

CITY COUNCIL MEETING MINUTES

February 27, 2007

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The meeting was called to order by Mayor Donald L. Penton at 7:30PM.

INVOCATION

City Clerk Sylvia Sims

The Pledge of Allegiance was led by Mayor Penton and recited by those present.

ROLL CALL

Present: Mayor Donald Penton, Councilor Dan Ames, Councilor Nancy Adorno, Councilor Leonard McManigle, City Manager Cory Carrier, City Attorney Jeff Sullivan, City Clerk Sylvia Sims.

Excused Absent; Vice Mayor Chris Denico

* At the time of roll call Mr. Sullivan was not present but arrived at 7:35 pm.

Staff Present: Public Works Director Ronnie Sims

A quorum was declared present.

Mayor Penton turned the reading of the agenda over to the City Manager.

I. PRESENTATIONS AND/OR RECOGNITIONS

There were none

II. PUBLIC HEARINGS

ORDINANCE 1137

AN ORDINANCE OF THE CITY COUNCIL TO THE CITY OF POLK CITY RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; VACATING UNDEVELOPED PLATTED RIGHT OF WAY LYING BETWEEN PARCELS 25262929530200300 AND 25262929530201000 KNOWN AS WAREHOUSE STREET LESS SOUTHERN INTERSECTION OF THE UNDEVELOPED RIGHT OF WAY KNOWN AS WOOD STREET, ALSO THAT PORTION OF UNDEVELOPED RIGHT OF WAY LYING TO THE EASTERLY SIDE OF BOTH PARCELS, KNOWN AS ORANGE STREET, WITHIN THE CITY OF POLK CITY, POLK COUNTY, FLORIDA; AUTHORIZING THE RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; AUTHORIZING REPEAL OF ALL ORDINANCES OR SEGMENTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

City Manager Carrier read the title of Ordinance 1137 aloud. City Manager Carrier explained that the road in question was platted in 1925 but never opened. The city is seeking to vacate the road. There being no comments from the public, Mayor Penton closed the Public Hearing for council to, discuss and take action on ordinance 1137. A motion was made by Councilor McManigle to accept Ordinance 1137 and seconded by Councilor Ames.

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Roll Call: Mayor Donald Penton-aye; Councilor Dan Ames-aye; Councilor Nancy Adorno-aye; Councilor Leonard McManigle-aye.

4-ayes

0-nays

ORDINANCE 1138

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POLK CITY, FLORIDA AMENDING THE CODE OF ORDINANCES, SPECIFICALLY CHAPTER 74 UTILITIES, ARTICLE II SEWER, SECTION 74-69 CHARGES, TABLE 3 – RESIDENTIAL SEWER USAGE, ERC VALUES AND CONNECTION CHARGES; AND TABLE 4 – SAMPLE CONNECTION CHARGE CALCULATIONS FOR COMMERCIAL, INDUSTRIAL AND PUBLIC FACILITIES DEVELOPMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Carrier read the title of Ordinance 1138 aloud. A member of the public asked if this fee would apply to current residents when sewer comes to their area. City Manager Carrier explained that the new fee applies to new construction, and when sewer comes into any area of town the city would try to have grant funding in place to reduce the cost of sewer impact to the resident. A question was raised as to how long it would take for the whole city to be sewerred. City Manager Carrier stated that the sewer would be installed in 4 separate Phases, so it could take up to 5 years for the entire city to be on sewer. There being nothing further Mayor Penton closed the Public Hearing for council to discuss and take action on Ordinance 1138. A motion was made by Councilor Adorno to accept Ordinance 1138 and seconded by Councilor Ames.

Roll Call: Councilor Leonard McManigle; Councilor Nancy Adorno-aye; Councilor Dan Ames-aye, Mayor Donald Penton-aye.

4-ayes

0-nays

ORDINANCE 1139

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POLK CITY AMENDING THE CODE OF ORDINANCES, SPECIFICALLY CHAPTER 74 UTILITIES, ARTICLE II SEWER, SECTION 74-91 RATES, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Carrier read the title of Ordinance 1139 aloud. The question was raised by the public if this affected the monthly sewer charge for existing customers. City Manager Carrier verified this question, by stating that the monthly base sewer rate was increasing for existing customers only.

