

**CITY OF POLK CITY**

April 14, 2009

**City Council Meeting**  
Polk City Government Center  
123 Broadway Blvd

7:30 P.M.

**MINUTES**

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Mayor Penton called the meeting to order at 7:30 p.m.

Gene Kniffin, City Planner, gave the invocation.

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

**ROLL CALL**

Mayor Donald Penton, Vice Mayor Chris Denico-excused, Councilor Nancy Adorno, Councilor Dan Ames-excused, Councilor Kristi Eilertsen, City Manager Cory Carrier, City Attorney Jeff Sullivan and Interim City Clerk Patricia Jackson. Also present were Assistant City Manager Pam Peterson, and Planner Gene Kniffin.

A quorum was established, and Mayor Penton turned the meeting over to City Manager Carrier.

**ELECTION OF MAYOR AND VICE MAYOR**

Councilor Eilertsen made a motion to keep the current Mayor as Mayor and elect Councilor Adorno as Vice Mayor; the motion was seconded by both Councilor Adorno and Mayor Penton.

Roll Call: Councilor Eilertsen-aye, Councilor Penton-aye, Councilor Adorno-aye.

3-eyes

0-nays

**APPROVE CONSENT AGENDA**

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

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

3-eyes

0-nays

## **PRESENTATIONS AND/OR RECOGNITIONS**

### **Steve Elias, Envisors**

Steve Elias, who is the Vice President of Engineering with Envisors, addressed the Council. He extended many thanks to City Staff, the Sheriff's Department and the Mayor for the success of Candy Canes for Kids. During Christmas Envisors sponsored an event known as Candy Canes for Kids; City Staff and the Sheriff's Department collected gifts and monetary contributions for 15 families (275 gifts and several thousand dollars). He thanked Sergeant Cone, Pam Peterson, Patricia Jackson, Cory Carrier and all City Staff; he then presented the City with several newspaper articles in a frame.

### **Colleen Mangan, American Cancer Society – Relay for Life Update**

Colleen Mangan, who is with the American Cancer Society, addressed the Council and gave them an update on the Relay for Life Event that will be taking place in Polk City. She also introduced several committee members that were present and thanked them for their hard work. She then recognized several sponsors and read some of the team names. City Manager Carrier asked if Relay for Life had a face book presence. Discussion took place about donations, putting information on the City's website and linking with the Relay for Life (American Cancer Society) website. The event will begin the evening of May 15<sup>th</sup>.

## **PUBLIC HEARINGS**

**Ordinance 1248, An Ordinance relating to annexation; making findings; including within the corporate limits of Polk City, Florida, certain real property located at 212 Hamolia Avenue and all adjacent rights of way; which is located in Section 33, Township 25, Range 26; and providing for an effective date.**

City Manager Carrier read Ordinance 1248 in short title. Mayor Penton opened the Public Hearing for any comments. Mr. Mike Blethen asked if the Church was a whole block, if annexing street and if it was adjacent. City Manager Carrier advised it is adjacent, and the City is only dealing with the Church property. It is small scale, and the City can do quite a number of small scale amendments a year; it is a voluntary annexation.

There being no further questions or comments, Mayor Penton closed the Public Hearing.

A motion was made by Vice Mayor Adorno to accept Ordinance 1248; the motion was seconded by Councilor Eilertsen.

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

3-ayes  
0-nays

**Ordinance 1249, 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 09-01-SS” Specifically assigning a Future Land Use Classification of “Residential Low” to the First Baptist Church of Polk City, FI Inc. located at 212 Hamolia Avenue; 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 Ordinance 1249 in short title. Mayor Penton opened the Public Hearing for any comments. Mr. Mike Blethen addressed the Council and asked about the name of the Church and if it was a corporation. If it is a corporation, it should be treated like any other business. City Manager Carrier advised the Land Use is the same as it currently is in the County. Churches are not treated like a business; they are non profit organizations.

There being no further questions or comments, Mayor Penton closed the Public Hearing.

A motion was made by Councilor Eilertsen to accept Ordinance 1249; the motion was seconded by Vice Mayor Adorno.

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

3-eyes  
0-nays

**Ordinance 1250, 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 Low (R2)” to the First Baptist Church of Polk City, FI Inc., property, located at 212 Hamolia Ave; providing for severability; and providing for an effective date.**

City Manager Carrier read Ordinance 1250 in short title. Mayor Penton opened the Public Hearing for any comments. Mr. Mike Blethen addressed the Council and asked why go through three Ordinances; why not put into one Ordinance. City Manager Carrier advised you have to do three separate Ordinances – one for annexation, one for land use and one for zoning; it is governed by State Statute.

There being no further questions or comments, Mayor Penton closed the Public Hearing.

A motion was made by Councilor Eilertsen to accept Ordinance 1250; the motion was seconded by Mayor Penton.

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

3-eyes  
0-nays

### **UNFINISHED BUSINESS**

There was no unfinished business.

