

## **CITY COUNCIL MINUTES**

**OCTOBER 13, 2009**

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Mayor Donald 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 Donald Penton.

### **ROLL CALL**

Mayor Donald Penton, Vice Mayor Nancy Adorno, Councilor Kristi Eilertsen, Councilor Joe LaCascia and Councilor Paula Roddenberry. Also present were City Manager Cory Carrier, City Attorney Jeff Sullivan, City Clerk Jackson, Gene Kniffin, City Planner and Pam Lawson, Finance Director.

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

### **APPROVE CONSENT AGENDA**

Councilor LaCascia made a motion to approve the Consent Agenda; the motion was seconded by Mayor Penton.

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

5-ayes

0-nays

At this time City Manager Carrier advised Council that during the utility billing this month a significant problem occurred with the hand held in reading the meters (every six months the equipment is calibrated). It is not just one customer; the readings are anywhere from 2,000 gallons to 20,000 gallons off. The company is coming in to replace or repair the equipment, and credits will be given as we get corrected information. The problem was discovered when the end of the month report going to DEP was showing less gallons pumped than what was billed for. Vice Mayor Adorno asked how far back this went; City Manager Carrier advised last month was a small amount, and this month was more significant. We are working with the individuals as they come in, but we will be doing more adjustments. Vice Mayor Adorno asked if they would have to come in, or would the adjustments be automatic; City Manager Carrier advised it would be automatic. Councilor Eilertsen asked how many hand-held devices we had; City Manager Carrier advised we have two hand-held devices and one wand; we won't know which one is not working properly until it is examined. Councilor Eilertsen highly recommended a letter of apology be sent in the next bill explaining the situation, and that we are correcting the problem immediately. Councilor Eilertsen would like to be kept up to date as to what is happening with this situation. Councilor LaCascia asked if citizens pay as rendered; City Manager Carrier advised yes, unless it is noticeably incorrect. We are asking them to bring in the bills, as we have a history on an individual basis and are adjusting that way. Councilor Eilertsen advised this type of system is used by numerous cities; it is widely used, but as things happen we need to do all we can to address it. Councilor LaCascia clarified for the citizens in the audience if they feel the bills are wrong they should come in. He feels the problem will be

compounded when the people who travel start coming back from traveling, and the last six months have probably not been their normal usage. As long as the folks for the most part are satisfied that the bills are as close to what they feel the consumption should be based on what they know to be, and deal with you (City Manager) to get it worked out. He thanked the City Manager for doing this.

## **PRESENTATIONS AND/OR RECOGNITIONS**

### **Central Florida Regional Planning Council -- EAR**

City Clerk Jackson advised they could not be present; however, they did submit a memo advising Council of the Public Hearing, which will be November 10, for approval to submit to DCA, and to give them background information. City Manager Carrier then went over the memorandum submitted by CFRPC regarding the EAR (Evaluation and Appraisal Report). We have been working with the Planning Board on this for quite some time, and this is the finalization of that; the transmittal hearing will be in November.

## **PUBLIC HEARINGS**

### **ORDINANCE 1256, AMENDING THE CITY OF POLK CITY CODE OF ORDINANCES BY ADDING SECTION 74-97 ESTABLISHING A SEWER AVAILABILITY CHARGE (SAC)**

City Manager Carrier read Ordinance 1256 in short title; Mayor Penton opened the Public Hearing.

Vice Mayor Adorno wanted to clarify her understanding that this is referring to the lots that have been sold in the communities, built or not built and have ready access to water and sewer. City Manager Carrier advised this is specifically for lots of record that are in existing sub-divisions that have water and/or sewer immediately available to them and immediately available means it is on the property line – its right in front of the property. City Manager Carrier also advised the reason we are doing this is because the City has expended considerable funds, and had to bond to install water and sewer lines to bring water and sewer to the individual developments. Now that we have done that, we have to have a mechanism to pay down those bonds, which we had to secure on the promise of impact fees. Given how the market is, those impact fees are not coming in; therefore, there has to be some other mechanism to pay down those bonds. Water and sewer is available to that property, and we have a debt service that needs to be paid. Vice Mayor Adorno then asked if this was common in other cities and towns when the contractor comes in to start development and puts in. City Manager Carrier advised this is not for the lines the contractor is responsible for putting in the ground; the developer is responsible for that. This is for the actual systems the City put in place – the force mains for sewer, the new wastewater treatment plant we built and the water lines (trunk lines) that were put down S.R. 33; all of that the City paid for and took out bonds for, and that is the debt we need to pay down. Vice Mayor Adorno – it is already included in the development and is readily available for them; it is not cost efficient to go in and construct something on a piece of land at that moment so it can become available at some point. City Manager Carrier, if she understands what Vice Mayor Adorno is saying, is that other cities are charging some type of availability fee. City Manager Carrier has seen it in other cities; however, cities and counties generally deal with the issue of bonding in a different way. Some require developers to pay impact fees upfront; some have agreements that if not developed in say two years, then the impact fees would be paid. Cities do things differently, but this is just an option that is open to any city, and there are several in Florida that do. Councilor LaCascia asked of the 17 cities in Polk County, how many cities right now have used this legislation to collect the SAC and WAC charges? City Manager Carrier responded

that Davenport has passed it, but has not started it yet; Dundee was working on it, but doesn't know whether they have passed it or not. It is a funding mechanism open to cities, especially in the economic times we are in. At this time Jesse Douthit asked if the Attorney could read the Ordinance in full, at which time Attorney Sullivan read Ordinance 1256 in its entirety.

Mike Gallaher, who is with the Peterson & Myers Law Group located in Lake Wales, addressed the Council with several questions, and asked for a little extra time to get through them. He first responded to Vice Mayor Adorno's comments regarding availability charges. Ordinarily, the concept of an availability charge is also usually cast as a capacity maintenance fee when a community actually builds a lot of capacity in their system and ultimately does not have the customers to use that capacity. There is a cost to the community to maintain that capacity, and that is a concept that is common. What he thinks is uncommon, and he has never seen it before and will take the City Manager's word that Davenport is looking into it, is the idea of establishing an availability fee to those that have never been in an agreement with the City. Typically the maintenance charge he referred to is imposed through a development agreement, whereby a developer comes in and wants to build a development and the City provide utilities. The City will usually require money be paid upfront, and if they don't get customers on the other end, the developer has to pay a maintenance charge. This is a common practice that has been done, which he thinks is a wise practice. At this point Councilor LaCascia asked if Mr. Gallaher is suggesting there has to be some sort of contract/agreement between the developer and the City. Mr. Gallaher advised he is not saying there has to be; the ordinary customer you would go about imposing a maintenance charge or availability fee would be through some sort of an agreement with somebody. Councilor LaCascia then asked Mr. Gallaher if he read the enabling legislation. Mr. Gallaher took a look at the enabling legislation that was cited at the beginning of the Ordinance (Chapter 367); however, he cannot say tonight that he understands that to enable the City to do this, but he respects the City Attorney and City Manager and is not going to sit here tonight to say they are wrong or they are right. Councilor LaCascia responded to Mr. Gallaher that he is trying to make the distinction between what he is saying that traditionally there was a privity of contract between the developer and the City, and in the absence of any enabling legislation that says otherwise he would agree. Additional discussion took place regarding that, but Mr. Gallaher presented his questions as follows:

