

CITY COUNCIL MINUTES

MARCH 9, 2010

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

Pastor Walter Lawlor, New Life Community Church, 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, Councilor Paula Roddenberry, 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, Finance Administrator Pam Lawson and Librarian Mary Ellin Barrett.

A quorum was established and Mayor Penton turned the meeting over to City Attorney Sullivan.

APPROVE CONSENT AGENDA

Councilor LaCascia had several questions on the monthly Financial Report pertaining to the General Fund:

- Page 1, Ad Valorem Taxes shows \$413,292; however, the Tax Collector shows \$413,070 through January. City Manager Carrier advised the February letter is for January and when the City receives the EFT Payment it is for the prior month. Pam Lawson advised she would need to look at it.
- Under the Law Enforcement Expenses to date we have spent \$221,342.92; the total amount budgeted was \$310,000. City Manager Carrier advised that is one of the issues brought up and is being discussed with the Sheriff's Office.

Mayor Penton made a motion to accept the Consent Agenda; the motion was seconded by Vice Mayor Adorno.

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

5-ayes
0-nays

PRESENTATIONS AND/OR RECOGNITIONS

There were none.

PUBLIC HEARINGS

There were none.

UNFINISHED BUSINESS

Florida Government utilities Authority (FGUA)

City Manager Carrier advised they have not submitted any findings as of today; however, it should be ready in the next couple of weeks. It was recommended to table until the next meeting. City Manager Carrier suggested prior to the April meeting we hold a workshop to go over the findings. The report is nearly complete, but the financial people would like to go over the numbers again because they have discovered repairs that need to be done to the collection system. This will be ready before the April meeting, and City Manager Carrier would like to hold a workshop to explain everything so that the Council can get their questions out of the way before the public asks their questions. The City Manager will contact FGUA to see what day would be good for them one week prior to the April 13 meeting and then notify the current Council and Council Elect.

A motion was made by Mayor Penton to table until the workshop; the motion was seconded by Councilor LaCascia.

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

5-eyes

0-nays

NEW BUSINESS

ORDINANCE 1262, AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA, AMENDING ORDINANCE 1251 BY RESCINDING AND REPLACING THE LANGUAGE OF POLICY 1.7 OF OBJECTIVE 1 OF THE CAPITAL IMPROVEMENT ELEMENT OF THE POLK CITY COMPREHENSIVE PLAN WHICH WAS ATTACHED AS EXHIBIT A TO ORDINANCE 1251; RESCINDING AND REPLACING THE POLK CITY FIVE-YEAR CAPITAL IMPROVEMENTS PLAN (“CIP”) WHICH WAS ATTACHED TO ORDINANCE 1251; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Sullivan read Ordinance 1262 in short title. Attorney Sullivan advised this Ordinance is the result of the Settlement Agreement between the Department of Community Affairs and the City of Polk City.

A motion was made by Mayor Penton to pass Ordinance 1262; the motion was seconded by Councilor Eilertsen.

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

5-eyes
0-nays

CITY MANAGER ITEMS

City Manager Carrier had nothing to report.

CITY CLERK ITEMS

City Clerk Jackson advised there would not be a Municipal Election on April 6; there were four seats up for election, and there were four candidates who ran unopposed. New Council Members will be sworn in at the April meeting.

CITY ATTORNEY ITEMS

1. Petition for Contraction from Municipal Boundaries

Attorney Sullivan acknowledged the City has received a Petition for Contraction from the City of approximately 300 acres that were annexed in 2004. The City is currently reviewing this, and he recommended a special meeting in a couple of months to allow the petitioners an opportunity to make a presentation and present their evidence. Attorney Sullivan recommended they have one to two hours for their experts to testify. There would be no action tonight; the City is starting their review process. Councilor LaCascia asked what the time schedule would be; Attorney Sullivan advised per State Statute the City has six months to make a final decision, and he suggested that in three to four months have the Petitioners make their presentation to Council.

Under Mayor Items, Mayor Penton advised he would like to defer until after public comments and request.

VICE MAYOR ITEMS

Vice Mayor Adorno thanked everyone who was interested in running for Council; she is looking forward to working with them.

