

# CITY COUNCIL MEETING MINUTES

August 14, 2007

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

## INVOCATION

Pastor Walter Lawlor  
Assembly of God Church

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

## ROLL CALL

Present: Mayor Donald Penton, Vice Mayor Chris Denico, Councilor Dan Ames, Councilor Nancy Adorno, Councilor Leonard McManigle was absent, City Manager Cory Carrier, City Attorney Jeff Sullivan ( was not present at the time of roll call but arrived at 7:32 pm), City Clerk Sylvia Sims.

**A quorum was declared present.**

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

## I. APPROVE CONSENT AGENDA

A motion was made by Vice Mayor Denico to accept the consent agenda and seconded by Councilor Ames

Roll Call: Councilor Dan Ames-aye, Councilor Nancy Adorno-aye; Mayor Donald Penton-aye, Vice mayor Chris Denico-aye;

4-eyes

0-nays

## II. NEW BUSINESS

### A. RESOLUTION 2007 - 04

A RESOLUTION OF THE CITY OF POLK CITY, FLORIDA, APPROVING THE EXECUTION OF AN INTERGOVERNMENTAL MAINTENANCE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING THE MAINTENANCE OF THE STATE ROAD RIGHTS OF WAY IN POLK CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

There was no discussion regarding this resolution. A motion was made Councilor Adorno and seconded by Vice Mayor Denico.

Roll Call: Councilor Dan Ames, Councilor Nancy Adorno-aye, Mayor Donald Penton-aye, Vice Mayor Chris Denico-aye.

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4-ayes  
0-nayes

## B. RESOLUTION 2007 - 06

A RESOLUTION OF THE CITY OF POLK CITY, FLORIDA, APPROVING THE EXECUTION OF AN INTERGOVERNMENTAL MAINTENANCE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING THE MAINTENANCE OF THE STATE ROAD RIGHTS OF WAY IN POLK CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

There was no discussion regarding this resolution. A motion was made Vice Mayor Denico and seconded by Councilor Dan Ames.

Roll Call: Councilor Nancy Adorno-aye, Mayor Donald Penton-aye, Vice Mayor Chris Denico-aye, Councilor Dan Ames.

## C. FLORIDA DEPARTMENT OF TRANSPORTATION NEW THREE-YEAR MAINTENANCE AGREEMENT

4-ayes  
0-nayes

### **C. Review, Discuss and take action on setting a Tentative Millage Rate for 2007-2008.**

Council reviewed the various millage rates as instructed by City Manager Carrier. She advised Council of the effects that rolling back the millage rate could have on the city budget, such as closing the library, laying off staff, breaking the contract with the sheriff's office etc. If the super exemption was to pass in January then the city's budget would take another hit of \$100,000, which it simply cannot afford. Council could certainly lower the millage but to raise it again would take a city wide referendum, which is a very costly process. Staff recommendation is that the millage rate be dropped ½ mil (.50). City manager Carrier also suggested dropping it at the final hearing if council chooses to do so. She reminded Council to take in consideration that the staff employed by the city are also taxpayers and have not had a raise in 3 years. In fact, last year took a pay cut due to the rising cost of the health insurance. City Manager Carrier strongly feels that if we are not able to award increases this year, the city will lose very valuable people. Councilor McManigle asked what our millage rate was, City Manager Carrier stated that it was set a 6.7425 and by statute, the city is allowed to raise it up to 10.0000 mil. Council discussed the options and felt that it would be in the best interest of the city to keep the millage where it was right now. Mayor Penton expressed his concern since there are no reserve funds, in the event a hurricane or tornado was to come through the city, the city would virtually be bankrupt. The city never fully recovered from the 2004 Hurricanes due to FEMA and insurance not paying all the city was out expense wise.

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Councilor Ames felt that “we simply cannot turn out the lights”; Mayor Penton strongly feels that the state had no right to implement what they did. Council came to a unanimous decision to keep the millage as is for now and hopefully once the growth Polk City is experiencing, shows up on the tax roll, perhaps they can lower the rate.

A motion to leave the millage rate as is was made by Vice Mayor Denico and seconded by Councilor Ames.

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

5-ayes

0-nayes

### III. NEW BUSINESS

ORDINANCE 1211 –

AN ORDINANCE RELATING TO ANNEXATION; MAKING FINDINGS; INCLUDING WITHIN THE CORPORATE LIMITS OF POLK CITY, FLORIDA, CERTAIN REAL PROPERTY LOCATED AT 9615 VOYLES LOOP ROAD AND ALL ADJACENT RIGHTS OF WAY; WHICH IS LOCATED IN SECTION 31, TOWNSHIP 26, RANGE 25; AND PROVIDING FOR AN EFFECTIVE DATE

City Manager Carrier read the caption of Ordinance 1211 aloud. There was no discussion by council. Vice Mayor Denico made a motion to accept Ordinance 1211 as written and the motion was seconded by Councilor Ames.

