

CITY COUNCIL MEETING MINUTES

June 10, 2008

Page 1

1 **Mayor Donald L. Penton, Sr. called the meeting to order at 7:30PM.**

2
3 **INVOCATION**

4
5 Pastor Walter Lawlor, Polk City Assembly of God Church

6
7 **Those present recited the Pledge of Allegiance, led by Mayor Penton.**

8
9 **ROLL CALL**

10
11 Present: Mayor Donald Penton, Vice Mayor Chris Denico, Councilor Nancy Adorno-excused
12 absence, Councilor Dan Ames, City Manager Cory Carrier, City Attorney Jeff Sullivan, City
13 Clerk Sylvia Sims.

14
15 **A quorum was declared present.**

16
17 Mayor Penton turned the reading of the agenda over to the City Manager.

18
19 **APPROVAL OF CONSENT AGENDA**

20
21 A motion was made by Vice Mayor Denico to accept the consent agenda. The motion was
22 seconded by Mayor Penton.

23
24 Roll Call: Mayor Donald Penton-aye, Vice Mayor Chris Denico-aye, Councilor Dan Ames-aye,
25 Councilor Kristin Eilertsen-aye.

26
27 4-eyes

28 0-nays

29
30 **PRESENTATION AND/OR RECOGNITIONS**

31
32 There were none.

33
34 **PUBLIC HEARINGS**

35
36 ORDINANCE 1238: AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA,
37 PROVIDING FOR THE AMENDMENT OF THE COMPREHENSIVE PLAN, SAID
38 AMENDMENT BEING KNOWN AS "AMENDMENT 08-01-PSF"; SPECIFICALLY,
39 ADDING A PUBLIC SCHOOL FACILITIES ELEMENT, AND CONCURRENTLY
40 REVISING THE ADOPTED INTERGOVERNMENTAL COORDINATION ELEMENT AND
41 THE CAPITAL IMPROVEMENTS ELEMENTS; TRANSMITTING SAID AMENDMENT TO
42 THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR REVIEW AND A
43 FINDING OF COMPLIANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR
44 AN EFFECTIVE DATE.

CITY COUNCIL MEETING MINUTES

June 10, 2008

Page 2

1 Mayor Penton opened the Public Hearing for any public comments. City Manager Carrier
2 pointed out that Helen Sears from the Central Florida Regional Planning Council was present if
3 anyone had any questions regarding Ordinance 1238.

4
5 There were no comments or questions from the public. Mayor Penton closed the public hearing
6 to review, discuss and take action on Ordinance 1238.

7
8 There was no discussion by Council. Councilor Ames made a motion to accept Ordinance 1238.
9 The motion was seconded by Vice Mayor Denico.

10
11 Roll Call: Vice Mayor Chris Denico-aye, Councilor Dan Ames-aye, Councilor Kristin Eilertsen-
12 aye, Mayor Donald Penton-aye,

13
14 4-eyes

15 0-nays

16 **PREVIOUS BUSINESS**

17
18
19 RESOLUTION 2008-07: A RESOLUTION ESTABLISHING A CORE IMPROVEMENT AREA
20 WITHIN THE CITY OF POLK CITY AND APPROVING AN INTER-LOCAL AGREEMENT
21 BETWEEN THE CITY OF POLK CITY, FLORIDA AND POLK COUNTY WHICH RECOGNIZES
22 AND ACKNOWLEDGES THE CORE IMPROVEMENT AREA AND PROVIDES FOR THE
23 WAIVER OF CERTAIN IMPACT FEES AS SPECIFIED THEREIN; PROVIDING FOR
24 SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

25
26 There was no discussion by Council. Councilor Ames made a motion to accept Resolution
27 2008-07. The motion was seconded by Councilor Eilertsen.

28
29 Roll Call: Councilor Dan Ames-aye; Councilor Kristin Eilertsen-aye; Mayor Donald Penton-
30 aye; Vice Mayor Chris Denico-aye,

31
32 4-eyes

33 0-nays

34 **CITY MANAGER ITEMS**

35
36
37 ---City Manager Carrier shared with Council that the city has been notified by the Property
38 Appraiser's Office of the preliminary gross taxable values for operating purposes this coming
39 fiscal year. The preliminary gross taxable value is \$89, 854, 58. As a result of Amendment 1
40 passing the city lost six (6) million dollars in taxable value. As a result of portability the city lost
41 \$ 40,646.

42

CITY COUNCIL MEETING MINUTES

June 10, 2008

Page 3

1 The original gross taxable value would have been \$95,438,589. At the next meeting Council will
2 have the DR-420 for action (*Report issued by the Property Appraiser's Office listing the gross*
3 *taxable value of the city. Council sets the millage rate based on this information*).

