

March 9, 2009

The City Commission of the City of Plant City, Florida met in a regular session pursuant to laws and rules of said Commission at the City Hall of said City, the regular meeting place of the Commission at 7:30 p.m. on March 9, 2009.

The meeting was called to order by Mayor-Commissioner Rick A. Lott and on the roll being called there was present: Mayor-Commissioner Lott, presiding and the following named Commissioners: William D. Dodson, Michael S. Sparkman and Vice-Mayor Daniel D. Raulerson. Absent: Commissioner Mary Y. Thomas Mathis.

Also present were: David R. Sollenberger, City Manager; Gregory Horwedel, Assistant City Manager; Kenneth W. Buchman, City Attorney; Michael Karr, Assistant to the City Manager; Virginia L. Helper, City Clerk; Rob Anders, Planning and Zoning Director; Willie Nabong, Public Works Director; Bill McDaniel, Police Chief; Sgt. James Smith and Officer Signe Polk, Sergeants-at-Arms.

Representatives of the news media and others present: George Wilkens, The Courier/ Tribune and approximately 20 other persons.

The invocation was given by Dr. Ron Churchill, First Baptist Church of Plant City, and the audience joined in the Pledge of Allegiance to the Flag.

Dr. Churchill commented that it has been a real joy and a great experience attending the meetings and rendering the invocation. Dr. Churchill announced that he would be retiring as Pastor of the First Baptist Church of Plant City in April.

Mayor-Commissioner Lott thanked Dr. Churchill for his impact in the community and wished him well in his future endeavors.

CONSENT AGENDA: The following items were considered:

RESOLUTION NO. 33-2009 - MINUTES OF REGULAR MEETING OF FEBRUARY 23, 2009:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PLANT CITY, FLORIDA, APPROVING THE MINUTES OF THE REGULAR COMMISSION MEETING ON FEBRUARY 23, 2009.

RESOLUTION NO. 34-2009 – DEMOLITION – 707 E. WARREN STREET:

A RESOLUTION DECLARING INTENTION OF THE CITY COMMISSION OF THE CITY OF PLANT CITY TO ORDER AND DIRECT DEMOLITION AND REMOVAL OF BUILDINGS OR STRUCTURES ON PROPERTY LOCATED AT 707 E. WARREN STREET, AND FIXING A DATE AND TIME FOR HEARING PROVIDING THE OWNER AN OPPORTUNITY TO SHOW CAUSE AS TO REASONS, IF ANY, WHY SUCH DEMOLITION AND REMOVAL SHOULD NOT BE ORDERED.

RESOLUTION NO. 35-2009 – DEMOLITION – 102 N. RITTER STREET:

A RESOLUTION DECLARING INTENTION OF THE CITY COMMISSION OF THE CITY OF PLANT CITY TO ORDER AND DIRECT DEMOLITION AND REMOVAL OF BUILDINGS OR STRUCTURES ON PROPERTY LOCATED AT 102 N. RITTER STREET, AND FIXING A DATE AND TIME FOR HEARING PROVIDING THE OWNER AN

OPPORTUNITY TO SHOW CAUSE AS TO REASONS, IF ANY, WHY SUCH DEMOLITION AND REMOVAL SHOULD NOT BE ORDERED.

RESOLUTION NO. 36-2009 – SALE OF PROPERTY – GLENN AND PATRICIA CALLIS:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PLANT CITY, FLORIDA, APPROVING THE CONTRACT FOR SALE TO GLENN W. CALLIS AND PATRICIA A. CALLIS; DIRECTING THE SALE OF PROPERTY THEREIN DESCRIBED; AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID CONTRACT ON BEHALF OF THE CITY.

After consideration, motion was made by Vice-Mayor Raulerson and seconded by Commissioner Dodson to approve the Consent Agenda. Upon roll call, the following voted: YEA: Commissioners Dodson and Sparkman, Vice-Mayor Raulerson and Mayor-Commissioner Lott. NAY: None. Thereupon, Resolutions No. 33-2009, 34-2009, 35-2009 and 36-2009, were declared duly certified, adopted and passed.

PRESENTATION – ONE BAY/REGIONAL VISIONING INITIATIVE:

Stuart Rogel, President/CEO of Tampa Bay One Partnership gave a power point presentation regarding One Bay initiatives. Rogel gave a general overview and stated One Bay is a diverse partnership of five regional organizations. The presentation included land developed, population and employment in 1972, 2005, and projection for 2050. Rogel explained the public process, guiding principles and various scenarios and noted scenario C best reflected the overall values, which encourages mass transit through compact design which allows for more farmland and wildlife preservation. The three (3) most important issues for the future of the Tampa Bay region are: 1) cost of living 34.6%, Employment 32.4% and Mass Transit 37.1%. Rogel closed the presentation with preliminary recommendations and the next steps. Mayor Lott thanked Rogel for the presentation.

