

# **WINTER HAVEN**

## ***The Chain of Lakes City***

REGULAR CITY COMMISSION MEETING MINUTES  
MONDAY, DECEMBER 28, 2015  
6:30 PM  
451 THIRD STREET NW  
WINTER HAVEN, FLORIDA 33881

1. **CALL TO ORDER** - Mayor Birdsong called the meeting to order at 6:30 p.m.
2. **INVOCATION** – Deric C. Feacher, City Manager
3. **PLEDGE OF ALLEGIANCE** – Joy Townsend, Deputy City Clerk
4. **PRESENTATION(S)** - None
5. **ROLL CALL** – Joy Townsend, Deputy City Clerk

Commissioners Present: Mayor Nathaniel Birdsong, Mayor Pro Tem Steven Hunnicutt, and Commissioners James “JP” H. Powell, Pete Chichetto, and Brad Dantzler.

Staff Present: City Manager Deric Feacher; City Attorney John Murphy; Deputy City Clerk Joy Townsend; Police Chief Charlie Bird; Financial Services Director Cal Bowen; Community Services Director T. Michael Stavres; Chief Information Officer Hiep Nguyen; Growth Management Director Merle Bishop; and Utility Services Director David Bayhan, Jr.

6. **MINUTES**
  - A. December 14, 2015, City Commission Meeting Minutes

**Motion by Commissioner Powell to approve the minutes as presented.**

Motion carried unanimously.
7. **COMMENTS FROM THE AUDIENCE** – None
8. **ORDINANCES – SECOND READING – PUBLIC HEARING**
  - A. **O-15-31 – Amending the provisions of Article II, Chapter 5.5 of the Code of Ordinances of the City of Winter Haven, Florida, known as the Security Alarm System Control Ordinance.**

City Attorney Murphy read Ordinance O-15-31 in its entirety and City Manager Feacher presented. Police Chief Charlie Bird was present to answer any questions.

**Motion by Commissioner Hunnicutt to approve Ordinance O-15-31.**

Mayor Birdsong closed the Regular City Commission meeting and opened a Public Hearing stating anyone wishing to speak to Ordinance O-15-31 may come to the podium, stating their name and address for the record.

No one spoke for, or against, the item. Mayor Birdsong closed the Public Hearing and reopened the Regular City Commission Meeting.

No discussion. **Motion carried unanimously.**

**B. O-15-35 and O-15-36 – Request by Luxury Apartment Living, LLC and 586 Avenue C, LLC, to amend the Future Land Use on a parcel and a portion of another parcel from Traditional Neighborhood Area to Commercial, to rezone a parcel and a portion of another parcel from Multi-family Residential (R-3) zoning district to Neighborhood Commercial (C-2) zoning district, to rezone a portion of a parcel from Office Professional (OP) zoning district to Neighborhood Commercial (C-2) zoning district, and to rezone three parcels from Office Professional (OP) zoning district to Neighborhood Commercial (C-2) zoning district. General Location: 586, 588, and 590 Avenue C, SE.**

City Attorney Murphy read Ordinance O-15-35 by title only and City Manager Deric Feacher presented. Growth Management Director Merle Bishop was present to answer any questions.

**Motion by Commissioner Hunnicutt to approve Ordinance O-15-35.**

Mayor Birdsong closed the Regular City Commission Meeting and opened a Public Hearing stating anyone wishing to speak to Ordinance O-15-35 come to the podium, stating their name and address for the record.

No one spoke for, or against, the item. Mayor Birdsong closed the Public Hearing and reopened the Regular City Commission Meeting.

No discussion. **Motion carried unanimously.**

City Attorney Murphy read Ordinance O-15-36 by title only and City Manager Deric Feacher presented. Growth Management Director Merle Bishop was present to answer any questions.

**Motion by Commissioner Hunnicutt to approve Ordinance O-15-36.**

Mayor Birdsong closed the Regular City Commission Meeting and opened a Public Hearing stating anyone wishing to speak to Ordinance O-15-36 come to the podium, stating their name and address for the record.

No one spoke for, or against, the item. Mayor Birdsong closed the Public Hearing and reopened the Regular City Commission Meeting.

No discussion. **Motion carried unanimously.**

9. **CONSENT AGENDA** – None
10. **RESOLUTIONS** – None
11. **ORDINANCES – FIRST READING** – None
12. **NEW BUSINESS**

**A. Approval of the Agreement for the Lease of City of Winter Haven Dark Fiber with NAP of Central Florida, Inc.**

Terry Brigman, City of Lakeland IT Director and CIO, spoke in support of the agreement and that it will help implement the 2013 strategic plan of the Polk Vision Broadband Alignment Team and will benefit the businesses and citizens of Winter Haven.

City Manager Feacher presented this item and said and Chief Information Officer Hiep Nguyen was present to answer any questions.

**Motion by Commissioner Powell to approve the Agreement for the Lease of City of Winter Haven Dark Fiber with NAP of Central Florida, Inc.**

Mayor Birdsong requested comment from the audience.

Cathy Thornhill, 15 Hickory Way, spoke in support of the agreement and technology advances by the City.

Commissioner Chichetto asked Terry Brigman where the City of Lakeland stands in offering internet services in Lakeland. Brigman reported the City of Lakeland is working with Magellan to develop a strategic broadband plan for Lakeland. The City of Lakeland has been leasing dark fiber for 15 years and has 330 miles of fiber.

