

## CITY COMMISSION MINUTES

June 18, 2024

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Mayor LaCascia called the meeting to order at 6:00 pm.

Minister Eddie Diaz, New Life Community Church gave the invocation.

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

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

**Present:** Mayor Joe LaCascia, Commissioner Micheal T. Blethen, Commissioner Rick Wilson, Commissioner Michelle Pettit, City Attorney Thomas Cloud and City Manager Patricia Jackson

**Absent:** Commissioner Charles Nichols

### **APPROVE CONSENT AGENDA**

**Motion by Commissioner Blethen** to approve the **May 21, 2024** Regular City Commission Meeting, Department Reports, and other items on the Consent Agenda; this motion was seconded by Commissioner Wilson.

**Motion carried 4/0 by Voice Vote.**

**PUBLIC COMMENT** - None

### **ORDER OF BUSINESS**

#### **PUBLIC HEARING - Ordinance 2024-01**

Marisa Barmby (CFRPC) discussed the Future Land Use Map Amendment in the Green Swamp Area of Critical State Concern is an applicant-initiated Future Land Use Map Amendment in the Green Swamp Area of Critical State Concern "X" to change the Future Land Use from Convenience Center-X (CCX) to Residential Suburban-X (RSX) on approximately 1.44 acres in Polk City, located at 9600 SR 33 (parcel number 252631-000000-044210). **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.

City Manager Jackson reminded the Commission that this Ordinance was approved on First Reading in March and had to go to Florida Commerce for a 60-day review. Florida Commerce returned the Ordinance with no comments as indicated on the Agenda form. Therefore, it is presented now on Second and Final Reading.

No discussion.

**Motion by Commissioner Wilson** to approve Ordinance 2024-01 on Second and Final Reading; this motion was seconded by Commissioner Pettit.

**Roll Call Vote:** Commissioner Wilson – aye, Commissioner Pettit – aye, Mayor LaCascia – aye, Commissioner Blethen - aye

**Motion carried 4/0.**

**PUBLIC HEARING - Ordinance 2024-02**

Marisa Barmby (CFRPC) discussed the Rezoning in the Green Swamp Area of Critical State Concern is an applicant-initiated rezoning in the Green Swamp Area of Critical State Concern “X” to change the zoning from Convenience Center-X (CCX) to Residential Suburban-X (RSX) on approximately 1.44 acres in Polk City, located at 9600 SR 33 (Parcel number 252631-000000-044210). **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.

City Manager Jackson reminded the Commission that this Ordinance was approved on First Reading in March and had to go to Florida Commerce for a 60-day review. Florida Commerce returned the Ordinance with no comments as indicated on the Agenda form. Therefore, it is presented now on Second and Final Reading.

No discussion.

**Motion by Commissioner Wilson** to approve Ordinance 2024-02 on Second and Final Reading; this motion was seconded by Commissioner Pettit.

**Roll Call Vote:** Commissioner Blethen – aye, Commissioner Pettit – aye, Mayor LaCascia – aye, Commissioner Wilson – aye

**Motion carried 4/0.**

**Resolution 2024-04**

Mayor LaCascia provided a brief explanation on the Resolution endorsing the Membership Apportionment Plan for the Polk Transportation Planning Organization and authorizing the Chairman/Mayor to execute an Amended Interlocal Agreement.

No Discussion.

**Motion by Commissioner Blethen** to adopt Resolution 2024-04; this motion was seconded by Commissioner Pettit.

**Roll Call Vote:** Commissioner Pettit – aye, Commissioner Wilson – aye, Commissioner Blethen – aye, Mayor LaCascia – aye

**Motion carried 4/0.**

**Request for Code Enforcement Reduction of Lien – 620 2<sup>nd</sup> Street**

Kathy Delp discussed the property was found in violation for overgrowth, junk & debris, inoperative vehicles, derelict structure by the Magistrate & a fine of \$100.00/per day was imposed until the property came into compliance. Code Enforcement worked with the previous owner and her family on numerous occasions, to no avail.

The property was sold, and the new owner was aware of the Lien prior to purchase, after which, the property was brought into compliance. Therefore, the new owners are asking that the entire Lien to be released.

Commissioner Wilson asked what the value of the property is today?

Kathy Delp responded that information is not known at this time. It is not on the Property Appraiser's website yet. It still reflects the previous owner. If the lien is not paid, the City can foreclose on the property.

The new owner cleaned up the property to stop the accrual of fines.

City Attorney Cloud stated the City is not obligated to approve this reduction.

**Motion by Mayor LaCascia** to deny the Reduction of Lien; this motion was seconded by Commissioner Blethen.

**Roll Call Vote:** Commissioner Pettit – nay, Commissioner Blethen – aye, Commissioner Wilson – aye, Mayor LaCascia – aye

**Motion carried 3/1.**

**Request for Lien Release - 520 2<sup>nd</sup> Street**

Kathy Delp discussed there was a Lien placed on the property for Code Enforcement violations. The property went into foreclosure and was sold at judicial sale for less than the principal due on the mortgage.

City staff recommended that the City Commission consider a motion to Release the Lien for 520 2<sup>nd</sup> Street.

City Manager Jackson explained that after the Judicial sale there was no money left to pay off the lien.

City Attorney Cloud stated the lien does not vanish. The bank is the only entity that received funds from this.

**Motion by Commissioner Blethen** to deny the request for a Lien Release for 520 2<sup>nd</sup> Street; this motion was seconded by Commissioner Pettit.