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

5-ayes

0-nayes

- ORDINANCE 1212 – AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF POLK CITY, SAID AMENDMENT BEING KNOWN AS: “AMENDMENT 07-26-SS” SPECIFICALLY ASSIGNING A FUTURE LAND USE CLASSIFICATION OF “CONVENIENCE CENTER – X AND RESIDENTIAL LOW – X ” TO THE CROMMETT PROPERTY, LOCATED AT 9615 VOYLES LOOP ROAD; SUCH AMENDMENT COMPLYING WITH THE SMALL SCALE AMENDMENT RULES; AND TO TRANSMIT SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) AS NOTIFICATION OF ADOPTION OF SMALL SCALE AMENDMENT); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Carrier read the caption of Ordinance 1212 aloud. There was no discussion by council. Councilor Ames made a motion to accept Ordinance 1212 as written and the motion was seconded by Vice Mayor Denico.

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

5-ayes

0-nayes

- ORDINANCE 1213 – AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF POLK CITY, SPECIFICALLY ASSIGNING A ZONING CLASSIFICATION OF “CONVENIENCE CENTER – X AND RESIDENTIAL SUBURBAN – X TO THE CROMMETT PROPERTY, LOCATED AT 9615 VOYLES LOOP ROAD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Manager Carrier read the caption of Ordinance 1213 aloud. There was no discussion by council. Councilor Adorno made a motion to accept Ordinance 1213 as written and the motion was seconded by Councilor Ames.

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

5-ayes

0-nayes

- ORDINANCE 1214 – AN ORDINANCE RELATING TO ANNEXATION; MAKING FINDINGS; INCLUDING WITHIN THE CORPORATE LIMITS OF POLK CITY, FLORIDA, CERTAIN REAL PROPERTY LOCATED AT 545 ORANGE BLVD AND ALL ADJACENT RIGHTS OF WAY; WHICH IS LOCATED IN SECTION 33, TOWNSHIP 26, RANGE 25; AND PROVIDING FOR AN EFFECTIVE DATE

City Manager Carrier read the caption of Ordinance 1214 aloud. There was no discussion by council. Vice Mayor Denico made a motion to accept Ordinance 1214 as written and the motion was seconded by Councilor Adorno.

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

5-ayes

0-nayes

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- ORDINANCE 1215 – AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF POLK CITY, SAID AMENDMENT BEING KNOWN AS: “AMENDMENT 07-27-SS” SPECIFICALLY ASSIGNING A FUTURE LAND USE CLASSIFICATION OF “RESIDENTIAL LOW DENSITY” TO THE HO SHING PROPERTY, LOCATED AT 545 ORANGE BLVD; SUCH AMENDMENT COMPLYING WITH THE SMALL SCALE AMENDMENT RULES; AND TO TRANSMIT SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) AS NOTIFICATION OF ADOPTION OF SMALL SCALE AMENDMENT); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Carrier read the caption of Ordinance 1215 aloud. There was no discussion by council. Councilor Ames made a motion to accept Ordinance 1215 as written and the motion was seconded by Vice Mayor Denico

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

5-ayes  
0-nayes

0-nayes

- ORDINANCE 1216 – AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF POLK CITY, SPECIFICALLY ASSIGNING A ZONING CLASSIFICATION OF “RESIDENTIAL (R2) TO THE HO SHING PROPERTY, LOCATED AT 545 ORANGE BLVD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Carrier read the caption of Ordinance 1216 aloud. There was no discussion by council. Councilor Ames made a motion to accept Ordinance 1216 as written and the motion was seconded by Vice Mayor Denico

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

5-ayes  
0-nayes

- ORDINANCE 1217 – AN ORDINANCE RELATING TO ANNEXATION; MAKING FINDINGS; INCLUDING WITHIN THE CORPORATE LIMITS OF POLK CITY, FLORIDA, CERTAIN REAL PROPERTY LOCATED AT 5732 Mt Olive road; AND ALL ADJACENT RIGHTS OF WAY; WHICH IS LOCATED IN SECTION 8, TOWNSHIP 26, RANGE 25; PROVIDING FOR AN EFFECTIVE DATE

City Manager Carrier read the caption of Ordinance 1217 aloud. There was no discussion by council. Councilor Adorno made a motion to accept Ordinance 1217 as written and the motion was seconded by Councilor Ames.

