value of recyclable materials is expected to increase in subsequent years but the City has additionally included a fee ceiling of \$36.50 (equal to the current tipping fee at the landfill).

The proposed agreement is for a three year term. The City can re-evaluate the terms of the agreement and/or alternative options at the end of the term. He stated that representatives from Republic were present and he thanked them for working with the legal staff on the preparation of this new contract.

Mayor Lake stated he appreciated City Manager Leavengood and his ability to provide information in a logical way.

Vice Mayor Daley moved to approve the agreement with Republic Services for recycling services; seconded by **Commissioner Duncan**.

City Clerk Bailey stated that the motion needed to include the authorization for City Manager Leavengood to execute the agreement.

Vice Mayor Daley amended the motion to approve the agreement with Republic Services and for City Manager Leavengood to execute the agreement; **Commissioner Duncan** seconded the amended motion. The motion was approved by unanimous voice call vote. There were no citizen statements.

MAYOR LAKE	AYE
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COMMISSIONER MAULTSBY	AYE

5.) RESOLUTION 10-15 – BAD DEBT WRITE OFF

Assistant City Attorney Seth Claytor read the resolution title.

City Manager Leavengood stated as a part of the closeout process for the end of the current fiscal year city staff is requesting authorization to expense any outstanding utility billing accounts as bad debt. Overall the percentage of the accounts to be expensed as bad debt is less than 1% of the billing revenue. The total amount for the current fiscal year is 117 accounts totaling \$10,877.60.

This amount is less than previous years' experience. While the debt is written off for accounting purposes collection efforts will still continue after the debt is written off the ledger. The historical trend is between \$10-15 thousand dollars a year. Staff recommendation is for approval or Resolution 10-15.

Commissioner Maultsby asked how much of the bad debt is collected after the write-off.

City Manager Leavengood stated the City continues to try and collect the debt. Generally the deposit covers a portion of the unpaid bill and then if a customer tries to open a new account the debt is collected. The amount is well under 1%, so additional collection efforts are not worth the time.

Vice Mayor Daley stated she was pleased to see that the 2015 rate was the lowest write-off in the past five years.

Commissioner Dearmin moved to approve Resolution 10-15 to write-off the debt of \$10,877.60; seconded by **Commissioner Duncan**. The motion was approved by unanimous voice call vote. There were no citizen statements.

MAYOR LAKE	AYE
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COMMISSIONER DUNCAN	AYE
COMMISSIONER MAULTSBY	AYE

6.) INTERLOCAL AGREEMENT: BUILDING OFFICIAL

City Manager Leavengood stated the proposed agreement continues the arrangement for building official services to the City by Donnie True. The proposed interlocal agreement is consistent with other agreements under a master contract for services shared by multiple cities (e.g. code enforcement magistrate). The term of the agreement will follow the master services contract with the City of Eagle Lake and is valid until September 30, 2016. The agreement will automatically renew on a year-to-year basis until either city provides written notice of their intent to terminate the agreement. Staff recommendation on this item is for approval of the Interlocal agreement with Eagle Lake for Building Official service.

Vice Mayor Daley asked if the Building Official is an employee of both cities and if the city paid him directly.

Mayor Lake asked if he worked for another city besides Eagle Lake.

City Manager Leavengood stated that the purpose of the master agreement has to do with the prohibition on a dual office. The Master Agreement allows for cities to utilize the same personnel, since one city employees the person and the other cities contract with the city holding the master agreement. The contract is a formality and the city pays the Building Official directly like a contract employee. However he receives no benefits, insurance or time off. His contract is for a dollar amount per week. The Building Official also works for the City of Mulberry and they will have a Master Agreement with the City of Eagle Lake also.

Assistance City Attorney Seth Claytor concurred.

Commissioner Maultsby asked about his hours.

Community Development Director Valerie Ferrell stated the Building Official's work load has increased due to the amount of permitting and new home (plan review and inspections). At a minimum he works ten hours per week and the maximum is 25 hours per week. He is paid a flat contracted rate.

City Manager Leavengood stated contract is good for the City. The cost of retaining a full time Building Official is a department level position with a salary of \$50-60 thousand plus benefits.

