

CITY COUNCIL MINUTES

SEPTEMBER 14, 2010

Mayor Joe LaCascia called the meeting to order at 7:40 p.m.

Pastor Walter Lawlor, New Life Community Church, gave the opening prayer.

Those presented recited the Pledge of Allegiance led by Mayor LaCascia.

ROLL CALL

Mayor Joe LaCascia, Vice Mayor Trudy Block, Councilor Nancy Adorno (7:41 p.m.), Councilor Mike Blethen, Councilor Don Kimsey, City Attorney Jeff Sullivan, and City Clerk Patricia Jackson.

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

APPROVE CONSENT AGENDA

Vice Mayor Block made a motion to approve the Consent Agenda; the motion was seconded by Councilor Blethen.

Roll Call: Councilor Blethen-aye, Councilor Adorno-aye, Vice Mayor Block-aye, Mayor LaCascia-aye, Councilor Kimsey-aye

5-ayes

0-nays

PRESENTATIONS AND/OR RECOGNITIONS

TLC Family Church (letter) – Mayor LaCascia read the letter from TLC Family Church.

PUBLIC HEARINGS

Small Cities Community Development Block Grant – Scott Modesitt addressed Council regarding the CDBG Application -- it is due November 17, 2010, and the City will hold two public hearings as well as the Citizens Advisory Committee. Scott then went over the grant and categories; this grant requires no matching funds. There were no public questions or comments. Councilor Blethen asked about the 51% of low to moderate income; Scott advised if you have 80 homes, 41 of those would have to be low to moderate income (will conduct a survey of neighborhood).

Councilor Adorno made a motion to proceed with a FFY 2010 Community Development Block Grant in the Neighborhood Revitalization Category; the motion was seconded by Councilor Blethen.

Roll Call: Councilor Kimsey-nay, Councilor Blethen-aye, Mayor LaCascia-aye, Vice Mayor Block-aye, Councilor Adorno-aye. Councilor Kimsey asked for clarification on the low to moderate income – do they pay the same amount for sewer hook ups as more affluent neighborhoods. Scott advised CDBG does not allow this; the City would have to pay for the hookup fee or impact fee. The only thing being decided tonight is the category. If a new sewer line is ran, the City would be required to notify the owners and get a signed document if there are additional fees.

4-eyes

1-nay (Councilor Kimsey)

UNFINISHED BUSINESS

There is no unfinished business.

NEW BUSINESS

Appointment of Vice Mayor Block as Acting City Manager for an additional 30 Days

Councilor Adorno made a motion to appoint Vice Mayor Block as Acting City Manager for an additional 30 days; the motion was seconded by Councilor Blethen.

Under discussion, Councilor Kimsey advised he has a problem with Vice Mayor Block spending \$8,000 on a feasibility study without coming before Council. Mayor LaCascia then went over the State Statute dealing with contractions, and one of the stipulations is that when a City receives a request for contraction, they have to undertake a feasibility study of the issue. Councilor Kimsey advised it occurred six months after receiving the petition, and didn't come before City Council, and the Statute doesn't say we have to hire a consultant. Mayor LaCascia advised he understands the problem; however, he doesn't know how, as common citizens, we can under take this on our own. Additional discussion took place regarding the feasibility study and the request for contraction. Mr. Kimsey was advised the Acting City Manager has full power of a City Manager, and there is a Resolution which authorizes the City Manager to spend up to and including \$10,000. Councilor Kimsey would like a Resolution requiring no expenditure over \$1,000 can be made without coming to City Council. Councilor Blethen advised this is two separate issues; the first issue is Trudy Block remaining as Acting City Manager. Councilor Adorno advised there is a Resolution in place that stipulates how much the City Manager can spend; when Council was considering this they didn't want to make an amount that was too low requiring the City Manager to constantly call special meetings. Council felt \$10,000 was a happy medium. Councilor Blethen advised the spending limits has nothing to do with Trudy being in the position of Acting City Manager. After discussion, Mayor LaCascia suggested that Councilor Kimsey get with the City Clerk; Councilor Kimsey would like for no contracts be entered into in the meantime without Council approval.

