

CITY COUNCIL MINUTES

August 13, 2012

Mayor Joe LaCascia called the meeting to order at 7:00 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 Mike Blethen, Councilor Trudy Block, Councilor Kelly Downing, Councilor Don Kimsey, City Manager Patricia Jackson and City Attorney Thomas Cloud.

A quorum was established.

APPROVE CONSENT AGENDA

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

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

5-ayes

0-nays

The motion carried.

PRESENTATIONS AND/OR RECOGNITIONS

Proclamation – Polk City Girls Senior All Star Team

Mayor LaCascia gave an overview of Girls Senior All Star Team's record (19-1) during regular season; the girls won the State Championship and moved on to the Regional Tournament. At this time Mayor LaCascia called the Coach and the team forward, along with City Council Members, and read a Proclamation, proclaiming August 17, 2012, as "Polk City Senior All Star Team Day." The team is also known as "Hick Chicks with Sticks."

Marilyn Crotty – Charter Review

Marilyn Crotty, who is with the Institute of Government at UCF, addressed Council and went over the Charter Review Process. Ms. Crotty advised the City Charter is the City's Constitution; 410 cities in Florida have a Charter. Ms. Crotty then went over the process of a Charter Review:

- **Characteristics of Good Charters**

1. Each is unique
2. Simple, clear and compact
3. Consistent and uniform
4. Comprehensive, but free of details
5. Leaves discretion to the Commission
6. Short and readable

The Charter is not based on current conditions and personalities of those that are serving on Council at the time; it is what is best for the community in the long term. The Charter is changed by vote through a referendum

- **Charter Review and Revision Process**

Polk City's Charter states it should be reviewed every five years, but not more than ten years.

1. By City Commission
2. By Citizen Advisory Committee
 - a. Roll of City Commission
 - b. Direction of Committee
 - c. Size and Membership of Committee
 - d. Role of a facilitator
 - e. Consensus decision making

If there is a committee, it should be an ad-hoc committee that exists only during the time of the review. Perimeters can be set for the committee, and what role the City Council will play. Marilyn suggested an uneven number on the committee, as well as letting citizens who want to serve on the committee nominate themselves. A facilitator would serve as a neutral party and will guide the meetings so they don't go off track.

3. Public input – public input is important; the committee would fall under the Government in the Sunshine Laws and some meetings should be devoted to public input

Mayor LaCascia wanted to know how long of a process this would be using a facilitator. Ms. Crotty advised it depends on how out of date the Charter is; a minimum of six weeks is reasonable.

4. Ballot measure(s)
5. Public information program

Mayor LaCascia thanked Marilyn Crotty for her presentation; there were no questions from Council. Mayor LaCascia advised this would be discussed further under Mayor comments.

PUBLIC HEARINGS

Request for Contraction – 258 Waterview Drive

City Manager Jackson informed Council that Mr. Porter called and requested a continuance; he was advised neither the City Manager nor the City Attorney could grant a continuance, and he would need to submit his request in writing to City Council. As of today nothing has been received officially requesting a continuance. At this time City Manager Jackson turned the public hearing over to City Attorney Thomas Cloud.

City Attorney Cloud asked Mr. Doug Kelly, GAI Consultants, to come forward; Mr. Kelly stated his name and advised he was the Planning Manager for GAI Consultants. Attorney Cloud then asked Mr. Kelly several questions regarding this contraction:

Attorney Cloud: Did you come to the meeting tonight to render an opinion regarding this contraction?

Mr. Kelly: yes

Attorney Cloud: asked Mr. Kelly to give a brief description of his educational background.

Mr. Kelly: A Master's Degree from the University of Florida in Urban Regional Planning and a Bachelor's Degree from University of Florida; Mr. Kelly also gave his work history in Florida and advised he has served as an expert witness in Central Florida regarding land use cases.

Attorney Cloud: asked Mr. Kelly if he prepared a Contraction Feasibility Study regarding this contraction

Mr. Kelly: advised he had. At this time Attorney Cloud advised he is qualifying Mr. Kelly to the City Council as an expert in municipal feasibility studies and contractions in the State of Florida.

Attorney Cloud: asked if Mr. Kelly was familiar with the report titled "Projected Fiscal Impacts to the City of Polk City, Florida -- Based on a Petition to Contract the Municipal Boundaries of Polk City Filed for 258 Waterview Drive, Polk City, Florida

Mr. Kelly: yes, he is co-author.

