

CITY COUNCIL MINUTES

June 9, 2009

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

Pastor Walter Lawlor gave the invocation.

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

ROLL CALL

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

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

APPROVE CONSENT AGENDA

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

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

3-eyes

0-nays

PRESENTATIONS AND/OR RECOGNITIONS

There were none.

PUBLIC HEARINGS

Ordinance 1253, an Ordinance of the City of Polk City, Florida, amending Ordinance 2003-36, Chapter 2 Administration, Section 2-131, Fixed Assets; inclusive of the City of Polk City Code of Ordinances; providing severability and providing an effective date

City Manager Carrier read Ordinance 1253 in short title. Mayor Penton opened the Public Hearing; at this time City Manager Carrier advised this will make the capital assets program concur with the spending limits as set by Council. City Clerk Jackson advised that a typo was discovered in Item 3 – Responsible Parties, and changed as follows: City Council is responsible for the approval of major purchases that are \$10,001 and above; the City Manager is responsible for approval of all purchase orders up to \$10,000.

Mayor Penton asked if anyone from the audience had anything. Mr. Joe LaCascia, Mt. Olive Shores, advised he was confused and needed clarification on a couple of things: 1) it expanded the discretionary spending of the City Manager to \$25,000. City Manager Carrier advised that was the correction made as described by the City Clerk. 2) Did it give the authority for the City Manager unilaterally to dispose of assets in the same amount? City Manager Carrier advised the Council has to approve by Resolution the disposal of any assets. The disposal of assets was then explained in full by the City Manager. It begins with the Department Head, and then submitted to the Finance Administrator, who submits to the City Clerk. The City Clerk will submit to City Manager and City Council for approval. City Manager Carrier advised she receives a final list, which is then attached to a Resolution for Council approval.

Mr. Mike Blethen asked with the \$10,000 limit does the City still receive three bids for anything that is \$1,000. City Manager Carrier advised no; there are checks and balances through a purchase order system; the Mayor and Vice Mayor have to approve and sign off on the manifest of checks. He wanted to know when it becomes a public record. Vice Mayor Adorno advised anyone can come to City Hall during business hours and find out what has been spent. Mr. Blethen once again asked about the quotes for \$1,000. City Manager Carrier explained that anything of \$1,000 and meets certain criteria is a capital asset and has to be recorded in the Capital Asset Program. It is assigned a number, and it will also show where that equipment is or should be. The City Manager also went over the disposition of a capital asset. When asked if the capital asset was in the budget, City Manager Carrier advised it was not in the budget. Mayor Penton advised he worked for the County, and described how it is handled through the County.

Mr. Michael Ho-Shing addressed the Council and asked about putting a quarterly report on the website. He also mentioned the website should be kept updated.

There being nothing more from the Audience, Mayor Penton closed the Public Hearing.

At this time Councilor Eilertsen advised she would like to see Paragraph 5, Item F, removed from the Ordinance before approving the Ordinance. City Manager Carrier agreed; it has been a while since this has been reviewed; Mayor Penton also agrees. A motion was made by Councilor Eilertsen to amend Ordinance 1253 by removing Paragraph 5, Item F) Borrowing of City of Polk City Fixed Asset Property; the motion was seconded by Vice Mayor Adorno. A motion was made to approve Ordinance 1253 as amended; the motion was seconded by Vice Mayor Adorno.

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

3-ayes

0-nays

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Appointments to Planning Commission

City Manager Carrier advised there are two appointments, and requested that Mr. Ho-Shing be appointed as a full member and Mr. MacKenzie be appointed as an alternate member. Both were present and stood up to be recognized.

Councilor Eilertsen made a motion to appoint Mr. Ho-Shing as a full member and Mr. MacKenzie as an alternate member; the motion was seconded by Mayor Penton.

