

# CITY COUNCIL MINUTES

OCTOBER 12, 2010

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Mayor Joe LaCascia called the meeting to order at 7:38 p.m.

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

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

## **ROLL CALL**

Mayor Joe LaCascia, Vice Mayor Trudy Block, Councilor Nancy Adorno, Councilor Mike Blethen, Councilor Don Kimsey, City Attorney Jeff Sullivan-absent, and City Clerk Patricia Jackson. Also present were Finance Director Pamela Lawson, Librarian Mary Ellin Barrett and Utilities Director Frank Sanderson.

A quorum was established.

## **APPROVE CONSENT AGENDA**

Councilor Adorno made a motion to approve the Consent Agenda; the motion was seconded by Councilor Blethen.

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

5-eyes

0-nays

## **PRESENTATIONS AND/OR RECOGNITIONS**

Councilor Adorno read a Proclamation proclaiming October as National Breast Cancer Awareness Month.

## **PUBLIC HEARINGS**

### **Stipulated Settlement Agreement -- DOAH Case No. 10-0045GM**

Mayor LaCascia turned this over to Jennifer Codo-Salisbury, who is with the Central Florida Regional Planning Council. Jennifer handed out a presentation, and went over the Stipulated Settlement Agreement – DOAH Case No. 10-0045GM with the City Council (a copy of the presentation is included and made a part of these minutes). DCA reviewed the Future Land Use Map and found it to be in non-compliance; the Settlement Agreement provides for site specific conditions, which are consistent with the map amendment. Jennifer went over the conditions of the Settlement Agreement, which included an additional policy.

Mayor LaCascia opened the public hearing. There being no questions or comments from the public, Mayor LaCascia closed the public hearing.

Under review by the City Council, Councilor Kimsey asked if this was dependent on the City furnishing utilities; he was advised utilities already exist. Councilor Blethen asked when the proposed start date of construction would be if approved; Jennifer advised that is the next item; there is a site specific plan for Phase I. Councilor Blethen asked how many people would be employed; Jennifer advised she does not know at this point. Councilor Blethen then asked about retail; he was advised there is up to 270,000 square feet available for convenience center. Councilor Blethen then asked if this has been reviewed by the County and State; he was advised this has gone through more detailed review than normal; this will be compliant with State and local regulations. This is the first step to have the Future Land Use Map approved, and no problems are foreseen with the next step. Mayor LaCascia asked if Council goes ahead with approval, is the next step to update the Comprehensive Plan. Jennifer advised there are two steps – this one – remedial Comprehensive Plan Amendment and first reading of the Ordinance, and then the Urban Development Boundary, which is a policy. Mayor LaCascia asked about the Urban Development Boundary; it is due in 2011. Jennifer advised when they were working with the State on updating the Comprehensive Plan / Evaluation and Appraisal Report, it offers an opportunity to take our time; the State agreed that we need to take that time. Councilor Kimsey asked what type of uses were allowed in convenience center; Jennifer advised restaurants, convenient grocery stores, dry cleaning, offices, etc. – it is not meant for a big box commercial use.

Councilor Adorno made a motion to approve the Stipulated Settlement Agreement – DOAH Case No. 10-0045GM; the motion was seconded by Councilor Blethen.

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

5-eyes  
0-nays

**Stipulated Settlement Agreement – DOAH Case No. 10-2797 DRI**

Jennifer Codo-Salisbury, Central Florida Regional Planning Council, went through the Stipulated Agreement – this is the Polk City Business Park Site Plan Amendment (a copy of the presentation is attached for explanation).

Mayor LaCascia opened the public hearing.

Mr. Al Schneider, 775 Teaberry Trail, asked if this property was on the west side of S.R. 33 only. Jennifer advised that it was. Mr. Longist, 393 Nolane Lane, asked if that was on the west side going North or South; he was advised traveling North on S.R. 33 it would be on the west side.

