

# POLK CITY

## City Commission Workshop (6 pm) City Commission Meeting (7 pm)

July 20, 2020

Polk City Government Center  
123 Broadway Blvd., SE

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**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**

**APPROVE CONSENT AGENDA**

**PRESENTATIONS AND RECOGNITIONS**

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

### AGENDA

1. **ORDINANCE 2020-06** - AN ORDINANCE OF POLK CITY, FLORIDA, AMENDING THE POLK CITY CODE OF ORDINANCES (THE "CITY CODE"); AMENDING ARTICLE II, CHAPTER 34 IN THE CITY CODE TO MODIFY AND SUPPLEMENT THE CITY'S NOISE ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE. **Second and Final Reading**
2. **ORDINANCE 2020-07** - AN ORDINANCE OF POLK CITY, FLORIDA, RATIFYING ALL ORDINANCES ADOPTED FROM APRIL 3, 2020, UNTIL JUNE 4, 2020, INCLUDING ORDINANCE NUMBERS 2020-02, 2020-03, 2020-04, & 2020-05; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE. **Second and Final Reading**
3. **RESOLUTION 2020-05** – A RESOLUTION OF POLK CITY, FLORIDA; AMENDING RULES AND POLICIES GOVERNING PUBLIC COMMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.
4. **Republic Services Solid Waste and Recycling Franchise Agreement - Contract Extension – 3% Automatic Increase**
5. **Financial Reporting Officer/Comptroller Services Agreement - George Cotellis**
6. **Mini Excavator Purchase**

## **CITY MANAGER ITEMS**

### **1. Broadway Boulevard Multi-Use Trail Utility Work by Kevin Odom**

## **CITY ATTORNEY ITEMS**

- 1. Emergency Ordinance 2020-08 –AN ORDINANCE OF POLK CITY, FLORIDA, RELATED TO PUBLIC HEALTH; REQUIRING PERSON THAT LIVE, WORK, VISIT OR DO BUSINESS IN POLK CITY TO WEAR FACE COVERINGS IN CERTAIN PUBLIC PLACES TO STOP OR SLOW THE SPREAD OF NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING EXCEPTIONS; ESTABLISHING ENFORCEMENT AND PENALTY PROVISION FOR VIOLATIONS; PROVIDING FINDINGS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.**

## **COMMISSIONER ITEMS**

Vice Mayor Kimsey  
Commissioner Blethen  
Commissioner Carroll  
Commissioner Harper  
Mayor LaCascia

## **ANNOUNCEMENTS**

## **ADJOURNMENT**

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.

**CONSENT AGENDA**  
**July 20, 2020**

These action items are considered to be routine and will be enacted by one motion. There will be no separate discussion on these items. A Board Member may request an item be moved to the Regular Agenda for discussion.

**A. CITY CLERK**

1. Accept minutes – June 15, 2020 – City Commission Meeting
2. Accept minutes – June 4, 2020 – Special City Commission Meeting

**B. REPORTS**

1. Building Permits Report – June 2020
2. Code Enforcement Report – N/A
3. Financial Report – N/A
4. Library Report – June 2020
5. Polk County Fire Rescue – N/A
6. Polk Sheriff's Report – June 2020
7. Public Works Report – N/A
8. Utilities Report – March, April, May, June 2020

**C. OTHER**

**City Commission Meeting  
July 20, 2020**

**CONSENT AGENDA ITEM:**      Accept minutes for:

1. Accept minutes – June 4, 2020 – Special City Commission Meeting
2. Accept minutes – June 15, 2020 – City Commission Meeting via Zoom Teleconference

       INFORMATION ONLY  
  X   ACTION REQUESTED

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**ISSUE:** Minutes attached for review and approval

**ATTACHMENTS:**

1. Accept minutes – June 4, 2020 – Special City Commission Meeting
2. Accept minutes – June 15, 2020 – City Commission Meeting via Zoom Teleconference

**ANALYSIS:** N/A

**STAFF RECOMMENDATION:**      Approval of Minutes

## SPECIAL CITY COMMISSION MEETING MINUTES

June 4, 2020

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Mayor Joe LaCascia called the meeting to order at 6:30 pm via ZOOM Teleconference.

**ROLL CALL** – Assistant to the City Manager Sheandolen Dunn

**Present:** Mayor Joe LaCascia, Vice Mayor Don Kimsey, Commissioner Wayne Harper, Commissioner Randy Carroll (6:33 pm), Commissioner Micheal T. Blethen, City Attorney Thomas Cloud (Zoom), and City Manager Patricia Jackson

### **ORDER OF BUSINESS**

#### **EMERGENCY ORDINANCE 2020-05**

AN ORDINANCE OF POLK CITY, FLORIDA, AMENDING THE POLK CITY CODE OF ORDINANCES (THE "CITY CODE"); AMENDING ARTICLE II, CHAPTER 34 IN THE CITY CODE TO MODIFY AND SUPPLEMENT THE CITY'S NOISE ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Mayor LaCascia provided a brief overview of Polk City's current Noise Ordinance.

City Attorney Cloud read the Ordinance by title only. Mayor LaCascia opened the Public Hearing; no one spoke for or against this Ordinance. Mayor LaCascia closed the Public Hearing.

**Motion by Vice Mayor Kimsey** to approve Emergency Ordinance 2020-05; this motion was seconded by Commissioner Harper.

City Attorney Cloud explained this Ordinance as a whole. The recommended enforcement language has been made simpler, but with clear definition. Several cities Noise Ordinances have been reviewed. The current enforcement language was lifted from an older Fort Meade Ordinance and needs a bit more work regarding specific kinds of "noise". The old ordinance is from 1991. City Attorney Cloud discussed the "Boom Box" Statute. The 1991 Ordinance talks about noise, but not necessarily the source of the noise. The Ordinance is missing important penalty language.

City Attorney Cloud discussed in great detail adding penalty language at the end of Section 34-35.

Commissioner Blethen briefly discussed Sections 34-35 and 34-39. He is conflicted with these two sections. What level are we impeding on people for doing their normal

activities? Gave example of gun shooting in his back yard. Is certainly in agreement with the original complaint which brought about this very discussion.

Mayor LaCascia discussed the gunshot noise versus safety that Polk City cannot get into as it does not govern gun ranges. This Ordinance does not regulate firearms.

City Attorney Cloud stated the Polk City exemptions need to be crystal clear. We do not regulate gun ranges and nothing about that needs to be included in this proposed Ordinance. The concern about noise from automobile traffic – see Subsection B suggestion would be to **Add** – *normal auto or truck traffic, and railway locomotives or cars.*

Commissioner Blethen stated he is not so much worried about automobiles. There are folks in Polk City that have race cars with no muffler systems on them and they are constantly being worked on. Just looking at normal everyday scenarios.

Vice Mayor Kimsey requested clarity on the sworn statement.

City Attorney Cloud clarified and suggested leaving the “Warning” out. **The sworn statement section can be completely removed.** Code Enforcement can act on the complaint.

After lengthy discussion there was a **Motion by Vice Mayor Kimsey** to amend his original motion to approve Emergency Ordinance 2020-05 with suggested modifications by City Attorney Cloud.

**Second Motion by Commissioner Harper** to amend his original Second for approval of the Emergency Ordinance 2020-05 with suggested modifications by City Attorney Cloud.

**Roll Call Vote:** Commissioner Blethen – aye, Commissioner Carroll–aye, Commissioner Harper – aye, Vice Mayor Kimsey – aye, Mayor LaCascia–aye

**Motion carried unanimously.**

**CITY MANAGER ITEMS** - None

**CITY ATTORNEY ITEMS** - None

**COMMISSIONER ITEMS**

**Vice Mayor Kimsey** – None

**Commissioner Blethen** – None

**Commissioner Carroll** – None

**Commissioner Harper** - None

**Mayor LaCascia** – None

**ANNOUNCEMENTS** - None

**ADJOURNMENT** – 7:10 pm

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Patricia Jackson, City Manager

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Joe LaCascia, Mayor

## CITY COMMISSION MINUTES

June 15, 2020

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Mayor Joe LaCascia called the meeting to order at 7:00 pm via ZOOM Teleconference.

Phillip Hunt, New Life Community Church gave the invocation.

### **ROLL CALL** – Assistant to the City Manager Sheandolen Dunn

**Present:** Mayor Joe LaCascia, Vice Mayor Don Kimsey, Commissioner Wayne Harper, Commissioner Micheal T. Blethen (Zoom), Commissioner Randy Carroll, City Attorney Thomas Cloud (Zoom), and City Manager Patricia Jackson

### **APPROVE CONSENT AGENDA**

**Motion by Commissioner Harper** to approve the April 3, 2020 (Special Meeting) and May 26, 2020 (Regular Meeting) minutes; this motion was seconded by Vice Mayor Kimsey. **Unanimously approved by Voice Vote.**

### **PUBLIC COMMENT**

Cindy Barbeau (528 Homecoming Way) Spoke on behalf of Robert Pereira (via Zoom 1136 Motorcoach Drive) reading a June 10, 2020 letter addressed to City Manager Jackson regarding the fire hydrants maintenance and testing in MOSN over the last several years. Would like to establish a Joint Hydrant Task Force that would assist Polk City in maintaining the fire hydrants in MOSN.

Mayor LaCascia responded Polk City would be responding to the letter within the 30 days as requested.

Michael Montgomery (557 Homecoming Way) owner of the home that burned down. Mr. Montgomery spoke in reference to the fire hydrants in MOSN and the Fire Department.

PCFR Batallion Chief (BC) Jeff Calcutt's provided a detailed timeline for the catastrophic event (fire) at Mr. Montgomery's residence. A full investigative report of the fire will be available in thirty (30) days. In moving through the process of putting out the fire, the firemen discovered there was an equipment malfunction at the intake valve at one of the hydrants. Polk City's Fire Unit #7 responded first in four minutes and 28 seconds.

BC Calcutt finalized his discussion urging citizens to call the Fire Department FIRST because fire personnel will not know about emergency situations until they are dispatched from the Polk County Sheriff's Office.

BC Calcutt provided Fire Education brochures for interested residents.



Mayor LaCascia reiterated the need for the full investigative report of the fire in 30 days.

Mr. Bill Kuhn (406 Meandering Way) – Spoke in reference to the most recent fire and the importance of flushing fire hydrants.

## **ORDER OF BUSINESS**

### **ORDINANCE 2020-06**

AN ORDINANCE OF POLK CITY, FLORIDA, AMENDING THE POLK CITY CODE OF ORDINANCES (THE "CITY CODE"); AMENDING ARTICLE II, CHAPTER 34 IN THE CITY CODE TO MODIFY AND SUPPLEMENT THE CITY'S NOISE ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE. **First Reading**

Mayor LaCascia read the Ordinance by title only. Mayor LaCascia opened the Public Hearing; no one spoke for or against this Ordinance. Mayor LaCascia closed the Public Hearing.

Mayor LaCascia provided a brief history (May 26, 2020 Noise Complaint) leading up to the creation of this Ordinance.

**Motion by Commissioner Harper** to approve Ordinance 2020-06 on First Reading; this motion was seconded by Vice Mayor Kimsey.

Vice Mayor Kimsey inquired what constitutes the need for a citation?

City Attorney Cloud stated someone called in a complaint, or the officer can issue a citation of their own volition. No Code Enforcement involved. This will go straight to court.

Commissioner Carroll asked how is this going to affect residents if they are in the County jurisdiction?

City Attorney Cloud responded the County Ordinance will apply.

Mayor LaCascia stated that every complaint of Polk City is dealt with.

**Roll Call Vote:** Vice-Mayor Kimsey–aye, Commissioner Carroll–aye, Mayor LaCascia–aye, Commissioner Blethen–aye, Commissioner Harper - aye

**Motion carried unanimously.**

### **ORDINANCE 2020-07**

AN ORDINANCE OF POLK CITY, FLORIDA, RATIFYING ALL ORDINANCES ADOPTED FROM APRIL 3, 2020, UNTIL JUNE 4, 2020, INCLUDING ORDINANCE NUMBERS 2020-02, 2020-03, 2020-04, & 2020-05; REPEALING ALL ORDINANCES IN

CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE. **First Reading**

Mayor LaCascia read the Ordinance by title only. Mayor LaCascia opened the Public Hearing; no one spoke for or against this Ordinance. Mayor LaCascia closed the Public Hearing.

City Attorney Cloud provided a thorough explanation as to the importance of adopting this Ordinance.

**Motion by Vice Mayor Kimsey** to approve Ordinance 2020-07 on First Reading; this motion was seconded by Commissioner Carroll.

**Roll Call Vote:** Commissioner Blethen–aye, Vice-Mayor Kimsey–aye, Commissioner Harper–aye, Commissioner Carroll–aye, Mayor LaCascia–aye

No Discussion.

**Motion carried unanimously.**

**RESOLUTION 2020-04**

A RESOLUTION OF THE CITY COMMISSION OF POLK CITY, FLORIDA (CITY), RATIFYING AND CONFIRMING ALL ACTIONS AND DECISIONS OF THE CITY COMMISSION RENDERED BY RESOLUTION FROM APRIL 3 TO JUNE 4, 2020; EXTENDING ITS DECLARED STATE OF EMERGENCY DUE TO THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING AN EFFECTIVE DATE.

Mayor LaCascia read the Ordinance by title only.

City Attorney Cloud provided a thorough explanation of this Resolution, which ratifies all voice and written votes.

**Motion by Commissioner Harper** to approve Resolution 2020-04; this motion was seconded by Commissioner Carroll.

**Roll Call Vote:** Mayor LaCascia–aye, Commissioner Harper–aye, Vice Mayor Kimsey–aye, Commissioner Carroll–aye, Commissioner Blethen–aye

**Motion carried unanimously.**

**PLANNING COMMISSION CANDIDATE – EDWARD HANKS**

Mayor LaCascia stated the Planning Commission has one vacancy and two alternate vacancies. Mr. Edward Hanks submitted his application on May 20, 2020 and meets the

qualifications to serve on the Planning Commission. His term is set for January 1, 2020 and will end December 31, 2020.

Mr. Hanks spoke to the City Commission providing a brief bio of himself. He has an educational background in Finance in hospitals and hotels. Has experience in residential planning and Homeowner Associations. He is a resident in the Fountain Park area.

**Motion by Commissioner Harper** to approve appointing Mr. Edward Hanks to the vacant seat on the Planning Commission; this motion was seconded by Vice Mayor Kimsey.

**Roll Call Vote:** Mayor LaCascia – aye, Vice Mayor Kimsey – aye, Commissioner Carroll – aye, Commissioner Harper – aye, Commissioner Blethen - aye

**Motion carried unanimously by Voice Vote.**

**Broadway Boulevard Multi-Use Trail – Wood Engineering**

Mayor LaCascia stated this is a change order from Wood Engineering, as they were tasked to do Utility Coordination for the Broadway Boulevard Multi-Use Trail project. The original cost approved by the City Commission was \$4,290; however, the current utility work scheduled has identified specific areas of the existing water main that must be lowered. Therefore, the cost of this additional work is \$6,900; which brings the total cost to \$11,190.

**Motion by Commissioner Harper** to approve the additional amount of \$6,900 for the water main work as abovementioned; this motion was seconded by Blethen.

Commissioner Harper requested clarity on the location.....is this for Broadway Boulevard?

City Manager Jackson responded yes, some valves and lines need to be relocated; the water main has to be lowered.

**Roll Call Vote:** Commissioner Carroll – aye, Commissioner Harper – aye, Commissioner Blethen – aye, Vice Mayor Kimsey – aye, Mayor LaCascia – aye

**Motion carried unanimously.**

**CITY MANAGER ITEMS**

Polk City's Audit for FY 2018/19 will be done by June 30. Will be placed on the July City Commission Meeting Agenda. Will be sent to appropriate agencies prior to the July meeting.

**CITY ATTORNEY ITEMS**

- 1) The final version for the RFP selection of a mediator for the water dispute with the PRWC is complete.
- 2) Florida League of Cities will host a free webinar on Thursday, June 25 at 9:30 covering Emergency Orders.

**COMMISSIONER ITEMS**

**Vice Mayor Kimsey** – None

**Commissioner Blethen** – None

**Commissioner Carroll** – None

**Mayor LaCascia** – Expressed the need for a thank you board in Polk City for Law Enforcement, Fire and EMS for their dedicated service. Mrs. Jackson will work out the design and other pertinent details.

**Commissioner Harper** - None

**ANNOUNCEMENTS** - None

**ADJOURNMENT** – 8:05 pm

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Patricia Jackson, City Manager

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Joe LaCascia, Mayor

**City Commission Meeting  
July 20, 2020**

**CONSENT AGENDA ITEM:**      **Department Monthly Reports**

       INFORMATION ONLY  
  X   ACTION REQUESTED

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**ISSUE:** Department Reports attached for review and approval.