PRESENTATION – CODE ENFORCEMENT - 1404 E. NEIL STREET:

Edith Best, 1411 E. Church Street, thanked the City Manager and staff for their efforts in rectifying code enforcement issues at 1404 E. Neil Street. Best stated she has a “positive attitude that the City Manager will do his best to remedy the situation and the neighbors will give it a chance to work.”

CITY MANAGER REPORT

MARCH 5, 2009

FOR CITY COMMISSION MEETING MARCH 9, 2009

1. WORKSHOPS

March 9 – 6:15 p.m.

Comp Plan Amendments

April 27 – 6:15 p.m.

Financial Trends Workshop

June 22 – 4:00 p.m.

Preliminary Budget Workshop

July 13 – 3:00 p.m.

Budget Workshop

July 27 – 4:00 p.m.

Budget Workshop

2. STATUS OF CODE ENFORCEMENT ACTIONS

Abandoned Gas Stations:

Two abandoned gas stations (one located at 1602 East Baker Street and one at 1405 North Wheeler Street) will be presented to the City's Code Enforcement Board on March 10, 2009. A Notice of Violation was issued for each respective property. Staff will recommend the properties be found non-compliant with the City's Code. Staff also will recommend fines be levied against these properties until they are made compliant with the Code.

Also, fines continue to accrue on code violations that exist at the abandoned gas station located at 625 South Collins Street. On October 16, 2008, the Code Enforcement Board found the property owner in violation of the Code; the fine is \$100 per day until the property is brought into compliance.

Finally, staff has re-checked whether any of the aforementioned gas station properties have environmental cases pending before the Hillsborough County Environmental Protection Commission. EPC staff report that there are no open cases on any of these properties.

1404 East Neil Street:

This property has been the focus of a multi-month coordinated effort between Code Enforcement staff, the Police Department, the City Attorney, and the State Attorney's Office (Plant City Division). Mr. Bobby Fogel has been charged with several infractions of the law, including felony littering and operating an unlicensed junkyard in a residential area. After the initial hearing, Judge McNeil ordered Mr. Fogel to bring the property into compliance by April 8, 2009. Mr. Fogel's neighbors attended the last two court proceedings and testified as to their continuing concerns about Mr. Fogel's clean-up efforts.

Building & Code Enforcement staff have visited the property regularly since the initial court hearing. Staff report that approximately 90% of the junk, trash, and debris has been removed or stored out of public view.

Staff continues to meet with the neighbors to outline how the court case is proceeding. Following the court's determination that the property has been sufficiently cleaned up, staff also will continue to monitor conditions at the property to re-file charges if necessary. However, some of the neighbors have strongly expressed their belief to staff that Mr. Fogel will continue to bring junk onto the property. The neighbors have suggested to staff that the City acquire the property and relocate Mr. Fogel out of the neighborhood.

3. FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) RAIL ALTERNATIVES STUDY

During the past three months, Assistant City Manager Greg Horwedel has attended several workshops regarding possible alternatives to routing train traffic to the new Winter Haven Intermodal Logistics Center (ILC). An integral part of planning for this new ILC is how FDOT's purchase of 61 miles of CSX track through Orlando will increase train traffic through Lakeland. FDOT has engaged Jacobs Engineering (formerly Carter+Burgess).

Jacobs has developed several alternatives to mitigate the impact of diverting train traffic from the CSX "A Line" to the "S Line". One of these alternatives clearly would impact Plant City. In this alternative, increased train traffic would be funneled through downtown and thence to Winter Haven via Bartow. The City Commission has previously opposed this solution.

Therefore, City staff has suggested an alternative route that would achieve five major accomplishments: 1) significantly reduce train traffic in Plant City's downtown core; 2) significantly reduce train traffic in Lakeland's downtown core; 3) help implement the road network in Plant City's recently-adopted Northeast Master Plan; 4) serve industrial development in emerging areas near the Hillsborough / Polk County Line; 5) provide a fairly direct route to the Winter Haven ILC. The route in question diverges from the existing rail line at Vitis, which is just north of Zephyrhills. The line would then head southeast toward the Pasco / Hillsborough / Polk County nexus; from there it would turn southward along the county line to a junction point with an existing rail line near the Polk Parkway, where train traffic could then head east (see attached map for more detail). Finally, since a rail line would need to be built, sufficient right-of-way also should be dedicated to facilitate construction of County Line Road northward to Knight-Griffin Road, which is a central feature of the Northeast Master Plan.