At this time Jennifer handed out two revised Stipulated Agreements; the revision added Item Number 25, which is a No Waiver Clause – this is in respect of the two

property owners and addresses their relationship. They have reviewed and approved this clause, as well as DCA.

Mayor LaCascia closed the public hearing, but re-opened the public hearing as a member from the audience was coming forward. Mr. McElwee asked what utilities were in the area; he was advised water and wastewater. He then asked where the wastewater was going to.

There being no further questions or comments, Mayor LaCascia closed the public hearing and turned it over to City Council for review.

Councilor Blethen made a motion to approve the Stipulated Settlement Agreement – DOAH Case No. 10-2797 DRI; the motion was seconded by Vice Mayor Block.

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

5-ayes  
0-nays

**UNFINISHED BUSINESS**

There was no unfinished business

**NEW BUSINESS**

**ORDINANCE 1268, AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA, RESCINDING ORDINANCE 1206 AND ADOPTING REMEDIAL AMENDMENT 10-2R TO THE COMPREHENSIVE PLAN OF THE CITY OF POLK CITY, FLORIDA, SPECIFICALLY INCORPORATING POLICY 6.3 AND POLICY 8.8.3 INTO THE FUTURE LANDUSE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY PROVIDING FOR DEVELOPMENT OF A FUTURE URBAN DEVELOPMENT BOUNDARY AND CREATING SITE SPECIFIC POLICIES FOR PARCEL NUMBERS 242701-000000-012010; 242701-000000-012020; AND DESIGNATING APPROXIMATELY 98.81 ACRES AS BPC-X, BUSINESS PARK CENTER-X, APPROXIMATELY 26.17 ACRES AS CC-X, CONVENIENCE CENTER-X, AND APPROXIMATELY 8.13 ACRES AS CON-X, CONSERVATION-X; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor LaCascia read Ordinance 1268 in short title. Jennifer Codo-Salisbury advised this Ordinance is for first reading; second and final reading will be October 25, 2010 at 6:00 p.m. She explained Ordinance 1268 is to adopt the remedial amendment to the Stipulated Settlement Agreement, which is part two of the first settlement agreement discussed.

Vice Mayor Block made a motion to approve Ordinance 1268 on first reading, with the second public hearing being October 25, 2010; the motion was seconded by Councilor Adorno.

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

5-ayes  
0-nays

**ORDINANCE 1269, AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA, AMENDING APPROVAL OF THE ISSUED DEVELOPMENT ORDER FOR PHASE I OF THE POLK CITY BUSINESS PARK TO ALLOW FOR A 554,000 SQUARE FOOT WAREHOUSE/DISTRIBUTION BUILDING; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor LaCascia read Ordinance 1269 in short title. Jennifer Codo-Salisbury advised this is the second part of the second stipulated agreement discussed earlier; this agreement pertains to the site plan.

Councilor Block made a motion to approve Ordinance 1269 on first reading, with the second public hearing being October 25, 2010 at 6:00 p.m.; the motion was seconded by Councilor Blethen.

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

5-ayes  
0-nays

**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 Mayor LaCascia.

Under discussion, Councilor Kimsey feels it is time to have a full time City Manager. He is sure Ms. Block is doing the best she can, but he feels it is time to take the necessary steps to request Résumés and go on with business. Councilor Kimsey is not in favor of any Council person serving as Acting City Manager. Mayor LaCascia advised one reason we have not gone forward is because it is difficult to attract people with so much upheaval in the immediate future, and due to the fiscal impact, it is difficult to enter into negotiations for a contract when a person may not be hired on a long-term basis. Mayor LaCascia also commented that we have been trying to get to the end of December, which will be when the separation agreement ends with Ms. Carrier-Penton and all monies will be paid out. Councilor Kimsey asked if there has been any interest shown; Mayor LaCascia advised there was interest shown early on, but in recent months only three or four résumés have been received. Discussion between Council continued regarding the process and what is trying to be accomplished to show stability; now is not the right time. Councilor Blethen would like to wait until December then advertise. Mayor LaCascia advised we would be on better footing at that time. Councilor Kimsey commented anyone could be appointed as City Manager on a voluntary basis; he then asked if it had to be a Council member; he was advised no.