**ATTACHMENTS:**

Monthly Department Reports for:

1. Building Permits Report – June 2020
2. Code Enforcement Report – N/A
3. Financial Report – N/A 2020
4. Library Report – June 2020
5. Polk County Fire Rescue – N/A 2020
6. Polk Sheriff's Report – June 2020
7. Public Works Report – N/A 2020
8. Utilities Report – March, April, May, June 2020

**ANALYSIS:**

**STAFF RECOMMENDATION:**      Approval of Department Reports via Consent Agenda

**Polk City Permits Added**  
From: 06/01/20 To: 06/30/2020

**FENCE WALL**

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BT-2020-8018	380 BAYBERRY DR, POLK CITY, FL 33868	3,500.00	06/10/2020
BT-2020-9204	424 1ST ST, POLK CITY, FL 33868	2,500.00	06/29/2020
<b>Subtotal:</b>		<b>\$6,000.00</b>	

**MECHANICAL**

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BT-2020-7648	134 BAYBERRY DR, POLK CITY, FL 33868	3,900.00	06/03/2020
BT-2020-8779	202 CARTER BLVD, POLK CITY, FL 33868	5,300.00	06/23/2020
BT-2020-9059	255 BAYBERRY DR, POLK CITY, FL 33868	7,499.00	06/26/2020
BT-2020-9113	511 ROSEWOOD LN, POLK CITY, FL 33868	14,399.00	06/26/2020
<b>Subtotal:</b>		<b>\$31,098.00</b>	

**POOL**

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BT-2020-7796	188 SUNSHINE BLVD, POLK CITY, FL 33868	250.00	06/05/2020
<b>Subtotal:</b>		<b>\$250.00</b>	

**RE-ROOF**

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BT-2020-7698	510 N CITRUS GROVE BLVD, POLK CITY, FL 33868	7,400.00	06/04/2020
<b>Subtotal:</b>		<b>\$7,400.00</b>	

**RESIDENTIAL**

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BR-2020-5055	424 1ST ST, POLK CITY, FL 33868	1,500.00	06/02/2020
BR-2020-5197	115 W BROADWAY BLVD, POLK CITY, FL 33868	9,000.00	06/05/2020
BR-2020-5340	5436 ANIMOSH CT, POLK CITY, FL 33868	108,900.00	06/09/2020
BR-2020-5454	224 S CITRUS GROVE BLVD, POLK CITY, FL 33868	300.00	06/11/2020
BR-2020-5759	581 MEANDERING WAY, POLK CITY, FL 33868	22,000.00	06/19/2020
BR-2020-5796	5432 ANIMOSH CT, POLK CITY, FL 33868	108,900.00	06/22/2020
BR-2020-5801	5413 ANIMOSH CT, POLK CITY, FL 33868	96,800.00	06/22/2020
BR-2020-5821	742 TEABERRY TRL, POLK CITY, FL 33868	130,000.00	06/15/2020
BR-2020-5887	8847 CONWAY RD, POLK CITY, FL 33868	2,200.00	06/24/2020
BR-2020-5889	440 N CITRUS GROVE BLVD, POLK CITY, FL 33868	3,500.00	06/24/2020

BR-2020-6039

776 N CITRUS GROVE BLVD, POLK CITY, FL 33868

400.00

06/27/2020

**Subtotal:** \$483,500.00

**Grand Total:** \$528,248.00

23 SFR to Date  
Kathy Delp

## Library Reports 10/2019 - 09/2020

	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	*Mar-20	*Apr-20	*May-20	Jun-20	Jul-20	Aug-20	Sep-20	Totals
<b>Circulation</b>													
Adult Books	1273	1318	1049	1204	1107	1272	1245	980	1304				10752
Juvenile Books	1035	787	949	909	1257	1264	777	654	1183				8815
DVD'S	858	829	912	1299	1066	744	635	554	1117				8014
Hot-Spots	20	20	25	20	20	25	20	20	25				195
Digital	75	93	73	75	84	94	92	96	59				741
<b>Total Circulation</b>	<b>3261</b>	<b>3047</b>	<b>3008</b>	<b>3507</b>	<b>3534</b>	<b>3399</b>	<b>2769</b>	<b>2304</b>	<b>3688</b>				<b>28,517</b>
<b>New Borrowers</b>													
In City	5	11	24	21	20	9	0	2	6				98
In County	3	18	4	6	5	3	5	2	5				51
Digital	7	12	5	9	13	16	9	5	3				79
<b>Total New Borrowers</b>	<b>15</b>	<b>41</b>	<b>33</b>	<b>36</b>	<b>38</b>	<b>28</b>	<b>14</b>	<b>9</b>	<b>14</b>				<b>228</b>
<b>Number of Programs</b>													
Adult	5	2	1	2	2	0	0	0	1				13
Juvenile	5	3	4	1	2	2	0	0	0				17
Young Adult	1	0	1	0	1	0	0	0	0				3
<b>Total Programs</b>	<b>11</b>	<b>5</b>	<b>6</b>	<b>3</b>	<b>5</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>				<b>33</b>
<b>Program Attendance</b>													
Adult	89	21	21	21	23	8	0	0	2				185
Juvenile	119	20	26	11	14	16	0	0	0				206
Young Adult	33	0	5	0	6	2	0	0	0				46
<b>Total Attendance</b>	<b>241</b>	<b>41</b>	<b>52</b>	<b>32</b>	<b>43</b>	<b>26</b>	<b>0</b>	<b>0</b>	<b>2</b>				<b>437</b>
<b>Reference Questions</b>													
<i>Phone Calls</i>	190	178	258	224	195	232	261	384	356				2278
<b>Number of Computer Users</b>													
	212	194	191	185	223	121	0	0	75				1201
<b>Total Patrons</b>													
	1716	1615	1278	1308	1352	846	328	413	501				9357

\* Library checkouts are reflecting a lower number than actual checkouts. Renewals will be added in as soon as the county can get the numbers to us.

Prepared by: Suzette Penton July 07, 2020



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

*STATISTICAL DATA*

*West*

**Division**

July 8, 2020

Northwest District

To: Patricia Jackson, City Manager

From: Deputy Christina Poindexter #7376

Subject: Statistical report for June, 2020.

ACTIVITY	
FELONY ARREST	2
AFFIDAVITS FELONY	0
MISDEMEANOR ARREST	2
AFFIDAVITS MISDEMEANOR	
OUT OF COUNTY/STATE WARRANT ARRESTS	0
PROCAP WARRANT ARREST	0
TOTAL ARRESTS	4
SEARCH WARRANTS	0
FIELD INTERROGATION REPORTS	0
TRAFFIC CITATIONS	0
INTELLIGENCE REPORTS	0
STOLEN PROPERTY RECOVERED	0
HRS. TRANSPORTING/ AGENCIES/DIVISIONS	0
OFFENSE REPORTS	30
NARCOTICS SEIZED	0
ASSETS SEIZED	0
PATROL NOTICES	0
FOXTROT REPORTS	8
TOW-AWAY NOTICES	0
COMMUNITY CONTACTS	2100
TRAFFIC STOPS	3
TOTAL DISPATCHED CALLS FOR SERVICE	126



In June 2020, there were three (3) PROCAP captured crimes as compared to two (2) in June 2019. In June 2020 there was one reported grand theft. During this incident a utility trailer was stolen from All County Maintenance and welding located at 111 Central Ave, during this incident the suspects spray painted the surveillance cameras. There were two reported retail thefts. One case took place at the Circle K located at 205 Commonwealth Ave., and the second case was at 501 Commonwealth Ave. within 30 mins of each other. These two cases are related, and pose as a trend for Polk County and surrounding jurisdictions at this time. We are now sitting at -6% in crimes as compared to last year to date.

CaseNo	Inc From	Inc To	DOY	Location	Narrative	Det	PERITS	VIDEO	CASE STATUS
<b>GRAND THEFT</b>									
PCSO-200025187	2020-06-26 / 0134hrs	2020-06-26 / 2120hrs	Fri	111 CENTRAL AVE ALL COUNTY MAINTENANCE & WELDING	Unk susps entered onto busin property & removed a 2016 homemade 21' black car hauler trailer bearing Florida tag#Y70NDQ / WMsusps is seen walking up to the busin before spray painting the suveillance camera lense, susp veh is poss a light colored 97-2005 Chevy Malibu	Ag			
<b>RETAIL THEFT</b>									
PCSO-200025477	2020-06-29 / 1629hrs	2020-06-29 / 1630hrs	Mon	205 COMMONWEALTH AVE N CIRCLE K	2 BMs entered the store & removed a carton of Newport 100 cigarettes, misc drinks, & 2 Swisher Sweets cigars, the susp with the camo vest attempted to purchase items but the card was declined - Susp1 was wearing an orange caution vest with a black T-shirt, a hat, and dark color shorts. Susp1 wearing a camo vest, white t-shirt, grey pants, and a hat. It appears he also has an ankle monitor on as well. susps fled in a silver Chevy SUV with the first 3 letters of tag BWB* Possibly going to be BWBN16 white Chevy SUV Hertz	Wright	no	yes	ongoing
PCSO-200025482	2020-06-29 / 1700hrs	2020-06-29 / 1720hrs	Mon	501 COMMONWEALTH AVE SW PRIMETIME FOOD STORE	2 BMs entered store & removed misc drinks/food, 2 cartons of Newport 100's, & pack of Swisher Sweet cigars, males attempted 2 different debit/credit cards with neg results - Susps were described as Susp1 5'10, wearing yellow hat, white T-shirt, camo vest, gray pants, black sandals, face mask, & had an ankle monitor on right leg. Susp2 5'8 wearing black tank top, black shorts, white shoes, black hat, face mask, & orange safety vest fled scene in a white 4dr car	Wright	no	photos	ongoing

Department of Law Enforcement																																	
Polk City - 2019 - 2020																																	
	January		February		March		April		May		June		July		August		September		October		November		December		YTD Totals		Monthly Change		YTD				
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020			
Robbery	0	0	0	0	0	1	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	1	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		
Burg. Residence	2	1	2	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Burg. Structure	0	0	0	1	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. Conveyance	0	0	1	1	0	0	0	0	1	0	0	0	14	0	0	0	0	0	0	0	0	1	0	0	0	0	0	2	1	0	0	0	
Vehicle Theft	0	1	0	0	2	1	0	0	1	0	1	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	4	2	0	0	0	0	
Grand Theft	1	0	1	0	1	0	0	0	1	1	1	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	4	2	0	0	0	0	
Pett Theft	0	0	0	0	0	0	0	0	0	0	2	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	2	-200%	0	0	0
Mis 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	0
Retail Theft	0	0	0	0	0	0	0	1	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	200%	0	0	0	0
Criminal Mischief	0	0	0	1	0	0	0	1	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	1	0	0	0	2	0	0	0	0
Totals	4	2	4	3	3	2	0	2	3	3	2	3	16	0	4	0	5	0	3	0	2	0	4	0	0	16	16	0	0	0	0	0	0
% Change	-66%		-36%		-32%		#DKV/01		0%		50%		N/A		N/A		N/A		N/A		N/A		N/A		-6%		-6%		-6%		-6%		
FIRs	0	0	3	0	1	0	0	0	4	0	4	1	6	0	2	0	0	0	0	0	0	0	0	0	0	0	0	-1					

# **UTILITIES DEPARTMENT**

MARCH 2020

**Summary:** Water/Wastewater continued to maintain sampling of the Wastewater Treatment Plant. Continued to pull all samples for the Water Plants. All samples remain in compliance. Completed monthly MORs/DMR reports for DEP. Completed monthly SWFWMD report as required. Met all of DEP requirements to keep Polk City in compliance.

- All lift stations continue to have preventive maintenance. We are continuing to get all Verbatims/Auto dialers running properly. Generators are being maintained.

## **Service Completed**

- Monthly meter reading
- No reads for the Utility Billing
- Work Orders - 145
- Turn On - 41
- Turn off - 51
- Misc. - (rereads, laptops, vacation turn on, TBO from shut off) - 98
- Fire Hydrant flushing and maintenance is being done weekly.
- Valve exercising is being done weekly.
- Continue preventative maintenance/housekeeping is being done.
- WWTF is maintained by wasting, decanting, housekeeping.

**April Objectives:** Meet all DEP requirements to stay in compliance, continuing to maintain work orders and locates

**Submitted By:** Lori Pearson, Utilities Supervisor

# UTILITIES DEPARTMENT

April 2020

**Summary:** Water/Wastewater continued to maintain sampling of the Wastewater Treatment Plant. Continued to pull all samples for the Water Plants. All samples remain in compliance. Completed monthly MORs/DMR reports for DEP. Completed monthly SWFWMD report as required. Met all of DEP requirements to keep Polk City in compliance.

- All lift stations continue to have preventive maintenance. We are continuing to get all Verbatims/Auto dialers running properly. Generators are being maintained.

## **Service Completed**

- Monthly meter reading
- No reads for the Utility Billing
- Work Orders - 91
- Turn On - 29
- Turn off - 30
- Misc. (rereads, laptops, vacation turn on, TBO from shut off) - 32
- Fire Hydrant flushing and maintenance is being done weekly.
- Valve exercising is being done weekly.
- Continue preventative maintenance/housekeeping is being done.
- WWTF is maintained by wasting, decanting, housekeeping.

**May Objectives:** Meet all DEP requirements to stay in compliance, continuing to maintain work orders and locates

**Submitted By:** Lori Pearson, Utilities Supervisor

# **UTILITIES DEPARTMENT**

*May 2020*

**Summary:** Water/Wastewater continued to maintain sampling of the Wastewater Treatment Plant. Continued to pull all samples for the Water Plants. All samples remain in compliance. Completed monthly MORs/DMR reports for DEP. Completed monthly SWFWMD report as required. Met all of DEP requirements to keep Polk City in compliance.

## **COMPLETED APPROVED CCR REPORT/READY FOR DELIVERY**

- All lift stations continue to have preventive maintenance. We are continuing to get all Verbatims/Auto dialers running properly. Generators are being maintained.

### **Service Completed**

- Monthly meter reading
- No reads for the Utility Billing
- Work Orders - 121
- Turn On - 35
- Turn off - 35
- Misc. (rereads, laptops, vacation turn on, TBO from shut off) - 49
- Fire Hydrant flushing and maintenance is being done weekly.
- Valve exercising is being done weekly.
- Continue preventative maintenance/housekeeping is being done.
- WWTF is maintained by wasting, decanting, housekeeping.

**June Objectives:** Meet all DEP requirements to stay in compliance, continuing to maintain work orders and locates

**Submitted By:** Lori Pearson, Utilities Supervisor

# **UTILITIES DEPARTMENT**

*June 2020*

**Summary:** Water/Wastewater continued to maintain sampling of the Wastewater Treatment Plant. Continued to pull all samples for the Water Plants. All samples remain in compliance. Completed monthly MORs/DMR reports for DEP. Completed monthly SWFWMD report as required. Met all of DEP requirements to keep Polk City in compliance.

## **COMPLETED APPROVED CCR REPORT AND DELIVERED TO PUBLIC**

- All lift stations continue to have preventive maintenance. We are continuing to get all Verbatims/Auto dialers running properly. Generators are being maintained.

### **Service Completed**

- Monthly meter reading
- No reads for the Utility Billing
- Work Orders
- Turn On
- Turn off
- Misc. (rereads, laptops, vacation turn on, TBO from shut off)
- Fire Hydrant flushing and maintenance is being done weekly.
- Valve exercising is being done weekly.
- Continue preventative maintenance/housekeeping is being done.
- WWTF is maintained by wasting, decanting, housekeeping.
- Mowed all water plants, wastewater plants and reclaim ponds

**July Objectives:** Meet all DEP requirements to stay in compliance, continuing to maintain work orders and locates

**Submitted By:** Lori Pearson, Utilities Supervisor

**City Commission Meeting  
July 20, 2020**

**AGENDA ITEM #1:**        **ORDINANCE 2020-06 – AN ORDINANCE OF POLK CITY, FLORIDA, AMENDING THE POLK CITY CODE OF ORDINANCES (THE “CITY CODE”); AMENDING ARTICLE II, CHAPTER 34 IN THE CITY CODE TO MODIFY AND SUPPLEMENT THE CITY’S NOISE ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE. **Second and Final Reading****

       INFORMATION ONLY  
  X   ACTION REQUESTED

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**ISSUE:**

**Ordinance 2020-06** – Amending Article II, Chapter 34 in the City Code to modify and supplement the City’s Noise Ordinance.

**ATTACHMENTS:**

Ordinance 2020-06

**ANALYSIS:**

At the May 26, 2020 City Commission Meeting, a Polk City resident brought forth a noise complaint in his neighborhood.

City Manager Jackson stated the current Noise Ordinance done in 1991 is in need of strengthening.

As a result of that meeting, the City Attorney prepared Emergency Ordinance 2020-05 (adopted on June 4, 2020).

Upon approval, Ordinance 2020-06 will replace the Emergency Ordinance 2020-05.

The Permanent Ordinance 2020-06 was approved on June 15, 2020 on First Reading.

**STAFF RECOMMENDATION:**

Approve Ordinance 2020-06 on Second and Final Reading.

## ORDINANCE 2020-06

**AN ORDINANCE OF POLK CITY, FLORIDA, AMENDING THE POLK CITY CODE OF ORDINANCES (THE "CITY CODE"); AMENDING ARTICLE II, CHAPTER 34 IN THE CITY CODE TO MODIFY AND SUPPLEMENT THE CITY'S NOISE ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City previously adopted a noise ordinance in 1991 as Article II, Chapter 34, of the City Code, by Ordinance No. 88-3; and,

**WHEREAS**, based upon complaints brought to the City Commission by citizens of the City, the City Commission finds that the enforcement procedures within the ordinance must be strengthened; and,

**WHEREAS**, based upon research of judicial decisions and other jurisdictions' noise ordinances issued or approved since 1991, the City Commission finds that the substantive provisions of the noise ordinance must be modified; and,

**WHEREAS**, according to citizen testimony, there are sources of sound pollution and noise that has created or imminently threatens to create conditions that may severely affect the public health, safety, welfare and security of the citizens, residents and visitors of Polk City, Florida; and,

**WHEREAS**, this Ordinance is enacted to protect, preserve, and promote the health, safety, welfare, peace, and quiet of the citizens of the City through the reduction, control, and prevention of loud, raucous and unnecessary noise which unreasonably disturbs, injures, or endangers the health, comfort, repose, peace or safety of people within the community; and,

**WHEREAS**, loud and raucous noise degrades the environment of the City and the City has a substantial, and in some cases, compelling interest in controlling such noise.

**WHEREAS**, loud and raucous noise degrades the environment to a degree that is harmful to the health, welfare and safety of its inhabitants and visitors; interferes with the comfortable enjoyment of life and property; interferes with the well-being, tranquility, and privacy of the home; and both causes and aggravates health problems.

