

CITY COUNCIL MINUTES

DECEMBER 12, 2011

There is no electronic recording of the December 12, 2011 meeting

Mayor Joe LaCascia called the meeting to order at 6:00 p.m.

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

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

ROLL CALL-- Linda Walker

Present: Mayor Joe LaCascia, Vice Mayor Trudy Block, Councilor Mike Blethen, Councilor Nancy Adorno, Councilor Don Kimsey, City Attorney Thomas Cloud and City Manager Patricia Jackson.

A quorum was established.

APPROVE CONSENT AGENDA

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

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

5-ayes

0-nays

The motion carried.

PRESENTATIONS AND/OR RECOGNITIONS

There were none.

PUBLIC HEARINGS

ORDINANCE 2011-1288, AN ORDINANCE TO AMEND THE TEXT AND MAPS OF THE CITY OF POLK CITY COMPREHENSIVE PLAN BASED ON THE CITY'S EVALUATION AND APPRAISAL REPORT (EAR); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor LaCascia read Ordinance 2011-1288 in short title. Jennifer Codo-Salisbury, Central Florida Regional Planning Council, gave an overview of what the text amendments and map amendments were; a copy is on file in the City Clerk's Office. These changes were based on the recommendations from the 2009 Evaluation and Appraisal Report (EAR). The Planning Commission held the necessary meetings and public hearings, and recommends approval of Ordinance 2011-1288.

Mayor LaCascia opened the Public Hearing.

Laura Lambert, Meandering Way, asked about the Polk City Green Swamp Exemption Area Map; she did not see it in the exhibit. Jennifer advised it is included on the Future Land Use Map, and that exempt area has not changed. Ms. Lambert then asked what that meant; Jennifer explained what the area of critical concern was about.

Mayor LaCascia closed the public hearing.

Vice Mayor Block made a motion to approve Ordinance 2011-1288 on first reading; the motion was seconded by Councilor Adorno. Councilor Adorno asked if the maps would be updated and available. Jennifer advised they would be; this is step one of two steps; if this Ordinance is passed on first reading it will be transmitted to the Florida Department of Economic Opportunity for their review. Mayor LaCascia asked if the Planning Commission held public hearings and recommend approval; he was advised they did. Councilor Blethen asked how many other organizations receive this; Jennifer advised Southwest Florida Water Management District, DEP, Florida Department of Transportation, Polk County and Lakeland (required by State Statute). Councilor Blethen asked if they actually set down and review this word by word; Jennifer advised they review based on what is in their realm of expertise. Councilor Blethen commented the green swamp is a large area and there are different opinions – are we just rubber stamping what we want done. Jennifer advised the update is based on the 2009 EAR; workshops were held with the public to make sure it is consistent with State Statute, and this is done based on what is best serving the City’s interest. Agencies review what is specific to them. Vice Mayor Block commented this is a dynamic document that can be changed; if we come up with something different, the City can change it. Councilor Kimsey asked if this can be changed; he was advised yes, it can be. Attorney Cloud recommended that Council proceed with passing this; this has been done based under the old Department of Community Affairs and there are only 40 planners left. It is more flexible and less likely to get in the crossfire; this can be amended going forward – the rules are easier. Vice Mayor Block commented this is generic and can be changed.

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

5-ayes
0-nays

UNFINISHED BUSINESS

There was none.

NEW BUSINESS

Retail Water Service Agreement between City of Polk City and Le Lynn R.V. Resort

Attorney Cloud advised this is an operating agreement formalizing the number of mobile homes and recommends approval; the City has had a long-standing relationship with Le-Lynn. Mr. Lynn was present and agreed with the agreement.

Councilor Kimsey made a motion to approve the Retail Water Service Agreement between the City of Polk City and Le-Lynn R.V. Resort; the motion was seconded by Mayor LaCascia. Under discussion, Councilor Blethen asked how much water would be purchased; Attorney Cloud advised they would be billed for 20 ERCs plus anything they use above that.

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

5-ayes

0-nays

The motion carried.