Roll Call:

Mayor LaCascia-aye, Councilor Kimsey-nay, Councilor Adorno-aye, Vice Mayor Block-aye, Councilor Blethen-aye

4-ayes  
1-nay

**Approval of Agreement for Financial Reporting Officer/Comptroller Services**

Vice Mayor Block explained what the agreement covers; the cost is \$10,880. Councilor Adorno asked what he would be doing; she was advised he will be doing adjustments, closing the books and doing the preparation of financial statements for the Audit (to name a few things). George Cotellis, Jr. is the person doing this for the City; he did this in preparation of the fiscal year 2007, fiscal year 2008 and fiscal year 2009 audits. Councilor Blethen asked if this was a prelude to the actual audit; he was advised yes. Pam Lawson advised George works for the City; there are laws now in place and Auditors cannot do as much as they used to. The City did not have anyone to do this prior to the Audits for 2007 – 2009. Councilor Kimsey asked if this was a duplication of services. Pam advised it wasn't; George starts where she leaves off, and then the auditor comes in. Councilor Adorno commented it also helps us with the paperwork that has to be submitted to the State.

Councilor Adorno made a motion to approve the Agreement for Financial Reporting Officer/Comptroller Services; Councilor Blethen seconded the motion.

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

5-ayes  
0-nays

**CITY MANAGER ITEMS**

**Impact Fees Owed to County** – Vice Mayor Block advised she is working on a payment plan

**Feasibility Study for Mount Olive** – Vice Mayor Block advised this is not due until December; however, we need to do the feasibility study for contraction. Vice Mayor Block requested \$3,900 be approved for the feasibility study by GAI Consultants. Under discussion, Councilor Kimsey asked if Vice Mayor Block was aware of anyone doing a feasibility study and of any municipality that was confronted with this problem and how they reacted. Mayor LaCascia advised it is mandated to convene a feasibility study. Councilor Kimsey discussed the previous feasibility and it costing \$8,000. Vice Mayor Block advised this feasibility study is not to exceed \$3,900, and some of the same information will be used. Councilor Blethen asked if is being done by the same company; Vice Mayor Block advised yes – they are a well respected company. Councilor Kimsey advised if they have done these studies before; Vice Mayor Block advised they have. Further discussion took place regarding the feasibility study and how GAI Consultants was first chosen, and discussion took place regarding the length of time it has taken to get this done.

Vice Mayor Block made a motion to move forward with the feasibility study for Mt. Olive Shores North; the motion was seconded by Mayor LaCascia.

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

4-ayes  
1-nay

**Update on Status of Orlampa, Inc. Contraction – Petition for Writ of Certiorari**

Vice Mayor Block advised the City Attorney has resigned, and Polk City is in need of an Attorney who knows contractions. She then advised she contracted with Thomas Cloud, from Gray Robinson to handle this (his qualifications are part of the packet she handed to Council). She advised she has not seen anything new other than they're going to move forward. She also mentioned using him as interim city attorney. She advised she has contracted him to handle the contraction issue, with a cost not to exceed \$10,000 until permission is given by the City Council. Mayor LaCascia advised our City Attorney recommended Thomas Cloud to handle this, and his charging the same rates. Councilor Kimsey asked if we are paying \$10,000 to answer the Petition we received; he was advised it be not to exceed \$10,000. Councilor Adorno advised we would have to pay our City Attorney to do this. Councilor Kimsey commented if we had approved the contraction, we would not be doing this.