1. Not clear on what constitutes a lot; he is less concerned about sub-divisions that have been built and more concerned for his client who owns large tracts of land that is not sub-divided and is vacant. Councilor LaCascia replied that as he understands it, the large acreages are exempt, and it is very well defined in the legislation he read; it has to be a lot that is defined by meets and boundaries and represents itself on a plat map as a lot. City Manager Carrier advised you cannot separate the lot from "and having immediately availability." Mr. Gallaher advised if what you are telling him – a lot, which is created by a recorded plat under Florida Law, that is the answer he was hoping for and wanted to know. He was told he was correct in his understanding. He then advised that will alleviate a lot of concern; he reiterated that if a lot is created in some other way than a plat, it would not be subject to the availability fee. City Manager Carrier carried advised that was correct. Mr. Gallaher then asked if that also applied to a commercial lot that has been recorded on a plat. City Manager Carrier advised that was correct, as did Councilor LaCascia.
2. Immediate Availability – the way he understands immediate availability is you have a public right-of-way (probably a road) in front of your property, and there is a city utility line in that road in front of your lot. City Manager Carrier advised that was correct. Mr. Gallaher replied that there would not be a scenario where you might be required to bring it a quarter of a mile from where it is to your property; City Manager Carrier advised that is correct.
3. Mr. Gallaher asked if the City intended to apply this within the city limits, or within the 180 Utility Service Area. City Manager Carrier advised within the Utility Service Area. For the purpose of the audience, Mr. Gallaher then commented that anyone who owns a lot as defined

as we discussed it, and who has utility service available to it as discussed, even if they are not in the city and have no right to vote for any of the people who vote on this Ordinance would still be subject to this fee. City Manager Carrier advised they would because they are in the Utility Service Area. Mr. Gallaher then asked if they don't pay that, would the City have the right to lien the property. City Manager Carrier advised that was correct. Mr. Gallaher then asked what Ordinance authorizes that. City Manager Carrier responded it is in the Florida Statute. She doesn't have it with her tonight; however, the reason it is not called a maintenance fee is because the Statute specifically called it an availability charge. It states a utility can do that in the utility area. Councilor LaCascia advised he has that legislation; he read it before he sat down here, and it does talk about the punitive part of it where you can place a lien on the lot; it is in the body of the legislation itself. Mr. Gallaher advised he is not calling that to question tonight; it may be a question of public policy. Councilor LaCascia commented he has never lived in a community where that was not the case, and we have heard of that as taxation without representation; it is alive and well in every city, in every county and in every state in this United States,

4. Is this going to be under separate invoice, or would it be incorporated into the tax bill people would ordinarily receive every year? City Manager Carrier advised we wanted to put it on the tax roll the first year; however, we did not get it to the Tax Collector in time. The City will send a separate invoice for the first year, and it will be on the tax bill in subsequent years.

5. If you have a base monthly rate, he assumes that would be the minimum charge. City Manager Carrier advised yes – there is an administrative fee which covers mailing of bills, purchase of gas and all of that, there is a consumption fee which pays for producing the water out of the ground, water treatment and all of that, then there is a base fee that covers the debt service on the system and “set asides” such as our reserves to do replacement; all of that has been set by rate studies. Mr. Gallaher believes the City passed a Resolution at the last meeting to set those rates for the foreseeable future, and asked what was the current base rate that would be incorporated into this Ordinance? City Manager Carrier advised that Resolution wasn't passed; it is being discussed at tonight's meeting. Mr. Gallaher asked what was being proposed for one ERC; City Manager Carrier advised for a residential lot, which is what we are talking about, is \$12.67. There was some language read into the record by the City Attorney that was not on his draft under 1(b) the language he didn't have was “multiplied by twelve months.” City Manager Carrier advised it is the base monthly charge multiplied by twelve months. In response, Mr. Gallaher commented the base monthly charge charged as an availability fee would actually be twelve months for approximately \$150. City Manager Carrier advised that is correct; that is what the people on the system right now are paying; they are paying a base fee; that is what Council thought was fair to do. Mr. Gallaher advised that was all of his questions; he appreciates Council bearing with him, and he thanked them.

A gentleman from the audience addressed Council; however, he did not give his name. He advised he is from Mt. Olive Shores North, and has lived there for seven plus years. Two to three years ago Sections 5 and 6 were annexed; he has other lots as well, and has a lot in Section 1. Now the City wants to charge him an additional \$500 in extra taxes after raising taxes 14% this year on the assessment, plus you are going to raise the water and sewer rates. He has a lot in Section 5 that he purchased for \$70,000; the evaluation went up to \$170,100. Polk City is driving people away, and he doesn't think it is right what the City is trying to do to the people in Mount Olive Shores North. It is not their fault the City got them selves into debt; they had no problems and all of a sudden you want to take over the development. Vice Mayor Adorno asked if it was her understanding with the water that it was something the County didn't want to continue. City Manager Carrier advised no, the developer came to the City. The developer had gone to the County, but the County told them they had to come to the City to provide the services for the additional phases. That is how it started; it wasn't the City looking to take them over, the developer came to the City and put a great deal of pressure on the City to develop the utilities, which we did. The City incurred the debt that was used to build the water

lines and the sewer lines. Someone stated not in the new section, they were already there. City Manager Carrier advised the internal infrastructure was put in by the developer, which is required; it was the external infrastructure that the City had to pay for. Mayor Penton advised it was the sewer treatment plant and the lines that were put in so the developer could hook their lines into the City's; that is what we're looking to get paid for. When it was stated the city did not provide anything, Mayor Penton advised the water in this area comes from Polk City within our service area. The County did not want to have anything to do with that system there; they gave it to the City because it was in dire need of repairs (Mayor Penton mentioned the County Commissioner in the audience who may not have been aware of that); we have been in that whole area repairing as much as we can, as fast as we can because it has deteriorated – there are pipes that are not going to be there very long, and we are taking the responsibility of keeping up your area. The gentleman responded he didn't know what the City has done; he is there every day, and the only thing the City has done is come in and put additional meters in. City Manager Carrier advised pipes are being replaced in the original Mt. Olives Shores; however, all of the effluent from there goes to our wastewater treatment plants and we are the ones responsible for that wastewater, and on the water lines there, we are responsible for bringing the utilities to the property line of the developer, which is what we did. The internal piping is the developers responsibility, what we were responsible for (City Manager was interrupted). The original Mt. Olive Treatment Plant did not have enough capacity to treat the new phases of Mt. Olive Shores North, and because it didn't have the capacity (the new two phases we had to provide utilities for, the County system – the Mt. Olive System—no longer had the capacity to take that effluent from that development), the City had to provide capacity with the Cardinal Hill Plant. That is the debt we are discussing that has to be paid down. The gentleman speaking doesn't think that is right; the City will drive development out of town; he feels the impact fees are too high. Mayor Penton advised Polk City has some of the lowest impact fees in the County. Brief discussion took place regarding Auburndale impact fees and the annexation they are doing.

Mr. Edward Bland, from Mt. Olive Shores North, addressed the Council and asked if the references made in the Ordinances were stand-by/availability fees? He was advised that is correct. Mr. Bland was advised that once a lot is developed, there would no longer be an availability fee charged, just the normal monthly fee. Mr. Bland asked if that pertained to the Water Availability Charge as well; he was advised it does.

Mike Blethen, 320 Crepe Myrtle, spoke regarding sewer issue; he feels there is something wrong with the system. He then asked about the size of a plot/ lot, which can be anything from 50 x 50 to 50 acres (Mayor Penton advised it would be platted), and asked about the charges. Gene Kniffin, the City Planner, explained that if a person had 50 acres of agricultural land, there would be no charge; however, if a person came in and sub-divided and platted that 50 acres and had water and sewer available to the lots, then the fee would be charged when the plat was recorded. Mr. Blethen asked what would be charged presently (as is); Gene advised there would be no charges. Mr. Blethen feels there should be no charge unless there is a meter installed on the property and a building permit is issued. Mayor Penton advised if you are not in a platted sub-division there are no charges; however, if you are in a platted sub-division with individual lots you would be charged. Mr. Blethen feels it is not clear, and read a portion of the Ordinance. Mr. Blethen then asked where the impact fees went that were paid by the Mt. Olive Developer. City Manager Carrier advised the impact fees are paid on a per lot basis. The Developer did not pay one large impact fee; that isn't how it works. As each lot is developed the impact fees are paid. Mr. Blethen asked where do the impact fees go once they are paid. City Manager Carrier advised many of them are passed through the City to the County, i.e. Transportation, Emergency Services (fire, etc.); the City receives water impact fees, sewer impact fees and parks and recreation. The water and sewer impact fees pay for expansion of lines, any future development and is used to pay for debt service. Mr. Blethen advised the only

ones paying this fee is where water and sewer is available but not being used. Mr. Blethen asked how many of these will be sent a bill at the first of the year; City Manager Carrier advised approximately 500 bills will be sent for water and sewer. The City spent money to extend utilities based on the Developers assertion there would be houses there to pay for the debt service; Mr. Blethen just feels it is not right.

