

CITY COUNCIL MINUTES

JULY 11, 2011

Mayor Joe LaCascia called the meeting to order at 7:00 p.m.

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

ROLL CALL

Present: Mayor Joe LaCascia, Vice Mayor Trudy Block, Councilor Nancy Adorno, Councilor Mike Blethen, Councilor Don Kimsey, City Manager Matt Brock, City Attorney Thomas Cloud and City Clerk Patricia Jackson.

A quorum was established.

APPROVE CONSENT AGENDA

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

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

5-ayes

0-nays

The motion carried to approve the Consent Agenda.

PRESENTATIONS AND/OR RECOGNITIONS

There were none.

PUBLIC HEARINGS

Ordinance 2011-1278, an Ordinance of the City of Polk City, Florida, authorizing the issuance of not exceeding \$10,000,000 Water and Sewer System Capital Improvement and Refunding Revenue Bonds, Series 2011A and Water and Sewer System Refunding Revenue Bonds, Taxable Series 2011B to finance the costs of certain improvements to the system and to refund certain outstanding obligations; pledging a lien on the net Revenues of the combined water and sewer system to secure the payment thereof; providing for the rights of the holders of such Bonds; providing certain other matters in connection therewith and providing an effective date. Second and final reading

Mayor LaCascia read Ordinance 2011-1278 in short title, and opened the public hearing; there being no public comment, Mayor LaCascia closed the public hearing.

Under discussion by Council, Councilor Blethen had several questions regarding the bond, and also asked if the bond had a good interest rate; Mayor LaCascia advised the City is waiting on the bond rating. Councilor Kimsey asked if the wording was the same

as the first reading; Attorney Cloud advised the face amount changed from 9 million to 10 million (USDA has to be paid in full). Councilor Kimsey questioned doing second reading; Attorney Cloud advised it the Ordinance was re-advertised in accordance with Statute. Mayor LaCascia commented the City will pay off USDA with the bond monies. Councilor Kimsey advised he didn't understand the wording. When Councilor Adorno asked about the Statute Attorney Cloud gave an explanation of the State Statute – if there is a substantial change, there is a requirement to re-advertise the notice, which is what the City did.

Vice Mayor Block made a motion to accept Ordinance 2011-1278 in its entirety; the motion was seconded by Councilor Adorno.

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

4-ayes
1-nay

The motion carried to accept Ordinance 2011-1278 in its entirety.

Ordinance 2011-1280, an Ordinance of the City of Polk City, Florida, amending Sections 74-97 and 74-264, Polk City Code; Providing findings; modifying and renaming the Water and Sewer Availability charges as Readiness to Serve Charges; authorizing a credit against the Readiness to Serve Charges; declaring that the City has no obligation to serve properties for which Readiness to Serve Charges have not been paid in full; authorizing special assessments in lieu of Readiness to Serve Charges and ratifying and validating assessments imposed prior to the date of enactment; providing for severability; providing for conflicts; providing an effective date; second and final reading

Mayor LaCascia read Ordinance 2011-1278 in short title and opened the public hearing.

Mr. Dwight Kitchens, 410 Travelers Drive, addressed Council and gave them a handout (a copy is on file in the City Clerk's office); he submitted changes he would like to see in Section 74-97 and Section 74-264 of Ordinance 2011-1280.

Mayor LaCascia closed the public hearing.

Under discussion by Council, Councilor Blethen asked Attorney Cloud about Mr. Kitchens request; Attorney Cloud advised he disagrees – the Ordinance was changed to be more consistent with case law, and it is based on a more modern case law that the date specified by Mr. Kitchens. Councilor Blethen asked “are we legal”; Attorney Cloud advised he believes we are.

Mayor LaCascia commented it is customer versus undeveloped lot; Attorney Cloud commented in essence it is for lots that have development rights.

Councilor Kimsey commented what would keep Lakeland Power from doing the same thing. Attorney Cloud commented electric utilities don't levy a charge like this that he is aware of; all cases he found pertain to water, sewer and re-claimed water. Councilor Kimsey commented they could impose them; Mayor LaCascia commented the regulatory authority for Lakeland Electric is PSC. Attorney Cloud advised the rate structures are regulated by PSC; there is a difference between water and sewer versus electric. Attorney Cloud also advised the City has had this in place since 2009.

Councilor Adorno referred to Mr. Kitchens' handout, and gave an example of a condo. Brief discussion followed.

Vice Mayor Block made a motion to accept Ordinance 2011-1280 in its entirety; the motion was seconded by Councilor Adorno.

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

4-ayes
1-nay

The motion carried to accept Ordinance 2011-1280 in its entirety.

Ordinance 2011-1281, an Ordinance of the City of Polk City, Florida; amending Section 74-263, Polk City Code; clarifying the application of meter equivalencies; providing for severability; providing for conflicts; providing an effective date. Second and final reading

Mayor LaCascia read Ordinance 2011-1281 in short title and opened the public hearing; there being no public comment, Mayor LaCascia closed the public hearing.

Under Council discussion, Attorney Cloud advised this Ordinance is at the request of Gerry Hartman regarding meter equivalencies – there was some language left out of the original Ordinance by mistake, and this has now been modified.