Mr. Kimsey then advised he understands that Vice Mayor Block is presenting Polk City's side of the argument to Polk County at tomorrow's meeting, and he wants it brought before Council tonight regarding any deal that may be made. Mayor LaCascia advised the issue is two debts the City owe the County. Vice Mayor Block advised she will ask the County to allow the City to pay the impact fees over a four year period

(approximately \$134,000 a year), and to lower the interest rate on the spray field property to 3.3%. Councilor Kimsey advised there are five Council members, and all five to be included. Councilor Kimsey was advised the information was presented in the FY 2011 Budget document, and it was discussed during the budget process – payment of the impact fees and the purchase of property. Vice Mayor Block advised the payment for the purchase of property was reduced reflecting a 3.3% interest rate rather than 11%, which would make the payment approximately \$100,000 a year. The City defaulted on the loan in 2009 and 2010; the City owes \$374,000 to the County at the present time. This debt has to be paid back to the County. Vice Mayor Block reminded everyone she is doing this for free, and if someone else would like to step in that would be alright with her.

Roll Call: Councilor Adorno-aye, Councilor Kimsey-nay, Mayor LaCascia-aye, Councilor Blethen-aye, Vice Mayor Block-aye.

4-ayes
1-any (Councilor Kimsey)

Approval of Fiscal Year 2009 Audit

Mayor LaCascia advised the FY 2009 Audit was presented in a previous workshop; this is the first one on time in seven years.

Councilor Blethen made a motion to approve the Fiscal Year 2009 Audit; the motion was seconded by Councilor Adorno.

Roll Call: Mayor LaCascia-aye, Vice Mayor Block-did not vote (she stepped out briefly), Councilor Adorno-aye, Councilor Kimsey-aye, Councilor Blethen-aye.

4-ayes
0-nays

Nabors, Giblin & Nickerson Engagement letter – Put on hold indefinitely the Future Capital Assessment Program

Councilor Adorno made a motion to approve the Future Capital Assessment Program being on hold indefinitely; the motion was seconded by Councilor Blethen.

Roll Call: Vice Mayor Block-aye, Councilor Kimsey-aye, Councilor Adorno-aye, Councilor Blethen-aye, Mayor LaCascia-aye

5-ayes
0-nays

Moratorium on City Impact Fees

Mayor LaCascia advised as part of the restructuring there were two parts – one being the expenditures and revenues, which Vice Mayor Block was working on, and the other is at long term, which is what he has been working on. Polk County

has placed a moratorium on impact fees, and he thinks it is a good idea; he has spoken with developers and asked for some proposals, which results in an aggressive marketing program. The Mayor has been working with Kathy Delp regarding the commercial end. The water and sewer impact fees would have to be left in tact because of being pledged revenues on bonds.

Mayor LaCascia then read Resolution 2010-05, imposing a moratorium on collection of impact fees, other than impact fees for water and sewer services, for twelve months (October 1, 2010 thru September 30, 2011).

Mayor LaCascia made a motion to accept Resolution 2010-05; the motion was seconded by Vice Mayor Block. At this time Mr. Nelson, who is one of the developers, addressed Council regarding the moratorium of impact fees; it is the perception of Polk City not holding construction hostage, which is good. Mr. Nelson advised he hasn't heard much objection about water bills going up. He advised "no good deed goes unpunished."

Roll Call: Councilor Kimsey-aye, Mayor LaCascia-aye, Councilor Blethen-aye, Councilor Adorno-aye, Vice Mayor Block-aye

5-ayes

0-nays

Planning Advisory Services Contract with Central Florida Regional Planning Council for Fiscal Year 2010-2011

Vice Mayor Block advised that CFRPC assists the City with comprehensive plan amendments and rezoning, minor revisions to the Land Development Regulations and comprehensive mapping services. This contract will also cover the completion of the Evaluation and Appraisal Report (required by DCA), and they will prepare the State-mandated Ten-Year Water Supply Facilities Work Plan and related Comprehensive Plan Amendments. The cost of this is \$30,000 a year. Vice Mayor Block recommended approval of this contract.

Vice Mayor Block made a motion to approve the Planning Advisory Services Contract with Central Florida Regional Planning Council for Fiscal Year 2010-2011; Councilor Adorno isn't sure what all of this entails, even though the City has been contracting with them for a while. Councilor Blethen seconded the motion.

Under discussion, all of the services that are provided by Central Florida Regional Planning Council (CFRPC) were discussed; most of the things that are required are State-mandates (EAR, Ten-year water supply plan, etc.) and have to be done – the City has no choice; if we do not do them, we are found in noncompliance.

