

# CITY COUNCIL MINUTES

JUNE 8, 2010

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

Pastor Walter Lawlor, New Life Community Church, gave the invocation.

Those present recited the Pledge of Allegiance, led by Mayor Joe LaCascia.

## **ROLL CALL**

Mayor Joe LaCascia, Vice Mayor Trudy Block, Councilor Nancy Adorno, Councilor Mike Blethen, Councilor Don Kimsey, City Manager Cory Carrier-absent, Assistant City Manager Pam Peterson, City Attorney Jeff Sullivan and City Clerk Patricia Jackson.

Also present were City Planner, Gene Kniffin, Code Enforcement Officer Kathy Delp, Finance Administrator Pamela Lawson, Librarian Mary Ellin Barrett and Smirna Martinez, staff member.

A quorum was established and Mayor LaCascia turned the reading of the agenda over to Attorney Jeff Sullivan.

## **APPROVE CONSENT AGENDA**

Mayor LaCascia made a motion to approve the Consent Agenda; the motion was seconded by Councilor Adorno.

Roll Call: Councilor Blethen-aye, Vice Mayor Block-aye, Councilor Adorno-aye, Mayor LaCascia-aye, Councilor Kimsey-aye

5-eyes

0-nays

## **PRESENTATIONS AND/OR RECOGNITIONS**

There were none.

## **PUBLIC HEARINGS**

There were no public hearings.

## **UNFINISHED BUSINESS**

### **Small Cities Community Development Block Grant Funding**

Assistant City Manager Peterson advised Council needs to choose which category to apply for. Mayor LaCascia gave some background information regarding the small cities grant. Mayor LaCascia made a motion to approve Neighborhood and Revitalization as the Project for the Small Cities Community Development Block Grant; the motion was seconded by Councilor Blethen.

Roll Call: Vice Mayor Block-aye, Councilor Kimsey-aye, Mayor LaCascia-aye, Councilor Adorno-aye, Councilor Blethen-aye

5-ayes  
0-nays

### **Request for Qualifications – Grant Writer**

Assistant City Manager Peterson advised two proposals were received; however, one proposal was not properly marked and opened by mistake. It was the consensus of the Council to allow the proposal since there were only two. Assistant City Manager Peterson advised the packets, with the score sheets, would be given to Council at tonight's meeting, and asked that a special meeting be called immediately following the workshop on June 15th in order to score the proposals. Councilor Blethen asked for an explanation, and Mr. Scott Modesitt gave a brief overview of what takes place. Vice Mayor Block confirmed the fees for the grant writer are paid out of the grant itself, and the only expense to the City is the newspaper ad. Councilor Kimsey asked if this was for the \$650,000 grant; he was advised that it is. Councilor Adorno asked if the same company can represent several cities during this process, and she was advised they could.

Mayor LaCascia made a motion to set a special meeting immediately following the workshop on June 15, 2010 to go over scoring; the motion was seconded by Vice Mayor Block.

Roll Call: Councilor Adorno-aye, Mayor LaCascia-aye, Councilor Blethen-aye, Vice Mayor Block-aye, Councilor Kimsey-aye

5-ayes  
0-nays

### **FGUA Operations Proposal**

Vice Mayor Block brought up a couple of things Polk City can do to save money (restructure debt, raise rates and watch every dime spent); FGUA has proposed they can save the City \$252,000, if they operate the city's utilities (not own the utilities, but manage it). Vice Mayor Block then advised she went to Longwood and met with FGUA; she feels the City's next step is to negotiate a contract in order to see how much money the City has the possibility to save. Vice Mayor Block then went over the presentation that was given to Council at the last meeting. Mayor LaCascia confirmed the only thing we are looking for is to go forward and look at a contract. He then suggested having a workshop whereby staff and Council could look at the proposal and have some input; this doesn't mean we will go through with it. Councilor Blethen asked if this was premature; Mayor LaCascia advised this has been taking place four to six weeks. Vice Mayor Block advised we can't just raise rates; there are things we can do, and we can't keep waiting. Mayor LaCascia would like to get numbers and look at them.

Vice Mayor Block made a motion to move forward and continue to negotiate a contract with FGUA; the motion was seconded by Councilor Adorno.

