

CITY COUNCIL MINUTES

May 20, 2013

Mayor 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.

ROLL CALL -- Linda Walker

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

A quorum was established.

APPROVE CONSENT AGENDA

Vice Mayor Blethen questioned the bad debt that is going to collections; Pam advised the bad debt is not be written off, but going to collections. The City has collected some money through that process. Vice Mayor asked if it was under control, and Pam advised it was – with the deposit's being done with credit checks.

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

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

4-eyes

0-nays

The motion carried.

PRESENTATIONS AND/OR RECOGNITIONS

Proclamation for Polk City Elementary School Bulldog Blitz 5K Race

Mayor LaCascia read and presented the official Proclamation to the Principal of the Polk City Elementary School.

PUBLIC COMMENT

Becky Alfonso, Polk County Sports Marketing, spoke on the recent Bike Florida Spring Tour Event that took place March 27, 2013. There were over 600 bicyclists that road the Van Fleet Trail from Clermont and stopped at Freedom Park for a scheduled lunch provided by local vendors; then continued to Lake Wales. Ms. Alfonso commended the City Staff and Council for arranging the luncheon and welcoming the bicyclists. Ms. Alfonso presented the City an 'Award of Appreciation.'

PUBLIC HEARINGS

ORDINANCE 2013-1298, 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 "FAMILY CEMETERIES" TO ARTICLE 9; AMENDING ARTICLE 2, SECTION 2.04.01, TABLE 4 – TABLE OF USES FOR EACH ZONING DISTRICT TO INCLUDE FAMILY CEMETERY AS A USE PERMITTED UPON APPROVAL OF A SITE DEVELOPMENT PLAN IN THE AG1(AGRICULTURE) ZONING DISTRICT AND CHANGING CEMETERY TO A USE PERMITTED UPON APPROVAL OF A SITE DEVELOPMENT PLAN IN THE AG-1, M2 (HEAVY INDUSTRIAL), AND PB (PUBLIC BUILDINGS AND GROUNDS) ZONING DISTRICTS; AMENDING ARTICLE 3, SECTION 3.08.00 – DEVELOPMENT STANDARDS FOR USES REQUIRING A SITE DEVELOPMENT PLAN TO ADD CEMETERIES SPECIFICALLY AS SECTION 3.08.04 AND TO ADD FAMILY CEMETERIES SPECIFICALLY AS SECTION 3.08.05; RENUMBERING SECTION 3.08.04 TO SECTION 3.08.06 – USES REQUIRING A SITE DEVELOPMENT PLAN IN THE GREEN SWAMP ACSC AND ADDING FAMILY CEMETERIES TO THIS SECTION; AMENDING ARTICLE 3, SECTION 3.11.02.09, TABLE 28 – USE TABLE FOR GREEN SWAMP AREA OF CRITICAL STATE CONCERN TO ADD FAMILY CEMETERY AS A USE PERMITTED UPON APPROVAL OF A SITE DEVELOPMENT PLAN TO THE INST-1X (INSTITUTIONAL-1X) AND INST-2X (INSTITUTIONAL-2X) ZONING DISTRICTS IN THE POLK CITY SPECIAL PROTECTION AREA AND ADDING FAMILY CEMETERY AS A USE PERMITTED UPON APPROVAL OF A SITE DEVELOPMENT PLAN IN THE A/RRX (AGRICULTURE/RESIDENTIAL RURAL-X) AND RSX (RESIDENTIAL SUBURBAN-X) ZONING DISTRICTS IN THE RURAL SPECIAL PROTECTION AREA; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, second and final reading

Mayor LaCascia read Ordinance 2013-1298 in short title and opened the Public Hearing. There were no comments or questions from the public; Mayor LaCascia then turned the meeting over to Jennifer-Codo Salisbury, who is with the Central Florida Regional Planning Council. Jennifer gave a brief explanation of the Ordinance as it pertains to family-owned cemeteries.

Councilor Kimsey made a motion to approve Ordinance 2013-1298 in its entirety; the motion was seconded by Vice Mayor Blethen.

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

4-ayes

0-nays

The motion carried.

ORDINANCE 2013-1299, AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA; CREATING AND AUTHORIZING A MUNICIPAL LIEN APPLICABLE TO THOSE PROPERTIES FOR WHICH MONTHLY RATES, FEES, AND CHARGES ARE NOT PAID; CREATING SECTIONS 74-98 AND 74-265 THEREFOR; AMENDING SECTIONS 74-97 AND 74-264, POLK CITY CODE; CLARIFYING THE PREVIOUS DELETION OF CERTAIN CHARGES FROM THE TAX BILL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE, second and final reading

Mayor LaCascia read Ordinance 2013-1299 in short title, and asked for any public comment; there was no public comment and Mayor LaCascia closed the public hearing. There was no Council discussion.