## **NEW BUSINESS**

**Ordinance 1251, An Ordinance of the City of Polk City, Florida, Amending Ordinance 1244, by Adopting a Revised Exhibit Thereto; Said Exhibit Specifically Amending the Adopted Capital Improvements Element and Update to the 5-Year Capital Improvements Plan; Providing for Severability; and Providing for an Effective Date.**

City Manager Carrier read Ordinance 1251 in short title, and explained there was an error on the CIP that was adopted previously; DCA sent it back to Central Florida Regional Planning Council for correction. City Manager Carrier advised that because this is a CIP, it will go before the Planning Commission for Public Hearing and then come back to Council for a second reading.

A motion was made by Vice Mayor Adorno to accept Ordinance 1251; the motion was seconded by Mayor Penton.

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

3-ayes

0-nays

### **City Clerk Position**

City Manager Carrier advised Council they each have a copy of a Memorandum requesting the ratification of appointment of Patricia Jackson as City Clerk, and asked to waive the application and interview process pursuant to Section C-22 of the Charter interview process since Patricia has been with the City for six months; she feels that was a pretty good interview (the memorandum will be made part of the minutes).

A motion was made by Mayor Penton to accept Patricia Jackson as the City Clerk; the motion was seconded by Councilor Eilertsen.

Roll Call:

Councilor Eilertsen-aye, Vice Mayor Adorno-aye, Mayor Penton-aye.

3-ayes

0-nays

**Ordinance 1252, An Ordinance of the City of Polk City, Florida, Establishing Illicit Discharge and Connection Stormwater Regulations; Establishing Section 1, Purpose and Intent; Section 2, Definitions; Section 3, Applicability; Section 4, Responsibility for Administration; Section 5, Severability; Section 6, Ultimate Responsibility; Section 7, Discharge Prohibitions; Section 8, Suspension of MS4 Access; Section 9, Industrial or Construction Activity Discharges; Section 10,**

**Monitoring of Discharges; Section 11, Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the Use of Best Management Practices; Section 12, Watercourse Protection; Section 13, Notification of Spills; Section 14, Enforcement; Section 15, Appeal of Notice of Violation; Section 16, Enforcement Measures After Appeal; Section 17, Cost of Abatement of the Violation; Section 18, Injunctive Relief; Section 19, Compensatory Action; Section 20, Violations Deemed a Public Nuisance; Section 21, Criminal Prosecution; Section 22, Remedies Not Exclusive; and Section 23, Adoption of Ordinance**

City Manager Carrier read Ordinance 1252 in short title. City Manager Carrier explained that Polk City has a MS4 Permit as do the other cities in Polk County and Polk County itself; Polk City was chosen for an audit this year. She then read a portion from the Audit for Polk City: "Please be advised of the following needed improvements: During the audit, the permittee was unable to demonstrate the legal authority required under Parts II.E.1 and II.E.2 of the permit. The permittee must prohibit illicit discharges into the MS4, and provide the authority necessary to enforce any violations of these prohibitions. Within 30 days of the date of this letter, please provide a demonstration of the necessary legal authority, or a schedule for the drafting and adoption of the appropriate ordinance(s)." City Manager Carrier advised we used their Ordinance, and where it stated "appropriate legal authority" it was changed to "City of Polk City." This is an unfunded mandate.

Mr. Hamilton addressed the Council and asked who did the audit; City Manager Carrier advised SWFWMD did the audit. There were three to five small cities that had audits conducted this year. Discussion then took place regarding industrial waste. Gene Kniffin advised there was no one causing hazardous waste; however, it also includes if there are spills on the roadway and possible discharge into the lakes from the inlets, and any city equipment, etc.

A motion was made by Vice Mayor Adorno to accept Ordinance 1252; the motion was seconded by Mayor Penton.

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

3-ayes  
0-nays

### **CITY MANAGER ITEMS**

City Manager Carrier announced the Spring Clean Up Day will be May 16; things should be placed in front of the homes. She advised she would put it on the website; it will give instructions as to what to do and what will be allowed.

### **CITY CLERK ITEMS**

City Clerk Jackson thanked the Council for their confidence.

### **CITY ATTORNEY ITEMS**

City Attorney had nothing to report.

### **COUNCIL MEMBER ITEMS**

**Councilor Eilertsen** – Councilor thanked everyone for coming. She advised she attended the TPO meeting this past week; she is on the Board of the Transportation Planning Organization (TPO) on behalf of Polk City, and she monitors and helps with decisions that are made regarding transportation issues throughout Polk County. They looked at finalizing the budget, but one of the most interesting items was the Polk County Transportation Future Art Contestants being recognized. Students from grades 4-8 could enter and there were 670 students who entered the contest; however, only 25 students were recognized.

### **VICE MAYOR ITEMS**

Vice Mayor Adorno thanked the public for attending. She is looking forward to fulfilling her new position; it will continue to be educational. She is looking forward to providing herself, as much as possible, to the community and staff and improving facilities and doing what is best for Polk City.

### **MAYOR ITEMS**

Mayor Penton thanked everyone for coming. He hopes to see the people here more times. He knows the people hear and read things in the papers about the water bills; however, the City had \$22,000 in write-offs, which is a lot of money for a small city like ours. He advised they have to stay on top of everything. He appreciates everyone for coming out.