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

5-ayes

0-nayes

- ORDINANCE 1218 – AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF POLK CITY, SAID AMENDMENT BEING KNOWN AS: “AMENDMENT 07-28-SS” SPECIFICALLY ASSIGNING A FUTURE LAND USE CLASSIFICATION OF “RSX RESIDENTIAL SUBURBAN X” TO THE CAYSON PROPERTY, LOCATED AT 5732 MT OLIVE ROAD; SUCH AMENDMENT COMPLYING WITH THE SMALL SCALE AMENDMENT RULES; AND TO TRANSMIT SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) AS NOTIFICATION OF ADOPTION OF SMALL SCALE AMENDMENT); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Carrier read the caption of Ordinance 1218 aloud. There was no discussion by council. Councilor Ames made a motion to accept Ordinance 1218 as written and the motion was seconded by Vice Mayor Denico

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

5-ayes

0-nayes

- ORDINANCE 1219 – AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF POLK CITY, SPECIFICALLY ASSIGNING A ZONING CLASSIFICATION OF “RSX RESIDENTIAL SUBURBAN X TO THE CAYSON PROPERTY, LOCATED AT 5732 MT OLIVE ROAD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Carrier read the caption of Ordinance 1219 aloud. There was no discussion by council. Councilor Adorno made a motion to accept Ordinance 1219 as written and the motion was seconded by Vice Mayor Denico

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

5-ayes

0-nayes

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### IV. CITY MANANGER ITEMS

- City Manager Carrier proposed to reserve August 8, 2007 at 7:00pm to hold a Budget Workshop. Council agreed to that date.
- City Manager Carrier reminded everyone of the Florida League of Cities Conference on August 16-18 2007 in Orlando.
- City Manager Carrier reviewed the calendar with council to make them aware of upcoming meetings.
- In addition, Mayor Penton will be sworn in as President of the Ridge League of Cities at the September Ridge League meeting and would like as many of council to attend as possible.
- Further, Council was asked about whether the city hall offices could close for a couple of days while moving in the new facility. Councilor Ames jokingly stated that there was always Saturday and Sunday available for moving.
- Sgt. Dan Cone offered the help of trustees with moving.
- The anticipated date to move into the new City Hall is late October to mid November barring something bad happening.
- City Manager Carrier reminded Council that a date needed to be set for the Lakeshore Residents Annexation Information Meeting. Council chose July 31, 2007 at 7:30pm.
- The generator for the New City Hall has been shipped; because the new city hall will also serve as an actual hurricane shelter having an emergency generator on site is a requirement.
- There are several grants in the works, Pam Peterson has been working on grants diligently, the most obvious is the SR 33 Beautification Project ( CDBG grant) on the other side of the bridge.
- There is a meeting scheduled next week with the County Recreational Dept. to discuss the field next to the existing football field.
- City Manager Carrier met with C.C. Calhoun and Charlie Carnes today in regards to the Waste water treatment plant; they informed City Manager Carrier that they purchased the Thornall property. Some minimal mining will be conducted at this site to build a lake as the property will be developed. The appraisal was ordered and the city is moving forward with the sale. The engineers for the project are moving forward, and are 30% done with the Design Phase. They will be addressing Council soon, to show Council how everything is coming together.

### V. CITY CLERK ITEMS

City Clerk Sims informed Council that she has a recommendation from the Planning and Zoning Board to appoint Bob Bersey to the Board. It is for a period of six month. A motion was made by Councilor Ames to appoint Bob Bersey to the Planning and Zoning Board and seconded by Councilor Adorno.

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

## VI. CITY ATTORNEY ITEMS

None

## VII. COUNCIL MEMBER ITEMS

Councilor Adorno- Welcomed Bob Bersey;  
Councilor Ames- Welcomed Bob Bersey, thanked staff for an excellent job;  
Councilor McManigle- Welcomed Bob Bersey.

## VIII. VICE MAYOR ITEMS

Welcomed Bob Bersey, and welcomed Dan Ames back. Thanked Sgt. Cone for the great job the deputies are doing.

## IX. MAYOR ITEMS

Mayor Penton, thanked everyone for coming tonight; he expressed his sincere appreciation for understanding the property tax situation and hopes to have the citizens' support. He stated that also he feels that the city has to do what it has to do to prosper the community and sincerely wishes to readdress the situation regarding taxes as soon as more information is available.

## X. PUBLIC COMMENTS AND REQUESTS

Bobby Dunn of the Ace Storage Business addressed Council as to whether his request to rezone the property back to industrial was received. Council was concerned to change the zoning to industrial in case of a sale. An industrial zoning would not be well received in the heart of downtown. Ms. Carrier suggested to maybe draw up a developer's agreement, that in the event the property was sold and it was zoned industrial at that time, the zoning would return to commercial. Ms. Carrier stated that she would look further into it.

Delilah McGill, a county resident, asked if Ms. Carrier could request the county to put speed humps in her neighborhood off Smith Rd. City Manager Carrier offered to facilitate a meeting with the county, but that would be all she could do since it is a county issue.

City Manager Carrier also requested to meet with the Smith Road residents to inform them of the progress of the Regional Waste Water Treatment plant and how it will affect their neighborhood. Ms. McGill suggested, she attend the neighborhood meeting the second Saturday of August. Ms. Carrier asked for Ms. McGill to please keep her informed as it draws nearer. Ms. McGill agreed to do so.

## ANNOUNCEMENTS



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none.

**XI. ADJOURNMENT**

With there being nothing further on the agenda. The meeting adjourned at 8:37 pm by voice vote.

APPROVAL:

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City Clerk Sylvia Sims

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Mayor Donald L. Penton