Roll Call: Councilor Blethen-aye, Vice Mayor Block-aye, Councilor Adorno-aye, Mayor LaCascia-aye, Councilor Kimsey-aye

Change of Use Request – 315 N Commonwealth Avenue

Mayor LaCascia advised City Council is considering this due to a lack of a quorum being available on the Planning Commission. Everyone received the necessary information in their agenda packets.

Councilor Kimsey made a motion to approve the change of use request for 315 N Commonwealth Avenue; the motion was seconded by Vice Mayor Block.

Roll Call: Mayor LaCascia-aye, Councilor Kimsey-aye, Vice Mayor Block-aye, Councilor Adorno-aye, Councilor Blethen-aye

5-ayes

0-nays

CITY MANAGER ITEMS

- Vice Mayor Block advised every year there is a cost of living increase that automatically takes place with the utility bill; she would like to suspend that for one year. Vice Mayor Block made a motion to waive the cost of living increase on water fiscal year 2011; the motion was seconded by Councilor Adorno.

Roll Call: Councilor Kimsey-aye, Councilor Adorno-aye, Councilor Blethen-aye, Vice Mayor Block-aye, Mayor LaCascia-aye.

5-ayes

0-nays

- Vice Mayor Block advised there was a situation and the current Utility Manager was let go; one of the reasons being we were in a position whereby we may be getting fines from the Department of Environmental Protection/Department of Health. Vice Mayor Block discussed the possibility of this happening with FGUA, and that the City may need someone on an emergency basis. The City was very fortunate to get Frank Sanderson in to take over the utilities; he is certified both in water and sewer. The cost to the City is \$1,700 a week; however, he is worth every penny because of the amount of money that was saved in possible fines far exceeding what this is costing.

Frank Sanderson addressed Council; he advised the biggest thing he found is the lack of continuity – in visiting plants and looking at records there were gaps in reporting during 2006, 2008 and 2009; the job responsibilities were not picked up with regards to records. Good records have been kept, but not continued. Mr. Sanderson has been in the utility business 50 years; he has an A license in water treatment and an A license in Wastewater Treatment (highest level can have), he is also certified in collection and distribution systems. The City has a nucleus to build from; the City has gotten nailed in quite a few places (water), but things can be corrected given time, and not at a lot of cost; a lot of these things can be done by staff. The City needs to post signage regarding 9-11, all of the chlorination systems that have eye wash stations are broken – this can be fixed. Mayor LaCascia asked if that was an OSHA issue as well. Mr. Sanderson then went over several other issues he found and things he is working on; he has been here three weeks. Vice Mayor Block advised there hasn't been a report utilities,

and there now be reports issued on a monthly basis. She also advised Mr. Sanderson is temporary and the City will need to make some decisions soon. Councilor Kimsey asked if Vice Mayor Block had checked with Lake Alfred, Auburndale or Lakeland to see if we could outsource with them. Vice Mayor Block advised we needed someone who could actually build a utilities; we had none of the processes or the leadership of someone who could build the utilities, so no, she did not do that. Councilor Kimsey then asked if, according to paper, he is not working but 24 hours a week; Vice Mayor Block advised that is what we're contracted for, but he is actually working 40 to 50 hours a week. Mr. Sanderson advised he is on call 24/7; he is an hour and a half from Polk City. Councilor Kimsey would like to see Vice Mayor Block touch base with Lake Alfred and Auburndale to see if their people can do the same thing Mr. Sanderson is doing and at what cost. Mayor LaCascia advised we have a signed contract with Mr. Sanderson and it would be disingenuous to look for someone to hire on a permanent basis with the things that are facing us (we currently don't know future with FGUA). We had fines that were imminent; these were all surprises to us and shouldn't have been. When it was discussed, we're bleeding and we are not going to take any more penalties so we went to FGUA. It was a matter of literally keeping the wolf away from the door. Councilor Kimsey feels it would have been prudent to have called a special meeting; he is sure we could have come to terms and entered into a contract. Councilor Kimsey feels we should have a full time administrator; we are politicians. Councilor Blethen advised he thinks Trudy is a good Manager and politician at this time, and what we are talking about is – he asked Frank if he was cleaning up a whole lot of “paper crap”, a “garbage can of paper” and you are temporary, correct (Mr. Sanderson advised that is correct). Councilor Blethen then asked Frank Sanderson if he was a hands-on person; Mr. Sanderson said yes. Councilor Blethen then commented that Frank Sanderson is a hands on person who is temporary, and we are going to hire someone else to take over the utilities. Councilor Blethen told Mr. Sanderson he appreciates the fact he is getting safe water (applause from audience). Vice Mayor Block also advised we are saving money on parts, tools and equipment; we are getting bids on jobs for the first time in years, and getting the best prices we can for parts and labor. Frank is A certified in water and sewer, and he is in the trenches doing the work. Councilor Blethen asked if Frank has been into all of the lift stations; Mr. Sanderson told of an event that happened the previous week with one of the lift stations; if had not been for auto dial it would have overflowed and gone into the Lake – he worked with Joe Vince on that.