Staff has explained this proposal to Jacobs staff and to staff of both Lakeland and Polk County. All have indicated that such a proposal – if cost-competitive with other similar options – could help resolve the concerns of multiple parties. This issue appears to be a focal point for this Legislative session, so now is the time to express the City's position.

Staff is preparing a letter outlining this proposal for the Mayor to sign and send to FDOT Secretary Stephanie C. Kopelousos. The City's local Legislative Delegation and our partners in surrounding jurisdictions also will be copied on the letter. (Staff is still working on the letter draft which will be delivered separately on Friday, March 6th).

4. WALDEN WOODS DRIVE / ALEXANDER STREET TRAFFIC SIGNAL

City Engineer Brett Gocka has reviewed data for the intersection of Walden Woods Drive and Alexander Street. He has determined that the data meets the signal warrants and therefore is sufficient to install the traffic light. Staff has sent a letter to D.R. Horton requesting that the signal be installed with all due speed. As of this date staff does not yet have a response from D. R. Horton regarding the installation schedule. We will keep the Commission apprised of the installation schedule once it is established.

5. EMPLOYEE RECOGNITION

Officer Ahmed Elsedoudi – In recognition of his arrest of a suspect on unrelated charges and contacting detectives with suspicions regarding the suspect's involvement in numerous recent burglaries. Upon investigation, the suspect confessed to 8 Plant City burglaries and 10 Hillsborough County burglary cases.

Sgt. Al Van Duyne and Officer Tony Gamez – The City received a letter of appreciation from a citizen for arrangements made by Sgt. Al Van Duyne to ride with Officer Tony Gamez to obtain background and “behind-the-scenes” information to help understand the operation of the Police Department. He stated he received a new perspective on how law enforcement has become more complex and technologically advanced. He commended police officers he met on their professionalism, mastery of the technology, outstanding human relations skills and knowledge of the City. He went on to state he feels very secure and confident that our police officers are in control and are improving our quality of life.

Detective James Cross – is to be commended for his assistance and information regarding a burglary suspect, who had been arrested by Plant City Police Department recently, to the Hillsborough County Sheriff's office resulting in their arrest of the suspect for 7 business burglaries, 2 auto burglaries and one attempted auto theft.

Nick Knight - Foreman, Stormwater/ Streets/Traffic Division, has attended a two

day course offered by the Department of Environmental Protection. He passed the test for the course and received his Qualified Stormwater Management Inspector License.

Chris Ogonowski - Utilities Operations, completed all training, examination and accrued hours required for Class 'C' Water Treatment Plant Operator certification by the State of Florida Department of Environmental Protection. He was recently promoted from Plant Operator I to Plant Operator II.

LAW ENFORCEMENT GRANT:

The City Manager reported the Police Department has received a Law Enforcement grant in the amount \$132,000 through the Stimulus Program.

WATER SEWER REVENUE FUNDS:

City Manager Sollenberger reported a decrease in water revenue funds due to the economy and he has requested identification of a \$1.5 million reduction in the upcoming budget. The findings and a budget adjustment will be reported to the Commission.

Vice-Mayor Raulerson inquired about the \$300,000 in funds for the Police Command Center. Assistant to the City Manager Michael Karr advised that it is "still in the works" and that no decision has been made.

Regarding water conservation, Mayor Lott noted "stern warnings" given to those who have not heeded the regulations to conserve water.

COMMISSIONER DODSON – COMMENTS:

Commissioner Dodson gave accolades to the Strawberry Festival Association on their successful activities and attendance; reported that he had attended the Tampa Bay Regional Planning Commission Meeting and commented that the speakers were very informative. Commissioner Dodson provided the City Manager with reference material from the meeting relating to lighting efficiency and traffic signalization and reminded everyone of the upcoming Future of the Region Luncheon on March 20th at the Quorum Hotel in Tampa.

COMMISSIONER SPARKMAN – COMMENTS:

Commissioner Sparkman commended Vice-Mayor Raulerson and Assistant City Manager Horwedel on their presentation at the Plant City Rotary Club stating the presentation was powerful and reassuring that our government is looking at the concerns of the citizens of Plant City and that we do have a viable City.