Mr. Jesse Douthit, who works with Kermit Weeks, advised they have acreage and platted property, as well as Commercial, and would be subject to some level of assessment. His question pertains to the budget, which he has reviewed and feels there are some areas suspect to projected income such as building fees and impact fees that would be collected on new construction. He submits it is very speculative and not likely to happen. He asked Council what would be their course and recourse if revenues fall drastically short; what would they do to make up that revenue shortfall? He then asked how often these fees can be addressed. Mayor Penton advised it is like any other City; if there is a short fall you have to readjust the budget. The Mayor agreed there are some questions. Mr. Douthit is not going through budget line by line, but you can see some projections are above last year. Brief discussion took place regarding the budget and economy, and Mr. Douthit asked again about how often the fees could be readjusted. Mayor Penton advised he didn't see it being revisited for quite a while.

Mr. Donald Longist, from Mt. Olive Shores North, commented it seems the City made a mistake and expects them to pay for it on the open lots. He asked why the city would ever take on annexing Sections 5 & 6 (MOSN) if they knew you couldn't supply the sewer that would be necessary with those lots. Mayor Penton advised the developer only put in what is in his area. Dr. Longist asked why the City would annex it. Councilor LaCascia addressed Dr. Longist, who is his neighbor. He advised he had all of the same questions – why was he in Polk City; it was quite a surprise. Councilor LaCascia had contemplated what his taxes were going to be in Polk County, he was quite surprised to find out he was going to pay almost a third more because he was in Polk City. He immediately came to City Hall and asked why he was annexed. In 2004 the Developer found it to be beneficial to him to annex 336 lots into the City; he got considerations for that. The City did not go to the Developer for annexation; the Developer did a very nice thing for us (MOSN) and gave us to Polk City. Dr. Longist asked why Polk City would accept it. Dr. Longist commented the City has a losing proposition on their hands, and wants the people with the lots to pay for the City's mistakes. Mayor Penton advised no, it doesn't. Dr. Longist commented it is just another assessment; the City cannot charge for a service it does not provide. Mayor Penton advised the service is there and is provided. Councilor Eilertsen advised Dr. Longist should go back to the Developer; they did not give him all of the facts. Councilor Eilertsen advised you have to think in terms of long-term range plans as a City; you have to provide water and sewer.

Mr. Fernando Mirensen, 806 Lakeshore Drive, asked if this is a Public Hearing to determine whether you are going to approve or not approve this tax. Mayor Penton advised it would be for this Ordinance, which is not a tax. Mr. Mirensen advised he owns a house and he owns a lot. He commented that by this Public Hearing it is pretty apparent that no one from the public side supports this Ordinance, and he asked Council who was not going to support it. Councilor LaCascia advised he has not made his mind up at this point. Councilor Eilertsen advised they are not here to vote at this moment, but to listen to the public and are still discussing it. Mr. Mirensen then asked if they (Council) were going to support the will of the people, or the money you are going to collect. Councilor Eilertsen advised she is listening to everybody; not everyone is in this room that has a voice. Mr. Mirensen then suggested that they (City) have an independent panel that listens to the people when they have problems with water billings. Councilor Eilertsen advised they are looking at creating a panel this evening, if he would like to be apart of it, they need citizens to participate. Mr. Mirensen then discussed a situation regarding the utility bill for one of his tenants and how much it kept going up. After discussion, Councilor

Eilertsen advised she would have to look into that, and would be happy to give him her email so they can discuss this matter. Mr. Mirensen advised he would still like an answer concerning the tax; he feels everyone has made up their mind. Before Mr. Mirensen returned to his seat, Councilor Eilertsen advised she went around to the entire city and spoke to a lot of people and businesses; she put letters out with her email and phone number to try to create this citizens committee so that the citizens of Polk City feel like they have been heard. It is a committee of ten; she had zero response; this is to try and better the communication amongst the Council and citizens so you do feel heard; she is willing to listen. It was extremely disappointing that all of her hard work; the time she takes out of her day to try create an "action team" for this city so they do feel heard was so disappointing. We can move forward, she has her email and phone number out there; if you have concerns, bring them to her. We have a new panel up here, and we want to make the City better; if you have to afford us the opportunity to help.

There being no more public input, Mayor Penton closed the Public Hearing and asked for review and discussion from the Council. Discussion took place as follows:

Councilor Eilertsen understands there is a lot of public concern over these Ordinances; however, her question is what would be the alternative in order to compensate for the indebtedness. She feels the way it is proposed is a fair way to do it. It would be unfortunate to have to spread it out to all of the current users. We are trying to make it fair by not charging the current users that are hooked up to water and sewer. We would then all have much higher bills across the city instead of the vacant land owners; she is not in favor of raising the monthly water bill across the whole city; she is trying to be fair across the board, and doesn't want to see rates increase opposed to what was in the original budget.

Councilor LaCascia advised he is trying to quantify; the reason he asked for the number of utility bills that went out and the answer was 1900, so that has to be for inside and outside the city. He asked if that was correct, and the answer was yes. If he goes to the demographics of Polk City, he is coming up with roughly 662 roof tops, and he assumes each of those are going to be users. We have constantly been hitting the same folks, as Kristi was alluding to, to cover the debt service for the money spent to accommodate the systems already in place; when that effluent comes out of the developments and then comes into our system. We have spent that money to expand systems and to improve systems; the day we borrowed that money we began to pay interest on it, and we anticipated that there was going to be some development to pay for that debt service to implement all of this. Well, it didn't come; the argument has been posed do we keep hitting the same people. We have very limited resources to go to for money, and when you divide by small numbers the numbers we keep hitting everybody with become a bigger and bigger number. To him, this is spreading a cost of something we have already spent money on, and bringing into the system new payers that have not paid before, and there are roughly 500 of them that have not paid a penny before, but the people that are in the system have already been doing all of the paying. He doesn't have a problem with that for several reasons. For the most part there were speculators and developers. Speculators and developers are different than someone who buys one lot and expects to build his home on it relatively in quick order; speculators rarely use their own money; they use about 90% of the banks money and 10% of their own money, and they can afford to sit back and wait for things to mature; they have to make adjustments in what they ultimately get for that property, which is going to be a business decision. He spoke of the gentleman who spoke before (Ed); he and several other gentlemen owns about 10 other lots, and they have been buying them for about a seventy percent discount of what they would have paid for them five years ago, and what he paid for his. Speculators may buy with their own money, but usually they have a certain amount of staying power, and they can pay these expenses for the next five years until all of this comes back. He sees a good in this by bringing 500 more payers into the system to pay for what the smaller numbers have already been paying for. He doesn't have a problem spreading that risk around at all,