**Rate Study**

Vice Mayor Block advised she would be requesting a workshop to discuss the looking at a rate study for multiple reasons

**Workshop Request/Handout Update on Status of Utility Outsourcing**

Vice Mayor Block advised she put a copy of the Interlocal Agreement of Utility Services in the packet she handed out before the meeting; it was being reviewed by a Utility Attorney, and in addition she is looking at a workshop within the next month.

**Contract for Continuation of Utility Director**

Vice Mayor Block advised Council needs to approve continuing the contract for the Utility Director for another month (GSA) Vice Mayor Block then brought Council up to date on an emergency situation with three aerators; the Utility Director, Frank Sanderson, was able to get them rebuilt for a total of \$14,000, and new ones would have cost the City \$18,000 each. Discussion took place with Mr. Sanderson and the Council regarding the Mt. Olive Plant and things being done. Vice Mayor Block advised that Frank Sanderson is working a full-time schedule even though he is listed as part-time.

Mayor LaCascia made a motion to extend the Contract of the Utility Director for another 30 days; the motion was seconded by Councilor Adorno.

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

5-ayes  
0-nays

### **Request for Interim City Attorney**

Vice Mayor Block advised she has daily questions that need to be answered, and she has been using Tom Cloud; he is a municipal attorney. Mr. Cloud agreed to \$180 an hour, which is less than what we would have been charged; however, utility work is \$200. Vice Mayor Block would like to be able to use Mr. Cloud; she is trying to be more open and ask Council approval to use him. Councilor Blethen commented he seems to be informed, and asked if he would do it full-time; Vice Mayor Block advised he may be interested.

Mayor LaCascia made a motion to ratify the Acting City Manager's decision to work with Tom Cloud; the motion was seconded by Councilor Blethen.

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

5-ayes  
0-nays

### **Update – Phone Lines**

Vice Mayor Block advised she looked at the T-One line coming into the City, which provided the City with 100 phone lines. She asked for a different contract, which will decrease the cost by 43%; the bill was \$800 and will now be \$493 (she went to several companies).

### **Update – Polk County Over-billed**

Vice Mayor Block advised Council the City received a letter from Polk County advising an incorrect distribution of the business license tax (city portion) took place between the period of October 2004 to September 2009, and the County would be submitting a check to the City in the amount of \$2,581.92 to rectify this situation.

### **Update on Status of Grant for Golf Cart**

Vice Mayor Block advised the City received a grant for a speed trailer and golf cart, which was approved. The City will need to initially pay \$15,000 for the purchase; however, that will be reimbursed through the grant. Sergeant Conover advised the golf cart will allow more visibility with the public at community events.

### **Update – Municipal Insurance Renewal**

Vice Mayor Block advised some adjustments were made to the policy, and insurance has been renewed.

### **Update/Handout/Discussion – Founders Day**

Vice Mayor Block advised a Founders Day letter was received from Mr. Bersey requesting participation from the City; she will speak with Mr. Bersey. Councilor Adorno advised the City has organized this in the past, and she asked that Mr. Bersey contact

the City; she feels this can be something in conjunction with, not a separate group doing this. It was mentioned that Paul Roddenberry was asking for volunteers coordinating with and through the City. Vice Mayor Block advised we need to have one organizer; however, Mr. Bersey is not here. At this time Paula Roddenberry and advised she and Mr. Bersey have been in communication; a meeting was held Saturday, but there were only two people present. It was mentioned that Saturday is not a good day to meet. Paul advised she is willing to serve on the committee and work with the event planner to take some of the stress and cost off the City. Once they have finished getting the committee members, she will contact Smirna – they already have some good things planned. Vice Mayor Block advised she would prefer to be called, as she will be working with Smirna. Paula advised some donations have been received, and a date has been scheduled for 2011.

**Update – Meeting with State Senator Paula Dockery**

Vice Mayor Block advised she had a very good meeting with Senator Paula Dockery regarding the City's debt and restructuring. Senator Dockery has assigned one of her associates to work with her on grants and other funding.