Vice Mayor Blethen made a motion to approve Ordinance 2013-1299 in its entirety; the motion was seconded by Councilor Kimsey.

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

4-ayes

0-nays

The motion carried.

ORDINANCE 2013-1300, AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA; AMENDING THE FINAL BUDGET; REALLOCATING AND REAPPROPRIATING MONIES WITHIN THE BUDGET FOR FISCAL YEAR 2012-2013; PROVIDING FOR ALL OTHER ITEMS IN THE BUDGET OF EXPENSES TO REMAIN UNCHANGED; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE, first reading

Mayor LaCascia read Ordinance 2013-1300 in short title, and asked for any public comments; there being no public comments the public hearing was closed.

Councilor Blethen made a motion to approve Ordinance 2013-1300; the motion was seconded by Councilor Kimsey. Under discussion, Pam Lawson, Finance Director, advised the CDBG Project did not get completed in the past fiscal year as anticipated, and amending the FY 2013 Budget will clean up the Fifth Third Bond Project, as well as the CDBG Project – the total amount being added to the Enterprise Fund Budget is \$177,766.

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

4-ayes

0-nays

The motion carried.

UNFINISHED BUSINESS

There was no unfinished business

NEW BUSINESS

Discussion -- Vacancy of City Council Seat No. 3

Mayor LaCascia announced Councilor Downing resigned effective April 24, 2013, which creates a vacancy for Seat No. 3; he then suggested discussion to see how Council would like to proceed. Vice Mayor Blethen asked for a procedure that is acceptable. Attorney Cloud advised there is no limit per the Charter; each Councilmember could come up with a name, or you can find out who is interested. Mayor LaCascia gave background of the last time a vacancy on the Council was handled. City Manager Jackson advised “Letters of Interest” were received the last time for approximately one month; those who submitted letters of interest attended the Council meeting and each were asked about five questions. Council voted in two people at the same meeting to fill the two vacancies; they were sworn into office and participated in that meeting. City Attorney Cloud asked if anyone on Council had any other suggestions. Attorney Cloud advised to publish it and let it be known if anyone is interested to apply. It was consensus of Council to proceed with putting the notice on the website and accept “letters of interest” between now and the next Council meeting.

Mr. David Prins, 129 Appaloosa Hill, asked Council if interested persons needed to live inside the city limits; he was advised yes, they would need to live inside the city limits. The City Manager will proceed as instructed and schedule this item for the June meeting.

Repair of Jacob Water Treatment Plant – Motor

Vice Mayor Blethen made a motion to accept the repair of the Jacob Water Treatment Plant in the amount of \$5,335; the motion was seconded by Mayor LaCascia. There was no discussion.

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

4-ayes
0-nays

The motion carried.

Discussion and Acceptance of Audit Services Agreement – three years

Mayor LaCascia explained the contract would be for fiscal year 2013, fiscal year 2014 and fiscal year 2015, and went over the cost (a copy of on file in the City Clerk’s Office).

Vice Mayor Blethen made a motion to accept the Audit Services Agreement for three years; the motion was seconded by Councilor Kimsey. Under discussion, Mike Brynjulfson, who is the CPA, spoke to Council regarding the contract. He advised he has always had a three-year contract with the City; he focuses on effectiveness, as well as efficiency. Mr. Brynjulfson expects his fees to be lower, as the City’s budget gets better each year. Mr. Brynjulfson discussed the single audits with Council and described what they were and what the cost would be should the City have one (a State or Federal Grant could require a single audit), as well as what “not to exceed fees” are.

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

4-ayes
0-nays

The motion carried.

Discussion and Acceptance of Painting and Repair to the Polk City Government Center

Mayor LaCascia gave a brief description; the cost is \$7,800.

Vice Mayor Blethen made a motion to approve the painting and repair in the amount of \$7,800; the motion was seconded by Mayor LaCascia. Under discussion, Kathy Delp, who is the Public Works Director, advised the funds for this project is in this years’ budget. It will include a sealer and two (2) coats of paint. Councilor Kimsey asked what areas of the building would be painted, Kathy advised the entire building; this will have a ten (10) year warranty. Councilor Block asked if the City has done work with this company before; Kathy advised they recently put a roof on the public works building and she was pleased. Councilor Kimsey asked if this was something the inmates could do; Kathy advised no, it should be professionally done.

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

4-ayes
0-nays

The motion carried.

Appoint an Alternate Signee for City Bank Accounts

Mayor asked if anyone wanted to volunteer; Councilor Block volunteered.

Mayor LaCascia made a motion to appoint Councilor Block as the first alternate signee for the City Bank Accounts; Councilor Kimsey seconded the motion.

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

4-ayes
0-nays

The motion carried.