4 This report should give the city a more updated value. City Manager Carrier shared with Council
5 that Marsha Faux is asking all cities to move quickly on their actions and return the DR-420 back
6 to her office. Everything is new this year and Ms. Faux would like to have ample time to report
7 how each city will be affected in the tax revenue cut.

8
9 ---City Manager Carrier asked Council's opinion on how to conduct the Budget Workshops this
10 year. Council preferred to have one meeting rather than breaking it out over a number of
11 meetings. City Manager Carrier stated that she would schedule an additional meeting in late July
12 to serve as a Budget Workshop.

13
14 ---City Manager Carrier shared with Council that Kevin Claus, contractor for Brandes Design
15 Build, projected the completion of the Cardinal Hill waste water treatment plant to be completed
16 by November 15, 2007. This projection was made approximately one (1) year ago. The plant
17 became substantially complete on May 15, 2008. City Manager Carrier reminded Council that at
18 a previous meeting Council voted to institute liquidated damages if the project was not complete
19 by the November date. The project completion is approximately six (6) month late. The
20 liquidated damages total \$91,000. This amount will be subtracted from his final billing. City
21 Manager Carrier further stated that staff will never recommend Brandes Design Build for any
22 future projects. In her opinion, said company has been extremely difficult to work with.

23
24 ---City Manager Carrier informed Council that the Mt. Olive Waste Water and Water Treatment
25 Plant transfer was successful. The city is operating the system as of June 1, 2008.

26
27 ---Public Works Director Ronnie Sims shared with Council that the operation of the system is
28 running smoothly thus far. Public Works is handling water connection and disconnections, line
29 maintenance for both sewer and water, and miscellaneous work order requests along with various
30 other day to day maintenance.

31
32 ---Victoria Silva, Finance Administrator, shared with Council that the necessary meter reading
33 devices have been purchased to read the Mt. Olive water meters. In addition, the company that
34 the items were purchased from will work with the city's current billing software program to
35 bridge the two systems together.

36 Additionally, the city's billing Software Company is uploading all of the Mt. Olive customer
37 account information (approximately 1200 accounts) into the billing program. A new service the
38 city will be offering their utility customers soon is Auto Debit to pay utility bills. So far three
39 hundred and fifty (350) customers have signed up for the new service. The auto debit will
40 eliminate paper bills for those customers, but will create a draft record in the customer's bank
41 account.

42
43 ---Councilor Eilertsen asked if a master back up would be done upon completion of loading the
44 customer information. City Manager Carrier assured her that master back ups are created nightly

CITY COUNCIL MEETING MINUTES

June 10, 2008

Page 4

1 off site with the city's IT Company as well as the software company creating a back up prior to
2 downloading the completed information.

3
4 ---Mayor Penton asked Public Works Director Sims, how much time has been added in regards
5 to meter reading by adding the Mt. Olive system. Public Works Director Sims was pleased to
6 share that the entire system, approximately 1200 accounts only took two (2) hours to read
7 because the entire system is supplied by radio read meters. He further shared that it takes staff
8 approximately three and one half (3 1/2) days to read 900 accounts because the majority of the
9 meters are manual or touch read. City Manager Carrier added that the time efficiency of the radio
10 read meters is exactly why she has implemented the meter replacement program, which replaces
11 all manual and touch read with radio read meters.

12
13 ---Public Works Director Sims stated that the downside to this system is the lack of mapping. He
14 explained that the maps for the system are limited and do not depict line locations. He further
15 stated that it will be a work in progress for public works personnel to locate all lines and marking
16 them for future maintenance and possible line repairs.

17
18 ---Lastly, City Manager Carrier presented Council with miniature versions of the membranes that
19 will be installed to treat wastewater at the Regional Plant. She explained that the actual
20 membranes are eight feet wide and ten feet long.

21 CITY CLERK ITEMS

22
23
24 **There were none**

25 CITY ATTORNEY ITEMS

26
27
28 ---City Attorney Sullivan reiterated what City Manager Carrier already mentioned to Council
29 earlier in the meeting. He shared that in recent days a letter was sent to the attorney of record for
30 Brandes Design Build, informing him/her of the city's intent to institute liquidated damages. He
31 stated that he will pass information along to Council once he has an update.

32 COUNCIL MEMBER ITEMS

33
34
35 **Councilor Adorno-** Councilor Adorno was absent, but called City Clerk Sims earlier in the
36 evening in order for City Clerk Sims to relay a couple of suggestion Councilor Adorno had.

37
38 ---If Council was to choose a workshop date she preferred the first Saturday in September.
39 ---Additionally, Councilor Adorno is suggesting choosing an alternate workshop date should
40 weather not permit to hold the workshop on the original date selected.

41
42 **Councilor Ames-** Councilor Ames thanked those in the audience for their presence and their
43 interest in the community.