especially if it's only going to fall upon developers and speculators for the most part. It will lessen the burden of individual home owners in the city and outside of the city, so he doesn't have a problem with that. Councilor Eilertsen advised she agrees with that; she is not comfortable with raising water rates amongst the current users and citizens that are currently paying right now to cover what we are trying to get on the proposed plan. Councilor LaCascia advised the debt service is enormous; if you have the budget go to page 11 – there is \$721,000 of debt service that has to be paid. Brief discussion took place concerning the General Fund Budget, the Enterprise Fund Budget and what took place with the millage rate between 2003 and 2007. Councilor LaCascia advised going forward (speaking for himself) and he has spoken to Cory about it and they have agreed going forward, he wants to be involved in the financial part; he wants to get the financial reports from the Financial Manager, just a Cory gets them, so we can look at this budget as it goes along on a twelve month basis. The same figures she gets so she can make her analysis should come to the Council so we can look at it; the Council runs the City. He has heard a lot of people say Cory and Cory runs the City; the people that run the City is the Council. We (Council) hire a City Manager, and we are the Board of Directors; we set into place the policies. If we choose to go along with her (City Manager) all the while, this is basically what has been going on in the last few years. When you have two groups of people who agree most of the time on everything being presented to them, you probably don't need one of them. So what we have to do going forward is to figure out how we can work with her (City Manager); she hasn't gotten a whole lot of help in the last five years so what happens is you basically get a benevolent dictator. A benevolent dictator rises up to get things done because there's nothing happening from anybody else; it is not coming from the citizen and it's not coming from Council, so you begin to make decisions by yourself, and the perception is we're being told what to do, and that is correct. So our work is cut out for us; as Kristi mentioned we have new people that are looking at this; we are going to work very closely going forward making sure the money spent is the money that has to be spent. We have to develop the money from the services that we get; we get it from the citizens. This expands your base to collect money from, rather than going into your own individual pockets, by 500 lots; Councilor LaCascia advised he doesn't see a problem with that at all, but going forward he pledges you can talk to us every month about it. We will be working with the City to see how they're spending money because there have been excesses in the past as illustrated by the millage rates and values, but he doesn't think that is going to happen any more.

Vice Mayor Adorno had questions as to how it was we needed this, and if we didn't get the money, what other alternatives there were because she thought it may not be the only source; maybe we haven't worked all the angles. Upon asking about that, there are a couple of things working at the same time. Unfortunately, it's not just one particular source, or lack of it, that is creating the situation where we need to meet the expenses we have to pay for regardless of whether we like it or not. They are there and have to be paid for. Some of the areas we looked at are that gradually through the years we are receiving less money from the State; it has really made an impact on us this year. Some of the other places she looked at cutting: Police Department; however, since the Sheriff's Office has taken over there has been a forty percent decrease in the crime rate; she would be very reluctant to go back to the way it was before (she would look at as an option if she had to). Something else we would have to lose out on is our parks, if we pulled money from there; we don't have many of them and we get comments from the public that we need more things in the city. If we pulled the money from there it would impact our children, as well as ourselves. Another possible source could be the Library; however, she knows there are a lot of people who rely on the Library and in the last year the Library has really improved and is providing more services to the children and adults. It would be a shame to close it down because we can't look at spreading out in other areas where we can cut from. Just two meetings ago we referenced the Library and how much the usage has increased, especially during the summer when the kids are out of school and parents want them to be in a safe environment and something that is educational. If you close that up, then we're

not providing our citizens with services that are important as well. Everything comes at a cost; it comes out of her pocket as well if we go along with this. Unfortunately, it's not easy for us on Council to weigh out the Library versus a Police Station, or an extra \$10 to \$20 more a month on the utility bills; we have to pay it from somewhere because we're not currently getting it. We listen to options and we do listen to the public; we encourage you to come and bring ideas. It is not an easy decision to pass on to our residents, but the alternatives aren't easy as well. At this time Councilor Eilertsen interjected and asked everyone to keep in mind one area that you think can be cut might not be an area that someone else thinks could be cut. Councilor Eilertsen thinks it is very important to have Library Services, Patrol Services and EMS; she thinks each person in this city would have an argument as to what they think should stay. We here on the Board have to take it all in and make the best educated decision we can and move forward.

Councilor Roddenberry ask City Manager Carrier if the SAC Ordinance passes is that money already figured into the budget year we are in now. City Manager Carrier advised it was; however, as discussed at the last meeting during the first reading, if this is not passed, the current budget would need to be adjusted accordingly. Councilor Roddenberry then asked City Manager Carrier about the charges for water and sewer to the existing users. City Manager Carrier advised the budget was prepared with these charges in mind, and should they not pass or be adjusted for any reason, then the budget would need to be adjusted accordingly.

Mayor Penton mentioned Joe brought it to their attention that a lot of people didn't understand what was going on, so we put it off to discuss at tonight's meeting. Mayor Penton advised the City has put out a lot of money for the sewer system when these developers came in and asked us. It took a lot from this City to do that; we took from one place or another to provide the service for that. He then discussed Mt. Olive Shores North and the type of piping that originally was put into the ground; the City made them remove it and replace it with American-made pipe, which will last longer. The City put good equipment going to the development to take out the waste and give them good water service. Mayor Penton feels this is the fairest way we can do this for those areas we are supplying at this time.

Councilor LaCascia advised he would like to make one further point. The Council serves a lot of different people inside and outside of the city; he is going to speak regarding inside the city because those are the only demographics he has. We will be asked from time to time to pass along charges to people in Polk City. In the City of Polk City we have 48% of the people making an income below \$50,000; 35% of the people in Polk City make an income between \$50,000 and \$100,000, and those people are the ones you never hear from. He thinks you don't hear from them because they have too much going on in their lives that are far more important than coming to a City Council meeting trying to figure out whether or not they're going to be represented. We have to talk about those people; there is no way in the world that a small number of people can keep being burdened by the expenses of Polk City. When we make decisions it is weighing these kinds of folks who really can't afford a lot. There are 69 families in Polk City below the poverty level, and now we're talking about more charges being put on top of them; he is not speaking about the SAC, the WAC, sewer charges, water charges, etc. Councilor LaCascia advised the point he is trying to make is when you have a small number of people, and you keep hammering them and hammering them, you welcome any opportunity to expand that revenue base. That is the point he is trying to make about the 500 that are coming in that have not been paying for the infrastructure that was put in place and the debt service that is the obligation of all that has been put into place. Once you flush the toilet; that's to get it out of the development into the system which we had to build to accommodate it. It's not over yet; we are talking about convening a citizen's council so we can get folks together for the first time, and get representation from people in the city. It is being done for several reasons; one is that it has to be in place so we can appeal for more grants because those things have to be in place. There are those who have argued that this is just another way of getting around, of getting more

money into the city so we can build a wastewater treatment plant. The wastewater treatment plant is going to be whatever it has to be that comes out of that committee; it's going to be something more than we have now, but we don't know what it's going to be. There is no way it's going to be a Forty to Eighty Million Dollar plant if the funding isn't in place for it. Right now that is on hold; we're looking for that kind of wisdom that will come out of that committee to show us which way we should go. So, as Councilwoman Eilertsen has said, she has hammered everybody she could in Polk City; we have all been out beating the bushes to get people to sit on that council. We will be addressing that tonight; if we ever get beyond this. The point he wants to make is he looks at this very simplistically – we're bringing 500 more payers into a system that absolutely needs it, and they haven't been here before.

Councilor Eilertsen made a motion to accept Ordinance 1256 in its entirety; the motion was seconded by Vice Mayor Adorno.

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

4-ayes

1-nay

#### **ORDINANCE 1257, AMENDING THE CITY OF POLK CITY CODE OF ORDINANCES BY ADDING SECTION 74-264 ESTABLISHING WATER AVAILABILITY CHARGE (WAC)**

City Manager Carrier read Ordinance 1257 in short title; Mayor Penton opened the Public Hearing.

Mr. Mike Gallaher, who is with Peterson & Myers, addressed Council; he understands this Ordinance is substantially identical to the Ordinance we just discussed. If that is confirmed, he would just like it on record he has the same comments and questions, and the answers would also apply. Mayor Penton advised it is the same Ordinance, just with water.