**WHEREAS**, individuals are not required to welcome unwanted noise into their homes and there simply is no right to force unwanted noise into the home of



an unwilling listener and there is a compelling interest in prohibiting such noise on a content neutral basis; and,

**WHEREAS**, effective control and elimination of loud and raucous noise is essential to the health and welfare of the City's residents and visitors, and to the conduct of the normal pursuits of life, including sleep, work, communication, and recreation; and,

**WHEREAS**, a substantial body of science and technology exists by which excessive noise may be substantially abated; and,

**WHEREAS**, to implement these powers, the City deemed it necessary and warranted to adopt an emergency ordinance ("Ordinance No. 20-05") to declare and use its home rule powers and other supplemental authority to declare emergencies.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:**

**SECTION 1. LEGISLATIVE FINDINGS.** The above recitals represent the legislative findings of Polk City, Florida, relative to the provisions of this Ordinance and are incorporated herein by reference.

**SECTION 2. AMENDMENTS TO ARTICLE II, CHAPTER 34, CITY CODE.** Article II, Chapter 34 of the Code of Ordinances, Polk City, Florida, is hereby amended to read as follows:

**ARTICLE II. - NOISE**

**Sec. 34-31. - Title. ~~Loud and raucous noise prohibited; defined.~~**

~~This division shall be known and may be cited as the Polk City Noise Control Ordinance. It shall be unlawful for any person within the City to willfully make or continue, or cause to be made or continued, any loud and raucous noise, which term means any sound which, because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of the City. Such term includes the kinds of noise generated by the activities enumerated in section 34-32, except as provided in section 34-33. Such term shall be limited to loud and raucous noise heard upon the public streets, in any public park, school or public building or, the grounds thereof, while in use, in any church or hospital, or the grounds thereof, while in use, upon any parking lot open to members of the public as invitees or licensees or in any occupied residential unit, or the grounds thereof, which is not the source of the noise and from a location not less than 50 feet from the source of the noise, as measured in a straight line from the radio, loudspeaker, motor, horn or other noise source.~~

**Sec. 34-32. - Findings of fact. ~~Acts declared nuisances.~~**

~~The foregoing findings are incorporated herein by reference and made a part hereof. The following acts, as limited by section 34-31 and subject to the exceptions provided in section 34-33, are declared to be public nuisances in violation of section 34-31:~~

- ~~(1) *Horns, signaling devices, etc.* The sounding of any horn, whistle or other audible signaling device so as to create a loud and raucous noise.~~
- ~~(2) *Radios, amplifiers, phonographs, etc.* The using, operating or permitting to be played, used or operated, of any radio, amplifier, musical instrument, phonograph or other device for the producing or reproducing of sound in such manner as to cause loud and raucous noise.~~
- ~~(3) *Sound trucks.* An amplifier or loudspeaker in, upon or attached to a sound truck or other device for amplifying sound shall not be operated, or permitted to be operated, within the City for advertising purposes or to attract the attention of the public.~~
- ~~(4) *Yelling, shouting, whistling or singing.* Yelling, shouting, whistling or singing, at any time or place, so as to create a loud and raucous noise between the hours of 10:00 p.m. and 7:00 a.m. on any day.~~
- ~~(5) *Animals or birds.* The keeping of any animal or bird which habitually causes a loud and raucous noise.~~
- ~~(6) *Defects in vehicles or loads.* The use of any motor vehicle so out of repair, so loaded or in such a manner as to create a loud, grating, grinding, rattling or other loud and raucous noise, or which is not equipped with a muffler in good working order and in constant operation so as to prevent loud and raucous noise.~~
- ~~(7) *Schools, public buildings, churches and hospitals.* The creation of any loud and raucous noise heard within any school, public building, church or hospital, or the grounds thereof, while in use, which interferes with the workings of such institution, or which disturbs or annoys patients in the hospital.~~
- ~~(8) *Noises to attract attention.* The use of any drum or other instrument or device to create a loud and raucous noise.~~

**Sec. 34-33. – Authority. Exceptions.**

This division is enacted under the Home Rule Power of Polk City, specifically Section 166.041, Florida Statutes, and pursuant to Article II, Section 7, Florida Constitution, which provides that adequate provision shall be made by law for the abatement of excessive and unnecessary noise. The term "loud and raucous noise" shall not include noise or sound generated by the following:

- ~~(1) *Cries for emergency assistance and warning calls.*~~
- ~~(2) *Radios, sirens, horns and bells on police, fire and other emergency response vehicles.*~~
- ~~(3) *Parades, fireworks displays and other special events for which a permit has been obtained from the City, within such hours as may be imposed as a condition for the issuance of the permit.*~~
- ~~(4) *Activities on or in municipal and school athletic facilities, and on or in publicly-owned property and facilities, provided that such activities have been authorized by the owner of such property or facilities or its agent.*~~
- ~~(5) *Fire alarms and burglar alarms prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm.*~~
- ~~(6) *Religious worship activities, including, but not limited to, bells and organs.*~~
- ~~(7) *Locomotives and other railroad equipment and aircraft.*~~

**Sec. 34-34. - Definitions.**

As used in this Article, the following terms shall have the following meanings:

- (1) Noise disturbance shall mean any sound which is:
  - (a) Of such duration, volume, or intensity as to be injurious to human or animal life, or property;
  - (b) Of such duration, volume, or intensity as to unreasonably interfere with the comfortable enjoyment of life, property, or the conduct of business;
  - (c) Of such duration, volume, or intensity as to alarm, disturb, or annoy reasonable people; or
  - (d) Unreasonably loud, raucous, jarring, disturbing, unseemly, or a nuisance.
- (2) Amplified shall mean increased in volume or intensity by means of an electrical or mechanical device.
- (3) Motorized vehicle means any transportation vehicle that is propelled, other than by human or animal power, on land. This includes, but is not limited to, motorcycles, ATVs, go-karts, automobiles, and trucks.

#### Sec. 34-35. Prohibition of noise disturbance; Penalties.

No person or business may make, continue, permit, or cause to be made or continued, any noise disturbance as defined in this Article. Any person violating any of the provisions of this section or of this Article shall be punished by (1) a fine not to exceed \$500.00, (2) imprisonment in the county jail for a period not to exceed 60 days, (3) both such fine and imprisonment in the discretion of the court having jurisdiction over the cause, or (4) administrative fines levied by an appropriate municipal authority under F.S. Chapter 162. Factors that shall be considered in determining whether a noise disturbance in violation of this division has occurred, shall consist of, but may not necessarily be limited to, the following:

- (a) The duration, volume, or intensity of the noise;
- (b) The nature of the area and the land use district from which the sound emanates in relation to the area where it is perceived;
- (c) The time of day or night the noise occurs; and/or
- (d) Whether the noise is recurrent, intermittent, or constant.

#### Sec. 34-36. - Enforcement.

(a) The city's code enforcement officers, the Polk County Sheriff's Office and any other person authorized to enforce city ordinances may enforce the provisions of this Article.

(b) When a county sheriff's office law-enforcement officer has probable cause to believe that a violation of this section has occurred, the law enforcement officer may issue a warning or issue a citation to the property owner, the one responsible for creating the disturbance, or both. In cases where a county sheriff's office law enforcement officer has already issued a warning for the same conduct by the same individual or property owner complained of, the officer shall issue a citation. The officer does not have to personally observe a violation to issue a warning or citation.

(c) If the violation is not abated within a reasonable time, or if the violation recurs within ninety (90) days of the issuance of the warning, the responsible party or parties shall be cited for the violation of this section. Absent special circumstances, or unless otherwise provided in this section, a reasonable time shall mean fifteen (15) minutes. Issuance of a citation or warning to an adult member of the household or business where the violation occurred shall be deemed notice to all members of the household or business thereby rendering them responsible for the noise.

(d) Where there has been a conviction for violating this section, regardless of whether or not adjudication was withheld, subsequent violations based on the same activity that resulted in the noise disturbance shall result in a citation being issued for the repeat violation. The officer is under no obligation to warn the violator of this section prior to issuing the citation.

(e) A citation shall state the date and time of issuance, name and address of the person or entity in violation, date of violation, section of the ordinance, or the respective amendments thereto, violated, nature of the violation, name of the officer issuing the citation, and the date, time, and location the violator shall appear in county court.

(f) Any enforcement action or legal remedy available under controlling state law, including, but not limited to, prosecution as a misdemeanor with a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding sixty (60) days or by both fine and imprisonment, may be imposed as a penalty.

(g) When enforced by a code enforcement officer, the enforcement provisions and procedures contained in the Polk City Code Enforcement Special Magistrate Ordinance, as may be amended, are incorporated herein by reference and will apply.

(h) Nothing contained herein shall prevent the city from taking such other lawful action in law and equity as may be necessary to remedy any violation of any part of this division, including without limitations:

- (1) Pursuit of injunctive and/or declaratory relief in a court of competent jurisdiction; and
- (2) Utilizing any other action or enforcement method permitted by law.

#### Sec. 34-37. - Specific prohibitions.

The following specified acts and circumstances are hereby declared to constitute a prohibited noise disturbance in violation of this Article; provided however, such enumeration is not and shall not be deemed to be exclusive; provided further that all other acts and circumstances meeting the definition of noise disturbance are likewise declared to be in violation of this Article.

- (a) *Radios, televisions, musical instruments and similar devices, and amplified human voice.* Playing or permitting the playing of any radio, television, audio system, musical instrument or similar device, or amplifying the human voice, sound or music, to such a volume as to be unreasonably loud, raucous, jarring, unseemly or disturbing to people within the area of audibility.
- (b) *Barking dogs.* Allowing a dog to bark, howl, or whine continuously between the hours of 9:00 p.m. and 6:00 a.m. until such noise rises to the level of a noise disturbance under section 34-34 of this Article. Any person or entity warned or cited for a violation under this specific subsection shall be subject to the conditions, procedures, penalties, and exemptions found in the Polk County Animal Control and Animal Services Ordinance and its amendments. The sheriff's office may defer enforcement against the owner of the animal to animal control in accordance with the Polk County Animal Control and Animal Services Ordinance, and its amendments, if the law enforcement officer is unable to personally observe the noise disturbance being created by the dog.
- (c) *Motorized vehicles.* It is a violation of this Article to drive a motorized vehicle in a manner that causes the tires to screech or squeal repeatedly on public or private property such that it causes a noise disturbance; repeatedly accelerate and decelerate a motorized vehicle on public or private property such that it causes a noise disturbance; or repeatedly shift the gears of the motorized vehicle up and down on private or public property, such that it creates a noise disturbance.

Sec. 34-38. - Liberal, non-conflicting construction.

The provisions of this Article shall be liberally construed such that its purpose is effectively rendered in the interest of the health, safety, and welfare of the citizens and residents of Polk City.

Sec. 34-39. Exemptions.

The provisions of this division, except for those specific prohibitions set forth in section 34-37 of this Article, shall not apply to the following sounds:

- (a) The unamplified human voice;
- (b) Normal automobile and truck traffic, and railway locomotives or cars;
- (c) Household or farming tools, appliances, and equipment meeting manufacturer's specifications as to sound, if applicable;
- (d) Aircraft and airport activity conducted in accordance with federal laws and regulations;
- (e) Maintenance of public service facilities;
- (f) Law enforcement activities, including training;
- (g) Licensed game hunting activities;
- (h) Emergency signals during emergencies;
- (i) Emergency testing;
- (j) Refuse collection and mosquito fogging;
- (k) Operation of any regulated or publicly owned utility;
- (l) Construction activities exempt from, or for which Polk City has issued a development permit, provided such activity occurs between 6:00 a.m. and 9:00 p.m.;
- (m) Organized athletic contests provided such activity occurs between 6:00 a.m. and 9:00 p.m.;
- (n) Sounds relating to and originating within any nonresidential land use districts under the Polk City Comprehensive Plan and Land Development Code (except for those sounds specifically prohibited in section 34-37 of this Article);
- (o) Sounds relating to and originating from legal, pre-existing, nonconforming, commercial and industrial activities (except for those sounds specifically prohibited in section 34-37 of this Article);
- (p) Boats and boating activity;
- (q) Phosphate mining activity;
- (r) Emergency devices and vehicles used for the purpose of alerting people of an emergency, or the emission of sound in performance of emergency work;
- (s) Lawful public gatherings provided such activity occurs between 6:00 a.m. and 9:00 p.m. (except for those sounds specifically prohibited in section 34-37 of this Article); and
- (t) Reasonable operation of equipment associated with the following activities between 6:00 a.m. and 9:00 p.m.: Lawn care, soil cultivation, maintenance of trees, hedges, and gardens; the use of lawnmowers, saws, and tractors; tree trimming; and limb clipping.

Sec. 34-40. - Separate violations.

Each separate occurrence shall be a separate violation.

Sec. 34-41. - Unreasonably excessive noise in motor vehicles.

The City Commission hereby ratifies and confirms the applicability of Section 10.5-60 in the municipal limits of Polk City."

**SECTION 3. SEVERABILITY.** 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 4. CONFLICTS.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict, including but not limited to Ordinance 2020-05.

**SECTION 6. INCLUSION INTO CITY CODE.** It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City.

**SECTION 7. EFFECTIVE DATE.** This ordinance shall take effect in accordance with and as provided for in state law.

**PASSED ON FIRST READING** this 15th day of June, 2020.

**PASSED ON SECOND READING** this \_\_\_\_ day of \_\_\_\_\_, 2020.

**POLK CITY, FLORIDA**

\_\_\_\_\_  
Joe LaCascia, Mayor

ATTEST:

\_\_\_\_\_  
Patricia R. Jackson, City Manager/Clerk

APPROVED AS TO FORM AND  
LEGALITY:

\_\_\_\_\_  
Thomas A. Cloud, City Attorney

**City Commission Meeting  
July 20, 2020**

**AGENDA ITEM #2:**           **ORDINANCE 2020-07 – AN ORDINANCE OF POLK CITY, FLORIDA, RATIFYING ALL ORDINANCES ADOPTED FROM APRIL 3, 2020, UNTIL JUNE 4, 2020, INCLUDING ORDINANCE NUMBERS 2020-02, 2020-03, 2020-04, & 2020-05; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE. **Second and Final Reading****

       INFORMATION ONLY  
  X   ACTION REQUESTED

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**ISSUE:**

**Ordinance 2020-07 – Ratifying all Ordinances adopted from April 3, 2020 until June 4, 2020, including Ordinance numbers 2020-02, 2020-03, 2020-04, 2020-05.**

**ATTACHMENTS:**

Ordinance 2020-07

**ANALYSIS:**

On March 9, 2020 Governor DeSantis declared a State of Emergency in Florida as a result of the continued spread of COVID-19.

On March 16, 2020 Polk City adopted Resolution 2020-02 declaring a State of Emergency. On April 3, 2020 Polk City adopted Ordinance 2020-02 and subsequently Ordinances 2020-03, 2020-04 and 2020-05, all due to the novel Coronavirus Disease (COVID-19).

In an abundance of caution, Polk City now wishes to adopt an Ordinance ratifying all ordinances adopted by the City Commission while it was compelled by its obligation to protect the public health, safety, welfare, and human life to hold virtual meetings.

Ordinance 2020-07 will ratify and readopt and confirms the adoption of Ordinances 2020-02, 2020-03, 2020-04 and 2020-05.

Polk City has made the City Commission acutely aware that provisions must be made to ensure that the business of municipal governance can occur without unnecessarily exposing either City personnel or members of the public to a risk of infection while ensuring public access and open government.

Therefore, beginning on June 15, 2020, the City Commission will reinstitute in-person, live meetings of the City Commission.

This Ordinance was approved June 15, 2020 on First Reading.

**STAFF RECOMMENDATION:**

Approve Ordinance 2020-07 on Second and Final Reading.

**ORDINANCE 2020-07**

**AN ORDINANCE OF POLK CITY, FLORIDA, RATIFYING ALL ORDINANCES ADOPTED FROM APRIL 3, 2020, UNTIL JUNE 4, 2020, INCLUDING ORDINANCE NUMBERS 2020-02, 2020-03, 2020-04, & 2020-05; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:**

**SECTION 1. COMMISSION FINDINGS.** In adopting this Ordinance and modifying the Polk City Code and the therein-incorporated Unified Land Development Code, the City Commission of Polk City, Florida, hereby makes the following findings:

(1) Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza.

(2) On March 1, 2020, Ron DeSantis, Governor of the State of Florida, issued Executive Order No. 20-51, directing the Florida Department of Health to issue a Public Health Emergency.

(3) Governor DeSantis issued Executive Order No. 20-52, attached hereto as Exhibit "A" and incorporated herein by reference declaring that a State of Emergency exists in every county in the State of Florida as a consequence of Coronavirus Disease 2019 (COVID-19), a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza.

(4) On March 1, 2020, the State Surgeon General and State Health Officer declared that a Public Health Emergency exists in the State of Florida as a result of COVID-19.

(5) On March 9, 2020, Governor DeSantis declared that a state of emergency exists in the State of Florida as a result of the continued spread of COVID-19.

(6) The World Health Organization declared COVID-19 a Public Health Emergency of International Concern.

(7) On March 13, the President of the United States issued a national emergency declaration regarding COVID-19.

(8) COVID-19 has created or imminently threatens to create conditions that may severely affect the public health, safety, welfare and security of the citizens, residents and visitors of Polk City, Florida.



(9) Florida law, including §§ 286.011 and 166.041, Florida Statutes, requires that meetings of elected and appointed officials (“Bodies”), for the conduct of public business, must be held following procedures (notice, access of meetings, opportunity to be heard, the taking of minutes, etc.) that ensure that the public is able to participate in and be aware of the decision making process (the “Sunshine Law”).

