

# **CITY OF POLK CITY**

## **City Council Meeting**

December 9, 2008

Polk City Government Center  
123 Broadway Blvd

7:30 P.M.

### **Minutes**

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Mayor Donald Penton called the meeting to order at 7:30 p.m.

Pastor Walter Lawlor gave the invocation.

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

#### **ROLL CALL**

Assistant to the City Clerk Patricia Jackson

Mayor Donald Penton, Vice Mayor Chris Denico, Councilor Kristi Eilertsen, Councilor Dan Ames, Councilor Nancy Adorno, City Manager Cory Carrier and Attorney Jeff Sullivan. Before roll call, City Manager Carrier advised that Pam Peterson's Mother passed away and she would not be present.

A quorum was established.

Mayor Penton turned the meeting over to City Manager Cory Carrier.

#### **APPROVAL OF CONSENT AGENDA**

A motion was made by Vice Mayor Denico to approve the Consent Agenda. The motion was seconded by Councilor Adorno.

Roll Call: Vice Mayor Denico-aye, Councilor Eilertsen-aye, Councilor Ames-aye, Councilor Adorno-aye, Mayor Penton-aye.

5-ayes

0-nays

#### **PRESENTATIONS AND/OR RECOGNITIONS**

##### **Certificates of Completion to Councilor Ames and Councilor Eilertsen—Institute for Elected Municipal Officials**

City Manager Carrier advised that Councilor Ames and Councilor Eilertsen attended the Institute for Elected Municipal Officials in October and they have received their Certificates of Completion. At this time Assistant to the City Clerk Patricia Jackson read the letter from the Florida Institute of Government Congratulating Councilor Ames and Councilor Eilertsen for their completion of the Institute for Elected Municipal Officials and gave them their Certificates of Completion.

## **PUBLIC HEARINGS**

### **ORDINANCE 1245, AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA, AMENDING ORDINANCE 1230 WHICH ADOPTED THE FINAL BUDGET FOR FISCAL YEAR 2007-2008; AND PROVIDING FOR AN EFFECTIVE DATE.**

City Manager Carrier read Ordinance 1245 in short title. Mayor Penton opened the Public Hearing. There was no one from the audience to speak and Mayor Penton closed the Public Hearing. He then asked for any review, discussion and action from the Council on Ordinance 1243.

A motion was made by Councilor Dan Ames to approve Ordinance 1245 as presented. The motion was seconded by Councilor Eilertsen.

Roll Call: Councilor Eilertsen-aye, Councilor Adorno-aye, Mayor Penton-aye, Vice Mayor Denico-aye, Councilor Ames-aye. At this time City Manager Carrier advised there was a typo; the Ordinance under hearing states 1243 and it should be 1245.

5-ayes  
0-nays

### **ORDINANCE 1238-A, AN ORDINANCE RELATING TO VOLUNTARY ANNEXATION; MAKING FINDINGS; INCLUDING WITHIN THE CORPORATE LIMITS OF THE CITY OF POLK CITY, FLORIDA, CERTAIN REAL PROPERTY LOCATED ON SMITH ROAD (JOSHUA LAND, L.L.C. PROPERTY) WHICH IS LOCATED IN SECTION 28, TOWNSHIP 26 SOUTH, RANGE 25 EAST, AND SECTION 33, TOWNSHIP 26 SOUTH AND RANGE 25 EAST, CONSISTING OF FIVE PARCELS; AND CERTAIN REAL PROPERTY LOCATED ON SMITH ROAD (C.C. CALHOUN, INC. PROPERTY) WHICH IS LOCATED IN SECTION 33, TOWNSHIP 26 SOUTH, RANGE 25 EAST CONSISTING OF A TOTAL OF SEVEN PARCELS; AND THE ADJACENT RIGHTS-OF-WAYS; AND PROVIDING FOR AN EFFECTIVE DATE.**

City Manager Carrier read Ordinance 1238-A in short title. This is the property the City will purchase for the new wastewater treatment plant.

Mayor Penton opened the Public Hearing. No one from the public spoke and Mayor Penton closed the Public Hearing. He then asked for any review, discussion and action from the Council on Ordinance 1238-A.

A motion was made by Vice Mayor Denico to approve Ordinance 1238-A; the motion was seconded by Councilor Adorno.

Roll Call: Councilor Ames-aye, Vice Mayor Denico-aye, Councilor Eilertsen-aye, Mayor Penton-aye, Councilor Adorno-aye.