Resolution 2011-09, A Resolution of the City of Polk City supporting Police Officer and Firefighter Pension Plan and Disability Presumption Reforms to make the plans sustainable, sound and secure for current and future Police Officers and Firefighters

Mayor LaCascia read Resolution 2011-09 in short title. Vice Mayor Block advised there are 10 things the Florida League of Cities are lobbying for and the number one issue is Pensions; they are asking all cities (410) to adopt this Resolution, or some similar to this, and send it to the Representatives. There is not enough money to take care of the existing rules, and the cities are in trouble over this; we are here to support the other cities.

Vice Mayor Block made a motion to pass Resolution 2011-09; the motion was seconded by Mayor LaCascia. Under discussion, Councilor Kimsey feels he is not sure we should take this upon ourselves; it doesn't concern us. He doesn't want to vote on something that could jeopardize another municipality. Vice Mayor Block commented if there is not enough money to go around, all of the State of Florida will have to deal with it. Mayor LaCascia commented this is essentially opposing unfunded mandates. Councilor Blethen feels we are going to run out of money; Government employees, Police, Fire – he can support a policeman that is injured, but not 100% wage, and he supports all government employees. Lengthy discussion took place between Council regarding this Resolution and what it entails. Councilor Adorno commented as a City the Legislature should not have the last say; it should be the cities. After additional discussion between Council, Attorney Cloud asked what the timing was on this Resolution; could it be tabled to give Council additional time to study this. Vice Mayor Block advised in January is Legislative Action Day; Mayor LaCascia commented if it comes down to that, maybe Council would like to go through the Sections of the Resolution. Mayor LaCascia asked Council how it would be more acceptable. Councilor Kimsey commented it is a broad brush; Councilor Blethen commented why we should open a can of worms with Police and Fire. Councilor Adorno commented we are asking the Legislature not to tell individual cities that have to pay or cover a certain amount if they can't afford it; the cities want to have control. Additional discussion took place; Vice Mayor Block commented it does mean something if everyone supports this – the Resolution shows Polk City cares.

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

3-ayes

2-nays

The motion carried to pass Resolution 2011-09.

CITY MANAGER ITEMS / CITY CLERK ITEMS

- 1) City Manager Jackson brought up the moratorium of impact fees – extension for permits. Mayor LaCascia advised he thought Council wanted to follow what the County was doing (2 years). City Manager Jackson advised a Resolution was passed, but ended September 2011, and deferred to Attorney Cloud. Attorney Cloud advised a moratorium on impact fees would require being passed by an Ordinance, which allows due process. The City can place a moratorium on city impact fees, except for water and sewer; he also advised if Council would like he can prepare an Ordinance. It was the consensus of Council for Attorney Cloud to prepare the necessary Ordinance. Councilor Blethen asked if the City could follow the County, and Attorney Cloud advised we could and the Ordinance can be retroactive
- 2) The Christmas Parade was very successful; there were 41 units in the parade this year. Mr. and Mrs. Santa Claus gave out more toys this year
- 3) City Hall will close December 22 and reopen December 27 for the Christmas Holiday; the Library will closed December 23 and reopen December 27, 2011
- 4) City Hall and the Library will be closed January 2, 2012 for New Years
- 5) An update was given on the Community Development Block Grant – Council was advised the final plans should be completed soon and the City can go out for bids on the construction portion of the project
- 6) Kathy Delp gave an update on the proposed sign for City Hall. Two quotes were received from Gulf State Signs (signs are made part of the minutes). Mayor LaCascia asked what was Council looking for. Councilor Kimsey commented he would like to see more people at City Council meetings. Councilor Adorno feels \$5,000 is too high. Vice Mayor Block advised the City Council meeting is on the newsletters that go out every month. Charles Nichols commented if the City does a sign, do a good sign and don't skimp. Attorney Cloud commented first class cities have a sign. Vice Mayor Block would like to see where the City could come up with the money; we have to be very cautious about the money. Vice Mayor Block agrees the sign is important. Mayor LaCascia advised we are not paying the City Clerk salary, and the sign could come from there. Lengthy discussion took place between Council regarding a sign in front of City Hall; it was also consensus of Council the sign should be a lighted sign. Someone from the audience suggested donations, and Council should donate; several Councilors agreed to donate, as well as the City Attorney. After further discussion, Vice Mayor Block made a motion to check on

finances before going forward with a sign; the motion was seconded by Councilor Adorno.