(10) Previously, when asked whether a public body complies with the Sunshine Law when one or more members of the Body wish to participate in a meeting electronically from a remote location, the Florida Attorney General (“AG”) has opined that a quorum of the Body must be physically present in order to allow a member, who due to “extraordinary circumstances” is unable to physically attend the meeting, to appear and participate electronically.

(11) On March 19, 2020, the AG issued an AGO 2020-03 which provides that “unless and until legislatively or judicially determined otherwise, if a quorum is required to conduct official business, local government bodies may only conduct meetings by teleconferencing or other technological means if either a statute permits a quorum to be present by means other than in-person, or the in-person requirement for constituting a quorum is lawfully suspended by the Governor during the state of emergency.”

(12) On March 20, 2020, Governor DeSantis issued Executive Order Number 20-69 which suspends any Florida Statute that requires a quorum to be present in person or requires a local government body to meet at a specific public place and permits local government bodies to utilize communications media technology such as telephonic and video conferencing, as provided in section 120.54(5)(b)2., Florida Statutes.

(13) The current outbreak of Coronavirus (COVID-19) has made the City Commission acutely aware that provisions must be made to ensure that the business of municipal governance can occur without unnecessarily exposing either City personnel or members of the public to a risk of infection while ensuring public access and open government.

(14) The City Commission found that there was a clear and present danger in holding a public “in person” meeting for those attending and those who come in contact with those attending, both now and if there are future similar pandemic events.

(15) The technology exists to conduct public meetings using technology in which the City can comply with the provisions of the Sunshine Law while preserving human life.

(16) Section 252.38, Florida Statutes, provides for emergency management powers of political subdivisions of the State of Florida, including, without limitation, counties such as Polk County, and municipalities such as Wauchula (the “City”).

(17) Pursuant to Section 252.38(3)(a), Florida Statutes, the Legislature has empowered municipalities to declare a state of local emergency.

(18) In order to mitigate or prevent these impacts, on March 16, 2020, the City Commission then found that it is necessary to declare a state of emergency within the entire incorporated limits of the Polk City pursuant to the City's Charter, Chapter 252, Florida Statutes, through the adoption of Resolution No. 2020-02 (the "March 16 Resolution").

(19) The City Commission also possesses broad home rule powers that authorize it to protect the public health, safety, and welfare, declare emergencies, and protect its citizens, and has by those powers adopted emergency ordinance nos. 2020-02 and 2020-03 on April 3, 2020, to enable it to declare civil emergencies and to hold commission meetings using communications media technology.

(20) To amend, extend, and update its March 16 Resolution to invoke its home rule powers for the purpose of better protecting the lives of its citizens, residents, employees, and visitors in order to mitigate or prevent these impacts, on April 3, 2020, the City Commission then found that it is necessary to approve Resolution No. 2020-03 pursuant to the City's Charter, Chapter 252, Florida Statutes, and the City's home rule authority, including that set forth in Article VIII, Section 2(b), Florida Constitution, and Section 166.021, Florida Statutes.

(21) Beginning on June 15, 2020, the City Commission has reinstated in person, live meetings of the City Commission.

(22) In an abundance of caution, the City now wishes to adopt an ordinance ratifying all ordinances adopted by the City Commission while it was compelled by its obligation to protect the public health, safety, welfare, and human life to hold virtual meetings.

(23) The City has once again held the necessary public hearing, conducted two public readings of the title to this ordinance, and has made all necessary findings required by law to ratify and confirm the ordinances referred to below.

**SECTION 2. RATIFICATION OF ORDINANCE NUMBERS 2020-02, 2020-03, 2020-04, & 2020-05.** The City hereby ratifies and readopts and confirms the adoption of Ordinance No. 2020-02, Ordinance No. 2020-03, Ordinance No. 2020-04, and Ordinance No. 2020-05.

**SECTION 3. SEVERABILITY.** 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 4. CONFLICTS.** All ordinances or parts of ordinances in conflict herewith are hereby repealed, replaced, and superseded to the extent of such conflict, including but not limited to Ordinance nos. 2020-02 and 2020-03.

**SECTION 6. INCLUSION INTO CITY CODE.** It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City.

**SECTION 7. EFFECTIVE DATE.** This ordinance shall take effect in accordance with and as provided by general law.

**PASSED ON FIRST READING** this 15th day of June 2020.

**PASSED ON SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**POLK CITY, FLORIDA**

\_\_\_\_\_  
Joe LaCascia, Mayor

ATTEST:

\_\_\_\_\_  
Patricia R. Jackson, City Manager/Clerk

APPROVED AS TO FORM & LEGALITY

\_\_\_\_\_  
Thomas A. Cloud, City Attorney

**City Commission Meeting  
July 20, 2020**

**AGENDA ITEM #3:**           **RESOLUTION 2020-05 – A RESOLUTION OF POLK CITY, FLORIDA; AMENDING RULES AND POLICIES GOVERNING PUBLIC COMMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

       INFORMATION ONLY  
  X   ACTION REQUESTED

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**ISSUE:**

Resolution 2020-05 will Amend Resolutions 2019-02, 2013-05 and 98-25

**ATTACHMENTS:**

Resolution 2020-05

**ANALYSIS:**

Polk City has a long-standing policy which encourages its citizens to contact the City Manager's office to dress issues which involve the City. The City Commission continues to believe that this procedure offers citizens the best avenue to resolve issues and encourages this procedure to be followed where practical.

The City Commission designates time at **the beginning** of each City Board or Commission Meeting (except workshop meetings) for citizens who wish to appear before that City Board or Commission to make a request of that Board or Commission, voice a complaint or concern, express an opinion, or for some other type of recognition. The citizen may speak no longer than three (3) minutes.

A Public Comment period will be held **during** any Board or Commission Meeting. The Presiding Officer may permit additional time to a given speaker on a case-by-case basis. Each person who signed up to speak will have up to three (3) minutes to make his or her statement.

Resolution 2020-05 will amend Resolution 2019-02, 2013-05 and 98-25.

**STAFF RECOMMENDATION:**

Adopt Resolution 2020-05

## RESOLUTION 2020-05

### A RESOLUTION OF POLK CITY, FLORIDA; AMENDING RULES AND POLICIES GOVERNING PUBLIC COMMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:

#### SECTION 1. AMENDMENT TO SECTION 5, RESOLUTION NO. 2019-02.

Subsections 5(1) and 5(3), Resolution No. 2019-02, are hereby amended to read as follows:

**SECTION 5. PUBLIC PARTICIPATION AND COMMENT.** Polk City has a long standing policy which encourages its citizens to contact the City Manager's office to redress issues which involve the City. In cases where a city board or commission's involvement is required, these matters are typically taken before that city board or commission as an agenda item. The City Commission continues to believe that this procedure offers citizens the best avenue to resolve issues and encourages this procedure to be followed where practical. In order to comply with Section 286.0114, Florida Statutes, the City Commission hereby establishes a Public Comment Policy applicable to all city boards and commissions to allow members of the public an additional opportunity to address city boards and commissions. In addition to public hearings, a special time is hereby set aside at all city board and commission meetings (except workshop meetings) for the purpose of receiving comments and suggestions from members of the public. All comments made during any Public Comment period shall be subject to the following procedures:

(1) The City Commission allocates 30 minutes at the beginning of each city board or commission meeting (except workshop meetings) for citizens who wish to appear before that city board or commission to make a request of that board or commission, voice a complaint or concern, express an opinion, or for some other type of recognition. The presiding officer will divide the time equally between all who have signed up to speak; but in no case may a citizen speak longer than three five (35) minutes. A Public Comment period not to exceed thirty minutes will be held during any board or commission meeting. The presiding officer may permit additional time to a given speaker on a case by case basis.

(3) Each person who signed up to speak will have up to 3 5 minutes to make his or her statement. Speakers will be acknowledged by the presiding officer in the order in which their names appear on the sign-up sheet. Speakers shall address that city board or commission from the podium, and not approach that city board or commission or staff. Speakers will begin their statement by first stating their legal name and actual address

**SECTION 2. SEVERABILITY.** If any provision or portion of this Resolution is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Resolution shall remain in full force and effect.

**SECTION 3. REPEAL OF INCONSISTENT RESOLUTIONS.** All resolutions and portions of resolutions in conflict herewith, including but not limited to Resolution No. 98-25, Resolution No. 2013-05, are hereby repealed.

**SECTION 4. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its passage.

**RESOLVED, PASSED, AND CERTIFIED AS TO PASSAGE THIS \_\_\_\_ DAY OF \_\_\_\_ 2020.**

**CITY COMMISSION OF POLK CITY,  
FLORIDA**

\_\_\_\_\_  
Joe LaCascia, Mayor

**ATTEST:**

\_\_\_\_\_  
Patricia R. Jackson, City Manager/Clerk

**APPROVED AS TO FORM & LEGALITY**

\_\_\_\_\_  
Thomas A. Cloud, Esquire, City Attorney

**City Commission Meeting  
July 20, 2020**

**AGENDA ITEM #4:**

**RESOLUTION 2020-06** – A RESOLUTION OF THE CITY COMMISSION OF POLK CITY, FLORIDA (CITY); EXTENDING ITS DECLARED STATE OF EMERGENCY DUE TO THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING AN EFFECTIVE DATE.

     INFORMATION ONLY  
  X   ACTION REQUESTED

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**ISSUE:**

Resolution 2020-06 will extend the declared State of Emergency for Polk City due to COVID-19 Coronavirus

**ATTACHMENTS:**

Resolution 2020-06

**ANALYSIS:**

Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that has rapidly spread among humans through respiratory transmission and presents with symptoms similar to those of influenza.

On March 16, 2020, the City Commission found it necessary to declare a State of Emergency within the entire incorporated limits of Polk City.

Based on the state's extension of the Declaration of Emergency by Executive Order #20-166, it is the recommendation for Polk City to extend the current city emergency declaration by this Resolution.

**STAFF RECOMMENDATION:**

Adopt Resolution 2020-06

## RESOLUTION 2020-06

### **A RESOLUTION OF THE CITY COMMISSION OF POLK CITY, FLORIDA (CITY); EXTENDING ITS DECLARED STATE OF EMERGENCY DUE TO THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and,

**WHEREAS**, the Governor of the State of Florida has issued Executive Order numbered 20-52, attached hereto as Exhibit "A" and incorporated herein by reference declaring, that a State of Emergency exists in every county in the State of Florida as a consequence of Coronavirus Disease 2019 (COVID-19), a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and,

**WHEREAS**, on March 1, 2020, the State Surgeon General and State Health Officer declared that a Public Health Emergency exists in the State of Florida as a result of COVID-19; and,

**WHEREAS**, on March 9, 2020, Governor DeSantis declared that a state of emergency exists in the State of Florida as a result of the continued spread of COVID-19; and,

**WHEREAS**, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern; and,

**WHEREAS**, on March 13, the President of the United States issued a national emergency declaration regarding COVID-19; and,

**WHEREAS**, COVID-19 has created or imminently threatens to create conditions that may severely affect the public health, safety, welfare and security of the citizens, residents and visitors of Polk City, Florida; and,

**WHEREAS**, Florida law, including §§ 286.011 and 166.041, Florida Statutes, requires that meetings of elected and appointed officials ("Bodies"), for the conduct of public business, must be held following procedures (notice, access of meetings, opportunity to be heard, the taking of minutes, etc.) that ensure that the public is able to participate in and be aware of the decision-making process (the "Sunshine Law"); and,

**WHEREAS**, previously, when asked whether a public body complies with the Sunshine Law when one or more members of the Body wish to participate in a meeting electronically from a remote location, the Florida Attorney General ("AG") has opined that a quorum of the Body must be physically present in order to allow a member, who due to "extraordinary circumstances" is unable to physically attend the meeting, to appear and participate electronically.

**WHEREAS**, on March 19, 2020, the AG issued an AGO 2020-03 which provides that "unless and until legislatively or judicially determined otherwise, if a quorum is required to conduct official business, local government bodies may only conduct meetings by teleconferencing or other technological means if either a statute permits a quorum to be present by means other than in-



person, or the in-person requirement for constituting a quorum is lawfully suspended by the Governor during the state of emergency;” and,

**WHEREAS**, on March 20, 2020, Governor DeSantis issued Executive Order Number 20-69 which suspends any Florida Statute that requires a quorum to be present in person or requires a local government body to meet at a specific public place and permits local government bodies to utilize communications media technology such as telephonic and video conferencing, as provided in section 120.54(5)(b)2., Florida Statutes; and,

**WHEREAS**, the current outbreak of Coronavirus (COVID-19) has made the City Commission acutely aware that provisions must be made to ensure that the business of municipal governance can occur without unnecessarily exposing either City personnel or members of the public to a risk of infection while ensuring public access and open government; and,

**WHEREAS**, the City Commission found that there was a clear and present danger in holding a public “in person” meeting for those attending and those who come in contact with those attending, both now and if there are future similar pandemic events; and,

**WHEREAS**, the technology exists to conduct public meetings using technology in which the City can comply with the provisions of the Sunshine Law while preserving human life; and,

**WHEREAS**, Section 252.38, Florida Statutes, provides for emergency management powers of political subdivisions of the State of Florida, including, without limitation, counties such as Polk County, and municipalities such as Wauchula (the “City”); and,

**WHEREAS**, pursuant to Section 252.38(3)(a), Florida Statutes, the Legislature has empowered municipalities to declare a state of local emergency; and,

**WHEREAS**, in order to mitigate or prevent these impacts, on March 16, 2020, the City Commission then found that it is necessary to declare a state of emergency within the entire incorporated limits of the Polk City pursuant to the City’s Charter, Chapter 252, Florida Statutes, through the adoption of Resolution No. 2020-02 (the “March 16 Resolution”); and,

**WHEREAS**, the City Commission also possesses broad home rule powers that authorize it to protect the public health, safety, and welfare, declare emergencies, and protect its citizens, and has by those powers adopted ordinance nos. 2020-02, 2020-03, and 2020-04 to enable it to declare civil emergencies and to hold commission meetings using communications media technology; and,

**WHEREAS**, to amend, extend, and update its March 16 Resolution to invoke its home rule powers for the purpose of better protecting the lives of its citizens, residents, employees, and visitors in order to mitigate or prevent these impacts, on April 3, 2020, the City Commission then found that it is necessary to approve Resolution No. 2020-03 pursuant to the City’s Charter, Chapter 252, Florida Statutes, and the City’s home rule authority, including that set forth in Article VIII, Section 2(b), Florida Constitution, and Section 166.021, Florida Statutes; and,

**WHEREAS**, beginning on June 15, 2020, the City Commission has reinstated in person, live meetings of the City Commission; and,

**WHEREAS**, in an abundance of caution, the City now wishes to adopt a resolution ratifying all actions and decisions rendered by the City Commission by verbal motion or written resolution

while it was compelled by its obligation to protect the public health, safety, welfare, and human life to hold virtual meetings; and,

**WHEREAS**, despite measures previously taken, COVID-19 has rapidly spread in the State of Florida, and based on the advice from medical professionals, the number of confirmed cases of COVID-19 in Polk County will continue to increase exponentially if additional measures to stop or slow the spread of COVID-19 are not instituted; and

**WHEREAS**, based on the state's extension of the state declaration of emergency by Executive Order #20-166, the City has determined to extend the current city emergency declaration by this Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF POLK CITY, FLORIDA, THAT:**

**SECTION 1. EXTENSION OF EMERGENCY DECLARATION.** A state of local emergency is hereby extended for all of Polk City, Florida effective July 20, 2020, until the expiration of the State of Florida's emergency declaration by Executive Order #20-52 as extended by Executive Order #20-166, or until further notice, whichever first occurs. Until further notice, the City Commission also authorizes the City Manager to maintain the closure of the City Library and any other city building or facility for such time as may be deemed reasonable and practical by the City Manager. This delegation shall expire on upon the expiration of the State of Florida's emergency declaration by Executive Order #20-52, as extended by Executive Order #20-166, unless earlier terminated or modified by the City Commission.

**SECTION 2. CITY MANAGER AUTHORIZATIONS.** The City Manager is hereby authorized and directed to take whatever prudent actions that may be necessary to protect the health, safety, and welfare of the citizens of the City and customers of the City's utilities systems. In addition to those powers granted under § 252.38(3)(a), Florida Statutes, the City Manager is delegated the following powers and authority while the state of emergency declared hereby exists:

- (a) To order the evacuation of certain areas of the City;
- (b) To declare curfews during specified hours of the day;
- (c) To declare certain areas of the City subject to quarantine or accessible only under specified conditions;
- (d) To prohibit the sale of merchandise, goods or services at more than the normal average retail price;
- (e) To implement emergency procurement procedures;
- (f) To suspend or regulate the sale of alcoholic beverages, explosive or combustibles;
- (g) To restrict water usage;
- (h) To suspend local building regulations;
- (i) To ration fuel, ice and other essentials;
- (j) To temporarily modify personnel policies; and,

(k) To temporarily suspend or modify utility rates, fees, charges, billing termination, and/or service policies set by ordinance or resolution.

**SECTION 3. TERM.** The state of emergency declared hereby shall continue in effect from day to day until declared to be terminated by the City Commission.

**SECTION 4. EFFECTIVE DATE.** Upon its adoption by the City Commission, this resolution shall be effective as of July 20, 2020. Resolution No. 2020-04 is hereby ratified and confirmed, though the emergency declaration set forth therein is hereby extended. This Resolution shall remain in effect unless repealed by the City Commission.

