

## CITY COMMISSION MINUTES

July 20, 2020

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Mayor Joe LaCascia called the meeting to order at 7:05 pm.

Pastor Walter Lawlor, New Life Community Church gave the invocation.

### **ROLL CALL** –City Manager Patricia Jackson

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

### **APPROVE CONSENT AGENDA**

**Motion by Vice Mayor Kimsey** to approve the June 4, 2020 (Special City Commission Meeting) and June 15, 2020 (Regular Meeting) minutes; this motion was seconded by Commissioner Harper. **Unanimously approved by Voice Vote.**

**PUBLIC COMMENT** - None

### **ORDER OF BUSINESS**

#### **PUBLIC HEARING - 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**

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 Ordinance 2020-06 on Second and Final Reading; this motion was seconded by Commissioner Harper.

Commissioner Harper inquired about whether we can kill this Ordinance and adopt the County's Ordinance. Can we vote to rescind this Ordinance?

City Attorney Cloud stated Polk City does in fact, have a Noise Ordinance in place that this Ordinance will amend, if approved. But, the City can decide to go with the County's Ordinance within the City limits.

Vice Mayor Kimsey asked what is the benefit to getting rid of Polk City's Ordinance and going with Polk County's Ordinance?

City Attorney Cloud stated that there is no answer to this.

City Manager Jackson stated if the three changes discussed during the Workshop are made, we would be in compliance with Polk County's Ordinance.

The Code Enforcement Officer can ensure compliance; however, she only works three days a week during normal business hours. The Special Magistrate can be called in, but that does not mean the individual(s) will be fined per day. Code Enforcement only meets every two months. The Code Enforcement Officer will take this as a complaint.

Mayor LaCascia asked Major Hall if Polk County has a specific Noise Ordinance.

Major Hall responded yes, even with the suggested changes for the City's Ordinance, the County's Ordinance has more "teeth" and does not require a warning at all. However, the warning does build a timeline.

Commissioner Blethen stated the PCSO will still enforce the County's Ordinance while this is being sorted out.

**Motion by Vice Mayor Kimsey** to amend the motion to reflect the three changes discussed during the 6pm Workshop (deleting "shall" and remove the 15-minute timeline sentence). This amended motion was seconded by Commissioner Harper.

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

**Motion carried unanimously.**

**PUBLIC HEARING - 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**

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 Commissioner Harper** to approve Ordinance 2020-07 on Second and Final Reading; this motion was seconded by Commissioner Carroll.

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

**Motion carried unanimously.**

**RESOLUTION 2020-05**

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

Mayor LaCascia read the Resolution by title only.

This Resolution is simply changing the public speaking time from five minutes back to the original three minutes.

**Motion by Commissioner Harper** to adopt Resolution 2020-05; this motion was seconded by Commissioner Carroll.

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

**Motion carried unanimously.**

**Republic Services Franchise Agreement Contract Extension – 3% Automatic Increase**

Mayor LaCascia discussed 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 recommended 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%.

**Motion by Vice Mayor Kimsey** to approve the Republic Services Franchise Agreement Contract Extension – 1.5% automatic increase over the term of the contract; this motion was seconded by Commissioner Harper.

Vice Mayor Kimsey asked if Republic Services has the option to accept or decline this 1.5% automatic increase.

City Attorney Cloud stated yes. If Republic Services declines the 1.5% increase, then Polk City can go out for bid for a new company for its Solid Waste and Recycling Services.

**Motion carried unanimously by Voice Vote.**

**George Cotellis Financial Reporting Officer/Comptroller Services Agreement**

Mayor LaCascia discussed the 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. There has not been an increase; however the total estimated cost is \$13,600.

**Motion by Commissioner Harper** to approve the Financial Reporting Officer/Comptroller Services Agreement with George Cotellis, Jr; this motion was seconded by Commissioner Blethen.

**Motion carried unanimously by Voice Vote.**

**YANMAR VI017 Mini Excavator Purchase**

City Manager Jackson and Mayor LaCascia discussed 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.

**Motion by Commissioner Blethen** to 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; this motion was seconded by Commissioner Harper.

**Motion carried unanimously by Voice Vote.**

**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.

City Attorney Cloud stated this Resolution is extending the already existing State of Emergency due to the Novel COVID-19 Coronavirus.

**Motion by Commissioner Harper** to approve Resolution 2020-06; this motion was seconded by Mayor LaCascia.

Commissioner Harper asked if we do this extension, does that mean going back to the televised meetings?

City Attorney Cloud stated No.

Vice Mayor Kimsey asked should a timeline be in this Resolution?

City Attorney Cloud stated no, we are in hold mode in Phase 2. This enables the city to take quick as needed by virtue of the executive order.

