

POLK CITY

April 16, 2018

City Commission Meeting
Polk City Government Center
123 Broadway Blvd., SE

7:00 P.M.

CALL TO ORDER – Mayor Joe LaCascia

INVOCATION – Pastor Walter Lawlor, New Life Community Church

PLEDGE OF ALLEGIANCE – Mayor Joe LaCascia

ROLL CALL – Assistant to the City Manager Sheandolen Dunn

ESTABLISHMENT OF A QUORUM

ADMINISTRATION OF OATH OF OFFICE FOR INCOMING COMMISSIONERS – City Manager

ELECTION OF MAYOR – City Manager

ELECTION OF VICE MAYOR – City Manager

APPROVE CONSENT AGENDA

PRESENTATIONS AND RECOGNITIONS

1) Water Conservation Month Proclamation

PUBLIC COMMENT – **ITEMS NOT ON AGENDA** (limit comments to 3 minutes)

AGENDA

1. Republic Services -- Petition for 2018 Rate Adjustment for Polk City
2. Discuss and Decide on additional Polk County Sheriff's Office coverage
3. **PUBLIC HEARING - Ordinance 2017-07** – An Ordinance Amending the Future Land Use Element of the Polk City Comprehensive Plan to add Policy 4.6 to Provide Policies to Address the Transfer of Development Rights from the Polk City Exemption Area to the Polk City Special Protection Area. **Second and Final Reading**
4. **PUBLIC HEARING - Ordinance 2017-08** – An Ordinance to Amend the Text in Article 7, Development Approval Process to Provide a New Section 7.12.00, Transfer of Development Rights; and Amending Article 9, Definitions to Add Definitions Related to the Transfer of Development Rights. **Second and Final Reading**

CITY MANAGER ITEMS

CITY ATTORNEY ITEMS

COMMISSIONER ITEMS

Vice Mayor Harris
Commissioner Blethen
Commissioner Carroll
Commissioner Kimsey
Mayor LaCascia

ANNOUNCEMENTS

ADJOURNMENT

CONSENT AGENDA
April 16, 2018

MAY ALL BE APPROVED BY ONE VOTE OF COMMISSION TO ACCEPT CONSENT AGENDA. Commission 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 – March 19, 2018 - Regular City Commission Meeting
2. Accept minutes – March 26, 2018 – Special Meeting
3. Accept minutes – April 3, 2018 – Canvass Board Meeting
4. Accept minutes – April 5, 2018 – Certify Election Results Meeting
5. Accept minutes – April 9, 2018 – Post Election Audit Meeting

B. REPORTS

1. Building Report – March 2018
2. Library Report – March 2018
3. Public Works Report – March 2018
4. Sheriff's Office – March 2018

C. OTHER

Please note: Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the City Commission 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.

In accordance with the American with Disabilities Act, a person with disabilities needing any special accommodations to participate in city meetings should contact the Office of the City Clerk, Polk City Government Center, 123 Broadway, Polk City, Florida 33868 Telephone (863) 984-1375. The City of Polk City may take action on any matter during this meeting, including items that are not set forth within this agenda.

Minutes of the City Commission meetings may be obtained from the City Clerk's office. The minutes are recorded, but are not transcribed verbatim. Persons requiring a verbatim transcript may arrange with the City Clerk to duplicate the recordings, or arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be at the expense of the requesting party.

**City Commission Meeting
April 16, 2018**

CONSENT AGENDA ITEM: Accept minutes for:

March 19, 2018 - Regular City Commission Meeting
March 26, 2018 – Special Meeting
April 3, 2018 – Canvass Board Meeting
April 5, 2018 – Certify Election Results Meeting
April 9, 2018 – Post Election Audit Meeting

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE: Minutes attached for review and approval

ATTACHMENTS:

March 19, 2018 - Regular City Commission Meeting
March 26, 2018 – Special Meeting
April 3, 2018 – Canvass Board Meeting
April 5, 2018 – Certify Election Results Meeting
April 9, 2018 – Post Election Audit Meeting

ANALYSIS: N/A

STAFF RECOMMENDATION: Approval of Minutes

CITY COMMISSION MINUTES

March 19, 2018

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 – Assistant to the City Manager Sheandolen Dunn

Present: Mayor Joe LaCascia, Vice Mayor Wanda Harris, Commissioner Mike Blethen, Commissioner Don Kimsey, Commissioner Randy Carroll, City Attorney Thomas Cloud and City Manager Patricia Jackson

APPROVE CONSENT AGENDA

Motion by Vice Mayor Harris to approve the Consent Agenda; however, the approval was by voice vote. **Motion carried unanimously.**

PRESENTATIONS AND RECOGNITIONS - None

PUBLIC COMMENT

Mark Lanier (334 Clearwater Lake Drive) - Vendors in the Right-of-Way.

Sandra Cutts (315 Central Avenue) – Discussed a Fundraiser yard sale on April 14, 2018. Thanked staff for improvements to the Activity Center.

Susan Ketterman (583 Marklen Loop) – Honeybee Lane speed bumps are loose, need to be tightened. Gas prices not listed at the gas stations in Polk City.

ORDER OF BUSINESS

Discuss and Approve Ranking for RFQ – Professional Services – Relocation of S.R. 33 Sprayfield to Smith Road

City Manager Jackson stated Polk City has received two responses (Chastain Skillman-245 and Hartman Consultants-281) to the RFQ for the Professional Services for the Relocation of SR 33 Sprayfield to Smith Road. Keith Prestage, Kathy Delp and City Manager Jackson graded each of the respondents (City Commission has a copy of the criteria used and score sheets). The number one ranked was Hartman Consultants.

Staff recommended the City Commission approve the ranking as presented by the City Manager with Hartman Consultants being first and Chastain Skillman second.

City Manager Jackson requested clarity from City Attorney Cloud if Polk City could negotiate a cost or can this project proceed based on the loan and grant we have with FDEP or do we need to bring back a contract.

City Attorney Cloud stated unless there is a contract tonight, a contract will need to be presented at the next meeting.

Motion by Commissioner Harris to approve the ranking for RFQ for Professional Services for the Relocation of SR 33 Sprayfield to Smith Road; this motion was seconded by Mayor LaCascia.

Under discussion Commissioner Kimsey requested clarity on the ranking.

Mayor LaCascia provided the ranking explanation.

Commissioner Blethen requested clarification on the RFQ and why Polk City did not get three quotes on this project.

City Manager Jackson responded this project was publicized in the normal distribution methods and two firms responded.

Mr. Hartman clarified the step-by-step process of the RFQ and making this project “shovel ready” and ready to bid for construction.

Lengthy discussion ensued.

Roll Call Vote: Commissioner Carroll–aye, Commissioner Kimsey–aye, Vice Mayor Harris–aye, Mayor LaCascia–aye, Commissioner Blethen–nay

Motion passed 4/1.

Electric Bill at Sprayfield on S.R. 33 (MOSN1 HOA)

City Manager Jackson discussed the MOSNOA electric bills. The total amount being requested for reimbursement is \$11,276.69, which does not include 2018 bills.

City Manager Jackson recommended paying this total out this fiscal year. This will include signing a release as recommended by City Attorney Cloud.

Motion by Commissioner Kimsey to approve the reimbursement to MOSNOA; this motion was seconded by Vice Mayor Harris.

Motion carried unanimously by voice vote.

Scholarship Program for Polk City Students

Commissioner Carroll discussed the need for Polk City to provide college scholarships for the students of Polk City. He requested the City Commission's consensus for him to move forward in exploring ideas for a scholarship program for the students of Polk City.

The students would have to complete the application process and meet all criteria.

Mayor LaCascia mentioned this would be a lot of work and discussed the college scholarship criteria for qualifications with the Ridge League of Cities. He will share detailed information with Commissioner Carroll.

Motion by Vice Mayor Harris to approve the Scholarship Program for Polk City students and allow City Manager Jackson to work with Commissioner Carroll to establish this program; this motion was seconded by Commissioner Kimsey.

Motion passed by Voice vote.

Sandra Cutts (315 Central Avenue) suggested acquiring pledges from businesses or individuals for the scholarship.

Proposal for Polk City Freedom Park Restroom Renovation - CDBG

City Manager Jackson stated Polk City has received two RFP's to replace everything in the restrooms to make them ADA compliant. Polk City has received \$16,873 from Polk County CDBG money. One proposal for flooring only is \$4,980 and the other from Close Construction for \$84,200. This RFP went out to various contractors and was advertised in the newspaper.

Staff recommended permission for staff to negotiate with Close Construction on possibly lowering the bid as there are some items listed in the proposal that don't need to be done. If this negotiation does not work, City staff would like permission to do this project in-house as long as the Polk County is in agreement. This project will need to be completed by August.

Keith Prestage, Public Works Director stated this project could be done in-house for the amount of the grant.

Lengthy discussion ensued regarding the exact work to be done in the restrooms. Mayor LaCascia read the specifications from the technical proposal.

Motion by Vice Mayor Harris to approve the Proposal for Polk City Freedom Park Restroom Renovations - CDBG; this motion was seconded by Commissioner Carroll.