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There being nothing further Mayor Penton closed the Public Hearing for council to discuss and take action on Ordinance 1139. A motion was made by Councilor Ames to accept Ordinance 1139 and seconded by Councilor Adorno.

Roll Call: Councilor Dan Ames-aye; Councilor Leonard McManigle- aye; Mayor Donald Penton-aye; Councilor Nancy Adorno-aye.

4-ayes
0-nayes

ORDINANCE 1140

AN ORDINANCE OF THE CITY OF POLK CITY AMENDING CHAPTER 74, UTILITIES; ARTICLE IV, WATER; SECTION 74-251, DEPOSITS – REQUIRED; SECTION 74-252 SAME – EXEMPTIONS; SECTION 74-255 RECONNECTIONS CHARGES; SECTION 74-256 AFTER BUSINESS HOURS ACTIVATION; SECTION 74-257 DELINQUENT CHARGE; SECTION 74-258 CUSTOMER BILLING FEE; SECTION 74-259 SERVICE CHARGE FOR UNPAID CHECKS; SECTION 74-261 PAYMENT OF FEES AND BILLS; SECTION 74-263 SCHEDULE OF RATES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Carrier read the title of Ordinance 1140 aloud. City

Manger Carrier went over each item one by one. There were questions from the public regarding the increase in customer utility deposits. City Manager Carrier explained that due to renters leaving unpaid water bills the city has to each year write off bad debts, because the current utility deposit is no longer sufficient to cover unpaid bills. City Manager Carrier further stated that credit check measures would be in place to check someone's credit. City Manager Carrier continued by explaining that a property may be deemed high risk if previous tenants leave a bill and, therefore, a high risk deposit would be required regardless of ones credit history. A member of the audience stated that this would be unfair to a young couple starting out. Mayor Penton stated that perhaps credit history may be taken in account in some instances. Councilor Adorno suggested that perhaps the landlord take better measures to assure that who he/she is renting to is credit worthy and, therefore, would be eliminating the possibility that would deem any of their properties high risk; this would put the responsibility back on the land lord and not the tenant. There being nothing further, Mayor Penton closed the Public Hearing for council to discuss and take action on Ordinance 1140. A motion was made by Councilor McManigle to accept Ordinance 1140 and seconded by Councilor Adorno.

Roll call: Councilor Nancy Adorno-aye; Councilor Dan Ames; Councilor Leonard McManigle-aye.

4-ayes
0-nays

1. ORDINANCE 1141

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POLK CITY, FLORIDA AMENDING THE CODE OF ORDINANCES, SPECIFICALLY CHAPTER 74 UTILITIES, ARTICLE IV WATER, SECTION 74-224 WATER IMPACT FEE, EXHIBIT B – SYSTEM CAPACITY FEES AND FIRE PROTECTION SERVICE CAPACITY FEES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Manager Carrier read the title of Ordinance 1141 aloud. Mayor Penton opened the Public Hearing for Public discussion. City Manager Carrier explained the need for the Ordinance to the public. She stated that the South West Water Management District is restricting pumping of water. As Polk City is growing there will be a need for more water usage. Polk City has joined a Water Alliance Coalition made up of other surrounding cities to stand up against the restrictions. City Manager Carrier further stated that water has been pumped and shipped to Tampa and Orlando for a long period of time. The audience was appalled by that and agreed with Council and City Manager Carrier that it needed to stop. City Manager Carrier further stated that the impact fees are designed for new construction and to assure that each developer pays is fair share of the impact said development may have on the City and its Residents. Many questions were asked by the audience about many different things such as the Litigation between Auburndale and Polk City. City Manager Carrier stated that it is still on going. The question was raised about taking over the Mt. Olive System and what the City plans on doing with the spray field associated with this system. City Manager Carrier stated that once it is abandoned as a spray field, the property will have to sit for one year before anything can be done with it, and at this point the City is not sure as to the plans for those 40 acres. A question regarding annexation was brought up. City Manager Carrier and Mayor Penton assured the public that prior to annexation the owner of the property would be notified and all legal aspects would be met. There being nothing further from the public Mayor Penton closed the Public Hearing for Council to discuss and take action on Ordinance 1141. A motion was made by Councilor Adorno to accept Ordinance 1141 and seconded by Councilor Ames.