Attorney Cloud: referred to page seven of the feasibility study as to Conclusions and asked if Mr. Kelly would adopt that as his testimony tonight – as to conclusions on page seven.

Mr. Kelly: advised he would

Attorney Cloud: currently, does the existence of this single lot in the middle of this sub-division violate the compactness and continuity criteria and requirements in the Statute?

Mr. Kelly: it doesn't in its present condition

Attorney Cloud: if it is deleted from the city limits, will that create a violation of the enclave requirements in the Annexation Statute?

Mr. Kelly: Yes, it would

Attorney Cloud: are those two criteria addressed in the Statute?

Mr. Kelly: Yes

Attorney Cloud: it has to already violate the annexation criteria reports to even be eligible to be contracted, isn't that correct?

Mr. Kelly: Yes

Attorney Cloud: Can Polk City afford to lose \$50,000 in revenue over the next 20 years?

Mr. Kelly: No, not in his opinion; in his opinion it would not be in the City's best interest. There were two scenarios 1) the development as it is now and 2) if they were to rebuild the site as a new construction

Attorney Cloud: So, this contraction would be unfeasible for the City of Polk City?

Mr. Kelly: That is correct

Attorney Cloud: Is there anything you wish to add?

Mr. Kelly: The Executive Summary is pretty straight forward, which appears on page two; there is no other information to add to that or changes to the reports.

Attorney Cloud: At this time he is going to proffer into evidence with the City Clerk the report, and this will conclude the presentation.

Attorney Cloud asked if anyone had any questions. Councilor Kimsey asked if this would create an enclave; he was advised by Mr. Kelly it would.

Attorney Cloud advised he prepared the appropriate Resolution of Denial to reject this request, if Council so chooses. At this time Attorney Cloud read Resolution 2012-02 in short title, and then explained the content of the Resolution.

Councilor Block made a motion to approve the Resolution as read by Attorney Cloud; the motion was seconded by Vice Mayor Blethen (Resolution 2012-02 denying request for contraction).

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

The motion carried to approve the Resolution as presented by Attorney Cloud.

ORDINANCE 2012-1292, AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA; AMENDING THE CITY'S UNIFIED LAND DEVELOPMENT CODE TO REPEAL AND REPLACE ARTICLE 5 – RESOURCE PROTECTION STANDARDS, SECTION 5.01.00; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO ADOPT LOCAL ADMINISTRATIVE AMENDMENTS AND TECHNICAL

AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE, first reading.

Mayor LaCascia read Ordinance 2012-1292 in short title. At this time Mayor LaCascia opened the Public Hearing. Jennifer Codo-Salisbury, with Central Florida Regional Planning Council, addressed the City Council and reviewed the proposed Floodplain Amendments. This is a required update by the Department of Emergency Management to ensure that all jurisdictions throughout the State of Florida maintains consistency with the current regulations of the 20120 Florida Building Code and the ASCE 24 standards. Although the proposed text will replace the City's current regulations, the content of the regulations will essentially remain the same. Vice Mayor Blethen asked if there was any specific area this was going to address; Jennifer referred to page 25 of the package; the changes are underlined. Councilor Kimsey commented he has lived year 30 years and has never known Polk City to be flooded. Jennifer advised every jurisdiction in Florida has this section of this ordinance dealing with floodplains. Under the State Standards, if it is not in a flood area, it would not apply. The City has adopted floodplain maps. Discussion took place regarding the floodplain maps and what the zones are based on. Attorney Cloud asked if the City currently has a floodplain ordinance; he was advised yes. Attorney Cloud advised this amends the City's current Ordinance and updates the Land Development Code and Standards to be consistent with Florida Building Code. The cities have to adopt them. Attorney Cloud explained how this came about and why the City needs to pass it. After further discussion, Councilor Block commented the issue is insurance; if we don't have this then the residents cannot get insurance. Discussion took place about the maps and when they will be updated; Jennifer advised Southwest Florida Water Management District is planning to revised Polk City's maps in 2013; Polk County is being done in phases. Some discussion took place regarding permitting; Kathy Delp advised if we do not have an ordinance, she cannot issue a permit for construction. Attorney Cloud advised permits are issued by local governments. Mayor LaCascia commented there are unintended consequences. Mayor LaCascia closed the Public Hearing.

Councilor Block made a motion to accept Ordinance 2012-1292 on first reading; the motion was seconded by Councilor Kimsey.