Motion carried unanimously by voice vote.

CITY MANAGER ITEMS

Utilities – Polk City took back Utilities in January 1, 2018. A situation came up at the WTP with the clarifiers. A valve stopped working because of the sludge build-up. During the investigation it was discovered that sludge had not been hauled in quite some time; therefore, in February Polk City had to pay A-1 Quality Services \$12,801. City Manager Jackson needs this emergency expenditure authorized since it is more than her spending limit of \$10,000. This responsibility was a part of Aquarina’s contract and was not done.

Mayor LaCascia asked why this item was just being presented to the Commission and if some of this money could be recouped from Aquarina?

City Manager Jackson explained the timeline of events that occurred to date.

City Attorney Cloud responded yes, Polk City could recoup some of these funds back from Aquarina since they did not abide by the terms of their contract with Polk City.

City Attorney Cloud stated that Polk City could allege a Breach of Proper Operation. However, does Polk City want to spend the money in litigation or simply bring this matter to Aquarina’s attention and give them time to address this matter without litigation.

Vice Mayor Harris departed at 7:50 pm

Motion by Commissioner Carroll to approve this emergency expenditure of \$12,801 to A-1 Quality Services Inc. in February for sludge hauling.

Motion carried by Voice Vote.

Ruth Road Lift Station –Project is complete.

Polk City Elementary Cake Auction – Polk City purchased cakes. Everyone enjoyed the auction and the cakes.

Property on Citrus Grove – Mr. Merritt has not responded and the property is off the table.

Florida League of Cities – City Manager Jackson will be serving as Member-At-Large.

CITY ATTORNEY ITEMS

- Will Prepare a release for the MOSOA Reimbursement
- Will prepare a Demand Letter for Aquarina

COMMISSIONER ITEMS

Commissioner Blethen – Discussed the Cake Auction at Polk City Elementary. Would like FDOT representatives to come to Polk City and look at SR 33 and Broadway during busy times. Signal work at the new warehouse.

Commissioner Kimsey – Thanked everyone for coming.

Commissioner Carroll – Urged everyone to vote on April 3.

Mayor LaCascia – Discussed Water School and the need for everyone to get educated on the water we use daily. The population is going to double by 2035. Water rates are going to go up in the next ten to twenty years.

ANNOUNCEMENTS - None

ADJOURNMENT – 7:58 pm

Patricia Jackson, City Manager

Joe LaCascia, Mayor

CONSENT AGENDA
March 19, 2018

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A. CITY CLERK

1. Accept minutes – February 19, 2018 – Regular City Commission Meeting

B. REPORTS

1. Building Permits – January/February 2018
2. Code Enforcement Report – February 2018
3. Library Report – February 2018
4. Polk Sheriff's Report – February 2018
5. Public Works Report – February 2018
6. Utilities Report – February 2018

C. OTHER

SPECIAL MEETING MINUTES

March 26, 2018

Mayor Joe LaCascia called the meeting to order at 7:00 p.m.

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

ROLL CALL – Assistant to the City Manager Sheandolen Dunn

Present: Mayor Joe LaCascia, Vice Mayor Wanda Harris, Commissioner Mike Blethen
Commissioner Don Kimsey and City Manager Patricia Jackson

Absent: Commissioner Randy Carroll, City Attorney Thomas Cloud

ORDER OF BUSINESS

PUBLIC COMMENT

John Pearce (1125 Motorcoach Drive) – Disappointed in the discontinuance of curbside product selling.

City Manager Jackson stated per FDOT State Statute 337.406 that deals with “*unlawful use of state transportation facility R-O-W and penalties*”, DHSMV and other Law Enforcement Agencies are authorized and directed to enforce this statute relating to peddling in the R-O-W.

Mayor LaCascia stated Polk City can pass an Ordinance to reduce the \$450 to a more reasonable fee; however Polk City still cannot override the State Statute.

City Manager Jackson suggested the peddler come to Polk City’s weekend flea market and set up.

Discuss Additional Law Enforcement

Mayor LaCascia provided a brief history on additional law enforcement in Polk City. This matter was discussed at the February 19 meeting and later moved to a Workshop.

Lt. Steve Perkins (PCSO) provided options for additional law enforcement in Polk City. 1) Spend \$89,000 on an additional Deputy; 2) add one Deputy on an as-needed basis with a minimum of four (4) hours. This cost would be \$34.00/hour. This would be the most economical way to serve Polk City’s need. At this point there is not a specified high crime area in Polk City.

Commissioner Kimsey stated Polk City is growing and is in need of Law Enforcement.

Mayor LaCascia stated he is not in favor of spending \$89,000 on an additional Deputy when the daily statistics are not reflective of such a need.

After lengthy discussion, there was a **Motion by Commissioner Kimsey** to table the Additional Law Enforcement subject until the April Meeting; this motion was seconded by Commissioner Blethen. **Motion carried unanimously by voice vote.**

Sandra Cutts (315 Central Avenue) - commented about bad drivers in her neighborhood. She would like to see a part-time Deputy during the night hours and someone working the speed radar on SR 33.

Contract for Hartman Consultants for Professional Services - FDEP Project

City Manager Jackson provided a brief history on the Professional Services Contract for the Final Design and Permitting of the Reclaimed Water Reuse Location to Smith Road Sand Mine. In September 2017, the City Commission approved the cost for design and permitting to move forward with this project.

Staff is recommending approval of the Contract for the Final Design and Permitting of the Reclaimed Water Reuse Location to Smith Road Sand Mine.

Commissioner Kimsey asked how long after everything is put out on Smith Road can the property be used for housing.

Mr. Hartman responded for low income housing there is a requirement of 18 months. For medium income is 9 months. For clearance on a City type project is 3 months for DEP. For commercial buildings (non-eating type facilities) there is no time requirement.

Motion by Vice Mayor Harris to approve the Contract for Hartman Consultants for Professional Services - FDEP Project; this motion was seconded by Commissioner Kimsey.

Roll Call Vote: Commissioner Kimsey - aye, Vice Mayor Harris aye, Mayor Lacascia - aye, Commissioner Blethen - aye

Motion carried 4/0.

CITY MANAGER ITEMS- None

CITY ATTORNEY ITEMS - None

COMMISSIONER ITEMS - None

ANNOUNCEMENTS - None

ADJOURNMENT – 7:54 pm

Patricia Jackson, City Manager

Joe LaCascia, Mayor

CANVASSING BOARD MINUTES

April 3, 2018

Present: Mayor LaCascia, Vice Mayor Harris, Commissioner Blethen, Commissioner Carroll, Commissioner Kimsey and City Manager Jackson

The meeting was opened by Rachel Harris, Assistant to the Supervisor of Elections, at 6:00 p.m. Ms. Harris advised the first order of business was to choose a person to preside over the meeting. Commissioner Blethen nominated Mayor LaCascia and it was the consensus of the Canvassing Board that Mayor LaCascia be Chairman.

City Manager Jackson gave a report on the Vote by Mail Ballots that were received as follows:

Total ballots sent:	295
Total valid ballots	168
Total ballots to review:	5

City Manager Jackson asked that the valid ballots be accepted. Commissioner Blethen made a motion to accept the valid ballots as recommended; the motion was seconded by Commissioner Kimsey and unanimously carried.

Ms. Harris went over the criteria for canvassing of mail ballot, and went over the procedures that took place for those ballots needing review – letters being sent for no signature, review of affidavit, and voters who signed each other's ballot (co-habitants). Each ballot reviewed will either be accepted or rejected; if a ballot is rejected, each member will initial the ballot envelope.

The Canvassing Board reviewed five ballots as follows:

Voter ID #123141300 – ballot signature (request of a ballot also used to validate signature). After review Commissioner Harris made a motion to reject the ballot; motion was seconded by Commissioner Carroll and unanimously carried.

Voter ID #113718670 – Commissioner Carroll made a motion to accept the ballot; motion was seconded by Commissioner Blethen and unanimously carried.

Voter ID #124296528 – Commissioner Harris made a motion to reject the ballot; motion was seconded by Commissioner Blethen and unanimously carried.

Voter ID #102001017 and Voter ID #101745847 (co-habitants) – Commissioner Blethen made a motion to accept the ballot; motion was seconded by Commissioner Kimsey and unanimously carried.

The Canvassing Board recessed at 6:18 p.m.

The Canvassing Board reconvened at 7:12 p.m. and received an updated vote by mail report and poll summary.

The Canvassing Board then instructed the Elections Office to post the election results after the vote by mail ballots have been processed.

The Canvassing Board recessed at 7:15.

Commissioner Harris left the meeting at 7:45 p.m.

The Canvassing Board reconvened at 8:20 p.m.; the Canvassing Board received the 2018 April Municipal Election "VOTES PERCENT" sheet for Polk City.

Meeting adjourned at 8:21 p.m.

Patricia R Jackson, City Manager

Mayor Joe LaCascia

CANVASSING BOARD MEETING

Certify Election Results

April 5, 2018

Canvassing Board Chairman Joe LaCascia called the meeting to order at 7:00 p.m.