Councilor Blethen feels the ERC description is ambiguous – by time he reads it he doesn't know what his water bill is going to be. Councilor Kimsey asked if this was the same Ordinance Lynn was talking about regarding his water bill. Mayor LaCascia commented he is not sure whether he understands it. Attorney Cloud advised it is the Engineers best advise to apply ERCs because some people are not paying their fair share. Vice Mayor Block commented it will be based on an average of 12 months; residential will be one ERC; the City will have to obtain 12 months of history. There are commercial accounts that have been under billed significantly (Polk City Elementary is one example); this will allow the fair share to be distributed to those that are using it. Councilor Kimsey asked about a study; Vice Mayor Block advised the study has been done by GAI; they are in the process of getting assignments of the ERCs done. Discussion then took place regarding usage of ERCs and how they are applied.

After discussion, Vice Mayor Block made a motion to approve Ordinance 2011-1281 in its entirety; the motion was seconded by Councilor Adorno.

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

5-ayes
0-nays

The motion carried to accept Ordinance 2011-1281 in its entirety.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

CITY MANAGER ITEMS

- City Manager Brock advised it has been recommended that Vice Mayor Trudy Block be nominated for the Nettie Draughon Award with the Ridge League of Cities – this is being done
- The City will be going through a FRDAP Grant application, which is due in September (Recreation Grant) -- items being considered are the tennis courts, Freedom Park improvements, etc. Vice Mayor Block asked who would be writing the grant; City Manager Brock advised Summit Professional Services. City Manager Brock commented only two were funded last year
- City Manager Brock then gave Council the upcoming FY 201 Budget Schedule; Charter requires the budget to be submitted 65 days prior to October 1, 2011, which will be July 25th, and he advised the budget would be a little late because of the bond.
- The Florida League of Cities Conference will be in August, and the City has the funds budgeted this year to cover Council's \$325 registration fee.

CITY CLERK ITEMS

The City Clerk had nothing to report.

CITY ATTORNEY ITEMS

Attorney Cloud advised the City Council needs to authorize the expenditure for the cost of the bond rating agencies, which would be covered by the bond issue; there are several bond rating agencies being asked to give us a rating. Vice Mayor Block made a motion to authorize the expenditure of the bond rating agencies not to exceed \$25,000; the motion was seconded by Councilor Adorno.

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

4-ayes

1-nay

The motion carried to authorize the expenditure of the bond rating agencies not to exceed \$25,000.

MAYOR ITEMS

Mayor LaCascia had nothing to report at this time.

VICE MAYOR ITEMS

- The Library has issued over 100 cards, there has been a 74% increase in circulation, 160 people attend the Gatorland program, and 50 – 60 kids has participated in other programs at the Library.
- Vice Mayor Block congratulated Woodard and Curran on the CCR; there were no violations.
- City is starting to see growth

COUNCIL MEMBER ITEMS

Councilor Adorno – Councilor Adorno advised on August 27 there will be a community family oriented event called “Rock-n-Roll to the Nifty Fifties” at Freedom Park; there will be some contests, and everyone is encouraged to dress in 50’s attire. The committee is seeking donations and volunteers, and asked for those interested to please call and speak to Smirna at City Hall.

Councilor Blethen – Councilor Blethen commented on how beautiful the front of City Hall looks with the plants. He also asked if the lights could be fixed outside that are supposed to shine on the clock. Vice Mayor Block advised the front of City Hall is not finished yet.

Councilor Kimsey – Councilor Kimsey commented he can only imagine what the Dollar General Market will do to Mr. Harris’ business.

At this time Mayor LaCascia referred to the Consent Agenda Item whereby the site plan for the Dollar General Market on Carter Road was approved. Kathy Delp advised that is a permitted use and cannot be turned down because of another store in town; Mr. Harris understands. Kathy advised Council Carter Road will be resurfaced from S.R. 33 to just past their property line, and two other parcels will be developed in the future and this will once again be on the tax rolls. Councilor Kimsey asked about this coming before Council; Mayor advised it was done under the Consent Agenda and the Planning Commission recommended approval. Councilor Blethen asked about traffic; Kathy advised they would be required to do certain improvements based on the DOT Traffic Study – they will have to install and left and right turn lane onto Carter road. Mayor

LaCascia advised he had spoke with Mike Harris and he knows what he has to do; he also has a building going up beside him as well.

PUBLIC COMMENTS/REQUEST

There was none.

The meeting adjourned upon voice vote.

Patricia R. Jackson, City Clerk

Joe LaCascia, Mayor

CONSENT AGENDA
July 11, 2011

MAY ALL BE APPROVED BY ONE VOTE OF COUNCIL TO ACCEPT CONSENT AGENDA. Council Members may remove a specific item below for discussion, and add it to the regular agenda under New or Unfinished Business, whichever category best applies to the subject.

A. CITY CLERK

1. Accept minutes – April 16, 2011, City Council Special Meeting
2. Accept minutes – April 18, 2011, City Council Special Meeting
3. Accept minutes – April 25, 2011, City Council Special Meeting
4. Accept minutes – May 2, 2011, City Council Special Meeting
5. Accept minutes – May 9, 2011, City Council Meeting

B. REPORTS

1. Building Report – June 2011
2. Code Enforcement Report – June 2011
3. Financial Statements – June 2011
4. Library Report – June 2011
5. Sheriff's Office Report – June 2011
6. Water and Sewer Report – June 2011

C. OTHER

1. Amendment to Contract for Operation and Maintenance Services for the City of Polk City Water and Wastewater Utility – Woodard & Curran, Inc.

D. APPROVAL OF PLANNING BOARD ACTIONS

1. Approval of Dollar General Market Site Plan, as approved by the Planning Commission