

**CITY COUNCIL MINUTES
SPECIAL MEETING**

SEPTEMBER 12, 2011

The tape recorder was started at 7:09 p.m. during the Attorney's presentation of Ordinance 2011-1275

Mayor Joe LaCascia called the meeting to order at 7:02 p.m.

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

Mayor LaCascia introduced William Mastrangel, with Boy Scout Troop 514 and Joseph Mastrangel, Boy Scout Troop 538, and advised William Mastrangel will lead us in the Pledge of Allegiance.

Those present recited the Pledge of Allegiance led by William Mastrangel, Boy Scout Troop 514.

ROLL CALL – Linda Walker, Administrative Assistant to Public Works

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

Absent: Councilor Nancy Adorno

A quorum was established.

APPROVE CONSENT AGENDA

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

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

4-ayes

0-nays

The motion carried.

PRESENTATIONS AND/OR RECOGNITIONS

There were none.

PUBLIC HEARINGS

Ordinance 2011-1275, 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 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.

Mayor LaCascia read Ordinance 2011-1275 in short title. Attorney Tom Cloud gave an explanation of what this Ordinance does, and the history of an electric franchise. Attorney Cloud recommended approval of Ordinance 2011-1275. Mayor LaCascia asked what the City had in the absence of a new franchise; Attorney Cloud advised by Florida Law payments has to continue to be made until a period of time to either purchase or renew the franchise.

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

Councilor Blethen asked what the time period was for this franchise; Attorney Cloud advised 20 years. Councilor Blethen asked how it affected TECO; Attorney Cloud advised that franchise is for a different period and does not affect TECO; however, the franchise with TECO does not include a purchase option. Councilor Blethen asked if there were any financial concerns; Attorney Cloud advised there were none, the City will receive franchise fees – the City has an option to increase those fees. The last franchise had fees of 4%; however, most charge 6% franchise fee. Councilor Blethen asked about electric interruptions; Councilor Kimsey advised there was an interruption when someone hit a pole.

Councilor Blethen made a motion to adopt Ordinance 2011-1275 in its entirety; the motion was seconded by Vice Mayor Block.

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

4-ayes

0-nays

The motion carried on first reading.

Ordinance 2011-1285, an Ordinance amending the Future Land Use Map of Comprehensive Plan of the City of Polk City, Florida, to change the Future Land Use Designation for a portion (approximately 3.86 acres) of the property Located at 119 Palmetto Lane (Parcel Number 25-26-33-297600-001030) from “Commercial” to “Industrial” providing for severability; providing for a repealer; and providing for an effective date

Mayor LaCascia read Ordinance 2011-1285 in short title. Kathy Delp, City Planner, explained to Council a site plan had been approved on this property as Industrial, and the land use for a portion of this property was changed to Commercial. The Planning

Commission recommends approval of this Ordinance. Mayor LaCascia asked about the term “repealer”; Attorney Cloud advised if there is another Resolution or Ordinance in conflict with this Ordinance, it is repealed.

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

Councilor Blethen asked about development of this property; Kathy Delp advised the property is already developed; the change would make it consistent with the Code.

Councilor Kimsey made a motion to accept Ordinance 2011-1285 in its entirety; the motion was seconded by Councilor Blethen. Under discussion, Councilor Kimsey asked about the proper procedure if changed without property owner’s knowledge. Attorney Cloud gave an explanation of how these things occur.

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

4-ayes
0-nays

The motion carried on first reading.

Ordinance 2011-1286, an Ordinance amending the Official Zoning Map of the City of Polk City, Florida to change the zoning for a portion (approximately 3.86 acres) of the property located at 119 Palmetto Lane (Parcel Number 25-26-33-297600-001030) from C-1 (Residential, Business and Professional District) to M-1 (Light Industrial); providing for severability; and providing an Effective date

Mayor LaCascia read Ordinance 2011-1286 in short title. Kathy Delp, City Planner, gave background information on this property – this is the same situation with the zoning as was with the land use; we are basically “righting a wrong.”

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

Councilor Kimsey made a motion to accept Ordinance 2011-1286 in its entirety; the motion was seconded by Councilor Blethen.

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

4-ayes
0-nays

The motion carried on first reading.

UNFINISHED BUSINESS

There was none.

NEW BUSINESS

Approval of Financial Reporting Officer/Comptroller Services Agreement

Interim City Manager Jackson advised this agreement is with George Cotellis, who assists Pam Lawson with the preparation of the financial statements for fiscal year 2011.

Vice Mayor Block made a motion to approve the Financial Reporting Officer/Comptroller Services Agreement with George Cotellis; the motion was seconded by Mayor LaCascia.