ROLL CALL -- City Manager Patricia Jackson

Present: Mayor Joe LaCascia, Vice Mayor Wanda Harris, Commissioner Blethen, Commissioner Kimsey and City Manager Jackson.

Absent: Commissioner Carroll

ORDER OF BUSINESS

Canvassing Board - Certify Election Results

City Manager Jackson advised the Canvassing Board needs to certify the election results as follows:

Charter Amendment

Ballots casts: 1,384 – 15.97% voter turn-out

Yes for approval:	200
No against approval:	21

Vice Mayor Harris made a motion to accept the election results as present; the motion was seconded by Commissioner Blethen and unanimously carried.

The meeting adjourned at 7:05 p.m.

Patricia R Jackson, City Manager

Mayor Joe LaCascia

CANVASSING BOARD MEETING MINUTES

April 9, 2018

The meeting was held at the Supervisor of Elections Operations Center in Winter Haven
Canvassing Board Chairman Joe LaCascia called the meeting to order at 4:30 p.m.

ROLL CALL - City Manager Patricia Jackson

Present: Mayor LaCascia, Vice Mayor Harris, Commissioner Blethen,
Commissioner Kimsey and City Manager Jackson

Absent: Commissioner Carroll

ORDER OF BUSINESS

Post-Election Audit

Christine Goding, Deputy Supervisor of Elections, gave an overview of the procedures of conducting the Post-Election Audit and went over the State Statute governing the Post-Election Audit, as well as the security procedures.

Chairman LaCascia gave permission to begin counting the ballots manually. The votes counted manually matched the numbers from the automated voting system; those votes were:

Charter Amendment #1 at the Polls

Yes, for Approval - 45

No, against Approval - 5

Charter Amendment #1 Vote by Mail

Yes, for Approval - 155

No, Against Approval - 16

The meeting adjourned at 4:50 p.m. by voice vote.

Patricia R Jackson, City Manager

Joe LaCascia, Mayor

**City Commission Meeting
April 16, 2018**

CONSENT AGENDA ITEM: **Department Monthly Reports**

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE: Department Reports attached for review and approval.

ATTACHMENTS:

Monthly Department Reports for:

- Building Report – March 2018
- Library Report – March 2018
- Public Works Report – March 2018
- Sheriff's Office – March 2018

ANALYSIS: N/A

STAFF RECOMMENDATION: Approval of Department Reports via Consent Agenda

Polk City Permits Added

March 2018

<u>Worktype & Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
I & 2 FAMILY			
475175	8950 HINSDALE HEIGHTS DR POLK CITY	\$128,343.00	03/19/2018
474267	8560 RINDGE RD POLK CITY	\$141,233.00	03/12/2018
474418	8561 RINDGE RD POLK CITY	\$126,713.00	03/13/2018
474261	8564 RINDGE RD POLK CITY	\$148,234.00	03/12/2018
474297	8565 RINDGE RD POLK CITY	\$119,453.00	03/12/2018
474283	8568 RINDGE RD POLK CITY	\$112,853.00	03/12/2018
474392	8569 RINDGE RD POLK CITY	\$122,033.00	03/13/2018
475186	8577 RINDGE RD POLK CITY	\$112,193.00	03/19/2018
474301	8585 RINDGE RD POLK CITY	\$128,033.00	03/12/2018
474304	8589 RINDGE RD POLK CITY	\$126,713.00	03/12/2018
474359	8590 RINDGE RD POLK CITY	\$128,693.00	03/12/2018
		1,394,494.00	
COMMERCIAL FOUNDATION			
473024	8906 HWY 33 WAREHOUSE N POLK CITY	\$5,000.00	03/01/2018
		\$5,000.00	
DEMOLITION/RESIDENTIAL			
473850	413 2ND ST POLK CITY	\$2,485.00	03/08/2018
473471	509 EDGEWATER DR POLK CITY	\$8,000.00	03/05/2018
		\$10,485.00	
FIRE SPRINKLER			
476278	8906 HWY 33 WAREHOUSE N POLK CITY	\$17,513.00	03/27/2018
		\$17,513.00	
FENCE & WALL/COMMERCIAL			
473119	8906 HWY 33 WAREHOUSE N POLK CITY	\$26,000.00	03/01/2018
		\$26,000.00	
GAS-LP/RESIDENTIAL			
475402	211 CITRUS GROVE BLVD POLK CITY	\$1,100.00	03/20/2018
		\$1,100.00	
POOL RESIDENTIAL			
474557	8710 HINSDALE HEIGHTS DR POLK CITY	\$26,000.00	03/14/2018
474561	8529 RINDGE RD POLK CITY	\$31,000.00	03/14/2018
475728	731 TEABERRY TRL POLK CITY	\$35,000.00	03/22/2018
		\$92,000.00	
RE-ROOF RESIDENTIAL			
475831	220 ARBORVITAE LN 1 POLK CITY	\$21,350.00	03/22/2018
473464	230 CARTER BLVD POLK CITY	\$6,750.00	03/05/2018
		\$28,100.00	
RESIDENTIAL ACCESSORY STRUCTRE			
476384	413 2ND ST POLK CITY	\$2,500.00	03/28/2018
476427	210 CARTER BLVD POLK CITY	\$2,475.00	03/28/2018
475859	624 LAKESHORE DR E POLK CITY	\$5,000.00	03/22/2018
		\$9,975.00	
SIGN ON PREMISE			

<u>Worktype & Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
473389	207 COMMONWEALTH AVE POLK CITY	\$5,200.00	03/05/2018
473385	207 COMMONWEALTH AVE POLK CITY	\$2,145.00	03/05/2018
476453	224 COMMONWEALTH AVE N POLK CITY	\$7,302.00	03/28/2018
		\$14,647.00	
WINDOW/DOOR/EMERGENCY SHUTTERS			
473500	7058 BERKLEY RD POLK CITY	\$6,630.00	03/06/2018
476332	411 EDGEWATER DR POLK CITY	\$3,400.00	03/27/2018
		\$10,030.00	
		1,609,344.00	

SFR to Date 13

PUBLIC WORKS

MONTHLY REPORT

REPORT PERIOD

March 1 - 28, 2018

PREPARED BY

Keith Prestage
Public Works Director

STATUS SUMMARY

List of projects started and/or finished during the month of March.

PROJECT OVERVIEW

TASK	TASK
Activity Center - Installed 2 new outlets in Kitchen, including running wire through attic to breaker box and wiring in new breaker	WWTP - built wooden stairs to access top of contact chambers
City Government Center - Changed light bulbs in ladies restroom and parking lot	Replaced alternator on truck #350573
Mowed and trimmed right-of-way locations, fishing pier, parks, public buildings, lift stations, water treatment plants, retention ponds, ditches, and medians as needed.	Changed the oil for Jeep Compass #101669
Performed monthly park inspections - Recreational Courts, Freedom Park, McManigle, and fishing pier	Installed 2 batteries for truck #550472
Van Fleet Trail - disposed decaying alligator reported by resident	
Streetscape - Parks - Van Fleet Trail - preventative maintenance mowing & trash collection	
WWTP Lab/Restroom - Installed drywall to completion, ready to be painted	
WWTP Lab/Restroom - Painted and finished trim work and laid flooring down for restroom and lab. Installed toilet and sink to restroom.	
WWTP Lab/Restroom - Installed new receptacles, light switches and covers	

**POLK COUNTY SHERIFF'S OFFICE
DEPARTMENT OF LAW ENFORCEMENT**

STATISTICAL DATA

West Division

April 4, 2017

Northwest District

To: Patricia Jackson , City Manager
 From: Deputy Christina Poindexter #7376
 Subject: Statistical report for March, 2018

ACTIVITY	
FELONY ARREST	2
AFFIDAVITS FELONY	0
MISDEMEANOR ARREST	2
AFFIDAVITS MISDEMEANOR	1
OUT OF COUNTY/STATE WARRANT ARRESTS	0
PROCAP WARRANT ARREST	0
TOTAL ARRESTS	5
SEARCH WARRANTS	0
FIELD INTERROGATION REPORTS	0
TRAFFIC CITATIONS	3
INTELLIGENCE REPORTS	0
STOLEN PROPERTY RECOVERED	\$0
HRS. TRANSPORTING/ AGENCIES/DIVISIONS	0
OFFENSE REPORTS	12
NARCOTICS SEIZED	0
ASSETS SEIZED	0
PATROL NOTICES	2
FOXTROT REPORTS	6
TOW-AWAY NOTICES	1
COMMUNITY CONTACTS	335
TRAFFIC STOPS	7
TOTAL DISPATCHED CALLS FOR SERVICE	47

In March 2018, there were two (2) PROCAP captured crimes as compared to four (4) in 2017. During the month one (1) stolen vehicle was reported at 111 Railroad Ave. The vehicle was described as an inoperable blue 200cc Yamaha ATV along with several other items. During the month a Conveyance was burglary was reported at 7701 Berkley Rd (Van Fleet Trail Head). Once inside the RV a cloth bag was stolen which contained maps and magazines.