**ROLL CALL VOTE:** Commissioner Harper-aye, Mayor LaCascia – aye, Commissioner Blethen – aye, Commissioner Carroll – aye, Vice Mayor Kimsey - aye

**Motion carried unanimously.**

**CITY ATTORNEY ITEMS**

**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.

City Attorney Cloud discussed briefly his findings regarding the face masks. This proposed Ordinance is based on Winter Haven's Ordinance currently in place. Polk County has rejected the mandate. Polk City has an option to go for or against this Ordinance. Of course, the City Commission can do nothing.

Martina Gangleman (13331 Commonwealth Avenue North) inquired about who decided to charge the folks \$150 for not wearing the mask. Where will this money go, if collected? Everyone can't afford this fee. What about the people that refuse to wear their mask? She does not wear a mask when going into the stores.

Mayor LaCascia responded the money will go into the General Fund. If a person does not pay a fine. No one will be arrested.

City Manager Jackson stated if a business has a mask mandate sign and law enforcement is called, a person can be trespassed for not wearing a mask in the specific business.

Commissioner Blethen stated Florida is fourth in the nation with the Coronavirus. The death rate has decreased in the last week. What is the major priority here? This is a much bigger problem and not a 100% answer.

**Commissioner Carroll** – In favor of wearing a mask – encouraging

**Commissioner Harper** — mixed emotions – wears a masks and gloves for his personal health reasons. People have a choice when they go into an establishment. If the store says wear a mask or don't enter, you must abide by the rules. Opinion is to "Suggest".

**Vice Mayor Kimsey** – In favor of "Suggest".

**Mayor LaCascia** – is not in favor of mandates, if there are no consequences. Is in favor of Ordinance 2020-08.

**Motion by Mayor LaCascia** to approve the Ordinance 2020-08; this motion was seconded by Vice Mayor Kimsey.

Kwame Fosu (Owner, Sunshine Pharmacy) spoke in reference to the Covid-19 and wearing face masks. Is in favor or mandatory mask in Polk City.

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

**Motion carried unanimously.**

### **CITY MANAGER ITEMS**

**Broadway Boulevard Multi-Use Trail** - FDOT will be accepting applications for the construction of the Broadway Boulevard Multi-Use Trail. Polk City will need to go out to bid as well for the utilities – moving lines and relocating valves. Bid process will be 21 days.

**Christmas Parade** – Workshop with the Commission on parade route – will send possible meeting dates.

**Rental of City Facilities** – because of COVID-19 guidelines, these rentals are still on hold.

**Tree Removal (old Public Works Facility)** – in preparation of hurricane season, we are in the process of removing trees.

**Influent Flow Meter at Cardinal Hill** – This meter is going in and out and therefore needs to be replaced so there will not be any compliance issues with FDEP. We have received three quotes: 1) Jan and Jeff - \$11,600; 2) Central Water and Electric utility Services - \$13,000, and 3) AWK Industries - \$15,000.

Staff is recommending approval of Polk City using Jan and Jeff in the amount of \$11,600.

A motion is necessary as this item is over the City Manager's spending limit of \$10,000.

**Motion by Commissioner Harper** to approve using Jan and Jeff in the amount of \$11,600 to replace the influent meter at the Wastewater Treatment Plant; this motion was seconded by Mayor LaCascia. **Motion carried unanimously.**

**Mask Giveaway** – Thursday, July 23 and Friday, July 24 from 2 pm to 4 pm at the DBCC. Three masks per person. Information is on the website along with a map showing the lineup route.

**Freedom Park Mural** – being done by the Youth Group at First Baptist Church, Polk City. The mural will include a soldier, a child, a flag and an eagle. Will be done this week, weather permitting.

#### **COMMISSIONER ITEMS**

**Commissioner Carroll** – The Food Drive has been very productive. Pass the word along and this food is free.

**Commissioner Harper** – Thanked everyone for their comments. Thanked everyone for coming.

**Vice Mayor Kimsey** – None

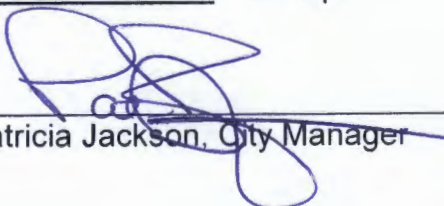
**Commissioner Blethen** – None

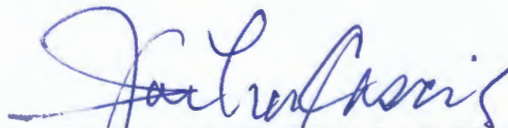
**Mayor LaCascia** – The *First Responder Thank You Boards* will be placed at all Polk City entrances and in front of City Hall.

Mayor LaCascia is Polk City's delegate to the Transportation Planning Organization (TPO). At the last meeting we received a print-out of the money TPO will spend in Polk County from 2020-2025. What's in the budget for Polk City? NOTHING! Money will be spent on the Interchange Reconstruction Project in Northeast Lakeland (I-4, to University Boulevard to Tomkow Road).

**ANNOUNCEMENTS** - None

**ADJOURNMENT** – 8:18 pm

  
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Patricia Jackson, City Manager

  
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Joe LaCascia, Mayor