

CITY COUNCIL MINUTES

MARCH 14, 2011

Mayor Joe LaCascia called the meeting to order at 7:02 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 Attorney Thomas Cloud and City Clerk Patricia Jackson were present.

A quorum was established.

APPROVE CONSENT AGENDA

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

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

5-ayes

0-nays

The motion carried.

PRESENTATIONS AND/OR RECOGNITIONS

- Proclamation for Girl Scout Week – Mayor LaCascia read a Proclamation Proclaiming the week of March 6, 2011 as Girl Scout Week

PUBLIC HEARINGS

ORDINANCE 1272, AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA VACATING STREETS "A" AND "B" RECORDED IN PLAT BOOK 24, PAGE 1 AND 1A AND ALSO SHOWN ON REPLAT OF A PORTION OF THE AMENDED MAP OF POLK City, PLAT BOOK 29, PAGES 41 AND 41A, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, ALL LYING IN THE NORTH HALF OF SECTIONS 33 AND 34, TOWNSHIP 26 SOUTH, RANGE 25 EAST, POLK COUNTY, FLORIDA; REPEALING ANY CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE

Mayor LaCascia read Ordinance 172 in short title; this is second and final reading.

Mayor LaCascia opened the Public Hearing; there being no comments or questions from the floor, Mayor LaCascia closed the Public Hearing.

Councilor Blethen made a motion to accept ordinance 1272; the motion was seconded by Councilor Kimsey.

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

5-ayes

0-nays

The motion carried.

ORDINANCE 1273, AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF POLK CITY, FLORIDA; SPECIFICALLY, TO CHANGE THE TEXT OF ARTICLE 2, SECTION 2.04.01 – TABLE 4; ARTICLE 2, SECTION 2.04.01 – TABLE 5; AND ARTICLE 2, SECTION 2.04.02.06, TO ALLOW FOR MOBILE HOMES IN THE R-4 (MIXED RESIDENTIAL USE) ZONING DISTRICT; REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREIN; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Attorney Tom Cloud read Ordinance 1273 in short title, and explained the reading of Ordinance 1273 in short title.

Mayor LaCascia opened the Public Hearing; there being no public comments or questions, Mayor LaCascia closed the Public Hearing.

Councilor Adorno made a motion to approve Ordinance 1273; the motion was seconded by Councilor Kimsey.

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

5-ayes

0-nays

The motion carried.

ORDINANCE 1274, AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF POLK CITY, FLORIDA; SPECIFICALLY, TO AMEND THE TEXT OF ARTICLE 7 TO ADD SECTION 7.10.06 PROVIDING FOR REQUIREMENTS REGARDING UNOCCUPIED DWELLING UNITS; REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREIN; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Attorney Thom Cloud read Ordinance 1274 in short title.

Mayor LaCascia opened the Public Hearing; there being no public comments or questions, Mayor LaCascia closed the Public Hearing.

Councilor Adorno made a motion to approve Ordinance 1274; the motion was seconded by Councilor Kimsey.

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

5-ayes

0-nays

The motion carried.

UNFINISHED BUSINESS

There was none.

NEW BUSINESS

Appointment of Vice Mayor Block as Acting City Manager for an additional 30 Days

Councilor Blethen made a motion to appoint Vice Mayor Block as Acting City Manager for an additional 30 days; the motion was seconded by Councilor Adorno.

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

5-ayes

0-nays

The motion carried.

Update on the EAR-Based Amendments (Comprehensive Plan Update) Jennifer Codo-Salisbury, Central Florida Regional Planning Council

Jennifer Code-Salisbury, with Central Florida Regional Planning Council, addressed Council. Jennifer advised Polk City completed the EAR (Evaluation and Appraisal Report) process in 2009, and now it is time for the review and update the Comprehensive Plan based on the recommendations found in the EAR. Jennifer then went over the upcoming EAR-Based Amendments Workshops and Hearings.

At this time Attorney Cloud advised there is a draft bill in the House of Representatives that will get rid of the EAR completely. Discussion then took place between Council and Attorney Cloud regarding State Statutes dealing with Growth Management and how it would be affected. Jennifer will also be watching what takes place in Tallahassee regarding the proposed legislation. Jennifer advised the City did complete the EAR in 2009, and if it is done away with, the City would look at what changes are needed today.

Approval of Special Events for 2011

- Founder's Day 2011 (Councilor Adorno would like to have it held in August)
- Safe Haven Halloween Event, Saturday October 28, 2011, 4:00 p.m. to 8:00 p.m.
- Polk City Christmas Parade, Saturday December 3, 2011 (no rain date) 2:00 p.m.