44

CITY COUNCIL MEETING MINUTES

June 10, 2008

Page 5

1 **Councilor Eilertsen-** Councilor Eilertsen stated that she did not have anything to share this
2 evening. The only thing she wanted to check on is if Council had a chance to review the
3 information City Clerk Sims gathered for Council upon Councilor Eilertsen's request regarding
4 tuition reimbursement. City Manager Carrier informed Councilor Eilertsen that Vice Mayor
5 Denico prepared a memo regarding the City Clerk's tuition reimbursement, because Vice Mayor
6 Denico was not sure if she would be able to attend tonight's meeting and wanted Council to be
7 aware of her position in this matter. Councilor Eilertsen read the memo aloud for the record. The
8 memo's main point was that personnel items should be left to handle by the City Manager and
9 the Finance Director. In the memo, Vice Mayor Denico asked for Council's support in the matter
10 and to make a motion to leave personnel matters up to the aforementioned. (*The complete memo*
11 *is available for review in the office of the City Clerk during normal business hours*).

12
13 ---Some discussion followed. A motion was made by Councilor Ames to accept the memo
14 submitted by Vice Mayor Denico. Mayor Penton seconded the motion.

15
16 ---Prior to the roll call, City Clerk Sims shared with Council that after much consideration and in
17 discussing it with her husband, City Clerk Sims has come to the decision not to submit anything
18 further for reimbursement. She added that she is seeking the degree for herself and not due to a
19 job requirement. She stated that although it will benefit her in her job performance, her ultimate
20 desire is to obtain the degree for herself. She further stated that, in her opinion it will work out
21 better if she does not burden Council with such decisions.

22
23 ---Mayor Penton encouraged City Clerk Sims to continue utilizing benefits the city offers.

24
25 Roll Call: Councilor Dan Ames-aye, Councilor Kristin Eilertsen-aye, Mayor Donald Penton-aye,
26 Vice Mayor Chris Denico-aye.

27
28 4-ayes

29 0-nays

30 31 **VICE-MAYOR ITEMS**

32
33 ---Vice Mayor Denico inquired about the status of the skate park and the pocket park in the
34 Railroad Heights area. City Manager Carrier informed Vice Mayor Denico that staff is waiting
35 on quotes for fencing to complete the skate park. The playground equipment for the pocket park
36 has been ordered and a reimbursement request has been submitted to CDBG (Community
37 Development Block Grant) as the pocket park is a grant project. City Manager Carrier also
38 shared that it was brought to her attention that residence would like some shade trees planted
39 around the playground equipment at Freedom Park and to create an area for young teens as well.
40 City Manager Carrier continued by stating, that she would try to budget those items in next years
41 budget as they are very good ideas.

42 43 **MAYOR ITEMS**

44

CITY COUNCIL MEETING MINUTES

June 10, 2008

Page 6

1 ---Mayor Penton thanked those present for coming and the city staff for doing a great job. In
2 addition, he encouraged employees to bring forth any issues they may have to their supervisor or
3 the City Manager. He extended this sentiment to the citizens as well, asking them to bring their
4 concerns to the City Manager. Mayor Penton stated that he wants to keep the citizens of Polk
5 City happy to the best of Council's and Managements ability.
6

7 ---City Manager Carrier extended her gratitude to Council for allowing her to miss last month's
8 meeting to tend to personal matters. She stated that she appreciated Council's tolerance.
9

10 PUBLIC REQUESTS

11
12 ---None were submitted, however, Mayor Penton opened the floor for anyone present to speak.
13 Mayor Penton stated that he received a phone call from a resident today and encouraged him to
14 come forward and voice his concerns. Sylvain Hamel of 130 Carter Blvd, Polk City Fl, 33868
15 addressed Council and stated the following concerns:
16

17  The drainage pipe designed to drain storm water into a nearby retention pond is half full
18 of sand and causes his driveway to flood due to poor drainage.

19  He received the letter sent out by the city informing property owners near the Polk City
20 Center that said center has applied for a variance. The Polk City Center is requesting to
21 place a sign on city right of way on SR33 to advertise the business location on Carter
22 Blvd. Mr. Hamel strongly opposes this request as he feels that if the variance was granted
23 it would open the door for other businesses to follow suit. In his opinion, it would undo
24 the effort of beautifying the city.

25  The roads in his neighborhood are damaged due to semi trucks traveling through. He
26 pointed out that a nearby neighbor parks and works on his semi trucks in the yard.

27  Mr. Hamel stated that the movable basket ball goals pose a serious hazard. Mr. Hamel is
28 employed as a Fire Fighter through Polk County and serves out of the Polk City Station.
29 He continued by stating that during a local call the fire truck could not get through to the
30 location of the call as quickly as needed due to basket ball goals blocking the road way.
31 He wanted to remind everyone that one day it could be their home on fire and getting
32 there quickly is important.