*** There were seven (7) traffic stops conducted in the city limits and three (3) citations were issued during the month of March 2018.

Case No	Inc From	Inc To	DOW	Location	Narrative	PRINTS	STATUS	DET
VEHICLE THEFT								
PCSO-180015253	2018-03-22 / 2000hrs	2018-03-24 / 2025hrs	Sat	111 RAILROAD AVE	removed front gate from hinges, Unksusp entered onto victs property (entered barn, 2 vehs) & removed a faded blue 200cc Yamaha ATV, black mini bike possibly 80cc Monster Moto, WERNER 10' aluminum folding ladder, & 2 antique Werner 40' aluminum extension ladders / Vict observed the steering column of a white 94 Chevy Silverado 2500 broke & ignition laying on the seat, toolboxes attached to another truck were opened but nothing was missing, & lock on ear door of a camper was opened but nothing missing			
BURGLARY CONVEYANCE								
PCSO-180015134	2018-03-23 / 1100hrs	2018-03-23 / 1802hrs	Fri	7701 BERKLEY RD VAN FLEET TRAIL	passenger side window was shattered; Unk susp entered the victs RV and removed a fabric bag which contained several maps & travel books	Yes	Pending	Ogg

Department of Law Enforcement																															
Polk City - 2017-2018																															
	Jan		Feb		Mar		Apr		May		June		July		Aug		Sept		Oct		Nov		Dec		YTD Totals		Monthly Change	YTD Average			
	17	18	17	18	17	18	17	18	17	18	17	18	17	18	17	18	17	18	17	18	17	18	17	18	17	18		17	18		
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Burg. Business	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	1	-100%	0.3	0.3	
Burg. Residence	2	2	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	2	2	0%	0.7	0.7		
Burg. Structure	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0%	0.3	0.0		
Burg. Conveyance	1	0	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	100%	0.3	0.3		
Vehicle Theft	0	1	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	2	100%	0.3	0.7		
Grand Theft	0	0	2	0	2	0	1	0	3	0	0	0	3	0	2	0	1	0	1	0	0	0	1	0	4	0	0%	1.3	0.0		
Petit Theft	0	0	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	2	0	1	0	1	0	2	0	0%	0.7	0.0	
Mail Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	0.0	0.0	
Retail Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	0.0	0.0	
Criminal Mischief	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0%	0.3	0.0		
Totals	3	3	6	1	4	2	2	0	5	0	1	0	3	0	2	0	1	0	3	0	3	0	3	0	2	0	13	6	100%	4.3	2.0
% Change	0%	0%	-83%	-50%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	-54%			-54%		

**City Commission Meeting
April 16, 2018**

PRESENTATIONS: **Proclamation for Water Conservation Month**

 INFORMATION ONLY
 X ACTION RQUESTED

ISSUE: This proclamation is in recognition of Water Conservation Month

ATTACHMENTS: Yes

ANALYSIS: N/A

STAFF RECOMMENDATION: Recognize April 2018 as Water Conservation Month



Proclamation

WHEREAS, water is a basic and essential need of every living creature; and

WHEREAS, The State of Florida, Water Management Districts and Polk City are working together to increase awareness about the importance of water conservation; and

WHEREAS, Polk City and the State of Florida has designated April, typically a dry month when water demands are most acute, Florida's Water Conservation Month, to educate citizens about how they can help save Florida's precious water resources; and

WHEREAS, 2018 is the 20th anniversary of Water Conservation Month; and

WHEREAS, Polk City has always encouraged and supported water conservation, through various educational programs and special events; and

WHEREAS, every business, industry, school and citizen can make a difference when it comes to conserving water; and

WHEREAS, every business, industry, school and citizen can help by saving water and thus promote a healthy economy and community; and

NOW, THEREFORE, be it resolved that by virtue of the authority vested in me as Mayor of Polk City do hereby proclaim the month of April as

Water Conservation Month

Polk City, Florida is calling upon each citizen and business to help protect our precious resource by practicing water saving measures and becoming more aware of the need to save water.

Polk City

Joe LaCascia, Mayor

ATTEST:

City Manager/City Clerk

**City Commission Meeting
April 16, 2018**

AGENDA ITEM #1: Republic Services – Petition for Rate Adjustment

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE:

Republic Services has submitted a letter petitioning for a rate adjustment increase based on the rate of inflation determined by the Consumer Price Index (CPI) in the amount of 1.28%. Please see the attached letter for a complete explanation, as well as a copy of that portion of the contract dealing with "Rate Increases or Decreases." Per the agreement dated March 12, 2018, Republic Services may petition the City for a rate adjustment. The request was received in writing no later than 90 calendar days prior to July 1st. Should the Commission approve the rate adjustment increase, it will not take effect until the annual anniversary of the effective date and will be in effect for the 12- month period following said anniversary date.

The request is for 1.28% and the new rates requested are as follows:

- Residential rate -- \$14.06 per resident per month (13.88 currently)
- Commercial hand pick-up -- \$31.22 per month (30.83 currently)
- Rate for commercial dumpsters -- \$7.97 per yard (7.87 currently)

ATTACHMENTS: Yes

ANALYSIS: N/A

STAFF RECOMMENDATION:

Option #1: Motion to approve Rate Adjustment based on CPI Index of 1.28%

Option #2: Motion to deny Rate Adjustment based on CPI Index of 1.28%.



Certified Letter 7012 3460 0000 3850 3392

March 12, 2018

Patricia Jackson
City Manager
City of Polk City
123 Broadway Blvd. SE
Polk City, FL 33868

Re: Petition for 2018 Rate Adjustment for City of Polk City

Dear Mrs. Jackson:

Republic Services appreciates the opportunity to service the City of Polk City. Our goal is to provide the best service possible in an efficient and sanitary manner. Republic Services mission is to provide industry leading solid waste environmental services, while providing sustainability practices such as recycling and the use of compressed natural gas trucks.

In order to continue the advancement of our equipment and service capabilities we are submitting a petition of a rate adjustment increase. We are experiencing cost increases in employee healthcare and benefits. Risk and liability insurance increases and increases in primary and secondary labor. Rate increases in the replacement of tires, disposal of petroleum contaminated materials, and the permitting of our facilities and equipment.

The solid waste and recycling collection franchise agreement in 8.4 (3) allows Republic Services an opportunity to request an annual price adjustment for the second and subsequent years of this Contract. The request for price adjustment must be submitted in writing no later than 90 Calendar Days prior to July 1st of each calendar year. The successful vendor will only be allowed to submit (1) request for price adjustment per Contract year. Any approved request for price adjustment will not take effect until the annual anniversary of the Effective Date and such price adjustment will be in effect for the 12 month period following said anniversary date. Written request for price adjustment shall not exceed the rate of inflation determined by the Consumer Price Index (CPI) for urban wage earners and clerical workers, U.S. City average, all items (1982-84-100), published by the U.S. Bureau of Labor Statistics appropriately adjusted for the calendar year (January 1st to December 31st) proceeding the calendar year in which the request is made. Any price adjustment shall be approved by Polk City Commission prior to the new price becoming effective.

Page two
City of Polk City
Mrs. Patricia Jackson
Petition for 2018 Rate Adjustment

The January – December 2017 CPI annual average is 1.28%.
The following rates will apply as of January 1, 2019, if approved by City Commission:

- Residential rate – \$14.06 per resident per month
- Commercial hand pickup – \$31.22 per resident per month
- Rate for commercial dumpsters – \$7.97 per yard

Please feel free to contact me at (863) 617-1237 or by email at mullend@republicservices.com if you have any questions. Please notify me when this petition will be scheduled for consideration by the Commission.

Sincerely,



Debbie Mullen
Municipal Services Manager
Republic Services of Florida

Enclosure

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CPI-All Urban Consumers (Current Series)

Series Id: CUUR0300SA0, CUUS0300SA0
 Not Seasonally Adjusted
 Series Title: All items in South urban, all urban consumers, not seasonally adjusted
 Area: South
 Item: All items
 Base Period: 1982-84=100

Download:  

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2008	204.510	205.060	206.676	208.085	210.006	212.324	213.304	212.387	212.650	210.108	205.559	203.501	208.681	207.777	209.585
2009	204.288	205.343	206.001	206.657	207.265	209.343	208.819	209.000	208.912	209.292	209.738	209.476	207.845	206.483	209.206
2010	210.056	210.020	211.216	211.528	211.423	211.232	210.988	211.308	211.775	212.026	211.996	212.488	211.338	210.913	211.764
2011	213.589	214.735	217.214	218.820	219.820	219.318	219.682	220.471	220.371	219.969	219.961	219.469	218.618	217.249	219.987
2012	220.497	221.802	223.314	224.275	223.356	223.004	222.667	223.919	225.052	224.504	223.404	223.109	223.242	222.708	223.776
2013	223.933	225.874	226.628	226.202	226.289	227.148	227.548	227.837	227.876	227.420	226.811	227.082	226.721	226.012	227.429
2014	227.673	228.664	230.095	231.346	231.762	232.269	232.013	231.611	231.762	231.131	229.845	228.451	230.552	230.302	230.802
2015	226.855	227.944	229.337	229.957	230.886	232.026	231.719	231.260	230.913	230.860	230.422	229.581	230.147	229.501	230.793
2016	229.469	229.646	230.977	231.975	232.906	233.838	233.292	233.561	234.069	234.337	234.029	234.204	232.692	231.469	233.915
2017	235.492	236.052	236.154	236.728	236.774	237.346	236.942	237.892	239.649	239.067	238.861	238.512	237.456	236.424	238.487
2018	239.772														

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**City Commission Special Meeting
April 16, 2018**

AGENDA ITEM #2: Discuss and Decide on additional Polk County Sheriff's Office coverage

INFORMATION ONLY
 ACTION REQUESTED

ISSUE: Discussion and Decide on additional Polk County Sheriff's Office coverage.

