

CITY COUNCIL MINUTES

JUNE 13, 2011

Mayor Joe LaCascia called the meeting to order at 7:03 p.m.

Pastor Walter Lawlor, New Life Community Church, gave the invocation.

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

Mayor LaCascia announced City Attorney Tom Cloud would not be present, but Attorney Wilkes is present in his place.

ROLL CALL

Mayor Joe LaCascia, Vice Mayor Trudy Block, Councilor Nancy Adorno, Councilor Mike Blethen, Councilor Don Kimsey-absent, City Manager Matt Brock, Attorney Thomas Wilkes, and City Clerk Patricia Jackson

A quorum was established.

APPROVE CONSENT AGENDA

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

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

4-ayes

0-nays

PRESENTATIONS AND/OR RECOGNITIONS

There were none.

PUBLIC HEARINGS

Ordinance 2011-1276, an Ordinance of the City of Polk City, Florida; amending Sections 74-36, 74-37, 74-61, and 74-202, Polk City Code; ratifying and modifying the Polk City Exclusive Service Area; making certain findings; defining and designating the City's exclusive retail water and wastewater service area; ratifying and modifying requirements for mandatory connection to City Utility Systems; providing for severability; providing an effective date. Second and final reading

Mayor LaCascia read Ordinance 2011-1276 in short title, and opened the public hearing.

Mr. Richard McNally, 521 Homecoming Way, addressed Council regarding wells, and gave them a prepared statement requesting a revision to 74-204 to allow private non-potable irrigation well installations.

Mayor LaCascia closed the public hearing.

Councilor Adorno made a motion to accept Ordinance 2011-1276 in its entirety; the motion was seconded by Councilor Blethen.

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

4-ayes

0-nays

The motion carried.

Ordinance 2011-1277, an Ordinance of the City of Polk City, Florida; amending Sections 74-69, 74-91, 74-94, 74-97, 74-122, 74-222, 74-224, 74-226, 74-255, 74-257, 74-259, 74-263 and 74-264, Polk City Code; repealing Section 74-260, Polk City Code, as superfluous; creating new Section 74-260, Polk City Code, entitled “Other Rates, Fees & Charges”; modifying certain water and sewer rate regulations; providing findings; updating certain miscellaneous charges; modifying the basis for billing base monthly charges from meter size to ERC’s; modifying ERC value to 300 gpd for Water ERC and 250 gpd for Sewer ERC; modifying and renaming the Water and Sewer Availability Charges as Readiness to Serve charges; providing for severability; providing for conflicts; providing an effective date. Second and final reading

Mayor LaCascia read Ordinance 2011-1277 in short title and opened the public hearing.

Mr. Al Topolski, 416 Travelers Drive, addressed Council and asked them to vote against Ordinance 2011-1277 because of the unconfirmed legality of the “Readiness to Serve Charges” it imposes on land owners outside the city but within the water service district. He read from a prepared statement, and a copy is on file in the City Clerk’s Office. Attorney Wilkes advised Council Florida Law gives cities and counties power to impose fees and rates. Gerry Hartman, GAI Consultants, also discussed these types of charges (at least 20 entities charge this type of fee in Florida alone). Discussion then took place regarding vacant lots or not current customers. Lengthy discussion took place between Mr. Topolski and Council regarding these types of fees and the legality of it applying to vacant lots or undeveloped lots. After further discussion, Gerry Hartman advised he thought Council could approve the Ordinance with the exception of undeveloped lots outside the city limits; Attorney Wilkes agreed that Council could do this. Councilor Adorno feels the Ordinance could be amended as well. Attorney Wilkes advised Council they could strike Section 5 and Section 17 from the Ordinance and renumber the sections accordingly; he thinks that would be a good solution. Additional discussion took place regarding undeveloped lots outside the city limits.

Mr. Doug Atwood, 2609 Sayge Drive, referred to the power lines and the power company doing this.

Gail Funk, 218 Bayberry Drive, commented there is another side – if you are holding capacity, do those lots (vacant) expect that connection; it is being held in abeyance. She then wanted to know who pays for those pipes and holding the capacity “in the bank”, and as a new resident she expects everyone to pay their fair share.