**RESOLVED, PASSED, AND CERTIFIED AS TO PASSAGE THIS 20th DAY OF JULY, 2020.**

**CITY COMMISSION OF POLK CITY, FLORIDA**

By: \_\_\_\_\_  
Joseph LaCascia, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Patricia R. Jackson, City Manager/Clerk

**APPROVED AS TO FORM & LEGALITY**

By: \_\_\_\_\_  
Thomas A. Cloud, City Attorney

**City Commission Meeting  
July 20, 2020**

**AGENDA ITEM #5:**            **Republic Services Solid Waste and Recycling Franchise Agreement -  
Contract Extension – 3% Automatic Increase**

       INFORMATION ONLY  
  X   ACTION REQUESTED

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**ISSUE:**

Republic Services Solid Waste and Recycling Franchise Agreement - Contract Extension – 3% Automatic Increase

**ATTACHMENTS:**

Letter from Republic Services requesting extension of the Solid Waste and Recycling Franchise Agreement

**ANALYSIS:**

The current Solid Waste and Recycling Collection Franchise Agreement with Republic Services will expire January 1, 2021. Republic Services was given notice within the 180 days required by contract advising the contract would expire January 1, 2021.

In a letter dated June 24, 2020 (see attached), Republic Services has asked to extend the contract for one (1) additional term of three (3) years with an amendment to the contract to the annual rate adjustment section to an automatic fixed 3% increase on the anniversary of the contract and the proceeding years thereafter beginning on January 1, 2021.

**STAFF RECOMMENDATION:**

Staff recommends extending the current Solid Waste and Recycling Collection Franchise Agreement with Republic Services for one additional term of three years with an automatic of 1.5% and in the second year, come back to the City Commission with documentation for any additional increase. If the additional increase is not approved, it would revert back to the 1.5%.



3820 Maine Ave. Lakeland FL, 33801  
republicservices.com

June 24, 2020

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

Subject: Solid Waste and Recycling Collection Franchise Agreement

Dear Mrs. Jackson:

Republic Services is your existing partner in providing recycling and solid waste services to Polk City. The present franchise agreement will expire January 1, 2021. We propose to extend the agreement for one (1) additional term of three (3) years with an amendment to the contract to the annual rate adjustment section to an automatic fixed 3% increase on the anniversary of the contract and the proceeding years thereafter beginning on January 1, 2021.

In 2019, Mary Boyer and myself attended the April 15<sup>th</sup>, Commission meeting where we petitioned the Commission for our annual rate adjustment. The Commissioners voiced that they would like the annual rate adjustment to be an automatic increase moving forward and to not require a vote from Council. An annual fixed 3% increase on both residential and commercial lines of business would benefit the City for budgetary purposes and enable the City to plan accordingly in the proceeding years.

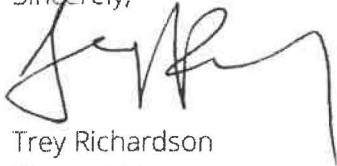
Republic Services has the experience of working with you and your staff and understands the expectations in servicing Polk City. We recognize the responsibility of collecting, transporting and properly disposing of the solid waste generated by the residents and commercial customers each week. The recyclables are collected and transported to our Materials Recovery Facility in Lakeland ensuring sustainability of recycling.

Extending the contract with Republic Services will allow no interruption in service to your residents and commercial customers. On behalf of our managers, operations



team and drivers we recognize it is our privilege to service Polk City. Thank you and the City Commissioners for their consideration of our renewal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Trey Richardson', written in a cursive style.

Trey Richardson  
General Manager



**City Commission Meeting  
July 20, 2020**

**AGENDA ITEM #6:            FINANCIAL REPORTING OFFICER/COMPTROLLER AGREEMENT –  
   GEORGE COTELLIS, JR.**

       INFORMATION ONLY  
  X   ACTION REQUESTED

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**ISSUE:**

Financial Reporting Officer/Comptroller Agreement – George Cotellis, Jr.

**ATTACHMENT:**

- Agreement

**ANALYSIS:**

This Agreement will be for the year ending September 30, 2020. Mr. Cotellis will assist the City staff in making the necessary adjustments to provide for year-end closing of the accounting records and preparation of the schedules required to properly prepare the financial statements and related footnotes as well as for supporting documentation for the annual financial statement audit; preparation of the basic financial statements, required supplementary information, other supplementary information and related footnotes. He will not provide any opinion or form of assurance on these financial statements. The financial statements will be used solely by the City's independent auditors. Mr. Cotellis will also provide additional accounting services as requested by management as the need arises.

Please see the attached agreement for full explanation of services and cost; however, total estimated cost is \$13,600.

**STAFF RECOMMENDATION:**

Move to approve the Financial Reporting Officer/Comptroller Services Agreement with George Cotellis, Jr.

**GEORGE J. COTELLIS, JR.**  
**1203 Candlewood Drive**  
**Lakeland, Florida 33813**  
**(863) 272-4826**

June 11, 2020

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

**Re: Financial Reporting Officer/Comptroller Services Agreement**

The purpose of this letter is to set forth the understanding of my employment for services as the City's Financial Reporting Officer/Comptroller for the functions listed below to **Polk City, Florida** for the year ended September 30, 2020.

I will:

- Assist City staff in making the necessary adjustments to provide for year-end closing of the accounting records and preparation of the schedules required to properly prepare the financial statements and related footnotes as well as for supporting documentation for the annual financial statement audit.
- Preparation of the basic financial statements, required supplementary information, other supplementary information and related footnotes. I will not provide any opinion or form of assurance on these financial statements. The financial statements will be used solely by the City's independent auditors.
- Provide additional accounting services as requested by management as the need arises.

My services cannot be relied upon to disclose errors, irregularities, or illegal acts, including fraud or defalcations, which may exist. I may inform you of any such matters that come to my attention.

Management's responsibilities include:

- Establishing and maintaining internal control and ensuring compliance with laws, regulations, contracts, and agreements.
- Design and implementation of programs and controls to prevent and detect fraud.

**Fees and Payment Terms:**

My fee for these services will be at the actual hours expended at the quoted hourly rate plus out-of-pocket costs (such as report reproduction, typing, postage, travel, copies, telephone,



etc.) Attachment A contains my estimated fee. Additional services requested would be priced using the hourly rate in Attachment A.

My invoices will be rendered as work progresses and are payable on presentation. In accordance with my policies, work may be suspended if your account balance 30 is days or more overdue and may not be resumed until your account is paid in full. If I have to terminate our services for nonpayment, or if you should elect to terminate my services for any reason, you will be obligated to compensate me for all time expended and to reimburse me for all out-of-pocket costs through the date of termination.

**Other:**

Parties to this agreement agree that any dispute that may arise regarding the meaning, performance, or enforcement of this engagement will, prior to resorting litigation, be submitted to mediation upon the written request of any party to this engagement. All mediations initiated as a result of this contract shall be administered by the American Arbitration Association (AAA). The results of this mediation shall be binding only upon the agreement of each part to be bound. Cost of any medication proceeding shall be shared equally by both parties.

**Polk City, Florida** shall defend, indemnify, and hold harmless, George J. Cotellis, Jr., from any and all actual or alleged claims, demands, causes of action, liability and loss, whether brought by an individual or other entity , or imposed by a court of law or by administrative action of any federal, state, or local governmental body or agency, arising out of incident to any acts, omissions, negligence, or willful misconduct by **Polk City, Florida**, its personnel, employees, agents or contractors in connection with or arising out of services performed pursuant to his agreement.

Either party may terminate this agreement upon thirty days written notice.

I appreciate the opportunity to be of service to **Polk City, Florida** and believe this letter accurately summarizes the significant terms of my contract. If you agree with the terms of my contract as described in this letter, please sign the enclosed copy and return it to me.

Sincerely,

George J. Cotellis, Jr.,

Approved: **Polk City, Florida**

By: \_\_\_\_\_

Date: George J. Cotellis, Jr.

Title: \_\_\_\_\_

Encl.: Attachment A

**Polk City, Florida**  
**September 30, 2020**  
Rates Submitted by George J. Cotellis, Jr.

<u>Services</u>	<u>Estimated Hours</u>	<u>Rate Per Hour</u>	<u>Estimated Fee</u>
Year End Closing and Preparation of Schedules for the Audit	120	\$ 85	\$ 10,200
Preparation of Financial Statement and Footnotes	24	85	2,040
Preparation of Management's Discussion and Analysis (MD&A)	8	85	680
Questions, Correspondence, Meetings with External Auditors	8	85	680
<b>Total Estimated Professional Fees</b>	<u>160</u>		13,600
Out-of-Pocket Supplies / Reproduction Costs (1.0%)			-
Travel Expenses			-
<b>Total Estimated Costs</b>			<u>\$ 13,600</u>

**Rate Per Hour for Additional Services:**

George J. Cotellis, Jr. - Owner \$85

**City Commission Meeting  
July 20, 2020**

**AGENDA ITEM #7:                      Purchase of a YANMAR VI017 Mini Excavator**

       INFORMATION ONLY  
  X   ACTION REQUESTED

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**ISSUE:**

Purchase of a YANMAR VIO17 Mini Excavator

**ATTACHMENTS:**

- Vermeer Southeast Sales & Service, Inc. Quote
- Florida Sheriffs Association Contract
- Public Works/Utility Memo

**ANALYSIS**

On many occasions during water line breaks, sewer line breaks and public works Repairs, and maintenance activities, the city-owned Caterpillar 416D Backhoe Combination has proven to be too large to safely maneuver in residential areas.

Cost - \$24,903.00. This equipment is in the budget

**STAFF RECOMMENDATION:**

Approve the purchase of a YANMAR VIO17 Mini Excavator using Florida Sheriff's Association Contract (FSA18-VEH16.0) from Vermeer Southeast Sales & Service, Inc. in the amount of \$24,903.00.

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# Polk City Public Works/Utility Department



## Memorandum

**To:** Patricia Jackson, City Manager

**From:** Keith Prestage, Public Works Director/Lori Pearson, Utilities Supervisor

**Date:** July 6, 2020

**SUBJECT: Purchase of a YANMAR VIO17 Mini Excavator**

It is the recommendation of the Public Works and Utility Departments that Polk City purchase a **YANMAR VIO17 Mini Excavator** using **FLORIDA SHERIFFS ASSOCIATION CONTRACT (FSA18-VEH16.0)**. On many occasions during water line breaks, sewer line breaks, public works repairs, and maintenance activities, the city-owned Caterpillar 416D Backhoe Combination is too large to safely maneuver through residential areas.

This equipment is in the budget. Cost: \$ 24,903.00.

**Keith Prestage**  
Public Work Director

**Lori Pearson**  
Utility Supervisor



Vermeer Southeast Sales & Service, Inc.  
 4559 Old Winter Garden Road  
 Orlando, Florida 32811

QUOTE

Date: 07/01/20

Sales Rep: Ross Hilaman

**Customer Information:**

**Delivered to:**

Polk City  
123 Broadway Blvd. SE  
Polk City, FL 33868

Same

**Contact Name:** Mr. Keith Prestage

**Phone Number:** 863-984-1375

**Payment method:** \_\_\_\_\_

Qty	DESCRIPTION and SERIAL #	Unit Price	TOTAL
1	New Yanmar VIO17 Mini Excavator 12" Bucket Rubber Track Standard Blade		\$ -
	FL Sheriff's Association Contract FSA19-VEH17.0 Specifcation # 41 Title: Hydraulic Mini Excavator - 7,105 operating weight Model: VIO35-6A		
1	Price for base model	\$ 34,650.00	\$ 34,650.00
-1	DELETE: VIO 17	\$ 10,350.00	\$ (10,350.00)
1	ADD: 10" bucket	\$ 603.00	\$ 603.00

**THANK YOU FOR YOUR BUSINESS!**

SubTotal	\$ 24,903.00
Tax	
<b>Total</b>	<b>\$ 24,903.00</b>
Less Down Payment	
<b>Balance Due</b>	<b>\$ 24,903.00</b>

**TERMS:**

All warranties, if any, made with respect to this equipment are those warranties made by the Manufacturer. Dealer makes no warranties express or implied, including, but not limited to, warranties of MERCHANTABILITY AND FITNESS OF A PARTICULAR PURPOSE.

Customer Signature \_\_\_\_\_

# FLORIDA SHERIFFS ASSOCIATION & FLORIDA ASSOCIATION OF COUNTIES

## SPECIFICATION #041 - HYDRAULIC MINI EXCAVATOR - 7,105 LB OPERATING WEIGHT

2019 Bobcat E32 T4 ; 2019 Case CX33C  
2019 Caterpillar 303E CR ; 2019 Hitachi ZX35-U-5  
2019 John Deere 35G ; 2019 Kobelco SK35SR  
2019 Kubota U35-4 ; 2019 Sany SY35  
2019 Takeuchi TB240 ; 2019 Volvo EC 35 D  
2019 Yanmar Vi035-6A

THE FOLLOWING ITEMS WILL BE FACTORY INSTALLED ON THE BASE VEHICLE/EQUIPMENT TO MEET THE MODEL NUMBER AND BUILD CODES OF THE VEHICLE LISTED.

1. WEIGHT:

- a. 7,105 minimum capacity weight with canopy

2. ENGINE/CAB:

- a. Diesel engine, minimum 23 net horse power
- b. Rollover and falling object protective structures
- c. Gauges or warning indicators for fuel level, engine oil, hydraulic oil and coolant.

3. TRAVEL SYSTEM:

- a. Minimum high speed travel 2.3 MPH
- b. Minimum gradeability, 20 degrees
- c. 11" wide rubber belt tracks

4. HYDRAULIC SYSTEM:

- a. Gear type hydraulic pump
- b. Digging depth 9' minimum
- c. Auxiliary hydraulic circuit and controls plummed to the end of stick with disconnect to allow the use of hydro-mechanical work tools
- d. Backfill blade
- e. Hydraulic motor-driven swing system

5. ELECTRICAL SYSTEM:

- a. 12 volt electrical system
- b. 40 amp alternator
- c. Sealed electrical connector
- d. Work lights

**PROPOSAL PRICE**

**BID NO. FSA18-VEH16.0 Cab & Chassis Trucks and Heavy  
Equipment**

**Specification #41 HYDRAULIC MINI EXCAVATOR - 7.105 LB OPERATING WEIGHT**

Unit Price Per Base	Western District	\$34,650.00 /ea.
	Northern District	\$34,650.00 /ea.
	Central District	\$34,650.00 /ea.
	Southern District	\$34,650.00 /ea.

Brand Name:  Yanmar Vi035-6A

SUBMIT SEPARATE SHEETS FOR EACH BRAND AND MODEL OFFERED

BIDDERS MUST INCLUDE A MANUFACTURER'S PRINT-OUT TO VERIFY THE VEHICLE BID MEETS ALL THE FSA AND MANUFACTURER STANDARD REQUIREMENTS OF EACH MAKE AND MODEL/TRIM LEVEL. ALSO, ANY DEALER INSTALLED AFTERMARKET COMPONENTS, IF SPECIFIED, MUST BE NOTED ON THE MANUFACTURER'S PRINT-OUT. ALL CONDITIONS AND REQUIREMENTS SHALL APPLY.

Delivery should occur within 30 - 60 calendar days after receipt of Purchase Order.  
**FSA18-VEH16.0 Cab & Chassis Trucks and Heavy Equipment**

**Specification #41 HYDRAULIC MINI EXCAVATOR - 7,105 LB OPERATING WEIGHT**

**SPECIFICATIONS THAT MAY BE DELETED/ADDED, ORDER CODE, DESCRIPTION AND PRICE**

**LEGEND FOR DELETE/ADD OPTIONS**

Every line will require a **DOLLAR VALUE** or one of the following abbreviations:  
**Std.** = Manufacturer's standard equip.  
**Incl.** = included with base specs.  
**NC** = no additional charge  
**NA** = not applicable to the vehicle

**SUBMIT SEPARATE SHEETS FOR EACH BRAND AND MODEL OFFERED**

<b>Order code</b>	<b>Delete options</b>	<b>Credit</b>
VIO25-6A	Optional equipment - specify <i>Model downgrade to VIO25-6A includes quick coupler and standard bucket.</i>	(\$3,535.00)
VIO17	Optional equipment - specify <i>Model downgrade to VIO17 includes quick coupler and standard bucket.</i>	(\$10,350.00)
SV08-1B	Optional equipment - specify <i>Model downgrade to SV08-1B includes standard bucket.</i>	(\$18,170.00)
NO QUICK COUPLER	Optional equipment - specify <i>Base unit ordered without quick coupler. Extends delivery timeline of NON QUICK COUPLER UNITS to 120 days.</i>	(\$1,200.00)
	Optional equipment - specify	Not Applicable
	Optional equipment - specify	Not Applicable
	Optional equipment - specify	Not Applicable
	Optional equipment - specify	Not Applicable
	Optional equipment - specify	Not Applicable
	Optional equipment - specify	Not Applicable
<b>Order code</b>	<b>Add options</b>	<b>Price</b>
VIO50-6A	Optional equipment - specify <i>VIO50-6A includes quick coupler and standard bucket.</i>	\$7,610.00
VIO35-6A-L CAB	Optional equipment - specify <i>VIO35-6A-L includes angle blade, CAB with AC and Heat, quick coupler and standard bucket.</i>	\$9,000.00
VIO35-6A-L	Optional equipment - specify <i>VIO35-6A-L includes angle blade, quick coupler and standard bucket.</i>	\$3,195.00
VIO50-6A-L	Optional equipment - specify <i>VIO50-6A-L includes angle blade, quick coupler and standard bucket.</i>	\$10,855.00
VIO50-6A-L CAB	Optional equipment - specify <i>VIO50-6A-L CAB - includes angle blade, CAB with AC and Heat, quick coupler and standard bucket.</i>	\$15,430.00
VIO55-6A	Optional equipment - specify <i>VIO55-6A includes quick coupler and standard bucket.</i>	\$12,124.00
VIO55-6A-L	Optional equipment - specify <i>VIO55-6A-L includes angle blade, quick coupler and standard bucket.</i>	\$15,727.00
VIO55-6A-L CAB	Optional equipment - specify <i>VIO55-6A-L CAB includes angle blade, CAB with AC and Heat, quick coupler and standard bucket.</i>	\$21,402.00