Roll Call: Councilor Leonard McManigle-aye; Councilor Nancy Adorno-aye; Mayor Donald Penton-aye; Councilor Dan Ames-aye.

4-eyes

0-nays

2. **ORDINANCE 1142**

AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA ADDING ARTICLE 17 TO THE MUNICIPAL CODE AND PROVIDING FOR 17-101 AUTHORIZATION; 17-102 PURPOSE AND INTENT; 17-103 FINDINGS; 17-104 APPLICABILITY; 17-105 EXEMPTIONS; 17-106 DEFINITIONS; 17-107 NOTICE AND HEARING REQUIRED FOR ESTABLISHING OR INCREASING AN IMPACT FEE; 17-108 IMPOSITION, CALCULATION AND COLLECTION OF IMPACT FEES; 17-109 IMPACT FEE ACCOUNTS; 17-110 USE OF IMPACT FEE PROCEEDS; 17-111 REFUNDS; 17-112 AUDITS; 17-113 PROTESTS AND APPEALS; 17-114 STATUTE OF LIMITATIONS; 17-115 VARIANCES AND EXCEPTIONS; 17-116 AMENDMENT

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PROCEDURES; 17-117 CREDITS; 17-118 CONFLICTS; 17-119 SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

City Manager Carrier read the title of Ordinance 1142 aloud. City Manager Carrier went over each item of the ordinance. Mayor Penton opened the Public Hearing for public comments. There were many different questions as to growth, annexation, and state law superseding county and city ordinances. City Manager Carrier confirmed that the City of Lakeland and Polk City boundaries actually touch by land now. It was once again asked if a property owner would be notified if a property was to be annexed. Mayor Penton confirmed that indeed, there would be notification to the owner and all other legal aspects would be met. A member of the public asked what types of annexations there are. Mayor Penton replied with the following: Voluntary Annexation, large tracts of land and by referendum. (51% of the property owners in any given area would have to agree to be annexed). There being no further comments from the public, Mayor Penton closed the Public Hearing for council to discuss and take action on Ordinance 1142. a motion was made by Councilor Adorno to accept Ordinance 1142 and seconded by Councilor McManigle.

Roll Call: Mayor Donald Penton-aye; Councilor Dan Ames- aye; Councilor Leonard McManigle-aye; Councilor Nancy Adorno-aye.

4-ayes

0-nays

II. CITY MANAGER ITEMS

There were none

III. CITY CLERK ITEMS

There were none.

IV. CITY ATTORNEY ITEMS

There were none

IX. COUNCIL MEMBER ITEMS

Councilor Adorno- none

Councilor Ames- none

Councilor McManigle- Councilor extended his gratitude to the members of the public for coming to the Public Hearing

X. VICE MAYOR ITEMS

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Vice Mayor Denico was absent.

XI. MAYOR ITEMS

None

XII. PUBLIC COMMENTS

Richard P. Kidd II asked council if there was a plan in the near future for a skate park to be utilized by our youth. He stated that there was a real need for the youth to have a place to go and a skate park would be ideal. He also stated that the youth often times are asked to leave certain areas because skate boards are prohibited on the premises. City Manager agreed that an area is needed and confirmed to Mr. Kidd that the city has been very diligently working on getting a parks grant for such a park. It would be constructed under the bridge near the entrance of the Van Fleet State Trail. Mr. Kidd seemed pleased with this information.

XIII. ANNOUNCEMENTS

There were non

XIV. ADJOURNMENT

There being nothing further on the agenda to discuss, a motion was made to adjourn the meeting by Councilor Nancy Adorno and seconded by Councilor Ames.

The meeting adjourned at 9:30 pm.

APPROVAL:

City Clerk Sylvia Sims

Mayor Donald L. Penton