Change Order #3 – CDBG Water Line Replacement Project

Council was advised this was to correct efficiencies in the pavement primarily on Fourth Street and other areas due to a failure in the subgrade. Department of Economic Opportunity the Change Order; however, City Council needs to approve it.

Vice Mayor Blethen made a motion to approve Change Order #3 – CDBG Water Line Replacement Project; the motion was seconded by Councilor Kimsey.

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

4-ayes
0-nays

The motion carried.

Discussion and Acceptance of the Purchase of Mower

Vice Mayor Blethen made a motion to approve the purchase of a Scag Mower; the motion was seconded by Mayor LaCascia. Under discussion, Kathy Delp, Public Works Director, advised the current mower is 15 years old; it was purchased used. A new motor was put in eight years ago and it is time to replace it. This mower will be purchased from Fields Equipment, who is a Vendor on the State Contract List; the cost will be \$7,199.2. Vice Mayor Blethen asked if good maintenance was performed; Kathy advised yes.

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

4-ayes
0-nays

The motion carried.

CITY MANAGER ITEMS / CITY CLERK ITEMS

City Manager Jackson announced that Linda Walker will be retiring June 13, 2013 after twelve (12) years with the City. Linda has agreed to help with the Ridge League of Cities Dinner meeting that same night.

CITY ATTORNEY ITEMS

Attorney Cloud discussed the new Statute which will affect public participation at public meetings; he will prepare a Resolution establishing a policy based on what Council has been doing.

MAYOR ITEMS

Mayor LaCascia thanked Kelly Downing (in absentia) for her service to the City.

VICE MAYOR ITEMS

Vice Mayor Blethen commented on how good the Library looks. He also mentioned that the County is going to stop buses from picking up children for school within a two mile radius from the City; the City may want to look at adding more sidewalks when that occurs.

COUNCIL MEMBER ITEMS

Councilor Block

Councilor Block distributed a brief summary of her activities for the months of April and May 2013; a summary of activities are as follows:

- Newsletter published with additions from the City Manager
- Attended Florida Polytechnic – top off ceremony and reception for COO
- Legislative Session ended – emails sent for several issues to Legislators
- Economic Development – studies completed by Albert – reviewing the studies
- PCE – arranged visit to Chain of lakes Collegiate High School for 5th Graders
- TPO – Polk Rail Study nears end with decision coming after citizen input in July

More details of Councilor Blocks activities during the months of April and May 2013 will be on file with the City Manager.

Councilor Block advised she made a mistake on the millage rate last month; it would be a .3% decrease in millage not a .5% decrease.

Councilor Block then commented the City Council is responsible for the positions of City Manager, City Clerk and City Attorney. One of the City Council's responsibilities is to provide guidance and direction to the City Manager to carry out the day to day operations and functions of the City; City Manager Jackson has been City Manager, as interim and permanent City manager since September 6, 2011, and this Council has not provided feedback, an evaluation or direction. As Council enters into another budget season, it is time to make sure that this city has direction and focus on what is important to the citizens of this city. Councilor Block recommended the City of Lakeland's evaluation process.

At this time Councilor Block made a motion to move forward with the City Manager Evaluation process in the next month by

1. Requesting that the City Manager complete a list of all that has been accomplished since taking charge in September 2011. This list to be completed by the June 17, 2013 City Council Meeting
2. Requesting the City Manager provide a list of what can be accomplished in FY 2014. This list to be completed by the June 17, 2013 City Council Meeting
3. The evaluation and approval of a City Manager evaluation method to be put on the June City Council Meeting agenda and voted on at the June 17, 2013 City Council Meeting
4. Completion of the Evaluation process by August 1, 2013;

the motion was seconded by Mayor LaCascia. Under discussion, Vice Mayor Blethen asked if there had been past evaluation forms. City Manager Jackson commented she does need an evaluation; however, the evaluation process is in the City Manager's Contract, and asked if she could get the information to Council and bring back at the next meeting. Councilor Block advised she would like to table the motion; Attorney Cloud asked Councilor Block if she had a copy of Lakeland's Evaluation. The motion was tabled until the June meeting.

Councilor Block commented there was a meeting held regarding the City Manager's objectives, which was less than fruitful. Councilor Block made a motion to use the following objectives for the City Manager until such time that the City Council removes or changes these objectives: **1)** maintain and, if possible within budget constraints, enhance existing city programs/events and assets, **2)** develop/get approval from City Council and initiate a Polk City Economic Development Plan by February 1, 2014, **3)** develop/get approval from City Council and initiate a debt reduction/refinancing plan for Polk City by April 1, 2014 and **4)** the progress on the above goals/objectives and other activities pertaining to the City to be provided in a monthly written update report by the City Manager to the City Council prior to the City Council meeting. The motion failed for a lack of a second. Attorney Cloud commented that some economic development plans are helpful and some are window dressing; he spoke of a recent workshop he attended in Wauchula regarding this.