**Specification #41 HYDRAULIC MINI EXCAVATOR - 7,105 LB OPERATING WEIGHT**

**SPECIFICATIONS THAT MAY BE DELETED/ADDED, ORDER CODE, DESCRIPTION AND PRICE**

**LEGEND FOR DELETE/ADD OPTIONS**

Every line will require a **DOLLAR VALUE** or one of the following abbreviations:  
**Std.** = Manufacturer's standard equip.  
**Incl.** = included with base specs.  
**NC** = no additional charge  
**NA** = not applicable to the vehicle

**SUBMIT SEPARATE SHEETS FOR EACH BRAND AND MODEL OFFERED**

VIO80-1A	Optional equipment - specify <i>VIO80-1A STEEL TRACK includes quick coupler and standard bucket.</i>	\$38,900.00
VIO80-1A	Optional equipment - specify <i>VIO80-1A RUBBER TRACK includes quick coupler and standard bucket.</i>	\$38,900.00
SV100-2A	Optional equipment - specify <i>SV100-2A STEEL TRACK includes standard bucket.</i>	\$53,490.00
SV100-2A	Optional equipment - specify <i>SV100-2A RUBBER TRACK - includes standard bucket.</i>	\$53,490.00
Hydraulic Thumbkit	Optional equipment - specify <i>10% Discount Percentage off Manufacturer's Current Published Retail Price for Non-Specified Hydraulic Thumb Kits</i>	\$10.00
Mounting Charge	Optional equipment - specify <i>Mounting Charge for Thumb Kit - 4 hours labor</i>	\$440.00
Hyd Hammer	Optional equipment - specify <i>10% Discount Percentage off Manufacturer's Current Published Retail Price for Non-Specified Hydraulic Hammer Options</i>	\$10.00
Mounting Charge	Optional equipment - specify <i>Mounting Charge for hammer kit -= 4 hours labor</i>	\$440.00
25%	Optional equipment - specify <i>Discount percentage off manufacturer's current published price for non-specified models.</i>	\$25.00
	Optional equipment - specify	Not Applicable
	Optional equipment - specify	Not Applicable
	Optional equipment - specify	Not Applicable
	Temporary tag	Not Applicable
	Transfer existing registration (must provide tag number)	Not Applicable
	New state tag (specify state, county, city, sheriff, etc.)	Not Applicable
	Maintenance Plan – specify	Not Applicable
	Maintenance Plan – specify	Not Applicable
4 YEAR	Warranty - specify <i>4 year, 4,000 hour warranty on all units</i>	Included
	Warranty - specify	Standard

# FLORIDA SHERIFFS ASSOCIATION & FLORIDA ASSOCIATION OF COUNTIES

## **SPECIFICATION #052 - VACUUM EXCAVATOR, TRAILER MOUNTED - 14,000 LB GVWR**

2019 PacificTek PV800 ; 2019 RamVac 1000 Vacuum Excavator  
2019 Vac-Con Mudslinger MS800 ; 2019 Vermeer LP873SDT  
2019 X-Vac X800

THE FOLLOWING ITEMS WILL BE FACTORY INSTALLED ON THE BASE VEHICLE/EQUIPMENT TO MEET THE MODEL NUMBER AND BUILD CODES OF THE VEHICLE LISTED.

1. WEIGHT:

- a. 6,190 lbs. (without trailer)

2. ENGINE:

- a. 36 hp diesel engine
- b. Water cooled
- c. Fully enclosed sound attenuated engine enclosure (including vacuum pump and high pressure water pump)
- d. 15 gallon fuel tank

3. VACUUM PUMP:

- a. 580 CFM at 15 inches of mercury
- b. Mounted inside engine enclosure
- c. Washable filtration cylinders
- d. Reverse pressure (to clear hose and offload liquids)

4. HIGH PRESSURE WATER SYSTEM:

- a. 400 PSI at 4 GPM water pump
- b. Low water automatic shutdown
- c. Two 100 gallon poly water tanks
- d. 50' high pressure water hose on hose reel
- e. 5' and 3' wand and control handle

5. CONTROLS:

- a. Lockable and waterproof
- b. Curbside located
- c. Oil pressure, water temperature, fuel and vacuum gauge
- d. Electronic throttle

6. TANK:

- a. Full open rear door
- b. Door hydraulically opened
- c. Twin dump cylinders
- d. 6" stainless steel portal shutoff
- e. 800 gallon debris tank capacity

7. BOOM:

- a. 4" pickup hose
- b. Hydraulically powered in/out and up/down
- c. Boom cradle
- d. 360 degree movement
- e. 2 dielectric 3" suction wands
- f. 33' rubber suction hose

8. TRAILER:

- a. 7,000 lb. dexter torsion axles
- b. 14,000 lb. GVWR
- c. 10,000 lb. jack stand
- d. I beam construction
- e. Pintle hitch
- f. Electric brakes with safety breakaway
- g. LT235/85R16 tires
- h. Stop/tail/turn lights

**PROPOSAL PRICE**

**BID NO. FSA18-VEH16.0 Cab & Chassis Trucks and Heavy  
Equipment**

**Specification #52 VACUUM EXCAVATOR, TRAILER MOUNTED - 14,000 LB GVWR**

Unit Price Per Base	Western District \$83,900.00 /ea.
	Northern District \$83,900.00 /ea.
	Central District \$83,900.00 /ea.
	Southern District \$83,900.00 /ea.

Brand Name:  Vermeer LP873SDT

SUBMIT SEPARATE SHEETS FOR EACH BRAND AND MODEL OFFERED

BIDDERS MUST INCLUDE A MANUFACTURER'S PRINT-OUT TO VERIFY THE VEHICLE BID MEETS ALL THE FSA AND MANUFACTURER STANDARD REQUIREMENTS OF EACH MAKE AND MODEL/TRIM LEVEL. ALSO, ANY DEALER INSTALLED AFTERMARKET COMPONENTS, IF SPECIFIED, MUST BE NOTED ON THE MANUFACTURER'S PRINT-OUT. ALL CONDITIONS AND REQUIREMENTS SHALL APPLY.

Delivery should occur within 30 - 60 calendar days after receipt of Purchase Order.  
**FSA18-VEH16.0 Cab & Chassis Trucks and Heavy Equipment**

**Specification #52 VACUUM EXCAVATOR, TRAILER MOUNTED - 14,000 LB GYWR**

<b>LEGEND FOR DELETE/ADD OPTIONS</b>	
Every line will require a <b>DOLLAR VALUE</b> or one of the following abbreviations:	
<b>Std.</b>	= Manufacturer's standard equip.
<b>Incl.</b>	= included with base specs.
<b>NC</b>	= no additional charge
<b>NA</b>	= not applicable to the vehicle

**SPECIFICATIONS THAT MAY BE DELETED/ADDED, ORDER CODE, DESCRIPTION AND PRICE**

**SUBMIT SEPARATE SHEETS FOR EACH BRAND AND MODEL OFFERED**

<b>Order code</b>	<b>Delete options</b>	<b>Credit</b>
VSK25-100G	Downgrade to small excavator - specify <i>24Hp Honda Gas Engine, 575 CFM Blower, 100 Gallon Tilt Spoil Tank, 50 Gallon Fresh Water Tank with 4GPM @ 3,000 PSI Water System, Manual Rear Door NO BOOM</i>	(\$63,195.00)
EV150GT	Downgrade to small excavator - specify <i>25Hp Kohler Air Cooled Gas Engine, 550 CFM Vacuum Pump, Hydraulic Tilt Debris Tank, 3,000 PSI @ 4GPM-High Pressure Water System, 40 Gallon Water Tank, 30'ft x 3" Suction hose with Suction Tool, Spin Wheel Door Lock, Water Knife and Clean-Up Wand, Trailer Mounted Single Axle 3,500 GVWR, NO BOOM</i>	(\$56,195.00)
V25-500G	Downgrade to small excavator - specify <i>24Hp Honda Gas Engine, 575 CFM Blower, 500 Gallon Spoil Tank, (2) 10'x3" Vacuum hose Sections. 9,999 GVW Trailer. NO BOOM</i>	(\$52,602.00)
LP373GT	Downgrade to small excavator - specify <i>27Hp Kohler Air Cooled Gas Engine, 580CFM Vacuum Pump, 300 Gallon Debris Tank, 3,500 PSI @ 4GPM-High Pressure water System, (2) 50 Gallon Water Tanks, 7,000lb GVWR Trailer, Reverse Pressure, 30'ft x 3" Suction Hose with Suction Tool, Hydraulic Rear Door, Water Knife and Clean-Up Wand NO BOOM</i>	(\$43,230.00)
VX30-500	Downgrade to small excavator - specify <i>Gen3 24.8Hp Kubota Tier IV Final Diesel Engine, 575 CFM 15" of Mercury Blower, 500 Gallon Spoil Tanks (2) 125 Gallon Fresh Water Tanks with 4.0 GPM @ 3,000 PSI Water System with Auto Clutch, Can-Over Full Open External Hydraulic Door with Separate Door/Tank Raise Circuit, In Tank Clean Out System, (2) 15' x 3" Vacuum Hose, 12,000 GVW Trailer - NO BOOM</i>	(\$32,510.00)
LP573SGT	Downgrade to small excavator - specify <i>37Hp Kohler Gas 1,000 CFM Vacuum Pump, 500 Gallon Debris Tank, 4,000PSI@4GPM-High Pressure Water System, (2) 100 Gallon Water Tanks, Reverse Pressure, 30' x 3" Suction Hose with Suction Tool, Hydraulically Full Open and Lock Rear Door, Water Knife and Clean-Up Wand, Low Profile Torsion Axles, (12,000 GVWR) NO BOOM</i>	(\$32,141.00)
LP873XDT	Downgrade to small excavator - specify <i>24Hp Kohler Diesel (T4F), 580 CFM Vacuum Pump, 800 Gallon Debris Tank, 3,500 PSI @ 4GPM-High Pressure Water System, (2) 100 Gallon Water Tanks, Reverse Pressure, 30'Ft x 3" Suction Hose with Suction Tool, Hydraulically Operated Full Open and Locked Rear Door. Water Knife and Clean-Up Wand. Low Profile Torsion Axles (14,000 GVWR) NO BOOM</i>	(\$29,575.00)
LP573SDT	Downgrade to small excavator - specify <i>49Hp Yanmar Diesel (T4F), 1,000 CFM Vacuum Pump. 500 Gallon Debris Tank, 4,000 PSI @ 4 GPM-High Pressure Water System, (2) 100 Gallon Water Tanks, Reserve Pressure, 30'ft X 3" Suction Hose with Suction Tool, Hydraulically Operated Full Open and Locked Rear Door, Water Knife and Clean-Up Wand, Low Profile Torsion Axles (12,000 GVWR) No Boom</i>	(\$18,277.00)
Manual	Delete hydraulic boom to manual	(\$11,900.00)

**Specification #52 VACUUM EXCAVATOR, TRAILER MOUNTED - 14,000 LB GVWR**

**LEGEND FOR  
DELETE/ADD OPTIONS**

Every line will require a **DOLLAR VALUE** or one of the following abbreviations:  
**Std.** = Manufacturer's standard equip.  
**Incl.** = included with base specs.  
**NC** = no additional charge  
**NA** = not applicable to the vehicle

**SPECIFICATIONS THAT MAY BE DELETED/ADDED, ORDER CODE, DESCRIPTION AND PRICE**

**SUBMIT SEPARATE SHEETS FOR EACH BRAND AND MODEL OFFERED**

	Optional equipment delete - specify	Not Applicable
	Optional equipment delete - specify	Not Applicable
	Optional equipment delete - specify	Not Applicable
<b>Order code</b>	<b>Add options</b>	<b>Price</b>
AIR573SDT	Model upgrade - specify 83Hp Yanmar Diesel, 1,000 CFM Vacuum Pump, 500 Gallon Debris Tank, 4,000 PSI @ 4GPM-High Pressure Water System, internal Air Compressor 150 CFM @170 PSI, (2) 100 Gallon Water Tanks, Reverse Pressure, 30'ft x 3" Suction Tool, Hvdraulically Operated Full Open and Locked Rear Door, Water Knife and Clean-Up Wand, 50' Air Hose with Self Retracting Reel and Air Knife. Low Profile Torsion Axles, (12,000 GVWR) NO BOOM	\$9,317.00
MC573SDT	Model upgrade - specify 83Hp Yanmar Diesel 1,000 CFM Vacuum Pump, 500 Gallon Debris Tank, 2,000 PSI @ 15 GPM-High Pressure Water System, (2) 150 Gallon Water Tanks, Reverse Pressure, 30'ft x 3" Suction Hose with Suction Tool, Hydraulically Operated Full Open and Locked Rear Door, 300' Jetter Hose w/ Reel, Water Knife Clean-Up Wand. Low Profile Torsion Axles (14,000 GVWR) NO BOOM	\$3,741.00
MC873SDT	Model upgrade - specify 83Hp Yanmar Diesel Engine, 1,000 CFM Vacuum Pump, 800 Gallon Debris Tank, 2,000 PSI @ 15 GPM- High Pressure Water System, (2) 200 Gallon Water Tanks, Reverse Pressure, 30'ft x 3" Suction hose with Suction Tool, Hydraulically Operated Full Open and Locked Rear Door, 300' Jetter Hose w/ Reel, Water Knife Clean-Up Wand, Tandem Axles, (20,000 GVWR) NO BOOM	\$7,591.00
AIR873SDT	Model upgrade - specify 83Hp Yanmar Diesel, 1,000 CFM Vacuum Pump, 800 Gallon Debris Tank, 4,000 PSI @ 4GPM-High Pressure Water System, Internal Air Compressor, 185 CFM @ 175 PSI, (2) 100 Gallon Water Tanks, Reverse Pressure, 30'ft x 3" Suction Hose with Suction Tool, Hydraulically Operated Full Open and Locked Rear Door, Water Knife and Clean-Up Wand, 50' Air Hose w/ self retracting reel and Air Knife. Low Profile Torsion Axles, (14,000 GVWR) NO BOOM	\$15,673.00
HTV573PTO	Model upgrade - specify PTO Driven off of Truck Chassis, 1,000 CFM Vacuum Pump, 500 Gallon Debris Tank, 4,000 PSI @ 4GPM-High Pressure Water System, (2) 150 Gallon Water Tanks, Reverse Pressure, 30'ft x 3" Suction Hose with Suction Tool. Hydraulically Operated Full Open and Locked Rear Door. Water Knife and Clean-Up Wand, Storage Package (Tool Box) NO BOOM, Ford F-650 270Hp Diesel Regular Cab	\$46,335.00
HTV873PTO	Model upgrade - specify PTO Driven off of Truck Chassis, 1,000 CFM Vacuum Pump, 800 Gallon Debris Tank, 4,000 PSI @ 4GPM-High Pressure Water System, (2) 150 Gallon Water Tanks, Reverse Pressure, 30'ft x 3" Suction Hose with Suction Tool. Hydraulically Operated Full Open and Locked Rear Door. Water Knife and Clean-Up Wand, Storage Package (Tool Box) NO BOOM, Ford F-750 300Hp Diesel Regular Cab	\$58,921.00

**Specification #52 VACUUM EXCAVATOR, TRAILER MOUNTED - 14,000 LB GVWR**

**SPECIFICATIONS THAT MAY BE DELETED/ADDED, ORDER CODE, DESCRIPTION AND PRICE**

**LEGEND FOR DELETED/ADD OPTIONS**

Every line will require a **DOLLAR VALUE** or one of the following abbreviations:  
**Std.** = Manufacturer's standard equip.  
**Incl.** = included with base specs.  
**NC** = no additional charge  
**NA** = not applicable to the vehicle

**SUBMIT SEPARATE SHEETS FOR EACH BRAND AND MODEL OFFERED**

VX75-800	Model upgrade - specify <i>74Hp Deutz Diesel Engine, 1200 CFM 15" Mercury Blower, 1200 Gallon Spoils Tank, (2) 205 Gallon Fresh Water tank with Quick Fill, 8 GPM @3,000 PSI Water System with Auto Clutch, 18,000 GVW Trailer - NO BOOM</i>	\$28.00
VTX8	Model upgrade - specify <i>Mega-Vac 1,600 Gallon Spoils Tank, (3) 200 Gallon Water Tanks, 3200 CFM Roots Blower, 18" HG, 10 GPM @ 3,000 PSI Water System, Hydraulic Rotation 6" Boom with (3) 5'extensions, in Tank Wash down System. External Tank Monitor, 50' Spring return Water Hose, 6" Ball float shutdown, 3 Stage Filtration using a Cyclonic Separator and 2 Micron Washable Poly Filter, Rotary Digging Lance, Spray Was Wand, Wireless Full Function Remote Control and CAN Control Operation System. Does Include Mounting- DOES NOT Include Truck</i>	\$120,255.00
E-GUN	Emulsifier gun	\$900.00
H-JACK	Electric tongue jack <i>Hydraulic Jack</i>	\$1,918.00
AUX HYD	Auxiliary hydraulics <i>Auxiliary Hydraulics</i>	\$5,630.00
SPARE	Spare tire <i>Spare Tire</i>	\$598.00
A-BOARD	Arrow board <i>Arrow Board</i>	\$1,271.00
	Air brakes	Not Applicable
	Gooseneck hitch	Not Applicable
6WayBoom	Optional equipment - specify <i>6 Way Boom, Hydraulic up-down, in-out, and rotation. Upgrade cost for BASE MODEL BID LP873SDT All Other models DO NOT include BOOM in price.</i>	\$2,495.00
FM	Optional equipment - specify <i>Flow Master Package ( Includes the Flow Master arm and head, hydrant hose and diffuser box, tool box and all relevant Flow Mast tools.</i>	\$14,041.00
REM DEB	Optional equipment - specify <i>Remote Debris Tank</i>	\$9,652.00
HOTBOX	Optional equipment - specify <i>Hot Box</i>	\$5,823.00
STRONGARM	Optional equipment - specify <i>Strong Arm</i>	\$1,852.00
5 %	Optional equipment - specify <i>Discount Percentage off manufacturers Current Published Retail Price for Non-Specified Options and any optional Models</i>	\$5.00

**Specification #52 VACUUM EXCAVATOR, TRAILER MOUNTED - 14,000 LB GVWR**

**SPECIFICATIONS THAT MAY BE DELETED/ADDED, ORDER CODE, DESCRIPTION AND PRICE**

**LEGEND FOR  
DELETE/ADD OPTIONS**

Every line will require a **DOLLAR VALUE** or one of the following abbreviations:  
**Std.** = Manufacturer's standard equip.  
**Incl.** = included with base specs.  
**NC** = no additional charge  
**NA** = not applicable to the vehicle

**SUBMIT SEPARATE SHEETS FOR EACH BRAND AND MODEL OFFERED**

New Tag	New state tag (specify state, county, city, sheriff, etc.) <i>New Tag</i>	\$210.00
Tran Tag	Transfer existing registration (must provide tag number) <i>Transfer tag</i>	\$210.00
Temp Tag	Temporary tag	No Charge
	Maintenance Plan - specify	Not Applicable
	Maintenance Plan - specify	Not Applicable
	Warranty - specify	Standard
	Warranty - specify	Standard

# FLORIDA SHERIFFS ASSOCIATION & FLORIDA ASSOCIATION OF COUNTIES

## SPECIFICATION #067 - BRUSH CHIPPER - TRAILER MOUNTED

2019 Bandit 15XP ; 2019 DuraTech TC-15  
2019 Morbark M15R ; 2019 Vermeer BC1500

THE FOLLOWING ITEMS WILL BE FACTORY INSTALLED ON THE BASE VEHICLE/EQUIPMENT TO MEET THE MODEL NUMBER AND BUILD CODES OF THE VEHICLE LISTED.