5-ayes  
0-nays

### **ORDINANCE 1239-A, AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF POLK CITY, FLORIDA; SAID AMENDMENT BEING KNOWN AS "AMENDMENT #08-01"; SPECIFICALLY, ASSIGNING LAND USE TO THE JOSHUA LAND, LLC AND C.C. CALHOUN PROPERTY; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF**

**COMMUNITY AFFAIRS (DCA) FOR A FINDING OF COMPLIANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

City Manager Carrier read Ordinance 1239-A in short title. City Manager Carrier advised if anyone wanted to receive information to please sign the sheet in the back of the room.

Mayor Penton opened the Public Hearing. No one from the public spoke and Mayor Penton closed the Public Hearing. He then asked for any review, discussion and action from the Council on Ordinance 1239-A.

A motion was made by Councilor Ames to approve Ordinance 1239-A; the motion was seconded by Mayor Penton.

Roll Call: Councilor Adorno-aye, Mayor Penton-aye, Councilor Ames-aye, Vice Mayor Denico-aye, Councilor Eilertsen-aye.

5-ayes  
0-nays

**ORDINANCE 1240-A, AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF POLK CITY, SPECIFICALLY ASSIGNING A ZONING CLASSIFICATION OF "MIXED RESIDENTIAL USE – R4" TO 128.87 ACRES; AND A ZONING CLASSIFICATION OF PUBLIC BUILDINGS AND GROUNDS (PB) TO 44.82 ACRES; TO THE JOSHUA LAND, LLC AND C.C. CALHOUN PROPERTY, LOCATED ON SMITH ROAD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

City Manager Carrier read Ordinance 1240-A in short title. Mayor Penton opened the Public Hearing. No one from the public spoke and Mayor Penton closed the Public Hearing. He then asked for any review, discussion and action from the Council on Ordinance 1240-A.

A motion was made by Vice Mayor Denico to approve Ordinance 1240-A; the motion was seconded by Councilor Adorno.

Roll Call: Mayor Penton-aye, Councilor Adorno-aye, Councilor Eilertsen-aye, Councilor Ames-aye, Vice Mayor Denico-aye.

5-ayes  
0-nays

**UNFINISHED BUSINESS**

There was none.

**NEW BUSINESS**

**RESOLUTION 2008-13, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POLK CITY, FLORIDA, ESTABLISHING A 457 DEFERRED COMPENSATION PLAN ADMINISTERED BY THE ICMA RETIREMENT CORPORATION**

City Manager Carrier read Resolution 2008-13 in short title and gave a brief explanation of the 457 Deferred Compensation Plan for city employees.

A motion was made by Vice Mayor Denico to approve Resolution 2008-13. The motion was seconded by Councilor Ames.

Roll Call: Vice Mayor Denico-aye, Councilor Ames-aye, Mayor Penton-aye, Councilor Eilertsen-aye, Councilor Adorno-aye.

5-ayes

0-nays

**RESOLUTION 2008-14, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POLK CITY, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE POLK COUNTY COMMISSION FOR DISPOSAL OF SOLID WASTE AND PROVIDING AN EFFECTIVE DATE**

City Manager Carrier read Resolution 2008-14 in short title. This is an agreement with the County for garbage disposal; in return the City can receive anywhere from two to fifteen percent discount (City receives a check), which is based on tonnage. City Manager Carrier advised Mark Talbot, who is with Florida Refuse, is encouraging the City to enter into this agreement.

A motion was made by Councilor Ames to approve Resolution 2008-14. The motion was seconded by Councilor Eilertsen.

Roll Call: Councilor Eilertsen-aye, Vice Mayor Denico-aye, Councilor Ames-aye, Councilor Adorno-aye, mayor Penton-aye.

5-ayes

0-nays

**RESOLUTION 2008-15, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POLK CITY TO REVISE WATER AND SEWER RATES PURSUANT TO ORDINANCE 2002-04 ARTICLE 2 – WATER, SECTION 2 – WATER RATES AND ORDINANCE 97-5 SECTION 9 RATES; AND PROVIDING AN EFFECTIVE DATE**

City Manager Carrier read Resolution 2008-15 in short title. She explained the current rate structure will completely change and went over the new rate structure. She also introduced Mr. Danny Kushmer, who is with the Southwest Florida Water Management District; they are supporting the new rate structure as it promotes conservation. Under discussion, City Manager Carrier advised a rate study was done, and these are the rates that were recommended. The new rate structure is revenue neutral; it penalizes the high-end users, not the low-end users (the low-end users will have a lower bill than what they currently have). City Manager Carrier advised she is currently working on an Interlocal Agreement between the City, Polk County and Southwest Florida Water Management District whereby no additional permits will be issued for potable wells.

A motion was made by Vice Mayor Denico to approve Resolution 2008-15. The motion was seconded by Councilor Ames.

Roll Call: Councilor Ames-aye, Councilor Adorno-aye, Vice Mayor Denico-aye, Mayor Penton-aye, Councilor Eilertsen-aye.