Mr. Bert Olsen, Lakeshore Drive, advised the people on that street has wells, and wanted to know if they will be charged. Councilor LaCascia asked if they wouldn't be charged; he asked Mr. Olsen if he was talking about a person who lives on a lot who has a well; Mr. Olsen responded yes. City Manager Carrier advised if the water runs in front of them, they would be charged the availability charge also. Mayor Penton asked aren't we all drawing water out of the same aquifer – yes. We are supplying water from the aquifer just like those people are out of the well. Mr. Olsen responded the City was drawing from the line, not from the people that are drawing out of the well. Mayor Penton advised the well is drawing from the same aquifer; why should they get it free and you not. Mr. Olsen commented it wasn't free; people had to get the well dug and paying electricity. Mayor Penton advised there are places in this State and in this County that charges you a water rate for that well. Mr. Olsen feels if they are in the County and the County wants to charge them, that is a different story; Polk City has no right to charge them. Mayor Penton advised it is in the City's Service Area. Brief discussion followed regarding the water system being bought from the City of Lakeland and charges. Mr. Olsen feels it isn't right. Councilor LaCascia advised Mr. Olsen he makes a good point.

Mr. Chester Trump, Lakeshore Drive, advised he has a water line in front of his house, and asked what gives the City the right to charge him for his well. Mayor advised the water is there for his use. Mr. Trump doesn't need city water or sewer; he feels he bought his rights with permits, and wanted to know what gives the City the right to come to his house and do this. Mayor Penton advised that State Law allows the City to do this. Councilor LaCascia feels that

Mr. Trump is making a good point; Councilor LaCascia was focusing on the fact of it being a developer. This is a different situation in the terms of use for Mr. Trump because he chose to put in his own well. Councilor LaCascia is trying to think of the ramifications going down the line and not paying his fair share of the infrastructure that was put in, but for water purposes there wasn't any put in for him; sewer there was. Mr. Trump advised there is no sewer there. Vice Mayor Adorno thought a few months ago something was discussed about wells, and that needed to be changed down the road at some point. City Manager Carrier advised that Gene just clarified to her that in a situation such as Mr. Trumps it would not apply. Councilor LaCascia commented in no way should it apply, and he then asked Gene what would exempt it; Gene advised permits have been pulled and a house is on the lot and being used. Mr. Trump advised the Attorney didn't read this Ordinance as he did the one for sewer, and that was in that Ordinance. Councilor Eilertsen asked Mr. Olsen, who is in the audience, if he heard that last portion; he replied he did and Mayor Penton advised that he was wrong in what he said.

Mike Blethen, 320 Crepe Myrtle, advised water is the same as discussed before and everyone has expressed concern. There's a very convoluted problem in the budget and how much money we are now going to put into water and sewer, but water specifically. He feels when the budget was done, it should not have included the additional monies. He then discussed employees and how many works for the City. Mayor Penton asked Mr. Blethen how many people does he think work for the City; Mr. Blethen then started to read the positions from a list. Mayor Penton advised the City is ran just like a business; Councilor Eilertsen asked Mr. Blethen if there was a question. Mr. Blethen responded his question is where and why the City doesn't cut into their budget whether it's people, services or so forth; we need to do that. You need to do something more than keep coming back to the people. Councilor LaCascia responded to Mr. Blethen; he advised the first thing you do in business when you notice a downturn you don't begin to lay off people; you don't know how long the downturn is going to last and you don't want to necessarily cut people that you have time in training (Mr. LaCascia ran a business and doesn't think that would be the prudent thing to do). What you do is split the pay; you cut everybody by ten percent, which is what the City did; they reduced the work down to four days a week. The City Manager and other employees took the same cuts; they haven't had pay raises in four years, and you are saying cut two people, which would be about \$60,000 to \$75,000. The City did that by reducing salaries across the board by ten percent; it wasn't a bad idea at all because they kept those people and trained them; they will still be here when the time comes back. In short term it is never a good prospect to fire people because you're going to have to rehire them when things turn around, or retrain other people. Mr. Blethen responded if you are going to stay in business at the level you where at the time you start cutting back. Some discussion took place regarding employees, work hours, work week, level of service etc. Councilor Eilertsen advised City Council went to a four day work week not only for those reasons, but also because it helped reduce costs for operational expenses because we stayed later Monday – Thursday; the utilities were already running in this facility and it wouldn't hurt them to run one more additional hour versus rebooting the entire system on an entire day and running it. This staff has made many cutbacks for many reasons in order to get through these tough times.

Mayor Penton closed the Public Hearing.

Councilor Eilertsen made a motion to accept ordinance 1257 in its entirety; the motion was seconded by Mayor Penton.

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

4-ayes

## **UNFINISHED BUSINESS**

### **Resolution 2009-07, a Resolution of the City Council of the City of Polk City to revise water and sewer rates pursuant to Ordinance 2002-04 Article 2 – Water, Section 2 – Water Rates and Ordinance 97-5 Section 9 Rates; and Providing an effective date.**

City Manager Carrier read Resolution 2009-07 in short title.

Councilor Eilertsen knows Council has talked about alternatives of what we can do versus increasing rates across the board. After the last meeting was adjourned, she asked Cory if she could create a spreadsheet with alternatives; one with proposing only a base rate increase and one with only a rate consumption increase; that spreadsheet is in front of us. Councilor Eilertsen knows we have to look at all avenues, but she prefers not to raise both. She understands we need to do an increase to pay the bills; however, at the same time she doesn't want to increase substantially, which is why we came up with one or the other. Looking at the two plans, we would lose about \$14,000 (ballpark); City Manager Carrier advised if we increased only the base rate, the drop in revenue would be significant. Councilor Eilertsen asked if we raised it across the board would that be about \$22,000; the difference from the current rate and base rate would be about \$8,000. City Manager Carrier advised that was incorrect, and went over the spreadsheet -- the current rates are at the top, the second group is across the board, which is what was proposed in the budget, and the third group is with an increase in the base rate only (a copy is attached to the minutes); however, the problem from "Column 10/10" is that is where the consumption error is; she asked not to use that one, but to use June – September. If you use June – September, you can see the differences are significant.

Someone from the audience asked if this was in the budget; City Manager Carrier advised they were put into the budget, and it would need to be adjusted. LaCascia asked if it was the same explanation as before regarding the General Fund contemplated an increase by mill rate and an increase by sewer and water; City Manager Carrier advised we used the roll-back rate on taxes in the General Fund and there was no increase; however, this is specifically for Water and Sewer. There was some discussion from audience that could not be made out; the Resolution is reflected in the budget.

Councilor Eilertsen commented from the current rate to the proposed across the board rate would be approximately \$19,000, and if we did a base rate increase only that would be about a \$14,000 increase, which would be a \$5,000 reduction if we went to the base rate increase only. Councilor Eilertsen understands cost goes up, but she doesn't want to see the citizens get hit with a large increase. She has looked at various alternatives, but if we keep the usage the same and raise the base rate \$2.00 she is comfortable with making that decision, as long as the usage rates stay the same. City Manager Carrier advised raising the base rate spreads it evenly; increasing the consumption unfortunately hits the higher users the most and that is a concern. Councilor Eilertsen advised when you raise those individual gallon usage rates, you are hitting each person tremendously, and she is not comfortable with that. Vice Mayor Adorno asked if we go to the base rate increase as opposed to the consumption it would be less. Councilor LaCascia commented that is not the alternative on the table under this Resolution.