Councilor Adorno advised at the last meeting it was mentioned to have a Founders Day this year; after looking into this and making phone calls, it is her recommendation to set a date in April 2012 in order to allow time for planning and getting volunteers. Councilor Adorno then asked Council to consider forfeiting one month's salary as a one time donation for this event, and asked the event be held the second Saturday in April 2012. Councilor Kimsey asked Councilor Adorno what type of activities she foresees; Councilor Adorno would like to see a carnival setting for kids and adults – games, etc. Mayor LaCascia advised the first step is to choose a date and put together a committee. Councilor Adorno advised it doesn't need to be elaborate; we need to get some local talent or entertainment. Councilor Kimsey asked if Councilor Adorno was looking for a date in April; Council Adorno advised yes. After further discussion, it was the consensus of City Council to set Founders Day for the second Saturday in April 2012. It was also the consensus of City Council that the Safe Haven Halloween Event be on Saturday, October 28, 2011 from 4:00 p.m. to 8:00 p.m., and the Polk City Christmas Parade would be on Saturday, December 3, 2011 at 2:00 p.m. with no rain date.

Uniform Collection Agreement Contract with Joe Tedder, Tax Collector

Vice Mayor Block advised this agreement would allow the collection of WAC and SAC on the property tax bill (non-ad valorem assessment).

Vice Mayor Block made a motion to approve the Uniform Collection Agreement Contract with Joe Tedder, Tax Collector; the motion was seconded by Councilor Adorno.

Under discussion, it was noted this was intended to be done several years ago, and it makes it easier and more cost effective to the City. This will now be on the property tax bill rather than the City doing manual billings. Councilor Blethen asked what was the City currently doing; he was advised the City is currently doing manual billings; Vice Mayor Block advised this will help with follow-ups. Councilor Blethen then asked how WAC and SAC were charged; he was advised unimproved lots will be billed. Councilor Adorno asked if it is included in the tax bill, would it be the same money; she was advised the Tax Collector will retain a small percentage for collection. Councilor Kimsey asked if the Ordinance is already in place; Vice Mayor Block advised it was. Councilor Blethen asked how many lots were involved; he was advised about 600.

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

5-ayes
0-nays

The motion carried.

Ordinance 1275, an Ordinance of the City of Polk City, Florida; repealing Existing Chapter 124, Code of Ordinances of the City of Polk City, Florida entitled “Water and Electric Franchise”; providing a short title; providing findings and intent; granting to the City of Lakeland, Florida, a non-exclusive franchise to use the public streets, alleys, highways, waterways, bridges, easements and other public ways of the City of Polk City for the construction, maintenance and operation of an electric system in the City of Polk City; prescribing the terms and conditions under which said nonexclusive rights and privileges may be exercised; providing for severability; providing an effective date

Attorney Tom Cloud read Ordinance 1275 in short title, and he advised the City of Lakeland has asked the City to table this Ordinance so they could do some additional review; the franchise has been in place since 1925 for both water and electric. Attorney Cloud has experience in renewal or buy-out of franchises -- it took Winter Park five years to buy-out and the cost was very significant; that is the only way to get another provider other than Lakeland – is to purchase and spend additional funds to find an electric provider. Discussion took place with City Council and the City Attorney regarding the franchise with the City of Lakeland for Electric services – any increases that are implemented would be passed through to the customers, and now is not a good time to exercise those options. Councilor Kimsey asked if a motion would need to be made to table this Ordinance. Mayor LaCascia noted the minutes would reflect the item would be tabled until next meeting date.

Review top list of City Manager Candidates

City Council reviewed the answers to the questions that were given to the top 12 candidates; half is not requesting reimbursement, and the salary ranges were listed. Vice Mayor Block advised the current budget for the City Manager is \$5,400 a month; however, we should be able to afford more than that. Councilor Kimsey asked why we would want to do that; Vice Mayor Block commented she is not sure if we need to. Vice Mayor Block advised if she were going for this job it would be at a higher salary; there are some good candidates. Discussion took place between Council regarding length of stay, the job duties of the City Manager and possible salary with benefit package. Mayor LaCascia advised Council will need to get down to four or five people. Each Councilor gave their choices for the top candidates as follows:

- Councilor Blethen: Mr. Waldron, Mr. Pierce and Ms. Miller
- Councilor Kimsey: Mr. Waldron and Ms. Miller
- Mayor LaCascia: Ms. Miller, Ms. Jankosky, Mr. Proctor, Mr. Janke and Mr. Brock
- Vice Mayor Block: Mr. Gleason, Mr. McDonald, Ms. Miller and Mr. Janke
- Councilor Adorno: Mr. Pierce, Ms. Miller, Ms. Jankosky, Mr. Waldron and Mr. Janke

The top five candidates are Ms. Miller, Mr. Janke, Mr. Waldron, Ms. Jankosky and Mr. Pierce. Vice Mayor Block feels Council is making a mistake because of City Manager experience; she feels Mr. McDonald has a fabulous resume. After discussion, the list stands as is, and a criminal check will be done before the interview takes place. Additional discussion took place regarding the final list of candidates. The interviews will be scheduled for Saturday, March 26th beginning at 9:00 a.m.