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

3-ayes

0-nays

Citizens Advisory Committee

City Manager Carrier advised she has been thinking about the idea of having a Citizens Advisory Committee (CAC); a group to work with the City on what the City does and also give advice of what they think. In the past the City has done surveys and other things, and feels the City would be better served by having a Citizens Advisory Committee. This Committee would consist of volunteers who are not all pro city or anti city, but a good mix of citizens of all neighborhoods. In addition to this, the City now participates in the Small Cities CDBG Program, and one of the requirements is to have a Citizens Advisory Committee, which advises the City on the spending of CDBG monies. She then asked the Council if they would be interested, and if so, to give her the authority to check into this and bring some by-laws back to Council. All of Council agreed that this would be something good for Polk City; Councilor Eilertsen advised it is also important for citizens to participate in these meetings. Vice Mayor Adorno asked how it would generally work. City Manager Carrier advised she would need to find out how they are set up and how other cities are handling Citizen Advisory Committees; however, she would think they would meet on a monthly basis and there would be an agenda of what the City is working on, and they can come up with projects to recommend to the Council.

A motion was made by Councilor Eilertsen to create a Citizens Advisory Committee; the motion was seconded by Vice Mayor Adorno.

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

3-ayes

0-nays

Property located at 509 2nd Street

City Manager Carrier advised the owner of the property located at 509 2nd Street has approached the City to see if the City is interested in purchasing it; however, there are code enforcement problems. At this time Kathy Delp, Code Enforcement Officer, gave Council information of the code violations against this property. She advised there is currently a \$48,000 lien on this property, which is the property directly next to the pocket park; the property is currently valued at \$11,000. The property is being assessed a \$250 fine per day for the overgrowth; the property owner brought the property into compliance over Memorial Day Weekend and the lien stopped at that time. City Manager Carrier advised the City has gone through all of the legal steps necessary, and the City will begin foreclosure procedures. The Council is not interested in purchasing this property.

At this time City Manager Carrier advised there was one other item to bring forward as new business that was not on the Agenda; it is Resolution 2009-04, which was brought by the Engineers. City Manager Carrier read Resolution 2009-04 in short title as follows:

A Resolution of the City Council of the City of Polk City, Florida, endorses the use of Local Agency Program Agreements between the City of Polk City and the Florida Department of Transportation; and authorizing the City Manager to submit a Local Agency Certification Qualification Agreement request to the Florida Department of Transportation; and providing an effective date.

City Manager Carrier then asked the Engineer to come forward and explain this to the Council. Mr. Steve Shealey, with Envisors, addressed the Council and explained how the program would work and benefit the City. Currently, if the City has a transportation need inside the City they would have to take it to DOT, get them to understand, fund and place on their project list. Under this program the City would have control of the project; they would decide what the project may be and take it to the Transportation Planning Organization; the City would be in control. Steve advised Envisors is doing the preparation work for free; they are getting all of the documents and paperwork done and working on preparing contract documents and agreement to bring back to the City Manager and Council. Mayor Penton feels it would be good for Polk City. Councilor Eilertsen thinks it is a good idea. Councilor Eilertsen asked what was in it for Envisors; the response was if the City gets a project they hope to be the Engineer. City Manager Carrier advised there were no guarantees for them to get anything. Also, whomever the City chooses as a Consultant will have to be DOT Certified. Vice Mayor Adorno asked if the main advantage was how much time the City would save. She was advised that was one advantage; however, getting a project looked at and put on the list should be an easier process. City Manager Carrier advised when the S.R. 33 Beautification Project was done she had to bypass DOT because it was difficult.

Mayor Penton made a motion to pass Resolution 2009-04; the motion was seconded by Councilor Eilertsen.

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

3-eyes
0-nays

CITY MANAGER ITEMS

City Manager Carrier made Council aware that we were notified by Central Florida Regional Planning Council there was a typo on the Ordinance that was passed at the last meeting; it has been corrected and resubmitted to DCA. There was an error when the numbers were being imputed – It was supposed to have been \$3,000,000 but entered as \$38,000,000 and that correction was made.