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

4-ayes
1-nay

The motion carried to accept Ordinance 2012-1292 on first reading.

ORDINANCE 2012-1293, AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF POLK CITY, FLORIDA, BY ADDING THE DEFINITION FOR

“FARMER’S MARKETS” TO ARTICLE 9; AND AMENDING ARTICLE 2, REGULATIONS FOR COMMERCIAL/INDUSTRIAL DISTRICTS IN ORDER TO ADOPT CERTAIN REGULATIONS PERTAINING TO FARMER’S MARKETS; AND AMENDING ARTICLE 2, REGULATIONS FOR SPECIFIC DISTRICTS, SECTION 2.04.00, ZONING DISTRICT SUMMARY TABLES, TABLE 4 – TABLE OF USES FOR EACH ZONING DISTRICT, TO INCLUDE FARMER’S MARKETS AS A USE PERMITTED IN THE M1 –LIGHT INDUSTRIAL ZONING DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, first reading

Mayor LaCascia read Ordinance 2012-1293 in short title and opened the Public Hearing. There being no questions or comments from the public, Mayor LaCascia closed the Public Hearing.

Kathy Delp, Building, Zoning and Planning Department, addressed Council and stated the City currently does not have staff or the resources to do a Farmers Market on its own. There is an existing business who would like to have a Farmers Market on their property; this has been taken to the Planning Commission and they unanimously voted to recommend approval to the City Council. Vice Mayor Blethen asked how large of an area; Kathy advised a little over an acre in size. Vice Mayor Blethen then asked about parking and traffic; Kathy advised there are some limitations that have been put into the ordinance. Councilor Kimsey asked what types of things the market would have; he was advised there will be food, produce, crafts, etc. Attorney Cloud asked if this was a permitted use and not a special exception; Councilor Block asked what the difference was and Attorney Cloud explained. Kathy advised it is a permitted use with criteria that has to be met.

Vice Mayor Blethen made a motion to approve Ordinance 2012-1293 on first reading; the motion was seconded by Councilor Kimsey.

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

5-ayes

0-nays

The motion carried to approve Ordinance 2012-1293 on first reading.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Financial Reporting Officer/Comptroller Services Agreement

City Manager Jackson advised this agreement is with George Cotellis in the amount of \$10,880 (estimated) to prepare the pre-audit work for the fiscal year 2012 audit. When asked if the Finance Director could do this work; City Manager Jackson advised the Finance Director feels she is not qualified to do the pre-audit work; however, the Finance Director does a very good job. It was noted if additional work extends past the contract amount; it would be \$85 per hour. His price has not changed from last year.

Councilor Block made a motion to approve the Financial Reporting Officer/Comptroller Services Agreement with George Cotellis; the motion was seconded by Vice Mayor Blethen.

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

5-ayes

0-nays

The motion carried to approve the Financial Reporting Officer/Comptroller Services Agreement.

CITY MANAGER ITEMS / CITY CLERK ITEMS

- City Manager Jackson brought City Council up to date on the Number One Lift Station that needs to be repaired (pump). Woodard and Curran are working on the most viable solution; however, in the meantime we are using an emergency general diesel pump to handle the flow. Discussion took place on the type of pump that is currently being used and what the possible options are; it was also noted that GAI Consultants is also involved. Charles Nichols advised Council the lift stations are checked on a regular basis (monthly and sometimes weekly) to ensure they are working properly. This will be coming back before Council once it is decided what avenue is to be taken.
- The City received a check from United Health Care in the amount of \$1,044.34; this money will be put into the General Fund
- I have contacted the County regarding the free landscape and irrigation evaluation program; this will be forthcoming
- The City Manager, along with City Department Heads will be planning a community meeting for the citizens to come and speak on any issues they may have, or any questions they may have

CITY ATTORNEY ITEMS

Attorney Cloud advised Polk County gives Lake County money for library services; the City has received a request to pass a Resolution asking the Polk County Commission to keep the money in Polk County for the libraries rather than send it to Lake County.

Councilor Kimsey made a motion to adopt the Resolution to keep Library money in Polk County (Resolution 2012-03); the motion was seconded by Vice Mayor Blethen.

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

5-ayes

0-nays

The motion carried.

Attorney Cloud advised Council there was a brief hold-up on the sewer plant construction taking place due to possible concerns of the Department of Economic Opportunity (formerly the DCA); however, a letter has been received from Rebecca Jetton stating everything is okay and to continue with the sewer project. He briefly touched on the Lake Worth Sewer Audit done by the State Auditor General.