At this time Charles Sweat addressed Council; Mr. Sweat advised one event of the lift station overflowing could have been a \$10,000 to \$20,000 fine. He wanted to clarify that he works for Government Services Group, but he is manager of FGUA, and that the contract for Frank Sanderson is through GSG, not FGUA. This is an interim agreement, and Frank can be called at any time. The amount of agreement is \$1,700 a week, but part of that goes to GSG, and Frank gets paid from that. Along with that agreement you also get the benefit of his (Mr. Sweat) expertise and certifications; he works with the City Manager three or four times a week at no cost to the City, and he is trying to help the City survive.

CITY CLERK ITEMS

City Clerk Jackson advised she gave each Councilor a copy of an application to serve on the Planning Commission, and asked approval. Mayor LaCascia made a motion to appoint William “Bill” Stefanski to the Planning Commission; Vice Mayor Block seconded the motion.

Roll Call: Mayor LaCascia-aye, Councilor Blethen-aye, Vice Mayor Block-aye, Councilor Kimsey-aye, Councilor Adorno-aye

5-ayes

0-nays

CITY ATTORNEY ITEMS

The City Attorney had nothing to report.

MAYOR ITEMS

Mayor LaCascia had nothing at this time.

VICE MAYOR ITEMS

Vice Mayor Block had nothing else to report at this time.

COUNCIL MEMBER ITEMS

Councilor Adorno – Councilor Adorno advised Polk City attended the Ridge League of Cities meeting last Thursday; it was the first meeting of the year at PSC, and all of the new Board of Directors were sworn into office. She encouraged those that did not attend to please attend in the future; it is a good way to meet Officials from other cities.

Councilor Blethen – Councilor Blethen asked if Polk City is contracting with local city governments to take care of the street maintenance. Vice Mayor Block advised she signed the document, and Polk County will be repairing approximately 30 potholes for \$1,900. Councilor Blethen then commented about the petition that is being carried around town; he would like to have the petition brought in and have an open meeting rather than people going around make a lot in innuendos and saying we not doing what we said we were going to do. Mayor LaCascia advised the petition is going to come up a little later and asked to reserve discussion on that until later in the meeting. As far as the Town Hall meeting he referred to, back in August he proposed to Council to have a simple Town Hall meeting whereby we just speak about anything we want to speak about, no rules – just talk about every issue on peoples mind. It didn't get legs until recently, and he thinks it's time with everything that is going on. The Mayor advised he will propose some dates, it will be advertised and a public town hall meeting will be held so everyone can talk, and look forward to doing that. Mayor LaCascia advised what does come back to him is painful remarks because we are trying to do the best job we can; however, he has always been for a government of the people, by the people and

for the people. He has asked the people to come out and speak, but he asks the people be respectful and mindful that we are neighbors, and even though we have different opinions, we still have to go away as neighbors. He thinks that was done in the

way the petition was done for the most part; he thinks there have been personal issues one to one that could have been avoided, but for the most part it was done exactly the way it should have been done. It was the public talking about issues that they were concerned about, and they will be dealt with accordingly and with the respect that they deserve. The Mayor advised he will be putting together a date and if it is agreed upon by Council it will be put out to the public as to what day that will be, and it will probably be held at the elementary school. The Mayor feels it will be more people that what is at this meeting, and should be planned for.

Councilor Kimsey – Councilor Kimsey had nothing further.