Roll Call: Mayor LaCascia-aye, Vice Mayor Block-aye, Councilor Kimsey-nay, Councilor Blethen-aye, Councilor Adorno-aye

4-ayes  
1-nay

## **NEW BUSINESS**

### **Lease Agreement with Polk County – Fire Station**

Mayor LaCascia advised the current lease will be up October 1, 2010; the County is asking for an additional five years on the lease. Councilor Kimsey advised he would like to see the original lease.

Mayor LaCascia made a motion to move the Lease Agreement with Polk County – Fire Station to the workshop for additional information (June15); the motion was seconded by Councilor Kimsey.

Roll Call: Councilor Kimsey-aye, Councilor Adorno-aye, Vice Mayor Block-aye, Mayor LaCascia-aye, Councilor Blethen-aye.

5-ayes  
0-nays

### **RESOLUTION 2010-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POLK CITY TO REVISE WATER AND SEWER RATES PURSUANT TO ORDINANCE 2002-04 ARTICLE 2 – WATER, SECTION 2 – WATER RATES AND ORDINANCE 97-5 SECTION 9 RTES; AND PROVIDING AN EFFECTIE DATE**

Attorney Sullivan read Resolution 2010-01 in short title. Mayor LaCascia advised the rate increase would take effect July 9<sup>th</sup>, and gave some background information as to how the increase in rates came about. The City received a letter this week from Bond Counsel and the City could not move forward as originally anticipated, and the consequence of this is a fifty percent increase in utility rates. Vice Mayor Block feels it is the only thing we can do at this time until other programs are in place. Councilor Blethen does not like the increase, but feels because of the economy something has to be put into place. Mayor LaCascia reminded everyone when FGUA was considering the purchase of the utility system, they were anticipating 80% to 90% increases. Councilor Kimsey would like for the City to touch base with Auburndale regarding sewer, and he discussed some things that happened between Auburndale and Polk City in the past. Mayor LaCascia commented he would be willing to talk with anyone; however, the issue facing Polk City is the possibility of having no money in the Sewer Fund at the end of July. Councilor Adorno feels once we get numbers we will have a better idea. Mayor LaCascia asked if speaking to Auburndale could be moved to the workshop on Tuesday night (June15). Vice Mayor Block advised it doesn't change the fact we have a debt. Lengthy discussion took place between Council regarding the 50% increase in rates; Councilor Adorno advised we may have to add to that, and we have to do something. Councilor Blethen would like to look at cost in other cities.

After further discussion, Vice Mayor Block made a motion to approve Resolution 2010-01, increasing utility rates by 50%; the motion was seconded by Councilor Adorno.

Roll Call: Vice Mayor Block-aye, Councilor Blethen-nay, Councilor Adorno-aye, Councilor Kimsey-nay, Mayor LaCascia-aye

3-ayes  
2-nays

**ORDINANCE 1623, AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA, CREATING A CHAPTER OF THE CITY CODE TO BE ENTITLED FAIR HOUSING CODE; PROVIDING FOR A DECLARATION OF POLICY TO PROHIBIT DISCRIMINATION IN HOUSING ON THE BASIS OF RACE, COLOR, ANCESTRY, NATIONAL ORIGIN, RELIGION, SEX, MARITAL STATUS, FAMILIAL STATUS, HANDICAP OR AGE; PROVIDING DEFINITIONS; DESIGNATING AS UNLAWFUL CERTAIN DISCRIMINATORY PRACTICES IN THE SALE OR RENTAL OF HOUSING, AS WELL AS IN ADVERTISING IN CONNECTION THEREWITH, IN THE FINANCING OF HOUSING, AND IN BROKERAGE SERVICES RELATED TO EXCEPTIONS; PROVIDING FOR AN ADMINISTRATOR TO BE DESIGNATED BY THE CITY OF POLK CITY AND PRESCRIBING THE GENERAL POWERS AND DUTIES OF SUCH ADMINISTRATOR, PRESCRIBING ACTION UPON A DETERMINATION OF PROBABLE CAUSE, AND AUTHORIZING THE PROMULGATION OF FORMS AND REGULATIONS; MAKING PROVISIONS FOR THE FILING OF COMPLAINTS AND RESPONSES THERETO, AND THE PROCESSING THEREOF BY THE ADMINISTRATOR; PROVIDING FOR ADDITIONAL REMEDIES; PROVIDING FOR PROHIBITING UNTRUTHFUL COMPLAINTS OR FALSE TESTIMONY; PROVIDING FOR PENALTIES FOR VIOLATION OF SUCH CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Attorney Sullivan read Ordinance 1263 in short title. The Ordinance is not available for the meeting. Councilor Blethen asked why the City needed to adopt an Ordinance pertaining to Fair Housing when it is a State Law and is in State Statutes. Attorney Sullivan advised the City needed to adopt its own policies. Scott Modesitt, Summit Professional Services, Inc. advised it is State Statute; however CDBG is through HUD, which is Federal Funding and Fair Housing efforts by local cities earns five points toward the grant. Councilor Adorno advised it is important for the City to obtain as many points as possible when applying for the grant.