MAYOR ITEMS

Charter Review Committee – Mayor LaCascia wanted to continue from the presentation by Marilyn Crotty and asked Council if they feel the need to have a facilitator for the Charter Review Committee. Attorney Cloud advised the first thing to decide is if the Charter needs to be dealt with; should we or should be not appointing a Charter Review Committee – the Charter was changed in 2005. Vice Mayor Blethen commented he doesn't feel the necessity to go through the whole Charter, but to review specific areas. Councilor Downing would like to get through the budget first and then address the Charter at a different time. Councilor Block feels the Charter should be reviewed and ready for the next election. Attorney Cloud commented if Council wants to change even one section, a committee should vet out the Charter first. Mayor LaCascia brought out this was discussed during the visioning session, and there was a consensus that the Charter needs to have some changes. Councilor Kimsey would also like to get the budget behind us and then address the Charter; it would not be earth shattering to put it off for two to three months. Councilor Block questioned the legality side; if we use the model charter example, we should be using a citizens committee. She also wanted to know where the guidance comes from. Attorney Cloud advised Haines City used individuals who used to be employed with the City or had played a role in Haines City to serve on that committee. Attorney Cloud suggested taking 30 to 60 days to see who would want to serve; city staff can provide an idea of what Charters really do. Discussion followed about how the Charter should be done and what guidelines to follow; it doesn't need a substantial re-write. Councilor Block will put something in the newsletter regarding the charter review committee, and the City Manager will put it on the website. Councilor Downing asked Attorney Cloud if he could serve as the facilitator; Attorney Cloud advised he could do so. Mayor LaCascia also mentioned Marilyn Crotty as a facilitator. Vice Mayor Blethen feels we should get the people involved with the Charter; there will be specific items. We should get someone who is interested; changes will affect everyone. Attorney Cloud advised there should be a Council Liaison on this committee.

VICE MAYOR ITEMS

Vice Mayor Blethen had nothing to report at this time.

COUNCIL MEMBER ITEMS

Councilor Block – Councilor Block wanted to clarify from the last meeting she doesn't think there is anything wrong with the City paying the way for those attending the Florida League of Cities Conference; however, she made a commitment to pay her own way and not take money from the City. Councilor Block advised she attended the Purple Heart dedication at the Memorial Park in Lakeland. Councilor Block asked the Mayor if he was applying for the Board of Directors of the Florida Mayors and would like to see a copy of the application and bio that was sent; Mayor LaCascia advised there was no application. A copy of Councilor Block's report is on file in the City Clerk's Office.

Councilor Downing – Councilor Downing had nothing to report at this time.

Councilor Kimsey – Councilor Kimsey asked if the City could support the Little League Program; Councilor Block advised we had given them \$250 previously. City Manager Jackson advised all they would need to do is give her a letter requesting a donation; there is money in the budget to provide for these types of donations.

PUBLIC COMMENTS/REQUEST

Gail Funk, 202 Bayberry Drive, addressed Council – she advised she had been attending all of the meetings for about year and a half (new to Polk City);, and frequently we (public) are not allowed to speak. Ms. Funk mentioned a discussion that had taken place between the Mayor and Councilor Kimsey regarding a strong push to grow the sewer system; she is interested in this when it is brought up at a meeting, and asked when it would be brought up. Mayor LaCascia commented about the conversation in question – he had said the city cannot grow unless the city has more water and sewer users on line; it can't just be growth itself. He feels it is going to have to come up at some time; there are valid questions. There is no date at this time as to when this would be discussed.

Councilor Kimsey made a motion to adjourn; the motion was seconded by Vice Mayor Blethen. The meeting adjourned at 8:55 p.m.

Patricia R. Jackson, City Clerk

Mayor Joe LaCascia

CONSENT AGENDA
August 13, 2012

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 – July 9, 2012, City Council Meeting
2. Accept minutes – July 28, 2012, Strategic Planning Workshop
3. Accept minutes – July 30, 2012, Special City Council Meeting

B. REPORTS

1. Building Report – July 2012
2. Code Enforcement Report – July 2012
3. Financial Statement – June and July 2012
4. Library Report – June and July 2012
5. Living Hope – July 2012
6. Sheriff's Office Report – July 2012
7. Utilities Report – June and July 2012

C. OTHER

Please note: Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the city council with respect to any matter considered during this meeting, he or she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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