City Manager Carrier advised not at the moment; however, a Resolution does not require the involvement as an Ordinance does and can be amended right now. Councilor Eilertsen explained to Vice Mayor Adorno we would have to amend the budget \$5,000 less than what we have proposed because we're reducing what we were expecting for revenue. Vice Mayor Adorno commented we would just need to find where to get the \$5,000 from another area – another department. City Manager Carrier advised it would come out of utilities. Vice Mayor Adorno asked what other areas in the utility department could be possibly cut \$5,000, and asked if this was \$5,000 monthly; City Manager Carrier advised, yes, it is \$5,000 a month. City Manager Carrier advised we could tell the Department of Health we were going to wait another year on the generators. She advised what we are running into is once the Mt. Olive was changed to the City of Polk City on the permit new regulations kicked in, and one of the reasons we are looking to do this is because we have been told we are required to purchase generators for the Mt. Olive Water and Wastewater System. Those generators are between \$30,000 and \$70,000 a piece. The County didn't have to do it, or didn't do it, and now that we have taken it over we do. Last year we deferred it and said were putting in plan a for it. Councilor Eilertsen asked if this money was going to cover that cost; City Manager Carrier responded yes. City Manager Carrier asked what would they (Health Department) do to us. Mayor Penton advised they would fine us. Councilor Eilertsen asked how many generators we need; City Manager Carrier responded we have to have two. Councilor Eilertsen asked about the other suggestion of increasing the higher usage; the purpose of this last year was reducing consumption. If we are trying to encourage less usage, what about increasing the higher-end user; City Manager Carrier advised that is possible; the majority of users use 0-6,000 gallons and we could leave that as it is and increase everything above 6,000. Some discussion took place regarding the breakdown of usage. Councilor LaCascia asked if leasing generators would be an option; Gene advised it would be, and discussion took place regarding the lease purchase of generators as an alternative; Gene advised we can lease them over a five year period. Gene also advised he was still speaking with the Health Department to see exactly when we would need to install generators; it is in this year's budget. Further discussion took place regarding the generators being leased short-term, and discussion took place regarding the possibility of fines. Gene advised we would be better off getting generators than being fined.

City Manager Carrier then advised what she is hearing from Council is the base rate should be increased, the water consumption rate for the lowest tier will remain the same, and the water consumption on the higher tiers be increased. Councilor Eilertsen advised she would be okay with that; Vice Mayor Adorno agreed, but commented we would have to see what percentage we are looking at for the higher tier. If the 0-6,000 is staying the same, then what percentage are we looking at when it goes over that; the City Manager didn't understand what Vice Mayor Adorno meant, Vice Mayor Adorno advised so we can have a balanced budget and discuss the percentages for the higher usage tiers. City Manager Carrier advised those would be increased the same percentage as the base rate. Discussion took place regarding the percentages, and the money would not be the same; City Manager Carrier advised she would need to recalculate those and adjust the budget downward. Councilor LaCascia suggested a simpler way do this because we are chasing a number that we don't know, and he doesn't think we are going to define it tonight, would be to put in half of the increase this year and half of the increase next year. Instead of the increase being twenty-five percent to soften the blow and say we will go twelve and a half percent across the board for this year, for one year. He said if we could get consensus on that and change the Resolution to be twelve and half percent increase this year, we may be able to live with that. Councilor Eilertsen asked if that would be across the board; Councilor LaCascia advised it would be; he doesn't think it will be that much.

Mayor Penton recognized Mr. Mirens from the audience, and advised we don't usually do that. Mr. Mirens asked if the utility rates were being raised because of the generators being required; Councilor LaCascia commented he would say yes. He asked if the generators had to

be new, or could they be used. Some discussion then followed concerning the size of the generators that would be needed, as well as using the GSA process. Councilor LaCascia advised he thinks we have to look at every possibility and thanked him. Mr. Mirensen thinks we have the highest water bill of any community in the area and now wanting to raise it more. Councilor doesn't think so, but will accept what Mr. Mirensen said and thanked him.

Mayor Penton recognized a gentleman from the audience, who briefly discussed the generators in a community where he used to live with their own water and sewer system, and also discussed possibilities for the City to look into.

Councilor LaCascia asked if we could move forward, and asked if the twelve and half percent is something we want to look at. City Manager Carrier advised it would be up to Council. Vice Mayor Adorno advised this is something we can always look at again and change if necessary. Councilor LaCascia asked about changing the Resolution; City Manager Carrier advised just amend it down for a total of twelve and half percent. At this point in the meeting the fire alarm was going off and nothing could be heard. Mayor Penton called a recess at 10:10 p.m. and reconvened at 10:20 p.m. City Manager Carrier presented Council with a revised Exhibit "A" for Resolution 2009-07. Mayor Penton asked if this would raise the rates that are needed to balance the budget; City Manager Carrier advised she will need to adjust the budget downward; Councilor LaCascia commented there's no doubt it would not balance the budget. City Manager Carrier will bring the amended budget figures back to Council at the next meeting. Brief discussion took place to have Gene look at alternatives for the generators, i.e. buying used (not always a good choice and can be costly) and also at a lease purchase over a five year period. Councilor LaCascia mentioned the revised rates would increase the water base rate from \$10.13 to \$11.40, and the sewer base rate would increase from \$20.56 to \$23.13. Councilor LaCascia asked the City Manager if she had given a revised schedule to Kevin from the Ledger; she gave him one.

Councilor LaCascia made a motion to accept Resolution 2009-07 with amended Exhibit "A"; the motion was seconded by Vice Mayor Adorno.

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

5-ayes  
0-nays

## **NEW BUSINESS**

### **Appointment(s) to Citizens Advisory Committee**

Mayor Penton appointed Mike Blethen and Don Kimsey, if they both accept it; City Manager Carrier advised they accepted.

Councilor Eilertsen advised as hard as she reached out, she could not find anyone willing and she has come empty-handed. Mayor Penton suggested posting it somewhere else other than putting it in the water bills. City Manager Carrier advised nothing says the Committee has to be ten members; in discussion with staff, we felt other than staff appointments, ten would have been a good balance. City Manager Carrier advised there are people that have stepped forward and agreed to be on committee and Councilor LaCascia had success. Vice Mayor Adorno could not find anyone to serve.

Councilor Eilertsen understands why people are hesitate, but she is desperately reaching out to let them know she will listen and hear them. Vice Mayor Adorno suggested the citizens who were interested in serving on Council; she thought some indicated they were interested; however, City Manager Carrier advised there were only two. City Manager Carrier suggested Council continue to recruit people; however, we can start with the members that we do have in order to move forward. We have a Small Cities Grant Application that needs to be started, and it is significant dollars that would be free to the City; she doesn't want free money to be passed over because we don't have a certain number of people. Councilor LaCascia suggested the Planning Commission serving temporarily on the Citizens Advisory Committee until it gets built up; we are also having trouble setting members on that Board. City Manager Carrier advised they could set as advisory members but not voting members because of State Laws regarding holding two offices. Councilor LaCascia advised they could still help to get this off the ground; there are significant dollars in play that requires this council to be seated, as the City Manager said, to miss out on these dollars that we desperately need doesn't make any sense. He feels we should do what we need to do in order to get it up and going, but go forward and recognize those who are willing to serve.

Michael Ho-Shing, who lives at 505 Orange Blvd. and serves on the Planning Board, advised he would be willing to serve on the Citizens Advisory Committee in order to get it going. City Manager Carrier advised it would be nonvoting; he would be happy to serve and withdraw once you have sufficient members. Councilor Eilertsen advised she has a letter that she will be more than happy to pass along to Mr. Ho-Shing; it has her email and address and the letter has the need to know information on what the committee is about.

Councilor LaCascia appointed Al Schneider, who has a background in Public Safety and Fire Department, and he appointed Wendy Whanger, who was a school teacher for 30 years. They both stood up to be recognized.

City Manager Carrier advised an introductory meeting will be called of the Citizens Advisory Committee, the Planning Board members, appointed staff and the City Clerk (to take minutes). At that meeting they will sign their appointment papers and take the Oath of Office (they will be Officers of the City and are required to take an Oath). She also advised they fall under the "Government in the Sunshine" and cannot talk about city business outside of their meetings (don't call each other). We have smaller pamphlets of the Government in the Sunshine, and will set a meeting.

Councilor Roddenberry advised she spoke with many people, but no one wanted to serve; one person asked how much it paid and when she was told it is a voluntary position, she declined.

### **Citizen of the Year and Grand Marshal for Christmas Parade**

Councilor Rodenberry nominated Chris Denico for Citizen of the Year; she has done a lot with the Cub Scouts, Safe Haven Halloween, and she has served well in her capacity. For Grand Marshal, Councilor Rodenberry nominated Carolyn and Dennis Davis, Neva Green and Bob Howell for their work in youth programs and the baseball program.