ORDINANCE NO. 8-2009 – PUBLIC NUISANCES:

The City Attorney read the following entitled ordinance:

AN ORDINANCE OF THE CITY OF PLANT CITY, FLORIDA, AMENDING ARTICLE III OF CHAPTER 30, PLANT CITY CODE, REGARDING PUBLIC NUISANCES; CREATING SECTION 30-60, REGARDING DEFINITIONS; AMENDING SECTION 30-61, PLANT CITY CODE, REGARDING DECLARATION OF INTENT AND INCLUDING PROVISIONS REGARDING SWIMMING POOLS; AMENDING SECTION 30-62, PLANT CITY CODE, REGARDING THE PROHIBITION OF PUBLIC NUISANCES AND INCLUDING PROVISIONS REGARDING SWIMMING POOLS; AMENDING SECTION 30-63, PLANT CITY CODE, REGARDING FORM OF NOTICE; AMENDING 30-64, PLANT CITY CODE, REGARDING HEARING, AMENDING SECTION 30-65, PLANT CITY CODE, PROVIDING THAT THE LIEN AND ASSESSMENT

IMPOSED HEREIN SHALL BE EQUAL IN DIGNITY TO STATE AND COUNTY TAXES; PROVIDING FOR PENALTIES; PROVIDING THAT THIS ORDINANCE SHALL CONTROL IN THE EVENT OF CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor-Commissioner Lott advised that this is a public hearing regarding the proposed ordinance and invited anyone who wished to speak to do so at this time. Hearing none, the public hearing was closed.

After consideration, motion was made by Commissioner Dodson and seconded by Commissioner Sparkman to adopt the ordinance. Upon roll call, the following voted: YEA: Commissioners Dodson and Sparkman, Vice-Mayor Raulerson and Mayor-Commissioner Lott. NAY: None. Thereupon, Ordinance No. 8-2009 was declared duly certified, adopted and passed.

ORDINANCE NO. 9-2009 – PROHIBITING PARKING ON DESIGNATED STREETS:

The City Attorney read the following entitled ordinance:

AN ORDINANCE OF THE CITY OF PLANT CITY, FLORIDA, CREATING SECTION 70-91, PLANT CITY CODE, TO PROHIBIT PARKING AT DESIGNATED STREETS AND PARKING LOTS DURING SPECIAL EVENTS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor-Commissioner Lott advised that this is a public hearing regarding the proposed ordinance and invited anyone who wished to speak to do so at this time.

Marion Smith, 106 N. Evers St., spoke in favor of the ordinance.

David Schultz, 2903 Sutton Pines Ct., spoke in opposition to the ordinance.

Jerry Loftstrom, 102 S. Collins St., spoke in favor of the ordinance.

The Mayor invited others to speak. Hearing none, the public hearing was closed.

After discussion, motion was made by Commissioner Sparkman to approve the ordinance as submitted and to have the City Manager meet with Chamber representative Smith and property owner Shultz to find a workable solution. The motion was seconded by Vice-Mayor Raulerson. Upon roll call, the following voted: YEA: Commissioners Dodson and Sparkman, Vice-Mayor Raulerson and Mayor-Commissioner Lott. NAY: None. Thereupon, Ordinance No. 9-2009, was declared duly certified, adopted and passed.

RESOLUTION NO. 37-2009 – COMPREHENSIVE PLAN AMENDMENTS:

The City Attorney read the following entitled ordinance:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PLANT CITY, FLORIDA, ADOPTING PROPOSED MAP AND TEXT AMENDMENTS TO THE COMPREHENSIVE PLAN FOR THE CITY OF PLANT CITY AFFECTING ELEMENTS, MAPS, AND DEFINITIONS; CHANGING LAND USE DESIGNATIONS OF CERTAIN PROPERTIES; AND PROVIDING AN EFFECTIVE DATE (1st Cycle 2009 Plan Amendments).

The City Attorney read the following entitled resolution:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
PLANT CITY, FLORIDA, PROVIDING NOTICE OF PROPOSED
ENACTMENT OF AMENDMENTS TO THE COMPREHENSIVE
PLAN OF THE CITY OF PLANT CITY (1st Cycle 2009 Plan
Amendments).

A public hearing will be held by the City Commission at its meeting in the Sadye Gibbs Martin Auditorium, of the Nettie Berry Draughon Municipal Building, 302 West Reynolds Street (City Hall), Plant City, Florida on March 23, 2009 at 7:30 p.m., or as soon thereafter as the matter may be heard, at which time interested parties and citizens may appear and be heard with respect to the proposed ordinance.

After consideration, motion was made by Commissioner Dodson and seconded by Commissioner Sparkman to adopt the resolution. Upon roll call, the following voted: YEA: Commissioners Dodson and Sparkman, Vice-Mayor Raulerson and Mayor-Commissioner Lott. NAY: None. Thereupon, Resolution No. 37-2009, was declared duly certified, adopted and passed.

There being no further business to legally come before the Commission, the meeting was adjourned at 8:30 p.m.

Rick A. Lott
Mayor-Commissioner

ATTEST:

Virginia L. Helper
City Clerk