City Manager Carrier advised Council we are having quite a number of people that come in and really are abusive, verbally, to staff; they are extremely abusive. She wants to make Council aware when it gets to that point, she is going to get Sergeant Cone and have those people physically trespassed from the building. She wants to make them aware in case they get any phone calls. She advised that people may not like what we do, but they should at least deal with us in a respectful manner; we deal with them in that manner, and she doesn't believe staff

deserves, or gets paid, for some of the abuse that is given. Recently it has increased, and we are going to be seeing more and more people trespassed from the building; some of the people that have come in she has been physically threatened by them. The City Manager wanted to make Council aware in case they receive calls or hear comments. Councilor Eilertsen feels it is never okay to be physically or verbally abused, and the City Manager has her full support. Vice Mayor Adorno wanted to know if there was some way we could let people know it is not going to be allowed. More discussion took place; it was also discussed that employees will be respectful and those that continue being verbally abusive will be advised they are hanging up, or if it is in person, they will advise the customer and if necessary, call for assistance. Also, Councilor Eilertsen asked that it be documented (Pam, the Finance Administrator, and her department are the ones it happens to the majority of the time).

CITY CLERK ITEMS

City Clerk Jackson advised Council at the last meeting Ms. Hisaw presented Council with Petitions from Mt. Olive Shores, South, in opposition to annexation, and advised there were 441 Petitions; however, once they were counted, the City received 372 Petitions. City Clerk Jackson advised she wanted this to be on record.

CITY ATTORNEY ITEMS

The City Attorney had nothing to report. At this time City Manager Carrier offered congratulations to Jeff on the birth of his new son.

COUNCIL MEMBER ITEMS

Councilor Eilertsen – Councilor Eilertsen congratulated Mr. MacKenzie and Mr. Ho-Shing on their appointments; she greatly appreciates their participation. She also thanked everyone for attending the meeting; it is a great crowd.

VICE MAYOR ITEMS

Vice Mayor Adorno expressed her approval and excitement to begin a Citizens Advisory Committee; she is looking forward to seeing how that developments and how much participation we get.

MAYOR ITEMS

Mayor Penton thanked everyone for coming to the meeting, and thanked the volunteers for volunteering their time to work. Mayor Penton then advised he works at the jail and hears a lot of things; however, some of things that are being said here you would never hear in the jail. He stated it needs to stop, and we all need to get along.

PUBLIC COMMENTS/REQUEST

Mr. Robert Hutsler, 311 Callitris Avenue, addressed the Council regarding the City's position on Water Impact Fees. He gave a brief overview of when he was going to purchase the property. He advised he came into the Government Office to inquire about annexation, and then also pointed out he could not find a water meter; he said he was told there's a possibility the water meter had been removed. At that time a work order was issued and the water meter was found. He came back on April 28 to pay the connection fee and at that time was told he was in code violation because he had not paid the water impact fee. He explained they had a water meter and there would not be a water impact fee. He was then told no, there was still a violation because the property is considered to be abandoned. His understanding of abandonment is when someone walks away or not paying taxes and a possible lien is filed; this is not the case

on this property. He advised he was told they (city) still feels it was abandoned because the last time the meter was read was November 2003. He then asked to see the Ordinance that describes the time line for that impact fee, and none could be produced other than the Ordinance that says all new users will pay a water impact fee. He advised that was not true and when was purchasing home the water impact fee would be waived; he was advised that was true, but because the meter had not been read since November 2003 it was considered abandoned (it became an argument certain). He then requested a legal description of how Polk City can enforce an Ordinance that is not there from the Attorney. Mr. Gene Kniffin, the City Planner/Public Works Director/Building Official, addressed the Council and gave a history of the property. When he first spoke with Mr. Hustler it was stated a mobile home had recently been removed, and that is when the statement was about payment of the impact fee. He later discovered that back in 2005 a 1951 travel trailer was on the property and removed. Since that time there was no use of the property, no water and no electric, which makes it qualify has a new parcel. He then gave an overview of the development of property surrounding that area today, which are residential homes and the mobile home should not have been permitted. The City filed a protest with the County Building Department, and on the same day the home was delivered to the property and the County issued the permit. There are guidelines that if there is 51% conventional homes, a mobile home could not go there. He feels it is a new lot and the City should receive impact fees for water system. The building permit was issued thinking there was a well on the property; there is no well and if the County had known this they would not have issued the permit. There are issues other than the impact fees. At this time Mr. Hutsler advised he has an aerial photograph that shows structures were on that property in 2005 and in 2007 the aerial shows the structures are gone. Mr. Hustler advised the now retired Planning Director from the County is the one who had written a letter approving a manufactured home to be placed on this property; all permits were issued and a C.O. has been issued. Mr. Merel Bishop signed the letter back when there were vacant lots and no homes built; since then half million dollar homes have been built there. Mayor Penton asked if there was a septic tank on the property; yes there are two – one 900 gallon tank and one 500 gallon tank; Mr. Hustler advised a new one has just been put in. He also advised he just found a well on the property. Mayor Penton asked to have the City Attorney research this and get back with an answer. Attorney Sullivan advised this is the first time he has heard about this and will work with Gene on this. Mr. Hutsler advised there is no Ordinance with a time line on water impact fees. Mr. Hutsler asked if the Attorney could give an approximate time line to get an answer; Councilor Eilertsen asked when the Attorney thinks he could respond. City Manager Carrier asked if an answer could be give by next Friday or Thursday; Attorney Sullivan advised he could have something in about 10 days or so.