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

4-ayes

0-nays

The motion carried.

Resolution 2011-08, a Resolution approving an addition to the Five-Year Capital Improvements Schedule of the Comprehensive Plan to provide for improvements at the Polk City Central Park, providing State and/or Federal Grants for such additions and improvements are received and providing for an effective date

Mayor LaCascia read Resolution 2011-08 in short title. Interim City Manager Jackson advised this will add the FRDAP Project to the Five-Year Capital Improvement Plan.

Councilor Kimsey made a motion to approve Resolution 2011-08 in its entirety; the motion was seconded by Mayor LaCascia.

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

4-ayes

0-nays

The motion carried.

Approval to repair manhole off Ruth Road at the Mt. Olive WWTF Emergency repair

Charles Nichols, with Woodard and Curran, addressed Council and gave them background information of what happened – due to the large amounts of rain a hole opened beside this manhole, which caused a hole to open in the wall of the manhole in question. The last manhole feeding into the plant is doing okay now. The City received

two proposals: 1) Oxford Pipeline, Inc. to structurally repair with a fiberglass liner in the amount of \$6,875 and 2) \$28,000 from Killebrew, Inc. Charles recommends the fiberglass lining; it has a 10 year guarantee and there is a one year guarantee on the labor. Councilor Blethen asked if the 10 year guarantee is on the liner itself. Councilor Kimsey asked if there would be concrete poured between the liner and the walls of the manhole; he was advised there would be. Mayor LaCascia asked about the existing gap; Charles advised it is about 5"; Charles also mentioned the fiberglass cover and liner would provide better protection. Vice Mayor Block asked Charles if he had ever seen this done before; Charles advised it has been done in Inverness and Tom Cloud advised he has seen this done and it is successful. Councilor Blethen asked if this was part of the renovation, or would tie into Cardinal Hill; Charles advised this is part of the Mt. Olive System that would not go away; it will remain. Mayor LaCascia asked when work would begin if this is approved; Charles advised by the end of the work the materials should be here and work begin the following week. Charles advised he has made arrangement with other companies to pump this lift station out until the manhole is repaired. Charles also advised Killebrew would not be able to begin for another two weeks. Interim City Manager Jackson advised the City does have the funds available to get this manhole repaired. Brief discussion took place regarding preventive maintenance in the new budget year.

Councilor Blethen made a motion to approve the repair of the manhole at the Mt. Olive WWTF on Ruth Road for a cost not to exceed \$6,875 (Oxford Pipeline, Inc.); the motion was seconded by Councilor Kimsey.

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

4-eyes

0-nays

The motion carried.

CITY MANAGER ITEMS

Interim City Manager announced the following:

- The Florida Department of Environmental Protection, Division of Recreation and Parks, Office of Greenways and Trails announces meetings related to the update of the land management plan for the General James .A. Van Fleet State Trail -- Wednesday, October 5, 2011 10:00 a.m. to 12:00 p.m. Public Meeting and 1:30 – 3:30 p.m. Advisory Group Meeting at the Polk City Government Center, 123 Broadway Blvd., SE, Polk City FL 33868
- The City has eight seats for the 4th annual Passionately Pink Black Tie Affair – please advise if you would like to attend
- Beginning October 1st the Library will be open from 9 to 1 p.m. on Saturdays; a copy will be posted on the website
- The ribbon cutting event for the Family Dollar is Saturday, October 8th; we will let Council know a time as the event gets closer

Interim City Manager Jackson advised when she accepted to serve as Interim City Manager/City Clerk there was no mention of salary. Interim City Manager Jackson would like to receive the same salary as the previous City Manager was making plus a car allowance. Mayor LaCascia discussed the amount of \$5,000 being elevated as of October 1st to \$72,000 plus the \$400 a month car allowance. Interim City Manager advised a contract will be presented to City Council for the October meeting. Councilor Blethen advised because the City is not growing and the economy is down, he would entertain the idea of combining the position of City Manager and City Clerk for a period of time until the City gets financial able; he also advised he would go along with the money already allocated.

Councilor Kimsey made a motion to approve the salary for City Manager/City Clerk; the motion was seconded by Vice Mayor Block

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

4-ayes
0-nays

The motion carried.

CITY CLERK ITEMS

There was nothing to report

CITY ATTORNEY ITEMS

Attorney Cloud advised on October 5th oral argument will take place on the Orlampa Case at 1:30 p.m. in chambers of the Chief Judge (Bartow).

Attorney Cloud advised he is moving forward with the service area issues and he may have to act fast; he asked Council for the authorization for the City Manager and himself to be able to negotiate to preserve customers in the service area. Everything will come back to Council.