### 1. DIMENSIONS:

- a. Weight - 6800 lbs.
- b. Width - 72"
- c. Height - 100"
- d. Length - 176"
- e. 15" chipping capacity

### 2. ENGINE:

- a. 122 hp diesel engine
- b. Over center type clutch
- c. Heavy duty air cleaner
- d. Spin on type filters

### 3. CHASSIS:

- a. Main frame constructed of rectangular tubing or "z" section.
- b. 7000 lb. axle torsion type
- c. Electric brakes with breakaway switch
- d. ST 235/80R16 tires load range E
- e. Steel wheels
- f. Drop leg jack
- g. 2 1/2" diameter lunette or 2 5/16" ball hitch
- h. Adjustable height hitch
- i. Safety chains
- j. 6 way light connector
- k. All wiring in conduit to lights
- l. Four function rear lights

### 4. FEED SYSTEM:

- a. Infeed throat opening - 20" x 15"
- b. Serrated infeed rollers
- c. Feed rollers hydraulically driven
- d. Feed table height - 27"
- e. Feed table length - 30"
- f. Safety control bar a round infeed opening for emergency stop.

### 5. CHIPPER DRUM OR DISC

- a. Drum type:
- b. Size - 22" diameter x 22" width
- c. 2 knife pockets 180 degrees apart
- d. Dual edge reversible knives
- e. Extreme duty bearings
- f. Adjustable bedknife (reversible)
- g. Disc type:
- h. 37" x 2" diameter disc
- i. 4 knives reversible

### 6. CHIPPER HOUSING:

- a. Easy access door for knife changes
- b. Drop down door for anvil adjustment or clean out
- c. Chipper housing to be constructed for maximum safety and operator protection

### 7. DISCHARGE CHUTE:

- a. Rotation of 360 degrees
- b. Adjustable chip deflector
- c. Locking pin for chute rotation

### 8. MISCELLANEOUS:



- a. 26 gallon fuel tank
- b. Engine shutdown system
- c. Locking tool box
- d. Vandalism protection

**PROPOSAL PRICE**

**BID NO. FSA18-VEH16.0 Cab & Chassis Trucks and Heavy  
Equipment**

**Specification #67 BRUSH CHIPPER - TRAILER MOUNTED**

Unit Price Per Base  
Western District \$66,356.00 /ea.  
Northern District \$66,356.00 /ea.  
Central District \$66,356.00 /ea.  
Southern District \$66,356.00 /ea.

Brand Name:  Vermeer BC1500

SUBMIT SEPARATE SHEETS FOR EACH BRAND AND MODEL OFFERED

BIDDERS MUST INCLUDE A MANUFACTURER'S PRINT-OUT TO VERIFY THE VEHICLE BID MEETS ALL THE FSA AND MANUFACTURER STANDARD REQUIREMENTS OF EACH MAKE AND MODEL/TRIM LEVEL. ALSO, ANY DEALER INSTALLED AFTERMARKET COMPONENTS, IF SPECIFIED, MUST BE NOTED ON THE MANUFACTURER'S PRINT-OUT. ALL CONDITIONS AND REQUIREMENTS SHALL APPLY.

**Specification #67 BRUSH CHIPPER - TRAILER MOUNTED**

**SPECIFICATIONS THAT MAY BE DELETED/ADDED, ORDER CODE, DESCRIPTION AND PRICE**

LEGEND FOR DELETE/ADD OPTIONS	
Every line will require a <b>DOLLAR VALUE</b> or one of the following abbreviations:	
<b>Std.</b>	= Manufacturer's standard equip.
<b>Incl.</b>	= included with base specs.
<b>NC</b>	= no additional charge
<b>NA</b>	= not applicable to the vehicle

**SUBMIT SEPARATE SHEETS FOR EACH BRAND AND MODEL OFFERED**

<b>Order code</b>	<b>Delete options</b>	<b>Credit</b>
BC700XL	Downgrade model - specify <i>BC700XL Brush Chipper 7" Capacity, Kohler EFI Gas Engine</i>	(\$49,603.00)
BC900XL	Downgrade model - specify <i>BC900XL Brush Chipper 9" Capacity, 35HP Vanguard Gas Engine</i>	(\$40,327.00)
BC1000XL-G	Downgrade model - specify <i>BC1000XL Brush Chipper 12" Capacity 3.0L GM Gas Engine</i>	(\$30,242.00)
BC1000XL-74D	Downgrade model - specify <i>BC1000XL Brush Chipper 12" Capacity 74Hp Deutz Diesel Engine</i>	(\$24,203.00)
N/A	Optional equipment delete - specify	Not Applicable
N/A	Optional equipment delete - specify	Not Applicable
N/A	Optional equipment delete - specify	Not Applicable
<b>Order code</b>	<b>Add options</b>	<b>Price</b>
BX1800XLG-165	Model upgrade - specify <i>BC1800XL Brush Chipper 18" Capacity 165HP PSI 5.7 L Gas Engine</i>	\$3,872.00
BC1800XL-130	Model upgrade - specify <i>BC1800XL Brush Chipper 18" Capacity 130HP T4F Cummins Diesel Engine</i>	\$7,139.00
BC1800XL-173	Model upgrade - specify <i>BC1800XL Brush Chipper 18" Capacity 173HP John Deere Diesel Engine</i>	\$17,538.00
AX19	Model upgrade - specify <i>AX19 Brush Chipper 19" Capacity 173HP T4F John Deere Diesel Engine</i>	\$35,056.00
	Model upgrade - specify	Not Applicable
Winch	Optional equipment - specify <i>Hydraulic Winch Option</i>	\$4,270.00
HYD Jack	Optional equipment - specify <i>Hydraulic Jack</i>	\$2,593.00
	Optional equipment - specify	Not Applicable
	Optional equipment - specify	Not Applicable
Tree Com	Optional equipment - specify <i>Tree Commander Remote Control</i>	\$2,966.00
5% Discount	Optional equipment - specify <i>Discount Percentage off Manufacturer's Current Published Retail Price for Non-Specified Options and any Optional Models</i>	\$5.00
	Optional equipment - specify	Not Applicable
	Optional equipment - specify	Not Applicable
	Optional equipment - specify	Not Applicable

**Specification #67 BRUSH CHIPPER - TRAILER MOUNTED**

**SPECIFICATIONS THAT MAY BE DELETED/ADDED, ORDER CODE, DESCRIPTION AND PRICE**

**LEGEND FOR  
DELETE/ADD OPTIONS**

Every line will require a **DOLLAR VALUE** or one of the following abbreviations:

**Std.** = Manufacturer's standard equip.

**Incl.** = included with base specs.

**NC** = no additional charge

**NA** = not applicable to the vehicle

**SUBMIT SEPARATE SHEETS FOR EACH BRAND AND MODEL OFFERED**

	Optional equipment - specify	Not Applicable
New Tag	New state tag (specify state, county, city, sheriff. etc.)	\$210.00
Trans Tag	Transfer existing registration (must provide tag number)	\$210.00
Temp Tag	Temporary tag	No Charge
	Maintenance Plan - specify	Standard
	Maintenance Plan - specify	Standard
	Warranty - specify	Standard
	Warranty - specify	Standard

# FLORIDA SHERIFFS ASSOCIATION & FLORIDA ASSOCIATION OF COUNTIES

## SPECIFICATION #068 - SELF PROPELLED STUMP CUTTER

2019 Bandit 2550 ; 2019 Vermeer SC362  
2019 Toro STX 38EFI

THE FOLLOWING ITEMS WILL BE FACTORY INSTALLED ON THE BASE VEHICLE/EQUIPMENT TO MEET THE MODEL NUMBER AND BUILD CODES OF THE VEHICLE LISTED.

### 1. ENGINE:

- a. 35 H.P. gasoline engine
- b. 6 gallon fuel tank
- c. Positive feed oil system with spin on filter
- d. heavy duty air filter
- e. 12 volt starting/charging system

### 2. GROUND DRIVE:

- a. Hydraulic Ground Drive
- b. 2 speed travel
- c. Hydraulic brake system
- d. Hydraulic steering system
- e. Hydraulic system spin on filter
- f. 4 gallon hydraulic reservoir

### 3. CUTTER DRIVE:

- a. Electric drive clutch
- b. Adjustable V belt drive

### 4. CUTTER WHEEL:

- a. 17" diameter
- b. 16 dual cutting edge teeth
- c. Teeth pocket mounted
- d. Cutter wheel guard

### 5. CONTROLS:

- a. Hourmeter
- b. Low-oil shutdown
- c. Boom swing left and right
- d. Boom up and down
- e. Travel forward and reverse
- f. Steering
- g. Operator presence shutdown

### 6. APPROXIMATE DIMENSIONS:

- a. Weight - 1320lbs
- b. Length - 110"
- c. Width - 49"
- d. Height - 53"

### 7. CUTTING DIMENSIONS:

- a. Above ground - 24"
- b. Below ground - 15"

**PROPOSAL PRICE**

**BID NO. FSA18-VEH16.0 Cab & Chassis Trucks and Heavy  
Equipment**

**Specification #68 SELF PROPELLED STUMP CUTTER**

Unit Price Per Base	Western District \$20,900.00 /ea.
	Northern District \$20,900.00 /ea.
	Central District \$20,900.00 /ea.
	Southern District \$20,900.00 /ea.

Brand Name:  Vermeer SC362

SUBMIT SEPARATE SHEETS FOR EACH BRAND AND MODEL OFFERED

BIDDERS MUST INCLUDE A MANUFACTURER'S PRINT-OUT TO VERIFY THE VEHICLE BID MEETS ALL THE FSA AND MANUFACTURER STANDARD REQUIREMENTS OF EACH MAKE AND MODEL/TRIM LEVEL. ALSO, ANY DEALER INSTALLED AFTERMARKET COMPONENTS, IF SPECIFIED, MUST BE NOTED ON THE MANUFACTURER'S PRINT-OUT. ALL CONDITIONS AND REQUIREMENTS SHALL APPLY.

Delivery should occur within 30 - 60 calendar days after receipt of Purchase Order.

**FSA18-VEH16.0 Cab & Chassis Trucks and Heavy Equipment**

**Specification #68 SELF PROPELLED STUMP CUTTER**

**SPECIFICATIONS THAT MAY BE DELETED/ADDED, ORDER CODE, DESCRIPTION AND PRICE**

<b>LEGEND FOR DELETE/ADD OPTIONS</b>
Every line will require a <b>DOLLAR VALUE</b> or one of the following abbreviations: <b>Std.</b> = Manufacturer's standard equip. <b>Incl.</b> = included with base specs. <b>NC</b> = no additional charge <b>NA</b> = not applicable to the vehicle

**SUBMIT SEPARATE SHEETS FOR EACH BRAND AND MODEL OFFERED**

<b>Order code</b>	<b>Delete options</b>	<b>Credit</b>
SC292	Downgrade option – specify <i>SC292 Stump Cutter, Kohler EFI Gas Engine</i>	(\$2,352.00)
SC30TX	Downgrade option – specify <i>SC30TX Stump Cutter, Kohler EFI Gas Engine</i>	(\$3,452.00)
	Delete Option – specify	Not Applicable
	Delete Option – specify	Not Applicable
<b>Order code</b>	<b>Add options</b>	<b>Price</b>
SC40TX	Upgrade – specify <i>SC40TX Stump Cutter 40HP Diesel Engine</i>	\$19,538.00
SC60TX	Upgrade – specify <i>SC60TX Stump Cutter 60HP CAT TIER 4 Final Diesel Engine</i>	\$38,311.00
REMOTES	Optional Equipment – specify <i>Remote Control</i>	\$4,322.00
5% Discount	Optional Equipment – specify <i>Discount Percentage off Manufacturer's Current Published Retail Price for Non-Specified Options and any Optional Models</i>	\$5.00
	Optional Equipment – specify	Not Applicable
SC802	Upgrade – specify <i>SC802 Tow Behind Stump Cutter, 74HP T4 Deutz Diesel Engine</i>	\$37,561.00
SC552	Upgrade – specify <i>SC552 Self Propelled Stump Cutter, 56HP Kohler Diesel Engine</i>	\$40,418.00
SC852	Upgrade – specify <i>SC852 Self Propelled Stump Cutter, 74HP Deutz Diesel Engine</i>	\$56,185.00
	Upgrade – specify	Not Applicable
New Tag	New state tag	\$210.00
Tran Tag	Transfer existing registration	\$210.00
Temp Tag	Temporary Tag	Included
	Maintenance plan – specify	Not Applicable
	Maintenance plan – specify	Not Applicable
	Warranty – specify	Standard
	Warranty – specify	Standard

**FLORIDA SHERIFFS ASSOCIATION  
& FLORIDA ASSOCIATION OF COUNTIES**

**SPECIFICATION #069 - WALK BEHIND TRENCHER**

2019 Vermeer RTX250

THE FOLLOWING ITEMS WILL BE FACTORY INSTALLED ON THE BASE VEHICLE/EQUIPMENT TO MEET THE MODEL NUMBER AND BUILD CODES OF THE VEHICLE LISTED.

1. ENGINE:

- a. 25 H.P. gasoline engine
- b. 7 gallon fuel tank
- c. Positive feed oil system with spin on filter
- d. 12 volt starting/charging system

2. GROUND DRIVE:

- a. Hydrostatic
- b. Rubber ground tracks
- c. 7" track width
- d. 31" track length on ground

3. TRENCHER DRIVE:

- a. Hydraulic drive
- b. 8 gallon hydraulic reservoir
- c. Hydraulic system spin on filter

4. TRENCHER BOOM:

- a. Digging depth - 48"
- b. Auger diameter - 18"
- c. Cutting width minimum - 4"

5. CONTROLS:

- a. Operator presence safety system
- b. Low-oil shutdown system
- c. Steering control
- d. Operator presence safety system
- e. Low-oil shutdown system
- f. Steering control
- g. Trencher controls
- h. Travel control
- i. Boom controls

6. APPROXIMATE DIMENSIONS:

- a. Weight - 1550 LBS.
- b. Length - 79"
- c. Width - 34"
- d. Height - 48"



**PROPOSAL PRICE**

**BID NO. FSA18-VEH16.0 Cab & Chassis Trucks and Heavy  
Equipment**

**Specification #69 WALK BEHIND TRENCHER**

Unit Price Per Base

Western District \$17,670.00 /ea.

Northern District \$17,670.00 /ea.

Central District \$17,670.00 /ea.

Southern District \$17,670.00 /ea.

Brand Name:

Vermeer RTX250

SUBMIT SEPARATE SHEETS FOR EACH BRAND AND MODEL OFFERED

BIDDERS MUST INCLUDE A MANUFACTURER'S PRINT-OUT TO VERIFY THE VEHICLE BID MEETS ALL THE FSA AND MANUFACTURER STANDARD REQUIREMENTS OF EACH MAKE AND MODEL/TRIM LEVEL. ALSO, ANY DEALER INSTALLED AFTERMARKET COMPONENTS, IF SPECIFIED, MUST BE NOTED ON THE MANUFACTURER'S PRINT-OUT. ALL CONDITIONS AND REQUIREMENTS SHALL APPLY.

Delivery should occur within 30 - 60 calendar days after receipt of Purchase Order.