Councilor Eilertsen nominated Joe LaCascia as Citizen of the Year; he has stepped up and volunteered in the community, he has served on Boards, he reaches out to the public, he has been at every meeting and every time she is here she runs into him finding out information for the citizens. For Grand Marshal, Councilor Eilertsen nominated Pastor Walter Lawlor; he does a lot; he works hard with the Council and City. Councilor Roddenberry feels Pastor Lawlor is a wonderful nomination; however, he received it a couple of years ago.

Vice Mayor Adorno nominated Pastor Walter Lawlor as Citizen of the Year, and for Grand Marshal she nominated the owner of Hungry Howie's Pizza (Tarek Kazbour); he has been in the community, and every time you go in he is always very willing to help.

City Manager Carrier went over the two lists to make sure they were correct. Mayor Penton would like to see Pat Jones, who is a hairdresser in town, as Citizen of the Year; she does a lot behind the scenes. He would also like to see Pastor Lawlor as Grand Marshal if he hasn't been appointed before.

City Manager Carrier announced the following as nominations for Grand Marshal:

- Carol Davis, Dennis Davis, Ms. Green and Bob Howell (as a group)
- Pastor Lawlor
- Owner of Hungry Howie's Tarek Kazbour

City Manager Carrier announced the following as Citizen of the Year:

- Chris Denico
- Joe LaCascia
- Pastor Lawlor
- Pat Jones

City Manager Carrier advised from staff's perspective for Citizen of the Year that Mr. Denico was given the honor last year on behalf of both he and Chris Denico, and even though she does a lot, she feels she should be disqualified for that reason. That is staff's perspective, and of course it is just a recommendation. Citizen of the Year has typically been a business person in the City or an actual citizen; City Manager Carrier advised that Pastor Lawlor would be classified as neither. Staff would recommend that if Pastor Lawlor be chosen, it would be for Grand Marshal. City Manager Carrier advised similarly, with Carol Davis and that entire group it would be more appropriate for them to be Grand Marshal.

City Manager Carrier advised it brings it down to Mr. LaCascia and Ms. Jones for Citizen of the Year; truthfully, she is partial because Ms. Jones is her very best friend. In looking at it in an unbiased manner, she believes that Mr. LaCascia has done more this year as far as citizen outreach; she thinks the skills and knowledge he brought to the Planning Board were invaluable, he has reached out to the citizens like no other Council person she has ever seen, and in her estimation she believes the honor would be better served there; however, it is up to Council.

Councilor Eilertsen made a motion to nominate Joe LaCascia as Citizen of the Year; the motion was seconded by Councilor Roddenberry. At this time Vice Mayor Adorno commented she is fine with Joe LaCascia; he has been more public, and she doesn't know what Pat Jones has done. City Manager Carrier advised Ms. Jones does a lot behind the scenes; she is not there just for her clientele; she has literally had people to call in the middle of the night and say they need her, even a customer, and she is there. She has a huge heart and is always promoting the city.

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

5-ayes  
0-nays

Councilor LaCascia advised he is truly honored; he has only been in Polk City a little over a year. He immersed himself in everything that pertains to the city because he is so happy living in Mt. Olive Shores North. He is truly honored and appreciates the nomination and vote.

City Manager then gave the list to be considered for Grand Marshal:

- Pastor Lawlor
- Neva Green/Bob Howell
- Owner/Manager of Hungry Howie's
- Carol Davis/Dennis Davis

When asked if there was anyone else, Councilor Roddenberry asked if Pat Jones could be added to the list. City Manager Carrier added Pat Jones to the list for Grand Marshal.

Mayor Penton made a motion to nominate Pat Jones; the motion was seconded by Councilor Eilertsen.

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

5-ayes  
0-nays

**Ridge League of Cities-Choose Board Member and Alternate Board Member**

Mayor Penton made a motion to appoint Vice Mayor Adorno as Board Member and Councilor Joe LaCascia as the Alternate Board Member for the Ridge League of Cities; the motion was seconded by Councilor Eilertsen.

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

5-ayes  
0-nays

**ORDINANCE 1258, AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA AMENDING THE CITY OF POLK CITY CHARTER ARTICLE III; SECTION C-8 COMPENSATION; AMENDING COMPENSATION FOR COUNCIL MEMBERS; PROVIDING FOR AN ELECTION DATE; PROVIDING FOR REFERENDUM QUESTIONS; PROVIDING FOR SEVERABILITY OF CHARTER AMENDMENTS; PROVIDING FOR REPEAL OF ALL ORDINANCES OR SEGMENTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

City Manager Carrier read Ordinance 1258 in short title. This recommendation was brought forward by Councilor LaCascia, and the only change is under Compensation, adding Item C, which reads "Council members shall be paid on the second payroll period of each month. Council members shall not receive the monthly compensation for any month they are absent from the regularly scheduled meeting."

Under discussion, Councilor LaCascia advised he simply thinks you don't get paid if you don't show up for work. As the Charter is written, you can miss four meetings a year and be compensated for that; he did look back and there were too many absences. The punitive part is taken care of with the vacating of the seat if there you are out for three consecutive months. The other part is if you simply don't show up to a meeting, he doesn't think you should be paid for it.

Councilor Eilertsen advised she can appreciate where Councilor LaCascia is coming from; however, she will have to argue that. She feels there may be irresponsible parties on the Board that need to be addressed or have concerns; however, responsible members of the Board generally represents the City on other boards, and there are many other duties, obligations and responsibilities that we are required to fill such as whoever comes in and signs checks, whoever goes and attends other board meetings (she drives to Bartow for a four hour meeting; it takes her forty minutes to get there and forty minutes to get back and she is not asking to be compensated), there are budget meetings in September – we have three plus the regular meeting; she understands Councilwoman Roddenberry saying it takes a special person, but at the same time it takes up a lot of her time; it's not just once a month. When she spends two to three hours in meetings, she is giving up time with her kids. She doesn't ask for compensation for babysitting like she had to in the beginning; she tries to find other avenues for her children. She wants to serve the public and she thinks \$50 is so minimal in the big scope of things of what we do outside of this once a month meeting. She doesn't think it is fair when you have a dedicated citizen/council person that should be for a pending circumstance; she thinks someone took advantage of the system, and she understands that and she understands there might be repercussions to that, but she thinks a responsible person who really steps up and does all this it is a slap in the face to take away one meeting she may not show up for because of a pending circumstance when she showed up for TPO meeting that month and the three budget meetings. She has a real problem with that; she thinks if there is another problem or circumstance going on amongst the Board Members, that needs to be addressed or handled, or maybe we can word it some other way. When you have Board members stepping up on other boards to represent this City she has a problem with that; not only that, but to set up here when no one in the audience likes you and have to take it, that is really hard to make you want to come. She thinks she understands why it's been brought, but doesn't think it's one hundred percent valid or necessary.

Mayor Penton advised he feels the same way; in the time he has been on the Board he has missed two meetings; one was work related and the other was because he was sick. There are a lot of things these Board Members do such as being appointed to the Board of Directors for the Ridge League or as the Alternate Board Member – you attend various meetings and not be compensated for it. He feels the small compensation you receive is trivial. He is here to do the best he can for the whole community, not just a few. He hears the ones that are here, but not the few who live here and don't complain; the silent few are the ones you don't hear from, but they do pay your salary and you listen to them also. Mayor Penton agrees with Ms. Eilertsen; if you put yourself in a position to be on this Board and get elected, you should attend; that is your duty and you should do that.

Vice Mayor Adorno advised some times when you work you get sick and can't come in, but that doesn't mean you are not interested in the rest of the stuff that is happening and are committed to the other areas. Fifty dollars really isn't that much; she enjoys going to any workshops she can attend, conferences she is able to attend, and Ridge League of Cities; there are other ways we give of our time. When you are here a little longer some of that time is given to our citizens in other ways. She understands it is important to come to meetings and be present; if there is a particular issue where there is something occurring bring it to their attention and say something

is happening; deal with that issue on a one on one basis. She feels we should keep it as it is, and if there is some abuse address it.