### **PUBLIC COMMENTS/REQUEST**

The City Manager asked the City Clerk if there were any public request; Mayor Penton advised he had one public request and asked Mr. Hamilton to come forward (after Mr. Hamilton came forward other requests were turned in to the City Clerk, who gave them to the Mayor).

Mr. Hamilton, 664 Meandering Way, addressed the Council; he is a disabled veteran and is looking to build on a lot he owns, but the impact fees are just shy of \$10,000. He asked the Council to consider a reduction in the impact fees similar to what Polk County just did (about 25% reduction), and also asked the Council to consider not making Veterans pay an impact fee.

Tim and Lisa Fussell, 141 Homewood Drive, Winter Haven, addressed the Council regarding Ordinance 1246, which was recently passed; specifically the prohibition of wells within the city limits – irrigating with ground water rather than potable water. They also discussed the water use permit, and the City is supposed to have alternative water resources by 2013 – private irrigation wells is an alternative resource, and it allows the City to have more use (capacity) on water use permit. City Manager Carrier advised the City is currently in the process of reviewing the Water Master Plan with Envisors, and

the City is working very closely with the Southwest Florida Water Management District regarding conservation and landscaping. The City is trying to comply with what SWFWMD wants them to do. The City is working on adopting the Water Master Plan by Ordinance. The Master Plan is on the City's website.

Matthew Ager, 467 Waterview Drive, addressed the Council. He asked if the City would consider a one-time waiver of the \$100 fee for those original customers who have not been cut off before, or a credit. City Manager Carrier advised the City is working with those that have not been cut off, and asked they call City Hall. He also asked if he could come in to City Hall for information; he was advised yes, he could.

Lynn Hice, 1214 Motor coach Drive, addressed the Council and questioned the \$5 late fee when someone is out of town and doesn't get a bill (when she went of town in the early part of March, she had no bill; however, when she returned it was delinquent). She also asked about the reading date of the meters; her bill stated the meter was read on the 28<sup>th</sup> of February, but doesn't receive the bill for several weeks after that. She asked why couldn't the City read half the meters and send the bills, and then do the other half. City Manager Carrier advised it would cost the City more to do that. City Manager Carrier advised the bills are processed as quickly as possible; the City is working on getting direct pay, whereby the bills can be paid on line through the City website.

Garnet Given, 427 Edgewater Drive, addressed the Council. She asked "what is the date for the public hearing regarding the Sewage Treatment Plant?" City Manager Carrier advised there hasn't been a date set; we have not received the results. She also advised the notices of the meetings are usually posted at the Post Office, but there wasn't one there; she was advised a notice was posted at the Post Office. Regarding the Sewage Treatment Plant she asked why we bother to have a public hearing when it was announced by the Mayor in the Guide to Polk City the Sewage Treatment Plant should be started in late summer. Mayor Penton advised it is not a "done deal," and it was an estimated time based on whether or not the City received the money. Ms. Given then asked when are the questions' going to be answered that was asked at the February 10 meeting regarding the Sewage Treatment Plant. Mayor Penton advised the group doing the study will give the City the answers; once they are received, there will be a public hearing. Ms. Given then asked about the \$100 hook-up fees, and who decides who is charged and who isn't? Some discussion took place between Ms. Given and Mayor Penton (audience members were talking and could not hear).

Mr. Mike Blethen, 320 Crepe Myrtle, addressed the Council. He asked what the status was on the Van Fleet Trail; he was advised the pre-bid conference will be held April 15 and bids are to be in April 30<sup>th</sup>. He then asked about the ownership of the new portion of the trail; he was advised that TECO and Polk City will own it. Mr. Blethen then asked about the number of grants the City currently has and the status. City Manager Carrier asked Mr. Blethen to come into City Hall during the day for that information, as the City has quite a number of them. At this time Mr. Blethen asked where the City stands with the current budget and if any cuts are being made. City Manager Carrier advised the

City has cut back; all employees, including salary employees, have been cut four hours per week. She also advised the City is on target; Mr. Blethen asked if the City had to borrow money for the operations and City Manager Carrier advised the City doesn't borrow money for the operations.

Mr. Bair, 5419 Golden Gate Blvd, addressed the Council. Mr. Blair asked when he was going to get answers to the questions he has asked in the last three meetings; he is concerned about the annexation schedule. He wanted to know if the City has made a determination on the signing of the consent to annexation form. The City is continuing to get these forms signed. Attorney Sullivan advised the Mayor asked him at the last meeting to obtain an answer; he has not had a chance to look at it; however, he will get an answer to the City before the next meeting.

### **ANNOUNCEMENTS**

City Manager Carrier advised that no one would be attending Ridge League due to the audit of the election taking place.

A motion was made by Vice Mayor Adorno to adjourn; the motion was seconded by Councilor Eilertsen and unanimously carried. The meeting adjourned at 8:40 p.m.

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Patricia R. Jackson, City Clerk

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Donald L. Penton, Mayor



