

SPECIAL CALLED MEETING MINUTES

October 2, 2007

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Mayor Donald L. Penton called the meeting to order at 7:30PM.

ROLL CALL Present: Mayor Donald Penton, Vice Mayor Chris Denico, Councilor Dan Ames, Councilor Nancy Adorno, City Manager Cory Carrier, City Attorney Jeff Sullivan, City Clerk Sylvia Sims.

Also Present: Attorney George Smith, of Bryant, Miller and Olive

A quorum was declared present.

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

PUBLIC HEARING

I. ORDINANCE 1235

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POLK CITY, FLORIDA AMENDING AND SUPPLEMENTING ORDINANCE NO. 1089 OF THE CITY; INCREASING THE PRINCIPAL AMOUNT OF THE CITY OF POLK CITY, FLORIDA CAPITAL IMPROVEMENT REVENUE NOTE, SERIES 2005; AMENDING REQUIREMENTS RELATED TO CONVERSION; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Penton opened the Public Hearing for public comments. For the record, there was no one from the public present. Mayor Penton closed the public hearing and turned discussion of Ordinance 1235 over to the board.

Vice Mayor Denico asked what this Ordinance entails, as she was not present for the first reading of said Ordinance. Mayor Penton proceeded to explain to Vice Mayor Denico that this Ordinance would allow the City to increase the current line of credit from \$2 million dollars to \$4 million dollars in order to pay for the construction and other costs regarding the temporary Waste Water Treatment Plant located off Stephen Drive.

There was no further discussion by Council. A motion was made by Councilor Ames to accept Ordinance 1235 and seconded by Councilor Adorno.

Roll Call: Councilor Adorno-aye, Councilor Ames-aye, Vice Mayor Denico-aye, Mayor Penton-aye.

4- ayes
0-nayes

Mayor Penton mentioned to Council to review and fill out the Performance Evaluations for the City Manager and the City Clerk, and bring them back to the next regularly

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scheduled meeting on October 9, 2007, 7:30p.m..

City Manager Carrier further instructed Council to turn them in to Victoria Silva, by 10 a.m. to ensure that the totals will be ready for the meeting that evening. City Clerk Sims reminded Council that she would not be attending the meeting on October 9, 2007, 7:30P.M., because she will be at the annual Clerkø Institute in Jacksonville for the entire week.

Attorney Jeff Sullivan asked Council for directive on the lawsuit between Polk City and Auburndale. He gave a brief synopsis of the history of the lawsuit and further stated that Polk City has exhausted all of their avenues and feels the lawsuit is at its end. The issue before him now is the spray field case that has one small claim in it, which in Attorney Sullivanø opinion would be hard to prove and may require expert testimony. This in turn would start up legal fees once more and Attorney Sullivan recommends that the attorneys of the opposing cities should come to the table and agree to dismiss the case ending the legal battle. He feels confident that Auburndaleø attorney would agree to dismiss the pending case.

City Manager Carrier added that if Council agrees with Attorney Sullivanø recommendation, the issue of the Florida Statute 180 (section that municipalities use to set their future utility service area) needs to be repealed due to the language of the statute. The statute states that the City is øready, willing and ableö to provide utility services. Although the city is in the position to provide service to many an area, we are not in the position at this time to provide service to someone north of town as we have not expanded our water and sewer lines in that direction, legal repercussion could arise from this. Vice Mayor Denico voiced her concern for not having the Section 180 in place. Her concern is keeping another surrounding city from encroaching on Polk City and providing service inside the cityø intended utility service area. City Manager Carrier stated that at this point it is a øfirst in timeö situation, meaning that who ever can get the service to the area fastest becomes the service provider.

City Attorney Sullivan suggested that perhaps the city should entertain the idea of entering into Interlocal Agreements and draw the proverbial øline in the sandö meaning that neither city shall cross the property line.

City Manager Carrier and City Attorney Sullivan both suggested that both mayors and the attorneys should meet to resolve the final issue in the lawsuit. Council came to a unanimous consensus to drop the lawsuit against Auburndale.

II. ADJOURNMENT

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With there being nothing further on the agenda. The meeting adjourned at 7:59 p.m. by voice vote.

APPROVAL:

City Clerk Sylvia Sims

Mayor Donald L. Penton