5-ayes  
0-nays

**RESOLUTION 2008-16, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POLK CITY, FLORIDA, APPROVING THE PROJECT LISTING OF THE UPDATED POLK COUNTY REGIONAL WATER USPLY PLANS, AUTHORIZING THE SUBMISSION OF THE COMPLETE PROJECT LISTING TO THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT FOR INCLUSION AS PART OF THE REGIONAL WATER SUPPLY PLAN, MAKING FINDINGS AND PROVIDING AN EFFECTIVE DATE**

City Manager Carrier read Resolution 2008-16 in short title. She then introduced two representatives from Reiss Engineering, who presented the Comprehensive Water Supply Plan to the Council (power point) for Polk County and the 16 municipalities participating. After the presentation, City Manager Carrier advised that staff has spent a great deal of time in meetings working on this, and feels it is the best thing for the future of Polk City.

A motion was made by Councilor Ames to approve Resolution 2008-16. The motion was seconded by Councilor Adorno.

Roll Call: Mayor Penton-aye, Councilor Ames-aye, Councilor Adorno-aye, Councilor Eilertsen-aye, Vice Mayor Denico-aye.

5-ayes  
0-nays

**Request to construct a walkway and dock at 551 Narrow Pond Road**

City Manager Carrier presented the request for construction of a walkway and dock located at 551 Narrow Pond Road. She advised this did not have to go before the Planning commission or Southwest Florida Water Management District (SWFWMD), but does have to be approved by the Council; it has been approved by staff. The City has received no complaints from past docks that have been approved, and this particular dock will be a floating dock.

A motion was made by Mayor Penton to approve the construction of the walkway and dock. The motion was seconded by Councilor Ames.

Roll Call: Councilor Adorno-aye, Vice Mayor Denico-aye, Councilor Eilertsen-aye, Mayor Penton-aye, Councilor Ames-aye.

5-ayes  
0-nays

**CITY MANAGER ITEMS**

City Manager Carrier had nothing to report.

## **CITY CLERK ITEMS**

### **Skate Park Update**

City Manager Carrier advised that Pam is not present due to the death of her Mother, and she will report on the skate park.

City Manager Carrier gave the Council an update on the vandalism that is taking place at the skate park. She also gave the Council a copy of pictures and a letter from Kyle Duffy and Reese Johnson regarding an incident that occurred today. She advised the city storage shed is being broken into and items being taken and used at the skate park (stop signs, plywood, cement blocks, equipment, etc.). She is asking to close the temporary skate park and put the equipment that was donated in storage until the permanent facility is built (paperwork from County should be arriving shortly). A discussion took place regarding security measures, vandalism taking place currently, what will happen when the new park is built, etc. A gentlemen from the audience suggested the skaters be involved with the creation of the new skate park; City Manager Carrier advised they will be involved in planning and construction of the new skate park (Pam Peterson is taking care of that). The Council expressed their concerns of vandalism taking place.

A motion was made by Councilor Eilertsen to close the temporary skate park. The motion was seconded by Councilor Ames.

Roll Call: Vice Mayor Denico-aye, Councilor Eilertsen-aye, Mayor Penton-aye, Councilor Ames-aye, Councilor Adorno-aye.

5-ayes

0-nays

City Manager Carrier advised the equipment would be placed in storage until the new skate park is built.

## **CITY ATTORNEY ITEMS**

The Attorney had nothing to report.

## **COUNCIL MEMBER ITEMS**

**Councilor Adorno** -- Councilor Adorno attended the National League of Cities Conference in November. She reported it was very educational, and she met Council Members, Mayors, and City Clerks from other states and spoke with them on different issues. The workshops and seminars are different; she attended a mobile workshop showcasing Orlando (hands-on look at programs/developments in high crime areas).

Councilor Adorno then reported on the Florida League of Cities Legislative Conference she attended in November; she recommended more of the Council go next year.

She thought the Christmas Parade was very good, and she heard positive comments. She commended Smirna on a "very good job", as well as the ones who helped. City Manager Carrier advised she would put a power point presentation on the City website of the parade during the month of December. Mayor Penton asked that a letter of appreciation signed by the whole Council be given to Smirna.

Councilor Adorno asked about the repair of potholes; she reported the potholes on Carter and Honeybee to the Public Works Department approximately three weeks ago. City Manager Carrier advised the city has experienced three major water line breaks in the last couple of weeks, and the Christmas Parade to get prepare for; however, the potholes will be taken care of.

Councilor Adorno then wished everyone a safe Christmas and prosperous New Year.

**Councilor Ames** -- Councilor Ames thanked everyone who worked on the parade, and the new route was a good choice. He also thanked the local Sheriff's Department on getting the traffic moved around.