COUNCIL MEMBER ITEMS

Councilor Eilertsen – Councilor Eilertsen gave an update on the TPO meeting/conference she attended with attendees being present from Orlando, Tampa and Polk Counties. The TPO voted for the rail stop to be at the USF Polytechnic Campus. Councilor Eilertsen advised she was not able to make the Green Swamp Outing; City Manager Carrier advised she was informed it went very well. City Manager Carrier then advised she has received several phone calls and wanted to pass along to Councilor Eilertsen that she was “phenomenal” at keeping people on track at the TPO meeting. Councilor Eilertsen thanked everyone for coming.

Councilor LaCascia – Councilor LaCascia advised that Councilor Eilertsen was being modest; every time the presenters got off message statistically she would bring them

back on track. Councilor LaCascia then advised the USF Polytechnic site has a potential of 5,000 students in 2012, the potential of 16,000 students thereafter, and 4,300 dwelling units; he also noted Pace Road to S.R. 33 will be four-lane.

Councilor LaCascia advised he is frustrated at how slow things are going with FGUA; however we can't make a decision until we have all the facts. No matter what direction we go, the water and sewer rates will have to be looked at.

Councilor Roddenberry – Councilor Roddenberry asked what was taking place with the grocery store; she has been contacted by many residents. City Planner Gene Kniffin advised a gentleman has a lease on the building and will operating a grocery store; he hopes to have it open in the next couple of weeks. At this time City Manager Carrier advised the restaurant known as “The Other Place” is under new management, and has been told it is highly recommended.

PUBLIC COMMENTS/REQUEST

Lisa Fussell, 141 Homewood Drive, Winter Haven, addressed Council regarding her opposition to Amended Ordinance 1260, which pertains to wells. She read from a letter from the Southwest Florida Water Management District regarding this. Ms. Fussell advised she had e-mailed Kathy Delp and Cory with the information and has not had a response. City Manager Carrier advised she spoke with Danny Kushmer regarding this, and asked him to contact her. City Manager Carrier advised the City took direction from SWFWMD regarding the language used in the new Ordinance; she advised if there is anything wrong, we need to correct it. After other discussion, City Manager Carrier advised she would make direct contact with David Moore, who is in charge of this District, to get an answer. Councilor LaCascia advised there have been a number of issues with this, and wanted to know how many times we have to address this before something is done. Councilor LaCascia advised with every Council he has served on, communications such as these were given to them as soon as possible so they could be informed and there would be no surprises. City Manager Carrier advised the information the City received was in person and from general counsel. Attorney Jeff Sullivan advised he could contact the general counsel with SWFWMD and have something at the next meeting.

MAYOR ITEMS

Mayor Penton announced that officially this is his last meeting, and would like to say some things. He advised it has been a pleasure to serve over the years; he has served in every position (Fire, Police, City Manager, Council and Mayor), and he has served in these positions as well as he could have. He advised there are a lot of good people within the community and he commends them; there are some that want to cause problems (he feels Jesse is one of those persons – he stirs up County people and takes up citizen's time). This City has gone further and done everything it could to help the Fantasy of Flight; the first Ridge League of Cities for Polk City was held there (17 municipalities), and Polk City has gone to Tallahassee supporting their group, but they couldn't support Polk City. Jesse offered to help the City, but has not return emails or phone calls from staff to date. He then commented about people setting in the front row that doesn't live inside the city, but taking up the citizen's seats. He asked that

everyone wake up and do what is right for the City; there is a new Council coming in and he feels that things will work themselves out. He said "Thank you."

Councilor LaCascia responded by saying he has the deepest respect for Mayor Penton; however, when he was looking to be appointed to Council there were certain rules of conduct. We may not agree with everyone, but will always respect their opinion. He thought it was inappropriate to single a person out in a City Council meeting. Mayor Penton responded to Councilor LaCascia's comment referring to not be able to speak for ourselves.

ANNOUNCEMENTS

City Manager Carrier made the following announcements:

1. Polk City's Second Annual City Wide Residential Yard Sale will be February 13, 2010
2. Southwest Florida Water Management District will host "Get Outside" on the Hampton Track, part of the Green Swamp Wilderness Preserve, on Saturday, February 27, 2010
3. Ground Breaking for the USF Polytechnic I-4 Campus will be in June 2010

The meeting adjourned at 8:18 p.m.

Patricia R. Jackson, City Clerk

Donald L. Penton, Sr., Mayor