Mayor LaCascia closed the public hearing; Mayor LaCascia advised he is looking for consensus.

Vice Mayor Block made a motion to approve Ordinance 2011-1277 striking Sections 5 and 17 from the Ordinance; the motion was seconded by Councilor Blethen. Under discussion, Councilor Blethen asked about the legality and what Council was speaking of. He was advised Council is asking for more clarification in the water service area and properties would be excluded. Councilor Blethen asked about the water and sewer lines that were in front of a piece of property; Mayor LaCascia advised we are looking for specific legal precedence. Councilor Blethen questioned how long it would take to look into, and commented we would need to enact another Ordinance if these two Sections were stricken from the Ordinance. Mayor LaCascia advised Council can call a special meeting.

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

4-ayes

0-nays

The motion carried.

Ordinance 2011-1278, an Ordinance of the City of Polk City, Florida, Authorizing the issuance of not exceeding \$9,000,000 Water and Sewer System Revenue Bonds, Series 2011 to finance the costs of certain improvements to the system and to refund certain outstanding obligations; pledging a lien on the net revenues of the combined Water and Sewer System to secure the payment thereof; providing for the rights of the holders of such Bonds; Ordinance No. 1001 and Resolution 98-27; providing certain other matters in connection therewith and providing an effective date. Second and final reading

Mayor LaCascia advised this Ordinance is tabled until the July 11 meeting.

Ordinance 2011-1279, an Ordinance of the City of Polk City, Florida, amending the Unified Land Development Code of the City of Polk City, Florida; specifically, to change the text of Article 4, Sign Regulations, specific to on-site signs for commercial and industrial businesses of Section 4.04.02(E) regarding design standards for affixed signs and Section 4.04.02(F) regarding design standards for free-standing signs; repealing all other Ordinances in conflict herein; and providing for severability; and providing for an effective date – second and final reading.

Mayor LaCascia read Ordinance 2011-1279 in short title and opened the public hearing; there being no public comments or questions, Mayor LaCascia closed the public hearing.

Mayor LaCascia advised the Planning Commission and Kathy Delp recommends approval of this Ordinance. Councilor Blethen asked if any businesses have come forward; he was advised no. Kathy Delp advised if an existing business sign gets destroyed, they would not be able to replace what they now have under the existing Ordinance; this Ordinance would change that.

Councilor Adorno made a motion to approve Ordinance 2011-1279; the motion was seconded by Vice Mayor Block.

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

4-ayes
0-nays

The motion carried.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Request for Qualifications – Engineering Services for the Small Cities Community Development Block Grant

Mayor LaCascia advised the City received seven proposals, and Council had to rank each one. City Clerk Jackson then explained how the ranking works – each firm would be given a score based on how each Councilor ranked them -- #1 receives 5 points, #2 receives 4 points, #3 receives 3 points, #4 receives 2 points and #5 receives 1 point. Mayor LaCascia called a recess for approximately five minutes so the City Clerk could tally the ranking sheets.

Mayor LaCascia reconvened the meeting at 8:19 p.m. City Clerk Jackson announced the top five firms as follows: #1-GAI, #2-Envisors, #3 Chastain-Skillman, #4 Jones Edmunds and #5 Civil Surv; City Clerk Jackson advised the next step would be to negotiate a contract with the number one ranked firm.

Choose a Voting Delegate for the Annual Florida League of Cities Conference

It was the consensus of Council that Mayor LaCascia would be the voting delegate for the Annual Florida League of Cities Conference.

