

CITY OF POLK CITY

March 10, 2009

City Council Meeting
Polk City Government Center
123 Broadway Blvd

7:30 P.M.

MINUTES

Mayor Penton called the meeting to order at 7:30 p.m.

The invocation was given by Pastor Walter Lawlor, Polk City Assembly of God Church

Those present recited the Pledge of Allegiance, led by Mayor Penton

ROLL CALL

Mayor Penton, Vice Mayor Chris Denico, Councilor Dan Ames-excused, Councilor Nancy Adorno, Councilor Kristi Eilertsen, City Manager Cory Carrier, City Attorney Jeff Sullivan and Interim City Clerk Patricia Jackson. Also present were Assistant City Manager Pam Peterson, City Planner Gene Kniffin, and Finance Administrator Pamela Lawson.

A quorum was established.

At this time Mayor Penton announced the City Council will be meeting in an Attorney-Client session per Florida Statute #286.011 for approximately 30 minutes. Those in attendance will be Mayor Donald Penton, Vice Mayor Chris Denico, Councilor Nancy Adorno, Councilor Kristi Eilertsen, City Manager Cory Carrier, City Attorney Jeff Sullivan and the Court Stenographer. At this time those in attendance left the Council Room to meet in Attorney-Client Session (at approximately 7:35-7:40 p.m.)

At approximately 8:15 p.m. Mayor Penton reopened the meeting and announced the Attorney-Client session is terminated and minutes shall be made available at the conclusion of the litigation. Mayor Penton advised at this time we will take up the business of the regular agenda and turned the meeting over to City Manager Carrier.

APPROVAL OF CONSENT AGENDA

A motion was made by Vice Mayor Denico to approve the Consent Agenda; the motion was seconded by Councilor Adorno.

Roll Call: Councilor Adorno-aye, Vice Mayor Denico-aye, Councilor Eilertsen-aye, Mayor Penton-aye.

5-ayes

0-nays

PRESENTATIONS AND/OR RECOGNITIONS

There were no presentations or recognitions.

PUBLIC HEARINGS

Ordinance 1246, an Ordinance of the City of Polk City, Florida, Amending Chapter 74, Utilities, Article II, Sewer, Section 74-91, Established; Section 74-94, Payment of Fees and Bills Required; Article IV, Water, Section 74-202, Reserve Area; Section 74-203, Enforcement of Division; Section 74-204, Drilling and Digging of Wells Prohibited; Exceptions; Section 74-221, Connections with Waterworks System; Minimum Water Rates; Section 74-251, Deposits Required; Section 74-255, Reconnection Charges; Section 74-257, Delinquent Charge; and Section 74-261, Payment of Fees And Bills; Providing Severability and an Effective Date.

City Manager Carrier read Ordinance 1246 in short title. Mayor Penton opened the Public Hearing and asked the City Manager to explain the Ordinance. City Manager Carrier explained the Auditor advised the billing needed to be shortened; by the time the final bill is done it is 60 days old; once the billings are shortened, it should reduce the amount of write-offs. She has been working with SWFWMD in regards to wells. Someone from the audience asked about the reconnect fee; Pam Lawson advised there are two fees – a service charge/non-payment fee and a reconnect fee to turn the water back on after it has been turned off for non-payment.

Mr. Bair, 5419 Golden Gate Blvd., addressed the Council and asked what the cost was for those that turn the water off for six months and have it turned back on when they return (it is currently \$50 total). That cost did not change; it is still \$25 to have it turned off when you leave, and \$25 to have it turned back on when you return.

Mr. Schneider, 775 Teaberry, asked about the turn-off/turn on (reconnect) fee. City Manager Carrier advised there are cases where the City has to actually pull the meter.

There being no other comments, Mayor Penton closed the Public Hearing.

A motion was made by Vice Mayor Denico to accept Ordinance 1246; the motion was seconded by Councilor Eilertsen.

Roll Call: Councilor Eilertsen-aye, Councilor Adorno-aye, Mayor Penton-aye, Vice Mayor Denico-aye.

5-ayes

0-nays

UNFINISHED BUSINESS

There was none.

NEW BUSINESS

There was none.

CITY MANAGER ITEMS

City Manager Carrier advised City Hall is changing their hours, and she wants to make sure the Council is aware of this. Several months ago a survey was done and an overwhelming number of people said they would rather have the City Hall open until 6:00 p.m. Monday through Thursday; we are going ahead and changing the hours effective Monday (March 16), which will be 9:00 a.m. to 6:00 p.m.

CITY ATTORNEY ITEMS

The City Attorney had nothing.

CITY CLERK ITEMS

Interim City Clerk Jackson advised the certification of the election and the canvassing board can conduct the random race and precinct selection on April 14; however, a different date will need to be chosen for the canvassing board to conduct the audit. This will need to be done within seven days of certification. After discussion, it was the consensus of the Council to conduct the Audit on April 16 at 7:30 p.m. in the Council Chambers.