33  He asked if Polk City had a curfew for children. He has serious problems with children in
34 the neighborhood being out at 1 am skate boarding and using profane language and when
35 approaching them and asking them to go home due to the lateness of the hour he is being
36 threatened with violence. He stated that he has contacted the Sheriff's office a number of
37 times but by the time the deputy arrives the children often times have moved on.

38  He stated that he was under the impression that the Polk City Center was required to
39 install a buffer of some sort between his home and the location of the business. To date
40 no buffer has been installed. Mr. Hamel feels that between the business next door and the
41 noise created by his neighbor working on his semi trucks, his quality of life is being
42 compromised. At this point, he is considering moving out of Polk City.
43

44 ---City Manager Carrier offered some insight and resolutions to his concerns; they are as follows:

CITY COUNCIL MEETING MINUTES

June 10, 2008

Page 7

1
2 ✚ The Honey Bee neighborhood has a poor drainage design. The city only has utility
3 easements in the area and is prohibited to clean the few existing ditches as they are
4 deemed private property. However, during the installation of sewer lines the city plans to
5 correct drainage issues in this neighborhood. City Manager Carrier mentioned that in the
6 past the City tried to enlist the Fire Stations help by blowing out the drain pipe but was
7 not able receive the station's help.

8 ✚ City Manager Carrier explained to Mr. Hamel that when a variance request is submitted
9 the city is required by law to hold a hearing. Holding the hearing does not automatically
10 grant the variance. City Manager Carrier encouraged Mr. Hamel to attend the upcoming
11 meeting (*Zoning Board of Appeals, July 8, 2008 6:30pm, Polk City Government Center,*
12 *123 Broadway Blvd. SE, Polk City Fl 33868*) and share his concerns with the Board at
13 that time.

14 ✚ The semi truck issue will be turned over to Code Enforcement.

15 ✚ The movable basket ball goal issue has been brought up by Councilor Eilertsen at a
16 pervious meeting and turned over to Sgt. Cone.

17 ✚ City Manager Carrier shared with Mr. Hamel that the curfew applies to children under
18 the age of seventeen (17). She encouraged Mr. Hamel to continue calling the deputies and
19 if possible find out where the children reside.

20 ✚ City Manager Carrier stated that she will follow up with the building department as she
21 agreed that a buffer should be installed between Mr. Hamel's home and the City Center.
22 This can be accomplished in the form of landscaping or fencing.

23
24 ---Mr. Hamel thanked Council and Management for the opportunity to bring is concerns to light.

25
26 ---Mayor Penton stated that a letter would be sent to Mr. Hamel addressing his concerns.

27
28 ---Councilor Eilertsen asked City Manager Carrier what the hours of operation were for the Code
29 Enforcement Department. City Manager Carrier replied that the Code Enforcement Officer
30 adjusts her schedule as necessary to meet the need of the city.

31
32 ---Mr. Douthit, General Manager of Fantasy of Flight, offered help to bring the skate park project
33 to fruition. He stated that he had six foot chain link fencing he could donate. City Manager
34 Carrier stated that the city would prefer to install eight – ten foot fencing to avoid basket balls
35 from bouncing over the fence into the skate park (currently the tennis courts).

36
37 Council was very appreciative of Mr. Douthit's offer of help and stated that anything he could do
38 to help would be welcomed.

39 40 ANNOUNCEMENTS

41
42 **The Ridge League of Cities Meeting will be held in Frostproof on June 12, 2008 (one or more*
43 *members of council may attend).*
44

CITY COUNCIL MEETING MINUTES

June 10, 2008

Page 8

1 **Mayor Penton reminded fellow Council Members to submit their registration forms to attend*
2 *the Florida League of Cities Conference in August.*

3
4 **City Manager Carrier shared with Council that Kelly Stargel, Judge Stargel's wife is seeking*
5 *election to district 64 (on the state level). Judge Stargel formerly held this office. Ms. Stargel*
6 *would like to meet with each Council member and share with them what she stands for. District*
7 *64 covers Polk City.*

8
9 **Vice Mayor Denico thanked Public Works Director Ronnie Sims for getting the necessary*
10 *information to Mr. Denico and making it possible for Mr. Denico to take the Cub Scouts to the*
11 *property owned by the city off Citrus Grove Blvd. She stated that the Cub Scouts were very*
12 *excited.*

13
14 **Juli McShay of the Polk County School Board invited all of Council to attend the upcoming*
15 *Annual School Summit.*

16
17 **ADJOURNMENT**

18
19 There being nothing further on the agenda to discuss the meeting adjourned by voice vote at
20 8:29 pm.

21
22
23
24 _____
City Clerk Sylvia Sims

25 _____
Mayor Donald L. Penton