Commissioner Chichetto said he would like to see the City of Winter Haven further explore the possibility of offering broadband more widespread in the City.

Commissioner Hunnicutt reported he had discussed the possibility of the City offering retail broadband with the City Attorney.

City Attorney John Murphy said statutory requirements include due process and possibly a referendum for the City of Winter Haven to offer broadband services.

Hiep Nguyen said there are no plans by City staff to move beyond leasing the dark fiber currently available and that approval of the agreement will be at no cost to the City.

Commissioner Hunnicutt questioned the automatic renewal terms included in the agreement.

City Manager Feacher said renewal of the agreement may be presented to the City Commission, if Commissioners choose.

Commissioner Hunnicutt said he would like to see it brought back to the City Commission since it is a pilot program, and so that rates may be renegotiated, if needed.

City Attorney Murphy assured the City Commission the lease provides for rates to be renegotiated.

Commissioner Chichetto asked CIO Nguyen if fiber conduit is included in projects, specifically road and utility projects.

Nguyen replied yes.

Commissioner Chichetto said the City needs to know where it is going with fiber.

Commissioner Hunnicutt asked the City Attorney what the process would be if the City wanted to offer broadband services and if a referendum would be required.

City Attorney Murphy said Public Service Commission processes, including public hearings, financial demonstrations, and establishing a separate enterprise fund would be required.

City Manager Feacher asked City Commissioners to recall that the City has discussed that the City does not have security, staff, expertise or other capabilities to move into the phase of offering services. However, the City does have the ability to lease the fiber.

Commissioner Hunnicutt asked Steve Sowards, director of NAP Central Florida, Inc., how quickly the number of strands might be leased.

Sowards reported that several clients are interested in leasing the fiber and he anticipates there being five to 10 fibers leased in about a year, each resulting in \$12,000 revenue for the City.

**Motion carried unanimously.**

**B. Approval of 400 Motor Pool Road, NW, Communications Tower Lease Agreement with NAP of Central Florida, Inc.**

City Manager Feacher presented this item and said CIO Nguyen was present to answer any questions.

**Motion by Commissioner Powell to approve the agreement.**

No discussion. **Motion carried unanimously.**

**13. COMMISSION LIAISON REPORTS**

**A. City Commissioners**

**Commissioner Chichetto** asked the status of a northbound turn lane at Cypress Gardens Boulevard and Sixth Street Southeast. Growth Management Director Merle Bishop said there was an agreement for the City to share the cost of the project with the owner of the Southeast Plaza, but the property owner declined to participate due to the cost of relocating electric utility equipment. The shopping center was developed so long ago that no conditions were included before construction.

**Commissioner Dantzler** reported that revenue from the bed tax is up 28 percent over last year in Polk County and last year was a record year. TDC staff is forecasting a 4 percent increase next year. Congratulated staff on the success of the Snow Central and Star Wars Extravaganza events.

**Commissioner Powell** congratulated staff on the success of Snow Central.

**Mayor Pro-Tem Hunnicutt** commented that he agreed with Commissioner Chichetto on the need for a turn lane at Cypress Gardens Boulevard and Sixth Street Southeast. He suggested City staff might reach out to discuss adjustments to the traffic light timing.

**Mayor Birdsong** reported he attended the grand opening of Jersey Mike's.

**B. City Attorney** – Said he looks forward to working on City projects in 2016, in particular annexation of LEGOLAND Florida. He wished all a Happy New Year.

**C. City Manager** – Expressed appreciation to Boswell & Dunlap, the City Attorney's firm, for help in funding the Snow Central event. The Invitation to Bid for replacement of the master lift station at the Chain of Lakes Complex will be distributed next week and a representative from the City Commission is needed to serve on the committee. Commissioner Chichetto agreed to serve. The City Manager will be out of the office much of the remainder of the week.

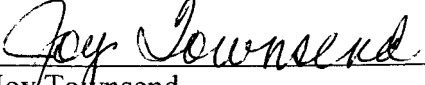
**D. City Clerk** – None

**14. DEVELOPMENTS OF NOTE – None**

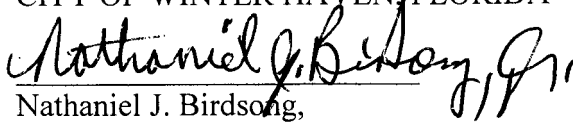
**15. EMERGENCY MATTERS NOT RECEIVED FOR THE AGENDA – None**

16. ADJOURNMENT – 7:12 p.m.

ATTEST:

  
Joy Townsend  
Deputy City Clerk

CITY OF WINTER HAVEN, FLORIDA

  
Nathaniel J. Birdsong,  
Mayor-Commissioner

# WINTER HAVEN

## The Chain of Lakes City

REGULAR CITY COMMISSION MEETING  
December 28, 2015 at 6:30 p.m.

I WISH TO SPEAK ON THE FOLLOWING:

(PLEASE PRINT)

NAME	ADDRESS	AGENDA ITEM(S)	NON-AGENDA ITEM(S)
1. Terry Brigman	6012 CRICKET DR. Lakeland FL 33813	Broadband	
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