Vice Mayor Daley stated that she is happy with the intergovernmental cooperation but worried about the work level for one person if the economy improves.

Mayor Lake asked if there was another Building Official in the area that worked for the cities.

City Manager Leavengood stated the building permit fees are restricted to pay for personnel if additional hours are needed. The Cities may not all experience growth at the same rate. In the future a new person, additional person, or system may need to be considered, but the restricted funds will be available for those services. Mickey Madison from Auburndale has helped in the past.

Assistance City Attorney Seth Claytor stated that the City of Lake Alfred or the City of Eagle Lake could cancel the contract. The Building Official is required to avoid any personal conflicts pursuant to Florida law.

Mayor Lake asked what would be a conflict of interest.

Assistance City Attorney Seth Claytor stated an example is if a personal pecuniary (monetary) interest was in conflict with the interest of the City.

City Manager Leavengood stated that due to the regional difference that it is very unlikely for this to occur.

Commissioner Dearmin moved to approve of the interlocal agreement with Eagle Lake for building official services with Donnie True; seconded by **Commissioner Duncan**.

Vice Mayor Daley stated that contract was not specifically for Donnie True.

Assistance City Attorney Seth Claytor recommended that the motion be withdrawn and restated.

The motion was withdrawn.

Commissioner Dearmin moved to approve the interlocal agreement with Eagle Lake for building official services; seconded by **Commissioner Duncan**. The motion was approved by unanimous voice call vote. There were no citizen statements.

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

7.) DEVELOPMENT AGREEMENT MODIFICATION: BELMONT RANCH ESTATES

City Manager Leavengood stated under Florida Statute, Sections 163.3220 through 163.3243 the City has the authority to enter into development agreements with developers. The development agreement is regarded as supplemental and additional to the powers conferred upon the City by other laws (i.e. zoning, concurrency, development approvals, etc.). Belmont Ranch Estates was first approved in concept in 2006, and construction plans with permits were approved in 2008. Due to the housing market conditions at the time the project was placed on hold. However, the applicant requested the City honor the terms of the Development Agreement specifically relating to prepaid impact fees and reservation of water/wastewater capacities. The amendment proposes the following:

- The Development Agreement term will be extended an additional 5 years, to expire in 2020. Section 163.3229, Florida Statutes, states that the duration of an agreement may be up to 30 years, and even extended further by mutual consent of both parties.
- If approved, staff is recommending that this be the final extension. Impact fees are designed to account for the cost of connecting to the City's utility. Those automatically increase to account for inflation. The funds were collected in 2008 and if the development has not occurred by 2020 the funds should be refunded and the development should pay the current rate. This amendment is a compromise.

Staff recommendation on this item is to approve the modification to the agreement with Jack Barry Inc. for Belmont Ranch Estates.

Commissioner Maultsby asked if there was enough capacity for water and sewer for this development and some future large development (1,000 homes) if proposed.

Public Works Director John Deaton stated the City could provide services to the Belmont Ranch and a proposed 1,000 home development. The City is permitted for 900,000 gallons of wastewater per day. The City currently uses between 400,000 and 500,000 gallons per day. The City is permitted for 1.3 million gallons and the City currently pumps between 900,000 and one million gallons per day.

Mayor Lake asked if sewer and water was available near Belmont Ranch.

Public Works Director John Deaton stated that water runs past the site, but not sewer. The master sewage plan includes the area as part of development driven installation. If they developed today they would need to install lines and lift station to the site. The development would incur the cost and the infrastructure would then be turned over to the City.

City Manager Leavengood stated the Code includes language that the City could absorb some of the cost if the City Commission agrees. Although they have received a discount with the prepaid impact fees. They will probably need to incur the cost of developing the sewer connection. The impact fees are documented in the budget fund balance document and listed as the "Barry prepaid impact" of 1.1 million dollars. If the development agreement expired and they came back in 2016 to develop the site the impact fees could be 1.4 million. There is a benefit to the City to lock in the development, but then the benefit is lost over time. This amendment is a compromise and incentive to develop in the next five years.