**Planning Commission Appointments** – Councilor Ames advised there were two seats up for reappointment; however, he personally thinks the City should see if other people are interested in serving. City Manager Carrier agrees with Councilor Ames; she advised in the past the City had difficulty in getting members, but does not feel that is the case now. She also advised the two people now serving are interested in being reappointed. The City can put out a notification of the two vacancies, and if anyone is interested they can submit a letter of interest. The Council may reappoint the two current members, but this will allow everyone an opportunity. Councilor Eilertsen suggested putting it out in this month's utility bill. Mayor Penton suggested the Ledger print something as well (since the reporter is present). After further discussion, the City Manager advised she would prepare the notice for the bills and an application. City Manager Carrier advised there would be a public hearing on the rate increase in January, and she will make sure everything is taken care of in the utility bills. The Planning Commission vacancy will need to be filled by their meeting in January (Planning Commission).

Councilor Ames wished everyone a Merry Christmas and Happy New Year.

At this time Mayor Carrier apologized to the Council for not being at last month's meeting; she had Pneumonia, but feels much better now.

**Councilor Eilertsen** – Councilor Eilertsen asked who maintains the street lights in Mt. Olive Shores III; City Manager Carrier advised the Home Owners Association does that; she also advised that Mt. Olive Shores has private roads and private lighting; the City is not responsible for anything other than utilities in the ground.

Councilor Eilertsen then made the Council aware of a meeting the Florida Department of Transportation is having tomorrow evening at 5:30 p.m. (she gave them a copy) regarding the rail traffic evaluation. She will not be able to attend, but someone else may want to; it will be at the Lakeland Center. She also advised she would not be able to attend the TPO meeting this Thursday, but will attend the next one.

Councilor Eilertsen wished everyone a Merry Christmas and Happy New Year; she also thanked everyone for being at tonight's meeting.

## **VICE MAYOR ITEMS**

Vice Mayor Denico thought a good job was done on the parade (what she was able to see) and vendors. She would like to see a recap of everything that was done this year (festivities, etc.) on the home webpage; everyone thought that was a good idea. City Manager Carrier advised she would post pictures for 2008. Vice Mayor Denico then mentioned that in the past the City had

discussed a parks and recreation person; City Manager Carrier advised something was sent out to the public, but we had no response. Vice Mayor Denico asked if something could be sent once again since we will be sending information for the Planning Commission; she advised it is getting harder for staff. City Manager Carrier will get something out.

Vice Mayor Denico wished everyone a Merry Christmas and a safe New Year.

At this time Councilor Adorno brought up the city-wide yard sale; she will coordinate with Smirna and set March as a tentative date. City Manager Carrier advised it will require a yard sale permit, but to let the public know during the city-wide yard sale there would be no charge; however, they will still have to register. Discussion followed regarding a map, advertising, letting the public set up at the park and the trailhead (non-residents) for a charge. At this time City Manager Carrier advised next Christmas we will have a "Breakfast with Santa."

### **MAYOR ITEMS**

Mayor Penton thanked everyone who worked on the Christmas Parade; he feels Smirna should be recognized for the good job she did this year. He asked for the potholes to be checked closer; we are here for the citizens. Mayor Penton also mentioned the skate park; keeping kids from back area by putting in some cameras. The Mayor thanked the staff and all of the new people – continue to do a good job.

### **PUBLIC COMMENTS/REQUEST**

The bicycle group from the Christmas Parade thanked Smirna and praised her on the excellent job she did.

### **Martin Luther King Celebration**

City Manager advised there was a request from the audience members that were here and left. At this time City Manager Carrier read a letter of request from Pastor Shelton Faison regarding the Annual Martin Luther King Celebration. The City Council has been invited to a day in the park to celebrate the unity of the city in honor of Dr. Martin Luther King., Jr. on January 19, 2009, at 11:00 a.m. Councilor Adorno advised she should be able to attend; Councilor Ames will try and Councilor Eilertsen advised if she can make it she would attend.

Vice Mayor Denico left the meeting at 9:10 p.m.

### **ANNOUNCEMENTS**

City Manager Carrier reminded the Council of the following:

1. Ridge League of Cities Meeting December 11 in Auburndale
2. Polk City Christmas Holiday Schedule – City Hall will close at 12:00 Noon for the Employee luncheon at the Activity Center and will reopen on Monday, December 29<sup>th</sup> (Council is invited to the employee luncheon).
3. Institute for Elected Municipal Officials January 23-25, 2009, Gainesville—Assistant to the City Clerk advised information was in each of the Council's mail box.



There being no further business, the meeting was adjourned by voice vote.

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Patricia Jackson, Assistant to the  
City Clerk

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Mayor Donald L. Penton