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

4-ayes

1-nay

The motion carried to check on finances before moving forward with a sign.

CITY ATTORNEY ITEMS

Attorney Cloud advised the City prevailed in the lawsuit for contraction from the city; however, an appeal can be filed by Mr. Weeks – the City won and Mr. Weeks can appeal to the next level. He advised if an appeal is filed, he will do everything within his power to defend the City; Attorney Cloud believes the right decision was made. Attorney Cloud wished everyone a Merry Christmas

MAYOR ITEMS

Mayor LaCascia announced that Vice Mayor Block was elected and sworn onto the Board of Directors of the Ridge League of Cities.

VICE MAYOR ITEMS

- Vice Mayor Block commented it was a fantastic parade; she thanked everyone who worked and assisted
- Vice Mayor Block advised the City received an email from Camp Gilead – Polk City is a fun place
- Vice Mayor Block let Council know the businesses in Polk City are wanting to put ads in the newsletter; she is looking into that and spoke with the City Manager
- Vice Mayor Block attended the Florida League of Cities Legislative Conference in Orlando; the Florida League of Cities will be holding a Legislative Action Day in Tallahassee in January
- More flowers have been planted in front of City Hall; they would be donated by one of her neighbors
- The Library will be having Open House on December 13 with Santa Claus
- She is honored to be on the Board of the Ridge League of Cities

COUNCIL MEMBER ITEMS

Councilor Adorno – Councilor Adorno thought the Christmas Parade was good – there was a lot of participation. In the November Newsletter on the second page was a Section pertaining to Founders Day because a lot of time and effort is put into planning these events. Councilor Adorno then went over the list of questions that were asked, and it is her understanding from the City Manager and Office Staff that the City has received zero calls. Councilor Kimsey suggested if the City had a sign it could have been placed on it. Councilor Adorno suggested that Founders Day be postponed

another year. Councilor Adorno then wished everyone a safe Christmas and Happy New Year.

Councilor Blethen – Councilor Blethen advised he had a “great time” at the Christmas Parade. He then asked about the blue tiles from the Beautification Project; City Manager Jackson advised the crosswalks were painted with the blue color, but she would check further. Councilor Blethen then wished everyone Happy Holidays.

Councilor Kimsey – Councilor Kimsey wished everyone a Merry Christmas and a joyous season; we are celebrating the birth of Christ.

PUBLIC COMMENTS/REQUEST

Mr. Harper, 209 S Hydrangea, commented he noticed the Auburndale High School in Polk City’s Christmas Parade and wanted to know if Tenoroc High School was invited; he was advised they were invited.

ANNOUNCEMENTS

There were no announcements.

The meeting adjourned upon voice vote at 8:30 p.m.

Patricia R. Jackson, City Clerk

Joe LaCascia, Mayor

CONSENT AGENDA
December 12, 2011

MAY ALL BE APPROVED BY ONE VOTE OF COUNCIL TO ACCEPT CONSENT AGENDA.
Council Members may remove a specific item below for discussion, and add it to the regular agenda under New or Unfinished Business, whichever category best applies to the subject.

A. CITY CLERK

1. Accept minutes – November 14, 2011, City Council Meeting
2. Accept minutes – November 28, 2011 City Council Special Meeting

B. REPORTS

1. Financial Reports – October 2011 and November 2011
2. Library Report – October / November 2011
3. Sheriff's Office Report – November 2011
4. Utilities Report – November 2011

C. OTHER

1. Approval of invoice for emergency repair for the waterline at
5085 Shore Line Drive
2. Emergency Water Service Agreement between the City of Polk City and the
City of Auburndale