Councilor Block commented she is disappointed to only see public comment at the beginning of the meeting; it was her intent to have public comments before the meeting in order to ask questions pertaining to items on the agenda and public comment after the meeting to be used as an open forum for questions and comments. Councilor Block made a motion to allow public comment before the meeting for items on the agenda and after the City Council meeting used as an open forum; limit the time as specified in the Resolution on public meetings starting tonight. The motion failed for lack of a second. Mr. Al Schneider wanted to ask a question; Councilor Block commented it is not allowed because Council just voted it down. Mayor LaCascia asked Mr. Schneider to come forward. Mr. Schneider asked if a motion was made, seconded and passed, why you would want to speak about that afterwards. Discussion took place between Council; Attorney Cloud commented some people have public comment before the meeting, some jurisdictions have public comment within the meeting, but he is not aware of anyone having public comment at the beginning and at the end of the meeting. Attorney Cloud advised with the new Statute, if Council wanted to have public comment at the beginning and at the end they could. Vice Mayor Blethen commented public comment is allowed at the beginning of the meeting and during public hearings. Councilor Block commented she thinks Lakeland allows public comment before and after the meeting. Mr. Rubin, 7130 Berkley, addressed Council and commented public comment should not be used to chastise, but to ask questions. Mayor LaCascia commented the Council used to allow it before the meeting and after the meeting; Mayor LaCascia explained what brought about the change – what sense did it make to have the public comment after a decision was made and thought he was bringing an initiative forward by going to the City Manager to have this moved – anyone can speak their mind. Gail Funk, 202 Bayberry, addressed Council and commented that she was confused; if Council is saying they will listen at any time, then why not second the motion. Ms. Funk then addressed Councilor Kimsey regarding the comment he had made about public comment at the end of the meeting was to chastise – is that the reason you would change that – when you question people that are representing you; it sounds like you really don't want citizens to speak up – it seems another door just slammed. Attorney Cloud suggested he take a stab at this when he does the policy based on what was just said and what has been done over the last two years; the Council can review the Resolution to see if it what they are looking for.

Councilor Block commented she has requested a workshop over the last two to three months; if we cannot agree to have a workshop, she recommends discussion to take place at Council Meetings. Councilor Block made a motion to schedule a workshop in June 2013 to discuss topics that include but are not limited to the following: **1)** protocols and processes, **2)** managing and maintaining assets, **3)** economic development, **4)** debt reduction and **5)** anything else Council would prefer to have discussed; the motion failed for a lack of a second. Mayor LaCascia had never heard a request for a workshop that was turned down; City Manager Jackson advised several months ago when discussion took place regarding when the public should speak, it was suggested

to look into different possibilities as to when the public would speak; we were supposed to have a workshop to discuss that, but never did. Mayor LaCascia commented Attorney Cloud will be addressing that in his Resolution. City Manager Jackson went on to say Councilor Block is now requesting a workshop to discuss various items of interest in a workshop rather than in a meeting setting. Mayor LaCascia feels it would make it easier to have something to look at opposed to someone reading in a public meeting; would like to deliberate over it and to come to some kind of consensus in our own minds; it makes it awkward in his mind to look at these things in a meeting – referred to items in motion. Mayor LaCascia suggested calling for a workshop to discuss one item rather than all of them. Attorney Cloud commented a number of cities that he works with schedule workshops before City Council meetings the week before -- Wauchula has a workshop the first Monday and their main City Commission meeting the next Monday; Lakeland has one a workshop on Friday morning before their official meeting the next week. Attorney Cloud can't speak for Council; it makes it difficult with the Sunshine Law to send an email to another Councilmember and ask for a workshop. In order to comply with the law might be to send an email to the City Manager; the City Manager can alert the rest of Council to discuss at the next meeting, which doesn't require a comment back – may have different results. There are reasons to be concerned because of what happened in other cities.

Councilor Kimsey – Councilor Kimsey asked for everyone to pray for the people in Oklahoma due to the recent tornadoes.

ANNOUNCEMENTS

City offices closed Monday, May 27 in observance of Memorial Day; the Library will be closed as well.

The meeting adjourned at 8:25 p.m.

Patricia Jackson, City Manager

Mayor Joe LaCascia

**CONSENT AGENDA
May 20, 2013**

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 – April 15, 2013 Regular City Council Meeting

B. REPORTS

1. Building Report – April 2013
2. Code Enforcement Report – April 2013
3. Finance Report – April 2013
4. Library Report – April 2013
5. Sheriff's Office Report – April 2013
6. Utilities Report – April 2013

C. OTHER

1. Bad Debt Write-offs