At this time Garnett Given asked about the ballot; however, she was advised she will be able to address the Council under Public Comments/Request since she had signed up.

COUNCIL MEMBER ITEMS

Councilor Adorno – Councilor Adorno advised she was not able to make the inauguration of the park honoring our late Council Member (Mr. McManigle) and asked how it went. She asked the City Manager to give some information on that. City Manager Carrier advised some of the family came down from up north, and several former Council Members that worked with Lenny came out; it turned out really well. Staff did a great job getting everything organized, and she gave special recognition to Ruben Fred, who coordinated everything—the tarp, setting the park up with chairs. Mrs. McManigle was very appreciative. The City Manager then asked everyone, who has not done so, to please go by and see the park located on the corner of 2nd Street and Oak. The City will be trying to put a pocket park in every neighborhood.

Councilor Eilertsen – Councilor Eilertsen thanked everyone for coming to the meeting.

VICE MAYOR ITEMS

Vice Mayor Denico thanked everyone as well. She also reminded everyone of the yard sale this weekend at the Park and quite a few residents (a map will be made); she invited everyone to come and enjoy themselves. There will be five or six Relay for Life Teams at the Park. Someone asked about maps, City Manager Carrier advised they will be available at the Park (Freedom Park). She also advised that Smirna has done a great job setting up food vendors in the park as well. As of now, we have approximately 60 residential participants and approximately 16 vendors in the Park. It has been advertised in the Tampa Tribune, on the radio, etc.

MAYOR ITEMS

Mayor Penton apologized for delaying the regular meeting, but the other meeting had to be conducted in private.

Mayor Penton then introduced Patricia and Kwame Fosu, Sunshine Pharmacy Services, Inc., and asked them to please come forward. Mr. Fosu, addressed the Council and the audience; they are currently working and making deliveries for the Medicine Shoppe in Lakeland, and decided to open a Pharmacy in Polk City. They are hoping to open some time in March, but it may be in April.

PUBLIC COMMENTS/REQUEST

Mr. Dennis Bair, 5419 Golden Gate Blvd., addressed the Council; last month at the meeting they were told the minutes would be made available with an answer to the questions they had. He looked on the web page but did not find the minutes, and his wife came to City Hall today and paid fifteen cents per page to obtain a copy of the minutes. The minutes were there, but there were no answers to the questions. Mayor Penton asked what questions Mr. Bair was referring to; Mr. Bair advised all questions that were asked, but in particular the questions he asked about the time that he had before they had to be considered outside the City, which he gave the Mayor a copy of the letter the County sent out. Discussion took place about the three years versus ten years and the Contract between Polk County and Polk City. Mayor Penton explained they receive the same rates all City citizens get for ten years, unless they sell their homes. Discussion then took place regarding annexation. Mayor Penton asked Mr. Bair what else wasn't received. Mr. Bair responded any questions that were asked last month that were supposed to be available to anybody in the minutes with the answers to all of the questions. Mayor Penton advised we have not received the study; the answers are being provided by the ones doing the study. Mr. Bair advised he received his answers and trying to convince Council what the answers are per the County Attorney.

Garnett Given, 427 Edgewater Drive, asked Mayor Penton when his term is up; Mayor Penton advised 2010 and he will not be running again. Mrs. Given asked if he was appointed; Mayor Penton advised he has to run for election like other Council members;

however, the Council chooses the Mayor and Vice Mayor. Other discussion about Mayor and Vice Mayor took place. Mrs. Garnett then asked what rights do the citizens have if the majority of citizens don't agree with the decisions that are made by the Council – can Council be impeached. Mayor Penton advised the Attorney would need to be asked. Attorney Sullivan advised he would have to review the Charter and Ordinances; the Charter is available on line. Mrs. Given then asked about the April 7th Election; she doesn't know what is on the ballot and hasn't seen it advertised. City Manager Carrier asked Interim Clerk Jackson about the advertisement; it was advertised last week and will also be advertised next week. Discussion then took place about the Referendum on the Ballot, and Vice Mayor Denico explained what led the Council to decide to put the City Clerk under the City Manager rather than leaving that position under the City Council. It is governed by the Charter, and a Charter change requires a referendum to be voted on. Discussion also took place about the Charter and the Clerk's position. Mayor Penton advised under the Charter the Clerk only answers to the Council; he and Vice Mayor Denico both stated it has not worked in the past. All employees need to answer to the City Manager. Vice Mayor Denico advised she was the one who brought this forward to be placed on the ballot; we have to have a clean chain of command in this building, which we have not had.

At this time Mayor Penton asked City Manager Carrier if there was anything else. She advised just the change in hours and adjournment.

A motion was made by Vice Mayor Denico to adjourn the meeting; the motion was seconded by Councilor Eilertsen and unanimously carried.

Patricia R. Jackson, Interim City Clerk

Mayor Donald L. Penton, Sr.