ATTACHMENTS: N/A

ANALYSIS: At the February 19th meeting discussion took place regarding the possibility of having an additional Deputy in Polk City. After some discussion it was decided to hold a workshop for the Commission to discuss; that workshop was scheduled for March 26th at 7:00 pm. Lt. Perkins and Deputy Poindexter (PCSO) were on hand to discuss Polk City's options for additional law enforcement presence. During discussion at this meeting, the consensus was to bring this item to the full Commission at the April Meeting.

STAFF RECOMMENDATION: Staff will answer any questions that may arise.

**City Commission Meeting
April 16, 2018**

AGENDA ITEM #3: PUBLIC HEARING – Ordinance 2017-07 – Second Reading

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE:

PUBLIC HEARING - Ordinance 2017-07 - City-Initiated Text Amendment to the Polk City Comprehensive Plan - to add policies to allow for the Transfer of Development Rights from the Polk City Exemption Area to the Polk City Special Protection Area. **Second and Final Reading**

This Ordinance was presented in November 2017 on First Reading and was approved to be transmitted to the Florida Department of Economic Opportunity for review. It is now being presented on second reading for final adoption.

Jennifer Codo-Salisbury will address the City Commission.

ATTACHMENTS: Yes

ANALYSIS: N/A

STAFF RECOMMENDATION: Approve Ordinance 2017-07 on Second and Final Reading.

ORDINANCE NO. 2017-07

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE POLK CITY COMPREHENSIVE PLAN TO ADD POLICY 4.6 TO PROVIDE POLICIES TO ADDRESS THE TRANSFER OF DEVELOPMENT RIGHTS FROM THE POLK CITY EXEMPTION AREA TO THE POLK CITY SPECIAL PROTECTION AREA; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Community Planning Act, empowers and mandates the City of Polk City, Florida to plan for future development and growth and to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the City; and

WHEREAS, in City Commission recognizes that there are environmentally sensitive areas within the Polk City Green Swamp Exemption Area where development entitlements would be better transferred to other areas of the City including the Polk City Special Protection Area of the Green Swamp Area of Critical State Concern;

WHEREAS, the City Commission of the City of Polk City has determined that it would be in the best interest of the public health, safety and general welfare of the residents to provide policies addressing the transfer of development rights from the Polk City Green Swamp Exemption Area to the Polk City Special Protection Area of the Green Swamp Area of Critical State Concern; and

WHEREAS, has the City Commission has determined it necessary to adopt amendments to the City's Comprehensive Plan, which are attached hereto as **Exhibit "A"** and by this reference made a part hereof, to ensure that the Comprehensive Plan is in full compliance with the laws of the State of Florida; and

WHEREAS, in exercise of its authority the City Commission has determined that for the basis of adopting the said amendments in Exhibit "A," the City shall adopt a Map as part of the Future Land Use Map Series to address locations for the transfer of development rights incorporated herein as **Exhibit "B"**, and by this reference made a part hereof; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the City Commission held public hearings on Ordinance 2017-07, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including support documents.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF POLK CITY, FLORIDA:

Section 1. The provisions set forth in the recitals to this Ordinance (whereas clauses) are hereby adopted by the City Commission as the legislative findings and intent pertaining to this Ordinance.

Section 2. The City of Polk City hereby amends the Future Land Use Element of its Comprehensive Plan. Said amendments are set forth in **Exhibit "A"** attached hereto and by this reference made a part hereof.

Section 3. The City of Polk City hereby amends the Future Land Use Map Series to add the Transfer of Development Rights Map as set forth in **Exhibit "B"** attached hereto and by this reference made a part hereof.

Section 4. This Ordinance shall be codified in the Code of Ordinances of the City of Polk City, Florida. A certified copy of this enacting ordinance shall be located in the Office of the City Clerk of Polk City. The City Clerk shall also make copies available to the public for a reasonable publication charge.

Section 5. If any provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision and such holding shall not affect the validity of any other provision, and to that end the provisions of this Ordinance are hereby declared severable.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. The effective date of these amendments, if the amendments are not timely challenged, shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete. If timely challenged, the amendments shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining the adopted amendments to be in compliance. No development orders, development permits, or land uses dependent on these amendments may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Council, the amendments may nevertheless be made effective by adoption of a resolution affirming the effective status, a copy of which resolution shall be sent to the State Land Planning Agency.

INTRODUCED, PASSED on FIRST READING, this 20th day of November, 2017.

Joe LaCascia, Mayor

ATTEST:

Approved as to form and correctness

Sheandolen Dunn, Deputy City Clerk

Thomas A. Cloud, City Attorney

PASSED AND DULY ADOPTED ON SECOND READING, with a quorum present and voting by the City Commission of the City of Polk City, Florida meeting in Regular Session this ___ day of _____, 2018.

Joe LaCascia, Mayor

ATTEST:

Sheandolen Dunn, Deputy City Clerk

ORDINANCE 2017-07

EXHIBIT “A”

PROPOSED AMENDMENTS

CITY OF POLK CITY COMPREHENSIVE PLAN GOALS, OBJECTIVES, AND POLICIES

TO PROVIDE POLICIES SPECIFIC TO THE TRANSFER OF DEVELOPMENT RIGHTS

- The following amendments to the Polk City Comprehensive Plan are proposed to provide policies regarding Transfer of Development Rights from the Polk City Exemption Area to the Polk City Special Protection Area.
 - Text shown in gray shading as underlined is text to be added and text shown as ~~strikeout~~ is text to be removed.
-

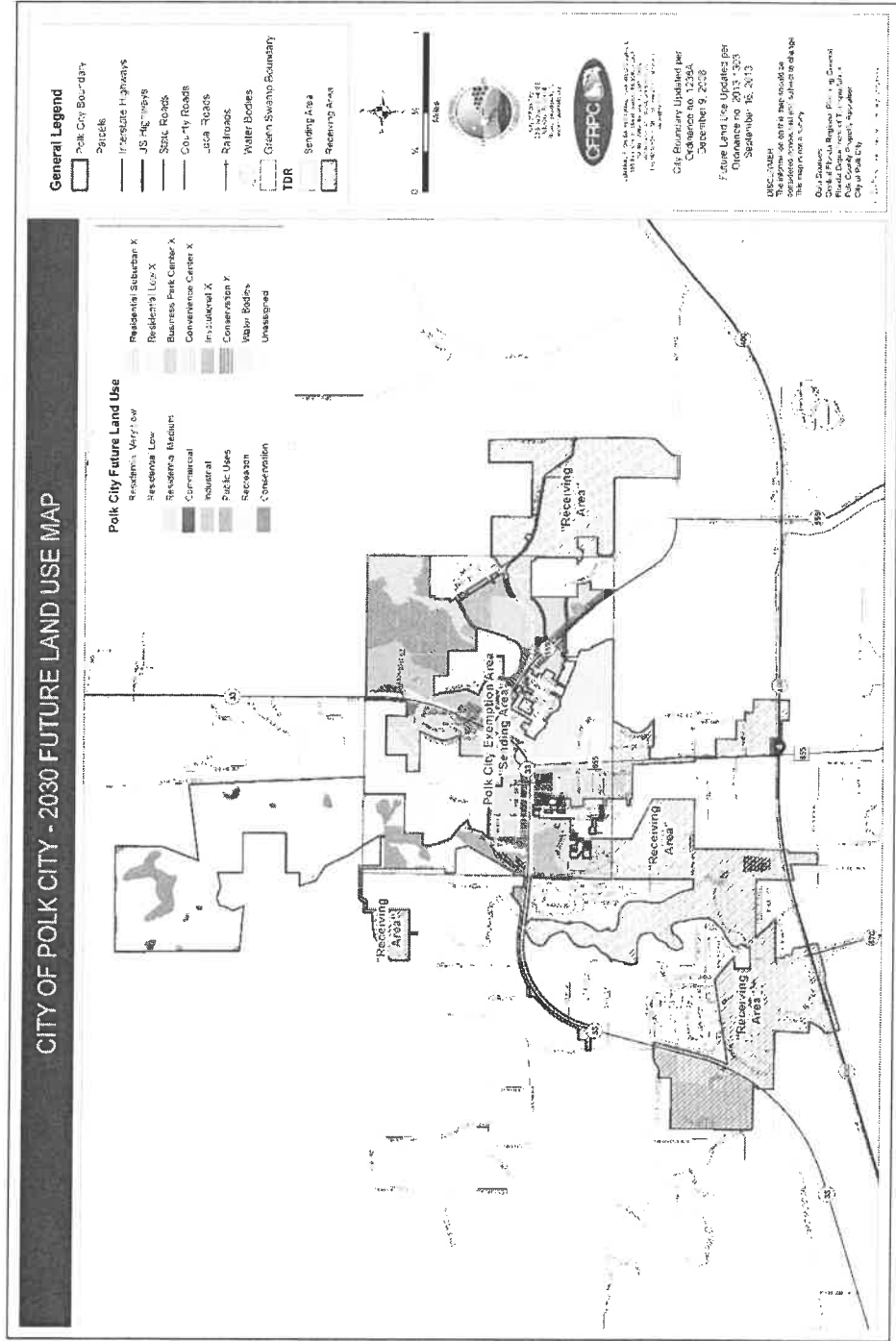
Policy 4.6.1.: Transfer of Development Rights from the Polk City Exemption Area to the Polk City Special Protection Area