**FSA18-VEH16.0 Cab & Chassis Trucks and Heavy Equipment**

**Specification #69 WALK BEHIND TRENCHER**

**SPECIFICATIONS THAT MAY BE DELETED/ADDED, ORDER CODE, DESCRIPTION AND PRICE**

LEGEND FOR DELETE/ADD OPTIONS	
Every line will require a <b>DOLLAR VALUE</b> or one of the following abbreviations:	
<b>Std.</b>	= Manufacturer's standard equip.
<b>Incl.</b>	= included with base specs.
<b>NC</b>	= no additional charge
<b>NA</b>	= not applicable to the vehicle

**SUBMIT SEPARATE SHEETS FOR EACH BRAND AND MODEL OFFERED**

Order code	Delete options	Credit
RTX130	Downgrade option – specify <i>Walk Behind Trencher, 13HP Honda Gas Engine, 24" Boom, Shark Combo Chain, Restraint Bar</i>	(\$4,275.00)
RTX200	Downgrade option – specify <i>Walk Behind Trencher, 20HP Kohler Gas Engine, 24" Boom, Shark Combo chain, Restraint Bar</i>	(\$2,199.00)
	Delete Option – specify	Not Applicable
	Delete Option – specify	Not Applicable
Order code	Add options	Price
RTX450S	Upgrade – specify <i>RTX450S Ride on Trencher, 49HP Deutz Diesel Engine, SO455 Sliding offset Trencher, 48" Boom, Shark Combo Chain, Restraint Bar</i>	\$45,954.00
PTX44	Upgrade – specify <i>PTX44 Ride on Trencher/Plow. Kubota Gas engine, 48" trencher plow attachment, porta-bore attachment</i>	\$33,250.00
RTX550S	Upgrade – specify <i>RTX550 Ride On Trencher, 57HP Deutz Diesel Engine, SO455 Sliding offset Trencher, 48" Boom, Shark Combo Chain, Restraint Bar.</i>	\$72,869.00
RTX750S	Upgrade – specify <i>RTX750 Ride On trencher, 74HP Deutz Diesel Engine, SO750 Sliding Offset Trencher, 48" Boom, Shark Combo chain, Restraint Bar</i>	\$87,095.00
RTX1250S	Upgrade – specify <i>RTX1250S Ride On Trencher, 120Hp Cummins Diesel Engine, TR1250 Trencher, Sliding offset, 48" Boom, Shark Combo Chain, Restraint Bar</i>	\$147,637.00
RTX1250PR	Upgrade – specify <i>RTX1250 Ride On Plow, 120HP Cummins Diesel Engine, VPT1250 Plow Attachment, RC1250 Reel Carrier</i>	\$154,175.00
T755	Upgrade – specify <i>T755 Track Trencher, 275HP John Deere Diesel Engine, 20'Tracks, Tilt Track, 12' Conveyer, Dirt Drags, High Speed headshaft, 4501 Double Chain, 8'boom, 40" End Idler, 32" Rotary Chain w/ teeth, Extended Care Vantage Track</i>	\$703,360.00
B450	Optional Equipment – specify <i>Backhoe Attachment for RTX450, 12" Bucket</i>	\$13,751.00
QT450	Optional Equipment – specify <i>Quad Tracks for RTX450</i>	\$34,209.00
RC450	Optional Equipment – specify <i>Reel Carrier for RTX450</i>	\$3,942.00
QT550	Optional Equipment – specify <i>Quad Tracks for RTX550</i>	\$38,316.00

**Specification #69 WALK BEHIND TRENCHER**

**SPECIFICATIONS THAT MAY BE DELETED/ADDED, ORDER CODE, DESCRIPTION AND PRICE**

<b>LEGEND FOR DELETE/ADD OPTIONS</b>
Every line will require a <b>DOLLAR VALUE</b> or one of the following abbreviations: <b>Std.</b> = Manufacturer's standard equip. <b>Incl.</b> = included with base specs. <b>NC</b> = no additional charge <b>NA</b> = not applicable to the vehicle

**SUBMIT SEPARATE SHEETS FOR EACH BRAND AND MODEL OFFERED**

B550	Optional Equipment – specify <i>Backhoe for RTX550, 12" Bucket</i>	\$16,421.00
RW526	Optional Equipment – specify <i>Rock Wheel Attachment for RTX750 6" Cut</i>	\$29,590.00
QT750	Optional Equipment – specify <i>Quad Tracks for RTX750</i>	\$42,013.00
B750	Optional Equipment – specify <i>Backhoe Attachment for RTX750, 12" Bucket</i>	\$17,796.00
PT750	Optional Equipment – specify <i>Trencher/Plow Attachment for RTX750</i>	\$23,328.00
QT1250	Optional Equipment – specify <i>Quad Tracks for RTX1250</i>	\$40,252.00
B1250	Optional Equipment – specify <i>Backhoe Attachment for RTX1250, 12" Bucket</i>	\$19,797.00
PT1250	Optional Equipment – specify <i>Plow/ Trencher Combo Attachment for RTX1250</i>	\$35,063.00
RW1250	Optional Equipment – specify <i>Rock Wheel Attachment for RTX1250 6" Cut</i>	\$47,025.00
PB	Optional Equipment – specify <i>Port-A Bore Attachment</i>	\$2,620.00
	Optional Equipment – specify	Not Applicable
5 % Discount	Optional Equipment – specify <i>Discount Percentage off Manufacturer's Current Published Retail Price for Non-Specified Options and any Optional Models</i>	\$5.00
	Optional Equipment – specify	Not Applicable
	Optional Equipment – specify	Not Applicable
	Temporary Tag	Not Applicable
	Transfer existing registration	Not Applicable
	New state tag	Not Applicable
	Maintenance plan – specify	Standard
	Maintenance plan – specify	Not Applicable
	Warranty – specify	Standard
	Warranty – specify	Standard

**City Commission Meeting  
July 20, 2020**

**CITY ATTORNEY #1: ORDINANCE 2020-08 – AN ORDINANCE OF POLK CITY, FLORIDA, RELATED TO PUBLIC HEALTH; REQUIRING PERSON THAT LIVE, WORK, VISIT OR DO BUSINESS IN POLK CITY TO WEAR FACE COVERINGS IN CERTAIN PUBLIC PLACES TO STOP OR SLOW THE SPREAD OF NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING EXCEPTIONS; ESTABLISHING ENFORCEMENT AND PENALTY PROVISION FOR VIOLATIONS; PROVIDING FINDINGS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.**

INFORMATION ONLY  
 ACTION REQUESTED

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**ISSUE:**

**Emergency Ordinance 2020-08** –Relating to Public Health and requiring persons that live, work, visit or do business in Polk City to wear face coverings in certain public places to stop or slow the spread of Novel Coronavirus Disease 2019 (COVID-19)

**ATTACHMENT:**

Emergency Ordinance 2020-08

**ANALYSIS:**

Since the end of June, a number of Florida cities and counties have enacted emergency policies to require face coverings/masks. The Mayor requested that senior staff review what has occurred in Florida and report to the City Commission on available alternatives.

During the last week, Leon County adopted an Emergency Ordinance which was challenged in court. The Second Circuit Court rendered judgment validating the Emergency Ordinance and rejecting the arguments made by various parties. In Polk County, as of this writing, two cities—Lakeland and Winter Haven—have adopted emergency measures mandating masks.

A DRAFT Emergency Ordinance requiring face coverings/masks in certain indoor locations (other than homes or residences) is attached for the City Commission's review and consideration.

There are certain exceptions articulated in Section 4 of the Emergency Ordinance that exempt the wearing of face coverings/masks. The enforcement protocols are tailored to achieve voluntary compliance and to educate and facilitate compliance. In the event of non-compliance, either Code Enforcement or the PCSO is authorized to issue a non-criminal citation in the amount of \$150.00.

If approved, the Emergency Ordinance will become effective on July 21, 2020 at 5:00 p.m. and will expire at 5:00 p.m. on August 21, 2020 unless rescinded and/or extended by further action of the City Commission. The City Attorney has reviewed and has approved the form of the Emergency Ordinance.

This matter is brought to the City Commission as a discussion item so that staff can receive direction as to what level (if any) of face covering regulation the City Commission wishes to consider. While there is no legal mandate that requires the city to take any particular action at any particular time, it is clear that this is a timely matter for City Commission consideration given the current situation.

**STAFF RECOMMENDATION:**

The City Manager recommends the City Commission approve Emergency Ordinance 2020-08.

## EMERGENCY ORDINANCE 2020-08

**AN ORDINANCE OF POLK CITY, FLORIDA, RELATED TO PUBLIC HEALTH; REQUIRING PERSON THAT LIVE, WORK, VISIT OR DO BUSINESS IN POLK CITY TO WEAR FACE COVERINGS IN CERTAIN PUBLIC PLACES TO STOP OR SLOW THE SPREAD OF NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING EXCEPTIONS; ESTABLISHING ENFORCEMENT AND PENALTY PROVISION FOR VIOLATIONS; PROVIDING FINDINGS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:**

**SECTION 1. COMMISSION FINDINGS.** In adopting this Ordinance, the City Commission of Polk City, Florida, hereby makes the following findings:

(1) Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza.

(2) On March 1, 2020, Ron DeSantis, Governor of the State of Florida, issued Executive Order No. 20-51, directing the Florida Department of Health to issue a Public Health Emergency.

(3) Governor DeSantis issued Executive Order No. 20-52, attached hereto as Exhibit "A" and incorporated herein by reference declaring that a State of Emergency exists in every county in the State of Florida as a consequence of Coronavirus Disease 2019 (COVID-19), a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza.

(4) On March 1, 2020, the State Surgeon General and State Health Officer declared that a Public Health Emergency exists in the State of Florida as a result of COVID-19.

(5) On March 9, 2020, Governor DeSantis declared that a state of emergency exists in the State of Florida as a result of the continued spread of COVID-19.

(6) The World Health Organization declared COVID-19 a Public Health Emergency of International Concern.

(7) On March 13, the President of the United States issued a national emergency declaration regarding COVID-19.

(8) Governor DeSantis has issued a number of subsequent executive orders that limit

certain activities and recommend that all persons in Florida follow appropriate social distancing and safety protocols issued by the Centers for Disease Control and Prevention (CDC) and the United States Occupational Safety and Health Administration (OSHA).

(9) COVID-19 has created or imminently threatens to create conditions that may severely affect the public health, safety, welfare and security of the citizens, residents and visitors of Polk City, Florida.

(10) Section 252.38, Florida Statutes, authorizes political subdivisions, including municipalities, to declare a state of local emergency and to take whatever prudent action is necessary to ensure the health, safety and welfare of the community.

(11) Pursuant to Section 252.38(3)(a), Florida Statutes, the Legislature has empowered municipalities to declare a state of local emergency.

(12) In order to mitigate or prevent these impacts, on March 16, 2020, the City Commission then found that it is necessary to declare a state of emergency within the entire incorporated limits of the Polk City pursuant to the City's Charter, Chapter 252, Florida Statutes, through the adoption of Resolution No. 2020-02 (the "March 16 Resolution").

(13) The City Commission also possesses broad home rule powers that authorize it to protect the public health, safety, and welfare, declare emergencies, and protect its citizens, and has by those powers adopted emergency ordinance nos. 2020-02 and 2020-03 on April 3, 2020, and a permanent replacement Ordinance no. 2020-06 to enable it to declare civil emergencies and to hold commission meetings using communications media technology.

(14) Despite measures previously taken, COVID-19 has rapidly spread in the State of Florida, and based on the advice from medical professionals, the number of confirmed cases of COVID-19 in Polk County will continue to increase exponentially if additional measures to stop or slow the spread of COVID-19 are not instituted.

(15) Based on the state's extension of the state declaration of emergency by Executive Order #20-166, the City has determined to extend the current city emergency declaration by Resolution No. 2020-05.

(16) Public health experts have consistently recommended avoiding close physical interaction between people in order to slow the spread of COVID-19.

(17) Despite measures previously taken, COVID-19 has rapidly spread in the State of Florida, and based on the advice from medical professionals, the number of confirmed cases of COVID-19 in Polk County, and in particular Polk City, will increase exponentially if additional measures to stop or slow the spread of COVID-19 are not instituted

(18) It is now necessary for Polk City to implement further restrictions for the general health, safety, and welfare of the community.

(19) The CDC has expressly found that COVID-19 spreads mainly from person to person through respiratory droplets produced when an infected person coughs, sneezes or talks, and that these droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs, and studies and evidence on infection control report that these droplets usually travel around 6 feet.

(20) The CDC specifically recommends that, as businesses and communities reopen and people resume their daily activities, people should wear face coverings to slow the spread of COVID-19, particularly in public settings where other social distancing measures are difficult to maintain.

(21) The City Commission is mindful of the need to protect and preserve the rights and civil liberties of the citizens of Polk City while aggressively defending the health and wellbeing of those citizens.

(22) Polk City is also establishing distribution points to provide face coverings at no charge to individuals.

(23) On July 7, 2020, the Board of County Commissioners of Polk County, Florida, authorized the purchase of sufficient numbers of face coverings to be used by the citizens of Polk County at no charge.

(24) Consistent with the ongoing nature of the COVID-19 emergency, it is appropriate in order to ensure the health, safety and welfare of the community during the present state of emergency to require face coverings consistent with the provisions provided herein.

(25) For the purpose of better protecting the lives of its citizens, residents, employees, and visitors in order to mitigate or prevent these impacts, the City Commission finds that it is necessary to approve this Emergency Ordinance pursuant to the City's Charter, Chapter 252, Florida Statutes, and the City's home rule authority, including that set forth in Article VIII, Section 2(b), Florida Constitution, and Section 166.021, Florida Statutes.

**SECTION 2. DECLARATION OF EMERGENCY.** Pursuant to state law and based upon the Legislative Findings set forth in the above-stated Recitals, the City Commission of Polk City hereby finds and declares that an emergency exists requiring immediate action by the City Commission. By virtue of the threat to public health and safety by virtue of the threat to the City's financial health and home rule powers, it is necessary for the City to implement this regulation, which can only be accomplished by the adoption of this Emergency Ordinance.



**SECTION 3. DEFINITIONS.** The following terms are defined as follows:

"Face Covering" shall mean a uniform piece of material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands, whether store-bought or homemade, consistent with CDC guidelines.

"Social Distancing" shall mean keeping space between yourself and other people by staying at least 6 feet from other people.

"Companion" shall mean a person by whom you are accompanied.

**SECTION 4. FACE COVERINGS REQUIRED.**

(1) Every person working, living, visiting, or doing business in Polk City, Florida shall wear a face covering consistent with CDC guidelines in any indoor location, other than their home or residence, when not maintaining social distancing from other persons, excluding family members or companions.

(2) Medical and surgical masks, such as "N95" masks or other similar medical or surgical masks are in short supply and should be reserved for health care personnel and other first responders with the greatest need for such personal protective equipment.

**SECTION 4. EXCEPTIONS.** Nothing herein shall require the wearing of face coverings by the following persons:

- (1) Persons under the age of eight (8) years old;
- (2) Persons observing social distancing in accordance with CDC guidelines;
- (3) Persons for whom a face covering would cause impairment due to an existing health condition;
- (4) Persons working in a business or profession who do not have interactions with other persons;
- (5) Persons working in a business or profession who maintain social distancing from other persons;
- (6) Persons working in a business or profession where use of a face covering would prevent them from performing the duties of their business or profession;
- (7) Persons exercising, while maintaining social distancing in accordance with CDC guidelines;
- (8) Persons eating or drinking;

(9) Persons under the age of eighteen (18) years old while participating in youth sports;

(10) Public safety, fire and other life safety and health care personnel, as their protective equipment requirements will be governed by their respective agencies;

(11) Persons communicating with someone who is hearing impaired where the wearing of a face covering would impede communication, provided that social distancing is observed to the greatest extent practicable;

(12) Persons for whom the requirement to wear a face covering would cause a conflict with the Americans with Disabilities Act (ADA).

**SECTION 6. ENFORCEMENT AND PENALTIES.** It is the intent of the City Commission to seek voluntary compliance with the provisions contained herein and to educate and warn of the dangers of non-compliance. Owners of businesses within Polk City, Florida will be considered in compliance with the requirements of this Emergency Ordinance if they take four steps. Those include:

(1) Posting signage about the face covering requirement;

(2) Announcing the requirement over the businesses public address system, if possible;

(3) Requiring employees to wear face coverings, unless they are exempt; and

(4) Making a "reasonable effort" to get customers to wear a face covering, which can include asking them to wear said face covering.

However, in the event voluntary compliance is not achieved, then violation of this Emergency Ordinance, and any order issued pursuant hereto, shall be subject to a fine of One Hundred Fifty Dollars (\$150.00) pursuant to this ordinance, or as otherwise provided by law. Notwithstanding any provision of Section 1-13 of the City Code to the contrary, a violation of this Emergency Ordinance, and any order issued pursuant hereto, shall only be subject to a fine of One Hundred Fifty Dollars (\$150.00). The City's Code Enforcement Officer, the Polk County Sheriff's Office and any other person authorized to enforce City Ordinances may enforce the provisions of this Ordinance.

**SECTION 7. APPLICABILITY.** Any provision of this Emergency Ordinance that conflicts with any State or Federal law or constitutional provision, or conflicts with or is superseded by a current or subsequently issued executive order of the Governor or other authority, shall be deemed inapplicable and deemed severable from this Emergency Ordinance, with the remainder of this Emergency Ordinance remaining in full force and

effect. This Emergency Ordinance applies within the jurisdictional limits of the Polk City, Florida.

**SECTION 8. SEVERABILITY.** 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 9. CONFLICTS.** All ordinances or parts of ordinances in conflict herewith are hereby repealed, replaced, and superseded to the extent of such conflict.

**SECTION 10. EFFECTIVE DATE.** This emergency ordinance shall take effect on July 21, 2020 at 5:00 p.m. and shall expire at 5:00 p.m. on August 21, 2020.

INTRODUCED AND PASSED AS AN EMERGENCY ORDINANCE this \_\_\_th day of July, 2020.

**POLK CITY, FLORIDA**

\_\_\_\_\_  
Joe LaCascia, Mayor

**ATTEST:**

**APPROVED AS TO FORM AND  
CORRECTNESS**

\_\_\_\_\_  
Patricia Jackson, City Manager/Clerk

\_\_\_\_\_  
Thomas A. Cloud, City Attorney