Vice Mayor Daley asked about the number of homes and site plan and how that relates to the agreement. She is concerned about the cost benefit and urban sprawl in the Green Swamp.

Mayor Lake asked about the approval dates and Planning Board action.

Community Development Director Valerie Ferrell stated that the development agreement lays out the zoning assignment, which is R1AAA. The site plan could change as long as it is consistent with the zoning. The site is currently active agriculture. The site is quite large. The Commission has only approved Phase 1 which is 179 lots. Future phases are on the remaining property. The owners have renewed their contract and agreement with other agencies, so the development approvals (construction and site plan) are still active. The prepaid impact fee is for 350 units, which is half of the proposed development build-out. The development agreement was approved in 2005 and the site plan was approved in 2008. The development is entirely within the Green Swamp. The proximity to Lake Grassy also required them to complete extra environmental review as part of the site plan development. There is no schedule for beginning development.

City Manager Leavengood stated the Planning Board recommended approval.

Commissioner Maultsby moved to approve the modification to the development agreement with Belmont Estates; seconded by **Commissioner Duncan**. The motion was approved by unanimous voice call vote. There were no citizen statements.

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

RECOGNITION OF CITIZENS

No Citizen

COMMISSIONER QUESTIONS AND COMMENTS

Vice Mayor Daley stated she attended the Water Cooperative Formation Committee meeting with City Manager Leavengood, which was well attended. She thinks it is worthwhile for the City to participate. County Commissioner George Lindsey was voted in as Chair. She stated that City Manager Leavengood was instrumental in getting the cooperative started with Bobby Green from Auburndale, Ryan Taylor from Dundee, and Jim Freeman from Polk County BoCC.

City Manager Leavengood stated that as representatives their responsibility is to report back to the Commission. He stated that the Cooperative is a team effort among the cities and staff. The goal is to have the cities work together rather than rely on legal disputes in the future.

Vice Mayor Daley stated she visited the SPCA mobile to get rabies shots for her pets. She said it was convenient and a nice service.

She stated that the School Board planning committee met to discuss the application for Discovery Academy High School. They recommended denial at the workshop, however the Superintendent Leroy stated she was inclined to approve the application. The final decision will be made on October 6th. Daley urged everyone to spread the word and to contact the School Board members. She suggested that people also thank Superintendent Leroy for her support.

City Manager Leavengood stated he would distribute the contact information for the School Board members.

Commissioner Duncan stated that he enjoyed the visit at Discovery Academy and looks forward to the Mock Meeting tomorrow. He also asked about the timeframe for the installation of the slow down signs.

City Manager Leavengood stated that FDOT provided the signs to the City, however there is a question of if the signs can be installed on a state road. Chief Bodenheimer and Public Works Director Deaton are working on determining locations for the signs. He will provide an update on the installation and locations as soon as possible.

Commissioner Dearmin thanked Auburndale Commissioners for attending.

Commissioner Maultsby asked about the status of purchasing the Gardner House for the Historic Society.

City Manager Leavengood stated that the City has engaged the owner, however the owner seems reluctant. Staff will continue to monitor the situation. If successful, the City Commission would need to discuss the capital expense in addition to improvements and maintenance costs.

Mayor Lake stated he has also been asked about the Gardner House. The furniture that the Friends of the Library ordered for the library has arrived.

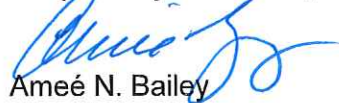
Parks and Recreation Director Richard Weed stated that the book shelves will be extended and furniture was ordered for the kids section and teen room. The \$5,000 worth of furniture will greatly extend the capacity of the library.

Mayor Lake stated that he enjoyed the Ridge League Dinner, which was very patriotic. He also attended the Transportation Disadvantaged Committee and the TPO meeting. He attended the dedication ceremony for the Community Center in Polk City, which had a good turn-out with lots of dignitaries.

Lastly he stated that he was happy to have the budget approved with a decrease in the millage rate. He stated that the slow down signs work and hopes they are up soon.

With there being no further business to discuss, Mayor Lake adjourned the meeting at 8:47 pm.

Respectfully Submitted,



Ameé N. Bailey
City Clerk