- A. Transferring of residential density from the Polk City Exemption Area to the Polk City Special Protection Area (SPA) may be allowed when the environmental sensitivity and significance is greater in the Exemption Area than in the Polk City SPA.
- Sending and receiving areas are shown on the Future Land Use Map Series.
 - Receiving areas may not exceed a gross density of nine (9) dwelling units per acre including base density and transferred units. Clustering of single family unit product shall be required and the gross density of single family dwelling units shall not exceed five (5) dwelling units per acre. The gross density of multifamily dwelling units shall not exceed nine (9) dwelling units per acre.
 - Mitigation for any environmental impacts must be demonstrated prior to approval of the transfer of development rights.
 - The receiving properties must be a minimum of 10 acres.
 - A recorded legal instrument, including number of units transferred to the receiving property must be filed demonstrating the transfer of development rights.

- vi. The undeveloped portion of such tracts that is the sending parcel, and is used to transfer development density to the receiving parcel, pursuant to the transfer provisions and requirements of the transfer of development rights ordinance, must be reserved in either an agriculture, open space or conservation easement. The use of the agriculture, recreation and open space, or conservation easement for other purposes shall require an equivalent transfer of density from another parcel.
- B. The procedures to transfer of development rights shall be set forth in City's Land Development Code.

ORDINANCE 2017-07 EXHIBIT "B"

Proposed new map to the Future Land Use Map Series





**POLK CITY TEXT AMENDMENT
TO THE
POLK CITY COMPREHENSIVE PLAN
OVERVIEW
APRIL 16, 2018**

TO: POLK CITY PLANNING COMMISSION

FROM: CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

SUBJECT: Ordinance 2017-07: Text Amendment to the Polk City Comprehensive Plan
City-initiated text amendment to the Polk City Comprehensive Plan to add policies to allow for the Transfer of Development Rights from the Polk City Exemption Area to the Polk City Special Protection Area within the City of Polk City.

AGENDA & HEARING DATES:

Planning Commission Hearing: November 15, 2017, 6:00 PM
City Commission: November 20, 2017 (Public Hearing – Transmittal Hearing)
City Commission: April 16, 2018 (Public Hearing – Adoption Hearing)

PLANNING COMMISSION ACTION:

On November 15, 2017, the Planning Commission held a public hearing and unanimously voted to forward the proposed amendments to the City Commission with a recommendation of approval.

CITY COMMISSION ACTION:

On November 20, 2017, the City Commission held a public hearing and unanimously voted to transmit the proposed amendments to the Florida Department of Economic Opportunity for review.

CITY COMMISSION MOTION OPTIONS:

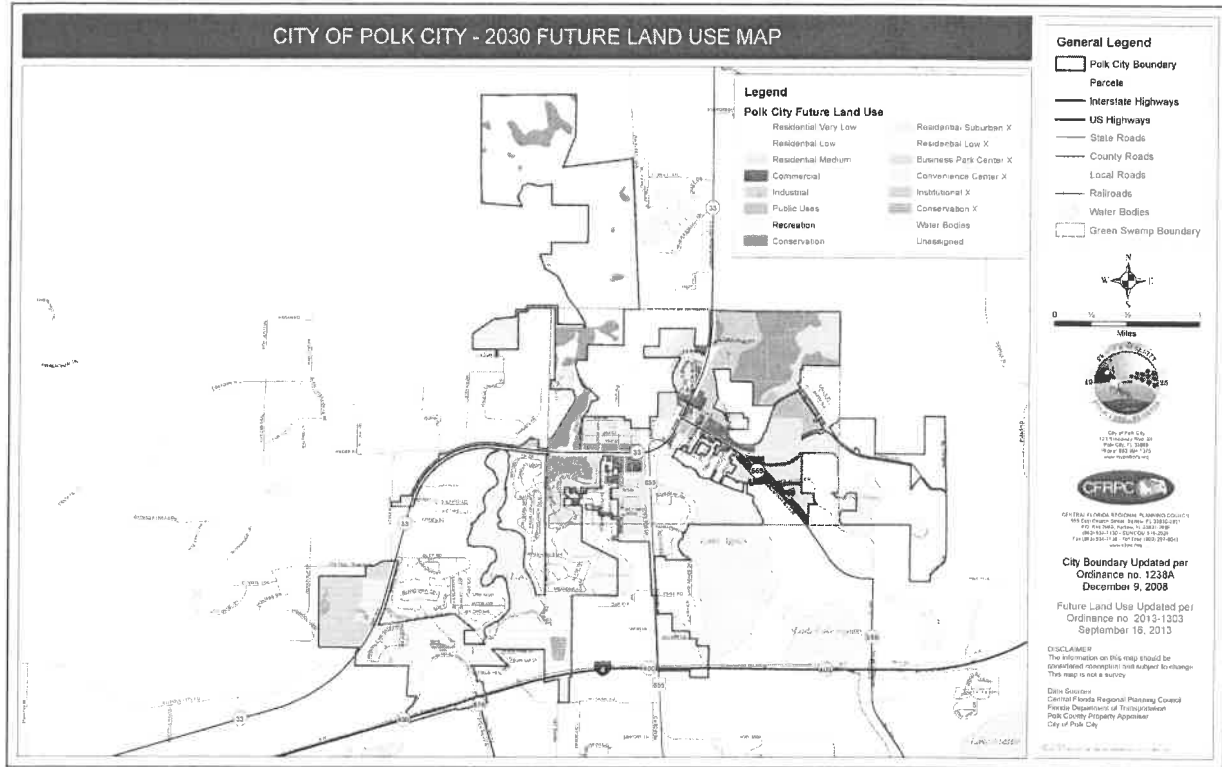
Options for motions are listed below.

1. **Approve Ordinance on Second Reading** for adoption.
2. **Approve Ordinance with changes on Second Reading** for adoption.
3. **Deny Ordinance** on Second Reading.

ATTACHMENT: Ordinance. The proposed amendments are attached. The text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed.

BACKGROUND:

Regulations of the Green Swamp Area of Critical State Concern are not applicable in the Polk City Exemption Area. Therefore, higher residential densities (homes per acre) and higher non-residential development intensities (floor area ratios) are allowed in this Exemption Area. The map below shows the Polk City Exemption Area (Green Swamp Boundary).



There are areas within the Polk City Special Protection Area of the Green Swamp Area of Critical State Concern (GSACSC) that have more uplands that are more conducive to development than areas within the Exemption Area.

The proposed amendments allow for the transfer of development rights from the Exemption Area to developable areas within the Polk City Special Protection Area of the GSACSC.

**City Commission Meeting
April 16, 2018**

AGENDA ITEM #4: **PUBLIC HEARING – Ordinance 2017-08 – Second and Final Reading**

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE:

PUBLIC HEARING - Ordinance 2017-08 - AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF POLK CITY, FLORIDA; SPECIFICALLY, TO AMEND THE TEXT IN ARTICLE 7, DEVELOPMENT APPROVAL PROCESS TO PROVIDE A NEW SECTION 7.12.00, TRANSFER OF DEVELOPMENT RIGHTS; AND AMENDING ARTICLE 9, DEFINITIONS TO ADD DEFINITIONS RELATED TO THE TRANSFER OF DEVELOPMENT RIGHTS; REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREIN; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Second and Final Reading

This Ordinance was presented in November 2017 on First Reading and was approved to be transmitted to the Florida Department of Economic Opportunity for review. It is now being presented on second reading for final adoption.

Jennifer Codo-Salisbury will address the City Commission.

ATTACHMENTS: Yes

ANALYSIS: N/A

STAFF RECOMMENDATION: Approve Ordinance 2017-08 on Second and Final Reading.