Appointments

Mayor LaCascia suggested Council go through each appointment and see who wishes to participate. Council went through each appointment, and the list is as follows:

- **Ridge League of Cities** – Vice Mayor Block will be the board member and Mayor LaCascia the alternate
- **Transportation Planning Organization** – Mayor LaCascia will be the board member
- **East Polk Committee of 100** – Councilor Blethen will be the board member and Vice Mayor Block the alternate
- **Central Florida Development Council** – Mayor LaCascia will be the member and Vice Mayor Block will be the alternate
- **Polk Transit Authority's Citizen's Transit Advisory Committee** – there is not much activity taking place with this Advisory Committee so there were no appointments
- **State of Florida Office of Greenway and Trails to assist in review of Management Plan on Van Fleet Trail – Member and Alternate** – Mayor LaCascia will be the member and Vice Mayor Block will be the alternate

Petition to Contract the Municipal Boundaries – 327 Waterview Drive

Vice Mayor Block made a motion to reject request to contract the municipal boundaries for 327 Waterview Drive; the motion was seconded by Councilor Blethen. Under discussion, Councilor Blethen asked if there was a particular reason; Vice Mayor Block advised this was for one lot, which is a loss of revenue – \$44,100 is the present value.

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

4-eyes

0-nays

The motion carried.

CITY MANAGER ITEMS

- City Manager Brock reported on the “construction” in city hall and the mold situation – it will be repaired
- By Charter the budget is due to Council July 25; it is his plan to have the budget delivered on July 25 and a budget presentation will follow. He will also propose a budget schedule, which will include the Polk City's hearing dates as well as Polk County and the School Board. Estimates indicate a decrease in revenue and tax base; however, he has not received the official estimates as of today
- He has a meeting with Central Florida Regional Planning Council on the 23rd to discuss the important issues facing the City
- He mentioned the Woodard and Curran report
- He advised Council from this date forward he and Pam Lawson will be giving them a monthly report showing budget versus actual, which will show line by line item.

CITY CLERK ITEMS

The City Clerk had nothing to report

CITY ATTORNEY ITEMS

The City Attorney had nothing to report

MAYOR ITEMS

- Mayor LaCascia thanked City Manager Brock for the weekly update to Council; it is very informative.
- He also thanked him for the finance report showing budget to actual report.

VICE MAYOR ITEMS

- Vice Mayor Block advised with Council's consent she would like to investigate the possibility of opening a Chamber of Commerce. Council had no objections; Councilor Adorno thinks that is a wonderful idea, and she will be happy to assist her.
- She Block mentioned the plants in front of city hall; they are drought tolerant and Florida native plants. She also thanked those that contributed.
- She congratulated Woodard and Curran – they are doing a phenomenal job. She is convinced the City did the right thing. Mayor LaCascia advised Council is now receiving updates they should have been receiving prior to them taking over; Council now knows where the problems are.
- Vice Mayor Block advised she would like to apply for a \$5,000 grant from Southwest Florida Water Management District and have a "water day" rather than Founders Day. There were no objections to apply for the grant.
- She congratulated Mary Ellin Barrett, the Librarian, for receiving her Masters Degree in Library Science.

COUNCIL MEMBER ITEMS

Councilor Adorno – Councilor Adorno asked Vice Mayor Block about the grant replacing Founders Day; the date for Founders Day was set a couple of months back for April 14, 2012. Meetings have been held to develop a theme and to decide on how large of an event we want to hold to bring the community together. A fund raiser will be held at the end of August with a "Rock-N-Roll" theme at the park with hot dogs, drinks, etc. Information will be put in flyers to let the public know when this will occur.

Councilor Blethen – Councilor Blethen asked when meter reading was, and when re-reads took place; he is concerned about meters being read late and usage going up, which causes the bills to go up. Mike Cherniak, with Woodard and Curran, advised they do receive various questions and they try to address them individually with citizens, and they do go out to visit citizens. Council Blethen commented too many people wait until they get a bill. Mike Cherniak explained about meter reading and the re-reads.

PUBLIC COMMENTS/REQUEST

Mr. Richard McNally, 521 Homecoming Way, addressed Council and requested a provision be changed regarding non-potable irrigation wells; he read from a presentation and cited a comment received from USDA (it is on file in the City Clerk's office). Mayor LaCascia advised Mr. Langston's response from USDA spoke of reclaimed water and seems to be out of context; this has nothing to do with the issue.

The meeting adjourned by motion of Councilor Blethen and second of Councilor Adorno at 8:55 p.m.

Patricia R. Jackson, City Clerk

Joe LaCascia, Mayor