**Roll Call Vote:** Mayor LaCascia – aye, Commissioner Pettit – aye,  
Commissioner Blethen – aye, Commissioner Wilson –  
aye

**Motion carried 4/0.**

**Request for Code Enforcement Lien Reduction – DKJ Holdings LLC Polk City  
(Dollar General) - 125 Carter Boulevard**

Kathy Delp discussed the property was found in violation for overgrowth and not maintaining the stormwater pond properly. The Magistrate set the fine at \$500.00 per day for repeat violation as the property was found in violation for the same issues two years prior.

This causes issues with snakes and rats going into the yards of the people that live in the Honeybee area behind the store.

Staff does not necessarily have an issue with a reduction in the amount, however, it needs to be more than \$7,350.00. The owner paid a \$4,000.00 fine for the same violation two years ago. The amount needs to be enough to discourage this from happening again.

**Motion by Commissioner Pettit** to deny the request for a Lien Reduction for DKJ Holdings LLC Polk City, 125 Carter Boulevard (Dollar General); this motion was seconded by Commissioner Wilson.

**Roll Call Vote:** Mayor LaCascia – aye, Commissioner Pettit – aye,  
Commissioner Blethen – aye, Commissioner Wilson –  
aye

**Motion carried 4/0.**

**CITY MANAGER ITEMS**

**Matt Williams Water Treatment Plant Emergency Pump Repair**

City Manager Jackson discussed approximately three (3) weeks ago; City staff heard a noise coming from the Matt Williams Water Plant. This noise was located within the Well pump/motor. City staff shut down the plant immediately so no further damage would occur.

Coastal Pump & Equipment was called to evaluate the noise. The technician recommended not using the pump until it could be pulled, taken to their shop and thoroughly evaluated to determine the root cause of the noise. On June 10, 2024, staff received a quote for \$42,142.71, noting this repair will take approximately three to four weeks to complete.

Currently, because the Matt Williams Water Plant is out of service, the entire city is running on the Commonwealth and Jacob's Water Plants.

In order to get three quotes for this repair, the perspective repair company would have to go to Coastal and pick up the pump to evaluate, and then provide a cost for repair. This would delay the repairs a lot longer and cost more for evaluating the problem; and Polk City does not have that kind of time. This pump repair is urgent and critical.

Staff recommended that Coastal Pump and Equipment repair the Matt Williams Water Plant pump in the amount of \$42,142.71.

City Manager Jackson stated the reason this item is being presented to you, yes, it is an emergency, but it is more than her \$25,000 spending limit.

**Motion by Commissioner Wilson** to approve the expenditure of \$42,142.71 with Coastal Pump and Equipment for the emergency repair of the Matt Williams Water Plant Pump; this motion was seconded by Commissioner Pettit.

**Motion carried 4/0 by Voice Vote.**

### **CITY ATTORNEY ITEMS**

#### **Financial Disclosure Form 6 Preliminary Injunction**

On June 10, 2024 the Federal District Court for the Southern District of Florida issued a Preliminary Injunction in the case of *Loper vs Lukis*. Therefore, until further notice all elected officials will revert back to completing a Form 1 Financial Disclosure.

The Form 6 sent shock waves across Florida, which resulted in 125 City officials resigning their positions.

However, this decision will be appealed by the State of Florida to the United States 11<sup>th</sup> District Court of Appeals in Atlanta.

Mayor LaCascia stated this is great news and thanked City Attorney Cloud for this information.

#### **Cardinal Hill WWTF Consent Order**

Florida Department of Environmental Protection has issued a Consent Order for the Cardinal Hill WWTP. This Order will allow Polk City five (5) years to bring the plant into compliance, and also gives Polk City time to engage with the necessary engineers. The total cost will be approximately \$7.5 million. Grant money is available from State and Federal Agencies. Polk City would also be able to get low interest loans for the amount that grants may not cover. City Attorney Cloud has provided City Manager Jackson with individual names and agencies that have been apprised of this issue and are already in conversation with her, and ready to assist in moving this process along properly. **City Attorney Cloud recommends approving this Consent Order tonight and authorize**

**the City Attorney and City Manager to move forward accordingly. Approving this Consent Order will keep Polk City in compliance of the State law.**

Commissioner Blethen commented that the DEP has been failing this plant for years.

City Attorney Cloud replied, No, there were only certain issues, and the Bar Screen was one of those, that is now being remedied. Also, be reminded that the water rates have been the same for over 13 years and helped build up Polk City's revenues.

Commissioner Blethen complained that raising rates while people still cannot feed themselves.

City Manager Jackson stated a Rate Study is already in the process, which will determine how we proceed next. Rate Studies are done every three to five years.

**Motion by Commissioner Wilson** to approve the Cardinal Hill WWTP Consent Order; this Order was seconded by Commissioner Pettit.

**Motion carried 4/0.**

#### **COMMISSIONER ITEMS**

**Commissioner Blethen** – Was not given the Oath of Office in April. City Manager Jackson administered the Oath during this meeting.

**Commissioner Pettit** – None

**Commissioner Wilson** – None

**Mayor LaCascia** – Commended Utility Billing and Finance Staff on their work with the recent computer glitch. As a result of this glitch approximately 2,500 auto-pay utility customers were issued refunds.

#### **ANNOUNCEMENTS**

**ADJOURNMENT** – 7:40 pm

  
Patricia Jackson, City Manager

  
Joe LaCascia, Mayor