ORDINANCE NO. 2017-08

AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF POLK CITY, FLORIDA; SPECIFICALLY, TO AMEND THE TEXT IN ARTICLE 7, DEVELOPMENT APPROVAL PROCESS TO PROVIDE A NEW SECTION 7.12.00, TRANSFER OF DEVELOPMENT RIGHTS; AND AMENDING ARTICLE 9, DEFINITIONS TO ADD DEFINITIONS RELATED TO THE TRANSFER OF DEVELOPMENT RIGHTS; REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREIN; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3167(c), Florida Statutes, empowers the City to adopt land development regulations to guide the growth and development of the City; and

WHEREAS, in City Commission recognizes that there are environmentally sensitive areas within the Polk City Green Swamp Exemption Area where development entitlements would be better transferred to other areas of the City including the Polk City Special Protection Area of the Green Swamp Area of Critical State Concern;

WHEREAS, the City Commission of the City of Polk City has determined that it would be in the best interest of the public health, safety and general welfare of the residents to provide policies addressing the transfer of development rights from the Polk City Green Swamp Exemption Area to the Polk City Special Protection Area of the Green Swamp Area of Critical State Concern within the city; and

WHEREAS, pursuant to Section 166.041(c)2, Florida Statutes, the Planning Commission and the City Commission have held meetings and hearings to amend the **Unified Land Development Code as presented in the attached exhibit**, such exhibit attached as Exhibit "A" and made a part hereof; and, the meetings were advertised and held with due public notice, to obtain public comment; and having considered written and oral comments received during public hearings, find the changes necessary and appropriate to the needs of the City; and

NOW, THEREFORE BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF POLK CITY, FLORIDA that the **Unified Land Development Code of the City of Polk City** is amended as set forth in Exhibit "A".

Section 1. The provisions set forth in the recitals to this Ordinance (whereas clauses) are hereby adopted by the City Commission as the legislative findings and intent pertaining to this Ordinance.

Section 2. The City of Polk City hereby amends the Land Development, amendments are set forth in **Exhibit "A"** attached hereto and by this reference made a part hereof.

Section 3. This Ordinance shall be codified in the Code of Ordinances of the City of Polk City, Florida. A certified copy of this enacting ordinance shall be located in the Office of the City Clerk of Polk City. The City Clerk shall also make copies available to the public for a reasonable publication charge.

Section 4. If any provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision and such holding shall not affect the validity of any other provision, and to that end the provisions of this Ordinance are hereby declared severable.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. The effective date of these amendments, if the amendments are not timely challenged, shall be 45 days after the State Land Planning Agency notifies the local government that the amendment package is complete. If timely challenged, the amendments shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining the adopted amendments to be in compliance. No development orders, development permits, or land uses dependent on these amendments may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Council, the amendments may nevertheless be made effective by adoption of a resolution affirming the effective status, a copy of which resolution shall be sent to the State Land Planning Agency.

INTRODUCED, PASSED on FIRST READING, this 20th day of November, 2017.

Joe LaCascia, Mayor

ATTEST:

Approved as to form and correctness

Sheandolen Dunn, Deputy City Clerk

Thomas A. Cloud, City Attorney

PASSED AND DULY ADOPTED ON SECOND READING, with a quorum present and voting by the City Commission of the City of Polk City, Florida meeting in Regular Session this ____ day of _____, 2018.

Joe LaCascia, Mayor

ATTEST:

Sheandolen Dunn, Deputy City Clerk

ORDINANCE 2017-08
EXHIBIT “A”

PROPOSED AMENDMENTS

CITY OF POLK CITY LAND DEVELOPMENT CODE

**TO PROVIDE REGULATIONS SPECIFIC TO THE
TRANSFER OF DEVELOPMENT RIGHTS**

- The following amendments to the Polk City Land Development Code are proposed to provide policies regarding Transfer of Development Rights from the Polk City Exemption Area to the Polk City Special Protection Area within the City of Polk City.
- Text shown in gray shading as underlined is text to be added and text shown as ~~strikeout~~ is text to be removed.

ARTICLE 9: DEFINITIONS *The definitions below relate to Transfer of Development Rights (TDRs) and are proposed to be added to Article 9: Definitions*

Deed of transfer of development rights.

A legal document which transfers the ownership of specified transferable development rights from the owner of the Sending Area to the owner of the Receiving Area, and which is recorded in the Public Records of Polk County, Florida.

Sending area.

An area containing the land based resource which the TDR program is designed to protect, as specified in Article 7, and from which development rights are transferred pursuant to provisions of Transfer of Development Rights Options of Article 7.

Receiving area.

An area containing the land-based resource which the TDR program is designed to benefit, as specified in Article 7, and from which development rights are received pursuant to provisions of Transfer of Development Rights Options of Article 7.

Transfer of development rights (TDR) easement.

An easement over real property that restricts the use of the property to agricultural, open space, or conservation use, as specified in easement.

Release of development rights easements.

The transfer of development rights Easement which will be placed on property from which density is transferred will remain on the property until additional development rights are restored to that property through a comprehensive plan amendment or through the acquisition of development rights transferred from another property.

ARTICLE 7: DEVELOPMENT APPROVAL PROCESS

Section 7.12.00: Transfer of Development Rights

The text below is proposed to be added Article 7, Development Approval Process of the City of Polk City Land Development Code.

Section 7.12.00. Transfer of Development Rights - Purpose and intent.

The purpose of this division is to provide for the protection of environmentally sensitive lands and to promote orderly growth in Polk City by allowing development rights to be severed from sending lands and transferred to sites where additional development can be accommodated. The transfer of development rights program is designed to protect natural resources, redistribute population densities, or development potential, to encourage the most efficient use of services and facilities. Further, it is the purpose and intent of this division to provide an alternative to the development of sending lands by establishing a mechanism to seek economic relief from the limitation of development imposed on these lands. Transfer of development rights can mitigate inequities in the valuation of land by providing a means of compensating landowners whose property is restricted, by permitting the sale of development rights, and making landowners in more intensively developed areas pay for the right to develop up to maximum density, by purchasing development rights.

Section 7.12.01. Applicability.

Development rights may be transferred from sending areas pursuant to the procedures contained in this Article, to property in incorporated Polk City which meets the qualifications to receive such density.

When a development is proposed that includes the Transfer of Development Rights, that development may warrant additional review including public workshops and hearings pending the merits of the application.

Section 7.12.02. TDR program in general.

The transfer of development rights (TDR) program allows a property owner to exceed his starting density by purchasing development rights from the property owner with land in a designated sending area as so to allow an increase up to the maximum density and allowed development types of the receiving site. In order to increase density, the site must meet the requirements to become a designated receiving area and follow the procedures as described in this Article. When development rights are transferred from the sending area to the receiving area, a TDR easement over the sending area shall be simultaneously recorded in the public records of Polk County, restricting future development potential.

Section 7.12.03. Administration.

- A. **General.** Except as otherwise specified, the transfer of development rights program shall be administered by the City Manager or designee.
- B. **Responsibilities.** The City Manager or designee shall be responsible for:
1. Establishing, administering and promoting the City's transfer of development rights program.
 2. Administering the transfer of development rights bank established by the Polk City Commission.
 3. Ensuring the orderly and expeditious processing of transfer of development rights applications under this division.
 4. Ensuring the contract for sale and purchase of development rights is executed and all deeds and easements are recorded in the public records of Polk County.
 5. Ensuring that the Property Appraiser's office is notified of all transfers of development rights.
 6. Ensuring that the Future Land Use Map, if applicable, is amended by a staff initiated Future Land Use Map amendment to reflect an appropriate Future Land Use designation for the sending area.

Section 7.12.04. Sending area.

- A. **General.** Sending areas represent in part those areas of the city that are designated by the City Commission to warrant protection. The owner of property in a designated sending area may transfer the development rights to a parcel of land in a designated receiving area, subject to the provisions of this section.
- B. **Eligible sending area shall include:**
1. **Lands designated as wetlands and floodplains,** on the Future Land Use Wetlands Overlay Map and Floodplains Overlay Map, or which may be designated as residential, on the Comprehensive Plan Future Land Use Map and the Zoning Map.
 2. **Other sites determined by the City Commission to be worthy of protection.** At such a time that the City Commission determines that a parcel of land is environmentally sensitive or preservation of the site is in the public interest, the parcel is eligible to become a designated sending area. The site shall be designated by resolution of the City Commission.

3. **Lands designated as agriculture** on the Comprehensive Plan Future Land Use Map and Agriculture on the Zoning Map.

C. **Transfer rate.** The owner of land which is designated as a sending area may elect to transfer development rights as provided in this section. Residential development rights may be transferred from property consistent with the maximum density of the sending area's Future Land Use designation. All properties must be legal lots of record.

D. **Computation of the development rights.** The number of development rights assigned to a sending area parcel of land shall be determined by the City Manager or designee as calculated below:

1. All development rights shall be in whole numbers, no fractions shall be permitted. Any fractional residential unit that may occur during calculations shall be converted upward, if one-half or more of a whole unit, or downward, if less than one-half of a whole unit, to the nearest whole unit.