Mayor LaCascia made a motion to table Ordinance 1263 until more information is obtained (July) meeting; the motion was seconded by Vice Mayor Block.

Roll Call: Councilor Blethen-aye, Mayor LaCascia-aye, Councilor Kimsey-aye, Councilor Adorno-aye, Vice Mayor Block-aye.

5-ayes  
0-nays

**Volunteers for Safe Haven Halloween Event and Polk City Christmas Parade**  
Smirna Martinez, Assistant to the City Clerk and Coordinator of City Events, addressed Council and advised them the City will need volunteers for the Safe Halloween Event and the Christmas Parade for this year, which is due to loss of several employees and

the loss of approximately five volunteers from last year (one was a face painter). If the City has no volunteers we will not be able to hold the events. Ms. Martinez then went over the various duties that the volunteers and city employees have done in the past, and advised these events have been self-supporting with donations from businesses and the community. Mayor LaCascia suggested a memo be done pertaining to the events and what is needed, then posted on the website, as well as put in utility bills.

### **CITY CLERK ITEMS**

The City Clerk had nothing to report.

### **CITY ATTORNEY ITEMS**

City Attorney Sullivan advised he is in the process of scheduling a meeting for the Fantasy of Flight contraction issue whereby their consultants can present their evidence to the City Council for some time in July; he will circulate through email four or five dates to choose from. He suggested a special meeting and to allow sixty to ninety minutes for the presentation. Attorney Sullivan advised he would get back with the Mayor; the special meeting would be for that purpose only; he also suggested the meeting be held prior to 7:30 p.m. It was decided to have the meeting beginning at 6:00 p.m. until 8:00 p.m. Councilor Blethen asked if the Council would be receiving some type of legal opinion from the City Attorney; Attorney Sullivan advised he would prepare a summary. He also advised he doesn't expect Council to take any action at that time, this is just an opportunity for their case to be presented.

City Attorney Sullivan advised Council for informational purposes the City Manager's contract is set to expire in September; she needs to know if Council is going to enter into negotiations with her. Vice Mayor Block discussed what is in the contract regarding notification, and making comments prior to then. Mayor LaCascia would like to enter into dialog with the City Manager regarding her contract; he feels it would be easier for one person to talk with another person one on one rather than the entire Council; he will report back. Councilor Kimsey asked what if Council didn't enter into dialog – would it expire. Vice Mayor Block advised there would have to be a letter sent to the City Manager on or before September 30. City Attorney Sullivan expressed his concern over having something in place by the proper time, and the possibility of not having a contract in place and no City Manager. Mayor LaCascia would like to meet with the City Manager to find out her concerns, and to explore options; he feels it is the proper way for two people to act in a civil manner – find out what our thoughts are and what her thoughts are. It was the consensus of Council for Mayor LaCascia to meet with the City Manager.

City Attorney Sullivan advised a new contraction petition has been given to him, and the City will have up to six months to take care of this.

### **CITY MANAGER ITEMS**

Assistant City Manager Peterson had nothing to report at this time.

At this time Mayor LaCascia would like to speak after Council comments.