Vice Mayor Block made a motion to allow the City Attorney and Interim City Manager to negotiate/litigate, if needed, on behalf of the City concerning the service area and customers; the motion was seconded by Mayor LaCascia.

Under discussion, Vice Mayor Block commented it is important that we are able to move quickly due to situations that can arise. Attorney Cloud advised the key word is negotiation – he believes 99 out of 100 negotiations you set down with people and work things out. Councilor Kimsey feels these are two separate issues; items should be brought back to Council for litigation. Attorney Cloud advised there are times when you

have to act. Councilor Kimsey wanted to know if you negotiate, how you can litigate; Attorney Cloud advised we may have to file something to preserve the City's rights and still continue to work things out – there are times when you have a small window to file if you want to get a challenge in. Councilor Kimsey feels in that length of time you can come back before Council. Interim City Manager Jackson assured Councilor Kimsey Council would be notified immediately; Councilor Kimsey would like to know; City Manager Jackson advised she would notify Council immediately.

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

4-eyes

0-nays

The motion carried.

MAYOR ITEMS

The Mayor had nothing at this time.

VICE MAYOR ITEMS

- The SWFWMD Grant has been completed in the amount of \$5,000, which would be used a Water Day event in April 2012; we should know something in December
- In the FY 2012 Budget there is \$5,000 budgeted in Legislative for five Councilors to share; Vice Mayor Block asked if a policy could be established whereby City Council would have to approve any expenditures of the money before it happens. Councilor Blethen asked who would normally approve this; he was advised the City Manager. Vice Mayor Block would like for Council to make that decision. Mayor LaCascia advised he has not problem if it creates more oversight. Something will be presented at the next meeting.
- Vice Mayor Block advised she has met with all of the County Commissioners for the exception of Commissioner Sam Johnson. She has also met with Paula Dockery, Kelly Stargel and County Manager Jim Freeman. They appreciated being updated, and she advised them the fastest way to move forward is to get growth
- George Neal received the Nettie Draughon Award from the Ridge League of Cities
- Safe Haven Halloween needs vendor; this takes place the end of October.

COUNCIL MEMBER ITEMS

Councilor Blethen – Councilor Blethen asked if there is any idea of how to fix the clock (have it lit). Interim City Manager Jackson advised she would check into lighting the clock. Councilor Blethen would also like to find out about having a sign in front of City Hall as well; Interim City Manager Jackson will check into the cost of this, but advised it is not currently included in the fiscal year 2012 Budget.

Councilor Kimsey – Councilor Kimsey gave some history of the Van Fleet Trail being named after General Van Fleet, who was a WWII Hero.

PUBLIC COMMENTS/REQUEST

Betty Hisaw, 5207 Island View Circle, South, addressed Council with the following concerns: 1) Why does it take Polk City so long to fix a water leak on the Polk City side of the meter (water running down the street for a week); 2) About three months ago, when Frank Sanderson was still here, a meter was leaking and it has just been fixed. Ms. Hisaw commented the increase in water rates and allowing water to freely run does not make sense. Interim City Manager Jackson advised she would check into this and take care of it.

Al Schneider, 775 Teaberry Trail, asked about the 4% franchise fee; franchise fee money collected by Lakeland Electric for residents inside of the City comes back to the City of Polk City.

ANNOUNCEMENTS

Interim City Manager Jackson advised City Hall would be closed to the public on Monday, October 10, 2011; however, it will be an employee work day.

The meeting adjourned upon voice vote at 8:08 p.m.

Patricia R. Jackson, City Clerk

Joe LaCascia, Mayor

**CONSENT AGENDA
September 12, 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 – July 27, 2011, Special City Council Meeting
2. Accept minutes – August 8, 2011, Regular City Council Meeting
3. Accept minutes – August 15, 2011, Budget Workshop

B. REPORTS

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

C. OTHER

1. Approval of write-offs – utility bad debts 6 months old as of August 31, 2011

D. APPROVAL OF PLANNING BOARD ACTIONS

Please note: Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the city council with respect to any matter considered during this meeting, he or she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the American with Disabilities Act, a person with disabilities needing any special accommodations to participate in city meetings should contact the Office of the City Clerk, Polk City Government Center, 123 Broadway, Polk City, Florida 33868 Telephone (863)984-1375. The City of Polk City may take action on any matter during this meeting, including items that are not set forth within this agenda.

Minutes of the city council meetings may be obtained from the city clerk's office. The minutes are recorded, but are not transcribed verbatim. Persons requiring a verbatim transcript may arrange with the city clerk to duplicate the recordings, or arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be at the expense of the requesting party.