Ms. Linda Fuller, 904 Lakeshore Drive, addressed the Council. She is disappointed to see that Councilor Ames is not present; at the last meeting he asked how many names were on the Petition. Ms. Fuller advised she is representing people who are totally against construction and implementation of the multi-million dollar Waste Water Treatment Plant, and have been circulating a petition and now have 400 names and still going strong. She then advised the people who live in Flanders Field and on the other side of Lake Agnes (off Berkley) thanked them for what they are doing, but advised the assessment would not affect them. She asked Councilor Adorno what she would say to them. Councilor Adorno advised she would have to check and see how it does or does not affect them, and would have to see what exactly they are referring to. Ms. Fuller briefly discussed the \$300 assessment and affecting people who are not annexed; those people agree that it is too costly, but it would not affect them and she would like to know what to tell them. Vice Mayor Adorno feels she shouldn't tell them anything other than they should come to the City and get the correct information; Ms. Fuller does not have all of the details, and it would be best if they, themselves, come to the City and inquire about it and get

the information they need. Ms. Fuller then advised she spoke to a County Commissioner who advised it is through the use of utilities that annexations occur and are enforced. He then advised at one time he was Mayor of Lake Alfred and that City agreed to “no forced annexations” because people loath it. At one time the City Manager advised it was a State Law that if sewer is available, you have one year and must connect. Ms. Fuller asked Councilor Eilertsen if that was true, and Councilor advised it was. She then asked if that is going to happen to those people in Flanders Field and on Lake Agnes Drive – is it going to reach out to them because it is going to be a big project. Councilor Eilertsen advised if it they are going to be affected by the sewer system, then, yes, the same rules will apply. At this time Mayor Penton advised that no one has said the water system or sewer system was going to Flanders Station; at the last meeting it was stated the assessment is on hold, and your (Fuller’s) group going out there is being totally irresponsible in what is being said. What flabbergasted him was the Ledger printed this and never printed a retraction; the City has not assessed anything. The Consultant was asked to come back and let them know; however, that was set aside at the last meeting. City Manager Carrier advised there has never been a \$300 assessment proposed; the Council did not vote on that; the only thing Council voted on was to do a study only. Ms. Fuller advised it was in the headlines; City Manager Carrier advised they have asked repeatedly for a retraction of that story, and it has not been forthcoming. Mayor Penton then let Ms. Fuller know the reporter that wrote the story is present if she wanted to ask him any questions. Councilor Eilertsen let Ms. Fuller know that is why we ask the people to come here so we can give them the facts. Mayor Penton advised there were people in her (Fuller’s) group who came to the City requesting sewer systems; they are setting in this room, and they are telling you they don’t want sewer now; he doesn’t understand it. Councilor Eilertsen advised you can’t plan for the future and then just retract in mid planning; you just can’t do that when dealing with large funds and the future of the City. We have to continue to move forward. Ms. Fuller then asked about the February 10 meeting when it was stated the next meeting would be at the School; and asked if there was something more pressing. She was advised the meeting was to be held at the School when the Consultants came back with the study and answers. City Manager Carrier advised one of the reasons it is on hold is because the City is looking for any additional funding we (City) can get from the Federal Government so we don’t have to do the assessment; it is not something that is being taken lightly. She also advised if the Consultant comes back and tells the City they should do this, it does not necessarily mean the Council will do it, and that is the issue. She advised Ms. Fuller she is right, the paper printed it as if it were fact; that was an error.