## **VICE MAYOR ITEMS**

- As stated earlier, Vice Mayor Block advised she met with FGUA.
- **Polk Vision Update** – Vice Mayor Block attended a Polk Vision meeting, which included Winter Haven, Lake Alfred and Auburndale. The Vision meeting was about where we are going in the next five to ten years, and they were glad to have Polk City has part of the meetings.
- Inquired about grants for streets; Assistant City Manager Peterson advised the application will be available on June 16, and once she gets the information she will bring it forward to Council.

## **COUNCIL MEMBER ITEMS**

**Councilor Adorno** – Councilor Adorno thanked the citizens for participating in the Relay for Life; this year exceeded last year in raising funds. Assistant City Manager Peterson advised \$17,000 was collected this year.

**Councilor Blethen** – Councilor Blethen thanked everyone for coming to the meeting.

**Councilor Kimsey** – Councilor Kimsey appreciated the citizens; he is sorry they have been hit with a water and sewer rate increase. It was something that may have to be done, but he feels for everyone.

## **MAYOR ITEMS**

Mayor LaCascia feels the intent is to accomplish a few things – re-establish the confidence in the citizens, be proactive in moving forward, and be transparent. Citizens may not like answers to all of the problems we are facing, but we all need to come together. Everyone will know in advance when moving forward. Mayor LaCascia expressed confidence in the City’s partnership with the County, and has confidence in going forward that the problems will be worked out, and we will keep an open dialog. He discussed paying back the impact fees owed the County, and he looks forward to setting down and talking with them. He thanked everyone for their participation; it is welcomed.

## **PUBLIC COMMENTS/REQUEST**

Mr. Gus Harris asked about the motion to increase the fees; he was advised the motion passed three to two, and the increase will take affect in July.

Mr. Wayne Harper, 209 S Hydrangea Avenue, addressed the Council regarding the possibility of a lien being placed against the unfinished development on Mt. Olive Road and S.R. 33; Attorney Sullivan advised he doesn’t think a lien can be placed against the property, but would like to get a copy of the contract to look at, and have something for the next meeting.

Paula Roddenberry, 220 Sunshine Blvd., addressed the Council and asked about the special assessment that was discussed while she was serving on Council (\$300 to \$400 on property tax bill), and asked if the increase in rates would be enough, or if the special

assessment was still a possibility. Mayor LaCascia advised those are two different things. There was a rate increase of 50% for utility billing; however, a proposed

assessment is being looked into, but how it can be applied is the question. The Bond Attorney and our Attorney is looking at this, but it may not be easy to do, as it is for inside and outside of the city limits. Paula responded regarding the special assessment going to a vote of the citizens. There are so many families that it would affect; they can cut down on other things in order to pay the additional \$10 a month, but the putting it on the property tax bill would add an additional \$300 to \$400 which would make it harder to pay rather than paying it monthly. Some discussion followed concerning the hardships, and Mayor LaCascia advised each Councilor has received the demographics of Polk City and they know the difficulties; unfortunately we have 2,000 utility customers, and we have to keep going back to those people to keep a revenue stream for water and sewer. Mayor LaCascia then spoke about requesting \$1 on each utility bill per month in order to help people out who meet the criteria.

Ms. Roddenberry advised she worked with City Manager Carrier while she was the City Clerk; she discussed how all of the cities were booming with new developments, and Polk City got an opportunity with two developments that looked great. Polk City had to get water and sewer to those developments; that is why we have the debt we are in now. No one saw it coming – the bottom fell out. That was not the City Manager's fault, the City Manager was doing her job to plan and build Polk City. Everything the City Manager did she carried to Council, and they had to discuss, review and vote on it; she didn't do it by herself. The City Manager may be blamed for other things, but not the debt. Mayor LaCascia thanked Paula for her comments.

A gentleman from 331 Bayberry, addressed Council regarding the sewer situation as it pertains to Auburndale and Lakeland and mentioned the possibility of the City having interconnects should something happen in the future.

### **ANNOUNCEMENTS**

There were no announcements.

Councilor Blethen made a motion to adjourn; the motion was seconded by Councilor Adorno and unanimously carried. The meeting adjourned at 9:00 p.m.

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Patricia R. Jackson, City Clerk

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Joe LaCascia, Mayor