PUBLIC COMMENTS/REQUEST

Donna Nichols, 738 2nd Street, addressed City Council regarding her house; she learned she could have lost her house if it goes 90 days without water or electric. She had to turn down a place to rent until she can sell her home. Mayor LaCascia advised it is not the first time Council has heard this, and causes problems in other areas. He advised this will go to the Planning Commission and will be corrected; she can hold him responsible.

Lisa Shifflett, 234 Bayberry Drive, addressed City Council; she is a member of a group doing the petition for dissolution of the City Charter. They will be filing the petition per State Statute 165.01 (she handed out a copy of the City Charter to Council and a copy of State Statute 165) and understand they have to follow State Statute to make sure they are valid. They have also been checking with the Bartow Supervisor of Elections Office, who suggested they check to make sure they follow the municipal charter. She then advised after checking the City Code of Polk City there are no codes regarding the dissolution of the municipality charter. Ms. Shifflett then read from Section C-37 of the City Charter dealing with Referendum and advised since there are no Ordinances regarding dissolution of a municipality charter, they do not feel that Section C-38 procedures apply. Since the County Supervisor of Elections said to check with the municipality we want to make sure we are in compliance. It is her understanding they can get the signatures verified through the County Supervisor of Elections regarding the petition for referendum. Ms. Shifflett then asked if that was the proper procedure. City Attorney Sullivan advised he does not think it is appropriate for us to tell her how to do her petition; therefore, you need to file what you are going to file and then the City will make a response at that time. Ms. Shifflett advised she is asking for clarification of the City Ordinance; Attorney Sullivan advised the Ordinance speaks for itself – you have to do whatever you need to do, and then we will respond; he can't advise you how you are doing what you are doing – if you need to seek legal counsel of your own you are more than welcome to do that, but you can't ask us for advise on how to file a petition – you need to follow the Statute and Ordinances; do what you need to do and we will make a response once we receive it.

Ms. Shifflett then addressed Council stating at the Council meeting tomorrow in Bartow a decision will be made regarding Polk County taking back the Mt. Olive Sewer System.

She then quoted an article in the Ledger quoting Mike Herr, the County Manager regarding his recommendation. It is her understanding if the County takes the system back, it would have a major impact on the City's revenue, and there would be no way for the City to balance the budget. Based on that situation and the future of the City in serious question, what would happen if all of the Council members step down – what happens if there is no one left to run the City? Mayor LaCascia advised there are no answers at this time; it would be premature at this point in time.

Mr. Douglas Atwood, 609 Sayge Drive, addressed Council and thanked them for tabling the ten year plan. He also commented that from what he is hearing, we are spending more money than we are taking in, and will be taking in by placing a moratorium on impact fees. Vice Mayor Block advised more money is not going out than what is coming in. Pam Lawson advised impact fees are restricted funds and not budgeted. Mr. Atwood then asked if the CFRPC contract for FY 2011 could be tabled for a little while; Vice Mayor Block advised it could not. Mr. Atwood then thanked the Mayor for coming to Freedom Park during the petition drive; he has heard a lot of stories and it seems like a lot needs to be done.

Mr. Jeffry North, 327 Waterview Drive, addressed Council. He appreciates all the efforts in reducing the debt and appreciates the positive attitude. Mr. North had the following questions:

- Has there been anyone who received water service without annexation? He advised there has been, and he asked why he was required when he purchased his property. Mayor LaCascia advised we have an agreement with the County.
- How much in utility fees went un-collected and what can be done to collect them now? Mr. North was advised we would have to get back with him regarding an answer. Also, Vice Mayor Block advised the City is looking at collections.
- Will any of his property tax go towards sewer expansion, and if so, since he is not on the sewer, will the City manage is system costs? Mayor LaCascia advised property taxes go into general fund; they do not go for water or sewer. Councilor Adorno advised she is also on septic and the City will continue to look as it does now.
- Where did the impact fees go? Mayor LaCascia advised the City was advised the activity found did not rise to a criminal status and no further action would be taken.

Mayor LaCascia advised Mr. North he would get more specific answers to a couple of his questions and get back with him.

Mr. Wilson, 602 3rd Street, commented on the proposed water and sewer project in his neighborhood; 75% of the citizens are on a fixed income and don't need it. He said they may need the water for fire protection, but that is it.

The meeting was adjourned upon voice vote.

Patricia R. Jackson, City Clerk

Joe LaCascia, Mayor