2. The amount of development rights assigned to a sending area parcel shall be reduced by one dwelling unit for every conforming residential structure situated on the property at the time of approval.

E. **Restriction on future use.** Upon closing of the contract for sale and purchase, an appropriate document shall be recorded in the public records of Polk County for the Sending Area. In addition, the residential development of the subject property shall be considered severed. Conservation or agriculture easements shall satisfy all requirements of F.S. § 704.06.

F. **Existing uses.** Residential dwelling units which existed prior to making application to transfer development rights shall be permitted to remain as legal conforming uses. All other uses shall be considered non-conforming.

G. **Remaining land area.** If all of the development rights assigned to a sending area are not transferred off the site, the remaining development rights, if proposed for development, shall be developed in a manner consistent with its Comprehensive Plan Future Land Use designation and compatible with the surrounding area.

Section 7.12.05. Receiving areas.

Development rights shall only be transferred to those parcels which meet the qualifications for designation as receiving areas.

A. **Eligible receiving areas.** In order to qualify as a receiving area for an increase in density above the starting densities allowed by the comprehensive plan a parcel must:

1. Be located within any of the residential urban land use designation mapped by the comprehensive plan and on the zoning atlas.

2. Be compatible with surrounding land uses.

3. Meet all concurrency requirements.

B. **Residential density bonus.** Approved planned unit development receiving areas may receive a density up to the maximum density allowed by the future land use designation.

Section 7.12.06. Transfer of development rights: sending area procedure.

A. **Sending parcel application.** The property owner of environmentally sensitive lands must make application for an administrative determination in order to be formally designated as a sending area. The purpose of this administrative determination is to ascertain the exact number of development rights the property owner is entitled. The application shall include, at a minimum:

1. Proof of ownership;

2. A legal description of the property;

3. Contract or option for the purchase and sale of development rights.

B. **Review process.**

1. Within 15 working days from receipt of the application, the City administrative staff shall complete a site check to ensure that the site has not been altered. Within five working days from completion of the site check, the City administrative staff shall complete a written recommendation to the City Manager or designee regarding the site.

2. Within five working days from receiving the staff recommendation, the City Manager or designee shall complete the review of the application.

C. **Written determination.** The property owner shall receive a written determination indicating how many development rights can be sold. The number of development rights for the site shall be documented and be kept on file at the City. The written document shall be valid for a period of 12 months.

D. **Transfer of development rights (TDR) Document.** Simultaneous with closing on the contract for purchase and sale of development rights, the owner of land in the sending area shall execute a recordable document, in a form acceptable to the City Commission. The document shall restrict future use of the land, shall satisfy all requirements of F.S. § 407.06, shall be recorded in the public records of Polk County, and shall run with the land and be binding with all current and subsequent owners of the servient estate in perpetuity.

E. **Re-submittal for application.** The owner of a sending parcel may re-apply until all development rights have been severed from the property.

F. **Development right certificates.** A Polk City Development Rights Certificate is a legal document which permits a property owner to retain and sell development rights after donating environmentally sensitive lands (sending areas) to the City. These lands shall be managed by the City or its designee. In such cases, TDRs shall be treated in a manner similar to retention of mineral rights and shall be recognized upon recording of a deed transferring ownership from the property owner to the City.

1. **Eligibility.** Development rights certificates shall only be issued to property owners with land in sending areas that donate the environmentally sensitive land to the city. The development rights certificate shall require that restrictions be placed on the sending area prior to the sale of those development rights. A minimum donation of ten acres is required.

2. **Issuance of the certificate.** Upon completion of the application process, and recordation of the deed transferring ownership of the property to Polk City, the property owner shall be issued a development rights certificate. The certificate shall indicate the exact number of development rights which can be sold, transferred, or traded, by the holder of such certificate. The certificate shall remain in effect until used in a designated receiving area in accordance with provisions of this division.

G. **Limitation.** The amount of development rights assigned to a sending area parcel, or indicated on a certificate, shall be reduced by one for every conforming residential structure situated on the property at the time of application.

Section 7.12.07. Transfer of development rights: receiving area procedure.

A. **General.** Transfer of development rights is considered a special density program and receiving areas shall be approved concurrent with issuance of a development order. The following procedures shall be followed in order to become a receiving area in Polk City.

B. **Pre-application conference.** Prior to submittal of an application requesting to be a receiving area, the applicant is encouraged to attend a pre-application conference with the planning staff, to review the proposed development, and the requirements and procedures of the transfer of development rights program.

1. **Submission of application.** An applicant for receiving area status must submit all necessary information and material, including a contract (or option) for sale and purchase of development rights, as required by the transfer of development rights program.

2. **Determination of sufficiency.** The City Manager or designee shall determine the sufficiency of an application for transfer of development rights within five working days from the receipt of the application.
 - a. **If it is determined that the application is not sufficient,** written notice shall be mailed to the applicant specifying the deficiencies within ten working days of the determination. The City Manager or designee shall take no further action on the application unless the deficiencies are remedied. If the deficiencies are not remedied within 20 working days, the application shall be considered withdrawn.
 - b. **If the application is determined sufficient,** the City Manager or designee will proceed to review the application pursuant to the procedures and standards of this division.
3. **Review and decision of the City Manager or designee.** Within 15 working days after the City Manager or designee determines the application is sufficient, the application shall be reviewed to determine if the applicant has complied with the preliminary requirements for a receiving area. A letter of agreement or development agreement incorporating the items of the letter must accompany the adequate facilities component of the application prior to issuance of a concurrency reservation or conditional concurrency. Reservations shall be based on the total density of the development including the density to be granted pursuant to the transfer of development rights program.
4. **Standards.** All applications for the transfer of development rights receiving area program shall comply with these standards:
 - a. The proposed development and request to be designated a receiving area for a density increase shall be compatible with surrounding land uses and consistent with the Comprehensive Plan.
 - b. The requested density increase shall not exceed the maximum density permitted by the Future Land Use designation.
5. **Issuance of a preliminary report.** A preliminary report prepared by the City Manager or designee shall be issued within seven working days of action or inaction. The report shall identify all conditions that must be fulfilled by the developer in order for the property to be designated a receiving area, and receive the requested or recommended increase in density.

Section 7.12.08. Development review procedures for the transfer of development rights receiving area applicants.

Upon the issuance of the preliminary report approving the request, the property owner shall proceed through the development approval process.

A. Review and recommendation of City Manager or designee. The City Manager or designee shall review the application, preliminary report, letter of agreement or development agreement and recommend approval, approval with conditions, or denial of the application based on the standards in this section, for all developments with density transfers.

B. Review and recommendation of the Planning Commission. Within 20 working days of the recommendation of the City Manager or designee, the Planning Commission shall consider the application, the preliminary report, the City Manager or designee's recommendation, the relevant support materials, and public testimony given at a hearing. After the close of the public hearing, the Planning Commission shall recommend to the City Commission approval, approval with conditions, or denial of the application and the proposed increase in density.

C. City Commission findings. In addition to finding that the standards to qualify as a receiving area and be eligible for an increase in density have been satisfied, by the City Commission shall require that:

1. The transfer of development rights is by deed, and the deed shall be recorded with the City in the same manner as a deed for real property before final site plan approval.

2. The transfer is to eligible parcels of land which meet all the requirements of these regulations within which the transferred densities have been included and amended.

3. The proposed development meets all concurrency requirements at the level of impact calculated to include the density transfer.

4. If the transfer is between two private parties, at the time the transfer is approved, the entire sending area from which transfers will occur shall be subject to a conservation, open space, or agriculture easement, recorded and identified on the Zoning Map. Pending recording of the TDR easement, no development approvals or development permits will be issued for the receiving area.

5. The proposed development and density are compatible with the surrounding area and land use.

D. Conditions. The City Manager or designee or the Planning Commission may recommend and the City Commission may impose such conditions in approval of a transfer of

development rights and designation of receiving area that are necessary to accomplish the purposes of the Comprehensive Plan and these regulations to prevent or minimize adverse effects upon the community.

E. **Notification to Property Appraiser's office.** Upon approval of the receiving area and recording of deeds of transfer and conservation easements the City Manager or designee shall notify, within five working days, the Property Appraiser's office in writing that property development rights have been transferred from the sending area to the receiving area in perpetuity and that:

1. The seller shall be entitled to reduction of taxes consistent with the development rights retained, if any, and the TDR easement placed on the property; and
2. The development rights transferred shall run with the receiving parcel and the parcel shall be reassessed at the approved density.

Section 7.12.09. City-initiated land use amendment.

Concluding the transfer of development rights and providing that all standards have been met and deeds of transfer and conservation easements recorded, the City administrative staff shall initiate a City Comprehensive Plan Future Land Use Map amendment to accurately reflect the use of the sending area parcel as Conservation or indicate that a TDR easement exists. The receiving area shall be designated the Future Land Use designation that reflects the approved density.

Section 7.12.10. Accounting for TDR density.

The City Manager or designee shall implement and maintain an "accounting" system for monitoring density transfers in the transfer of development rights program.