At this time Ms. Fuller asked about the Van Fleet Trail and asked Councilor Eilertsen if she had said something about a bridge. Councilor Eilertsen advised she had inquired about putting a cross-over off of Berkley; there is no place to cross over safely because it is a ditch. She was asking about getting some pricing. City Manager Carrier advised since the bid did come in under the amount we are receiving in grant funds, we may be able to put in a cross over with the excess money. It is tax money, but she would rather use the money in Polk City rather than turn it back in and used somewhere else.

Ms. Fuller then asked Councilor Adorno if she has visited the proposed site of the Wastewater Treatment Plant; she responded that she has not been there yet. She then asked Councilor Eilertsen; Councilor Eilertsen responded she has toured the current facilities, as well as the proposed site. Ms. Fuller was concerned about the number of homes. Councilor Eilertsen advised the City is also looking at creating a neighborhood park system, and encourages more homes for the type of environment that is hoped to be created. Jesse Douthit was laughing in the audience and Mayor Penton responded to the laughter; Mr. Douthit made comments that could not be picked up by the recorder. The Council got back into discussion; it is something

that will be good for the environment. Mayor Penton advised they toured a facility in Georgia similar to the one the City is proposing; it is in a golf community and sets on a hill with half million dollar homes below it. The residents living there had no complaints, and there is a lake where people go fishing.

Ms. Sue Olsen, 912 Lakeshore Drive, addressed the Council; she advised a couple of meetings ago she asked what the balance due on the City Hall Building was and she didn't receive a reply; however, she also didn't ask back. City Manager Carrier advised she was requested to come and speak with the Finance Director. Ms. Olsen then asked when the City owns property or buys property, who pays the taxes and future assessments if they have to tie into the water treatment system. City Manager Carrier advised the property becomes tax exempt. Ms. Olsen then asked about it being hooked up to the sewer system and who pays that. City Manager Carrier advised the City's Water and Sewer are Enterprise Funds; they pay for themselves, and the City Hall pays a water bill from the General Fund.

Mr. Joe LaCascia, Mt. Olive Shores North, addressed the Council; he has addressed the issue before, and he and Cory has spoken about it. He feels the clock is ticking when some answers have to come back from the Consultant in order for Council to digest information and make some sort of decision as to the fees that everybody is anxiously waiting for. The clock is ticking in respect that the information, if there is to be a tax assessment, has to be validated, or reported, to the Taxing Authority by September 15th. City Manager Carrier advised it is unlikely it will happen this year. We actually just received the answers back, and she is trying to figure out how to put them on the website in a cohesive manner; she has created a page on the website whereby you can just click on it. She believes the name of it is "Councilors Questions", and she hopes to have it up by the end of the week. It is unlikely that this will be ratified by September. Mr. LaCascia commented that his concerns were addressed; he was afraid that you/we would be jammed to make a rash decision on taxation and fees about something that should be thought about more. The City Manager advised the Consultant is still waiting on information from the Property Appraisers Office, and the Property Appraiser is currently busy dealing with getting the values out to the cities. The City's request from the Consultants is on the back burner, and once we get it, there's just not enough time and it is unlikely the report will even be ready by the end of year. Mr. LaCascia then asked if a decision is not made on any taxation or fees that are relative to the Wastewater Treatment Plant; does that mean that decision would have to be put off as well? City Manager advised that it would.

Mr. LaCascia then asked that something please be done about the system in this room; he is sitting on the second row and hasn't heard anything. City Manager Carrier advised we should have acoustical panels up by the next meeting.

ANNOUNCEMENTS

There were no announcements.

A motion was made by Vice Mayor Adorno to adjourn; the motion was seconded by Councilor Eilertsen and unanimously carried (8:47 p.m.).

Patricia R. Jackson, City Clerk

Donald L. Penton, Mayor