**Surplus Equipment**

Vice Mayor Block advised cleaning has been done at City Hall and things have been found that need to be disposed of. Also, the pool has been drained and we will be putting in native plants, which she and her husband will donate; however, the City will need pebbles and dirt.

At this time Vice Mayor Block read Resolution 2010-06 in short title. She advised on the list is 114 Neptune Meters, and we have a buyer for some of those; a list of items is attached to the Resolution.

Councilor Adorno made a motion to approve Resolution 2010-06; the motion was seconded by Mayor LaCascia.

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

5-eyes

0-nays

**CITY CLERK ITEMS**

**Appointment to the Planning Commission** – City Clerk Jackson advised Council a Volunteer Application was received from Kelly Downing to be on the Planning Commission. Mayor LaCascia advised Kelly has been part of Polk City Government.

Mayor LaCascia made a motion to appoint Kelly Downing to the Polk City Planning Commission; the motion was seconded by Councilor Blethen.

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



5-ayes  
0-nays

### **CITY ATTORNEY ITEMS**

There were none.

### **MAYOR ITEMS**

Mayor LaCascia had nothing at this time.

### **VICE MAYOR ITEMS**

Vice Mayor Block had nothing at this time.

### **COUNCIL MEMBER ITEMS**

**Councilor Adorno** – Councilor Adorno reminded everyone of the Safe Haven Halloween Event October 23; we need volunteers to assist in setting up at the Park around 2:00 p.m., and the event will end at 8:00 p.m.

**Councilor Blethen** – had nothing to report

**Councilor Kimsey** – Councilor Kimsey advised he would like to reduce discretionary spending of the Temporary Manager from \$10,000 to \$5,000. Councilor Blethen commented after last discussion, we need to understand what is discretionary spending. Mayor LaCascia advised he would prefer to do this in a workshop. Pam Lawson was asked what expenses come across her desk for this amount; she advised little to none – there were three items over \$10,000, and all of those were loan payments. Councilor Kimsey advised his concern is the \$8,000 that was spent on the feasibility study. Pam Lawson advised the City has contract with Florida Refuse and we get billed monthly from David Blount for around \$8,000. Vice Mayor Block feels keeping Council more informed, as was done tonight, would be the better direction to go. Vice Mayor Block advised in the last five months things needed to be done quickly. She also discussed the feasibility study that needed to be done. Vice Mayor Block advised she could come to Council for all contracts if the problem is being more informed than the amount; it is up to Council. Mayor LaCascia advised he expected a Resolution to be on the Agenda; and asked if we could discuss this in a workshop. Councilor Kimsey asked to table this and bring forth at the next scheduled workshop.

### **PUBLIC COMMENTS/REQUEST**

Lisa Shifflett, 234 Bayberry Drive, handed out a letter to Council and read it in full (a copy is on file in the City Clerk's Office). Mrs. Shifflett then presented the City Clerk with a Petition for Revoking the Charter of the City of Polk City, Florida and Dissolving the City's Municipal Charter.

Mr. Mike Gilliland, 330 Nolane Lane, addressed Council concerning the Ordinance dealing with well drilling (Section 74-204 of the Code of Ordinances); he asked if Council would look at allowing residents/utility district to put wells in for the purpose of irrigation only. Mayor LaCascia advised SWFWMD had clarified the City's position, and he advised Council would be revisiting that issue.

John McElwee, 10398 Stevens Dr, addressed Council and cautioned them in moving forward with Ordinance 1269; in order to have a good city, you have to have good infrastructure – Polk City’s infrastructure is lacking. He then mentioned the City would have to get an Industrial Wastewater Permit and the WWTP would have to obtain a different classification.

Peter Huke, 449 Nolane Lane, commented he is in favor of Councilor Kimsey’s \$5,000 limit on expenditures. Mayor LaCascia advised the public will be allowed to speak when a workshop is convened on this.

The meeting was adjourned by voice vote.

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Patricia R. Jackson, City Clerk

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Joe LaCascia, Mayor

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