City Manager Carrier understands the intent behind it, and she thinks it is unfortunate when it was being abused, and it was, it was left to her to point that out to the Council person. She doesn't believe it should have ever happened, and she requests it never happen again. She understands the intent, and she and Councilor LaCascia has talked about it, but she also knows there are extreme circumstances when council people just can't do it. It doesn't mean they're not interested, it doesn't mean they don't want to be here, it's just there are extenuating circumstances. She remembers having to have a final budget hearing in the middle of the storms of 2004 when the Mayor couldn't get here because he was in lockdown and could not leave. She doesn't believe it's fair to be penalized for doing your job. She does agree it was grossly misused and abused, but she thinks we have a new view and doesn't believe with this particular Council it will happen any further.

Councilor LaCascia advised after listening to everybody he is willing to change his mind; he was not aware of some of things he heard, and he may have over reacted.

Councilor Eilertsen apologized to the City Manager for keeping her in that situation; she felt intimidation from her (Council person being discussed) because she had been here quite a while, and it made it more difficult for her to bring forward. She would really like to apologize for putting the City Manager in that situation; City Manager Carrier accepted the apology from Councilor Eilertsen. Councilor Roddenberry asked if we feel one of the five isn't doing something right, can we legally talk to them about that; City Manager Carrier advised they could in a meeting. City Manager Carrier advised it was a very uncomfortable situation for a while; she has not received a lot of direction from Council as a whole. She keeps bringing things forward, not because she's expecting them to pass them; she brings them forward because we as staff work very hard to do what we think is in the best interest of the city; however, that doesn't mean you have to automatically do something. What has happened due to a lack of direction (City Manager Carrier is not trying to be insulting) is she and staff do what they think is supposed to be done, which may not be what Council wants, and it is very uncomfortable because citizens end up being mad at Council and her; then people think she is a benevolent dictator and she doesn't like being in that position. She is here to carry out the policy of the Council, and it's very difficult when she is not getting direction from the Council. She hopes this will get better in that direction. In the past, as Ms. Roddenberry can attest to, Council didn't say anything until something was done wrong. Councilor Eilertsen advised she sees her point, and sees how we got here; she hopes to move forward and make better choices.

Brief discussion took place regarding how to handle Ordinance 1258. Councilor LaCascia made a motion to accept Ordinance 1258; the motion failed for lack of a second.

### **CITY MANAGER ITEMS**

- Reiterate about mechanics of the utilities; that will be fixed as soon as possible and a credit issued.
- On the 26<sup>th</sup>, 27<sup>th</sup> and 28<sup>th</sup> of this month, Polk City is celebrating City Government Week with the school. The elementary school will be holding elections and from 1:30 to 2:30 each day those children will come to City Hall and sit as an elected body at this dais, along with herself as City Manager and the City Clerk. They will be presented with an agenda to do business; it will be a real agenda. On three separate days we will have children city council. She invited Council to drop by if they would like (26<sup>th</sup>, 27<sup>th</sup> and 28<sup>th</sup> between 1:30 and 2:30)

- City staff donated two cakes in the cake auction that is held every year at the school; one cake was auctioned at \$300 and one was auctioned at \$220. She usually buys a couple of cakes each year. It was a successful auction, and everyone had a good time.
- Construction is under way at the Skate Park; the concrete retaining wall is going up. We do have a deficit with the funds for the fencing around it. At an earlier meeting Mr. Douthit so generously offered to provide the fencing for the Skate Park; however, when the City wrote and emailed him, we have yet had the courtesy of a reply. Maybe the offer was not sincere; however, another developer has stepped forward and asked the City to obtain some quotes (that developer is also giving to the Safe Haven Halloween Event); she is not thinking that will be a problem.

### **CITY CLERK ITEMS**

Nothing to report at this time.

### **CITY ATTORNEY ITEMS**

Nothing to report at this time.

### **COUNCIL MEMBER ITEMS**

**Councilor Eilertsen** – Councilor Eilertsen asked if there is a date for the official trail opening; City Manager Carrier advised Pam has not had very much luck dealing with Paula Dockery's staff; however, she has contacted her and advised we need a date that she will be available; she expects to have an answer this evening. Councilor Eilertsen then asked if the picnic tables has been replaced at the pier; City Manager Carrier advised they have not been replaced, but the damaged ones are still there. When asked if they were functional, Gene advised they were; however, the City is going to replace the damaged panels. Councilor Eilertsen asked if there was a blackout of the entire city on Saturday; City Manager Carrier advised TECO felt a blink, but Lakeland Electric was called out, and our emergency services was used as backup. Councilor Eilertsen advised she attended the monthly TPO meeting; one of the things discussed was the long-range Polk County Plan through 2030 and 2035; however, they are getting closer in moving forward with the East/West Road from 570 to Highway 33. They have obtained all of the necessary right-of-ways and can move forward in putting it out for bids; construction is expected to be completed by March 2012. Councilor Eilertsen then advised the Polk Transit Authority has created a Board, and they still need a board member; however, she doesn't know if it has to be citizen, or if it could be a Council Member. We are one of five cities lacking a board member; City Manager Carrier will check into this. Councilor Eilertsen thanked the ones remaining in the audience for their input.

**Councilor LaCascia** – Councilor LaCascia was very happy with the way the meeting went; he believes the citizens that were here noticed a difference, and knows that Council is listening to them. He believes they went away feeling there is change, and there is going to be bigger and better involvement with the Council working with the City Manager. He thanked Council again for the honor of choosing him Citizen of the Year.

**Councilor Roddenberry** – Councilor Roddenberry advised she enjoys serving the City; she has been sitting at home and now she's revived and it feels good.

### **VICE MAYOR ITEMS**

Vice Mayor Adorno thanked everyone for coming to the meeting, and for bringing situations, as well as solutions, to the Council. She agrees with Councilor LaCascia whereby she noticed a

difference in trying to figure out how to best serve by looking at the budget and other ways; it was a very good meeting. She thanked Pastor Lawlor for Appreciation Day; however, she was sorry could not attend. She is honored to represent the City on the Ridge League of Cities Board of Directors. She then brought up the dog costume contest for the Safe Haven Halloween Event; she understands we only have one application. City Manager Carrier advised through her travels around town, there will be more applications forthcoming.

### **MAYOR ITEMS**

Mayor Penton thanked everyone who volunteered, and thanked everyone for coming to the meeting. He then quoted Mark Twain "When a man does not read a newspaper, he is uninformed; however, when a man does read a newspaper, he is misinformed.

### **PUBLIC COMMENTS/REQUEST**

Mr. Charles Swift – he has left; however, City Manager Carrier advised this is the first she heard of his issue and she will check into it (he gave a letter to the City Manager and Council before the meeting) and make sure it is resolved.

Ms. Joly – she has left. Mayor Penton advised she had a problem with the billing. Councilor LaCascia advised she had sent a letter, it was addressed, but she had more questions after that. Mayor Penton advised Ms. Joly had a problem with the billing and the way it was sent out.

Mr. Schneider asked if there was any information on the power outage; City Manager Carrier advised she understands it was due to an accident; however, she will find out. She does know our emergency services were called out to assist.

### **ANNOUNCEMENTS**

City Manager Carrier advised she will be out of the office and out of pocket tomorrow; she will not be available via phone, cell phone or email. She will be in the hospital tomorrow; however, Pam will be back in the office and she can handle anything that may come up. Councilor LaCascia wished her luck. In addition to that, City Manager Carrier requested leave some time ago, but will be available; she has company coming into town.

There being no further business, the meeting adjourned upon voice vote at 11:45 p.m.

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Patricia R. Jackson, City Clerk

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Donald L. Penton, Sr., Mayor