CITY MANAGER ITEMS

Acting City Manager Block discussed the following items:

- Represented Polk City at the Polk Museum of Art
- Polk Water Co-operative will be meeting regarding long-term water alternatives – she has a package
- The Senior Vice President from Woodard and Curran was introduced (Mike), and he gave an update to Council. Council was advised that Mr. Frank Sanderson, who was serving as the interim Utilities Operations Manager, has taken a job closer to home in Citrus County, and will be leaving at the end of March. It is the plan to transition management to Charles Nichols, who is local resident and is licensed in Water and Wastewater. Council was advised the City has good water quality. Mike then reported on the inspections of the facilities. Acting City Manager Block advised a lot of issues are being cleared up.
- GAI Reports are just about done; there will be meeting with staff regarding the reports in April, and a workshop will be scheduled with City Council (a draft will be forthcoming).

CITY CLERK ITEMS

There was nothing to report.

CITY ATTORNEY ITEMS

There was nothing to report.

MAYOR ITEMS

The Mayor had nothing to report.

VICE MAYOR ITEMS

The Vice Mayor had nothing to report.

COUNCIL MEMBER ITEMS

Councilor Adorno – Councilor Adorno reminded everyone about the Third Annual City-wide Yard Sale on April 30th from 8:00 a.m. to 4:00 p.m. It will be in the newsletter and on the website; there is no charge for residents, and Councilor Adorno encouraged those outside the area to participate – there is a \$15 fee for Freedom Park.

Councilor Blethen – Councilor Blethen had nothing to report.

Councilor Kimsey – Councilor Kimsey had nothing to report.

PUBLIC COMMENTS/REQUEST

Laura Lambert, 552 Meandering Way, asked if the City still had a franchise with TECO. Vice Mayor Block advised yes – the City is split between TECO and Lakeland Electric. Ms. Lambert then asked if any attempt has been made to negotiate with TECO. Vice Mayor Block advised we cannot do that – it would be a violation of the territory

agreement with Lakeland. Ms. Lambert then was advised of what would have to happen in order for the City to not have Lakeland Electric, as explained previously by Attorney Cloud. Ms. Lambert then asked about WAC and SAC – how many understands what WAC and SAC mean. She was advised it is a Water and Sewer Availability Charge on unimproved land. Mayor LaCascia then gave an explanation – it is platted lots that are undeveloped which has water and/or sewer lines; it is to assist in recouping capital cost (plant and lines). Vice Mayor Block advised this will be put on the Property Tax Bills this year. During discussion, Councilor Kimsey mentioned the possibility of repealing the Ordinances dealing with WAC and SAC, which he would vote for.

Cindy Hofeditz, 314 Nolane Lane, announced there will be a “meet at the flag pole” at 6:30 p.m. prior to meetings for prayer.

Lisa Shifflett, 234 Bayberry Drive, asked about posting the reports from every meeting on the website (Department Reports). Vice Mayor Block advised the City is updating a lot of things, and if she would like a copy, to please come to City Hall and get it. Ms. Shifflett then asked about well drilling – is it something being looked at. Mayor LaCascia advised he brought it up, and he found the MOSN Covenants does not allow wells. Brief discussion took place regarding wells; Vice Mayor Block advised Southwest Florida Management District is the Agency that would issue well permits. Mayor LaCascia advised there is no free water; it is pledged to loan for payment of bonds. Attorney Cloud advised no one can invade the City’s service area because of bonds.

Dr. Donald Longest, 393 Nolane Lane, advised the issue of wells at MOSN has been avoided and not enforced; brief discussion took place regarding the MOSN Covenants. Dr. Longest then discussed WAC and SAC and collection by the Tax Collector. After some discussion of the WAC and SAC, Mayor LaCascia commented the first thing to look at reducing is AdValorem.

Gail Funk, 218 Bayberry Drive, commented that when you have a platted lot you have access to water so all of your piping and utilities are readily available. The upkeep for those pipes and all of that are there and ready for you any time you want to build.; the upkeep of those pipes need to be taken care of because they go further to other people that have those. Who is responsible at that point then for the pipes in front of the empty platted lots – the owner that has that platted lot. If we’re not charging WAC and SAC to the people that own that lot, then as a future homeowner she is going to be paying their share, and she finds that very unacceptable; everyone should be charged fairly and everyone pay their fair share.

The meeting adjourned upon voice vote.

Patricia R. Jackson, City Clerk

Joe LaCascia, Mayor

