

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held November 5, 2018 at 7:00 p.m. in the Commission Room of City Hall, after having been properly advertised, with the following members present: Mayor Tim Pospichal, Commissioners: Dorothea Taylor Bogert, Keith Cowie, Richard Hamann, and Bill Sterling. Also present were: City Manager Robert R. Green, Finance Director/City Clerk Shirley Lowrance, City Attorney V. Patton Kee, and Police Chief Andy Ray.

The Auburndale NJROTC Color Guard presented the flag colors for the Meeting.

Mayor Tim Pospichal declared a quorum present and the Meeting was opened with prayer by Pastor Ed Norris of Connect Community Church and a salute to the flag.

Motion by Commissioner Keith Cowie, seconded Commissioner Dorothea Taylor Bogert, to approve the City Commission Minutes of the October 15, 2018 Meeting. Upon vote, all ayes.

City Attorney Kee read the Proclamation for Veteran's Day – November 11, 2018.

City Manager Green said at the last meeting Commissioner Cowie asked about the proposed warehouse being planned along Pace Road. We made contact with the developer and that is going before the Polk County Planning Commission in December and we have lined them up to make a presentation of the proposed warehouse at our next meeting of November 19. He thanked the Auburndale NJROTC Color Guard for their attendance. He had asked they come back into the room for a thank you. He said they always come to the parade, events, and will help with the Veterans Day breakfast.

City Manager Green asked Chris Shelton to join him at the podium. He said Chris Shelton was retiring after 32 years with the City. He has gratefully been the person to go to. Chris started in the Parks and Recreation Department working in the Tennis Pro Shop under Coach Wiley and Cindy Hummel. He said when he became City Manager, he noticed that the previous Administration was always calling on Chris Shelton for assistance. He said he saw we were spending a lot on contract services, as we were getting our IT Department up and running. He reached out to Chris and asked him to be the IT Manager. His reply was that you may have to send me back to school. For some 20 plus years, he has served in that role of over seeing IT. He has successfully overseen the Department to provide computer connection to the various Departments, lift stations, water meters, and new software social media. Chris has had a hand in all of that. He is leaving us for a great opportunity that he will tell you about.

Chris Shelton said he has accepted a position with Samaritans Purse in Boone, NC. He said he will be working for that disaster relief organization as a network administrator. He said he will be one of seven administrators. He said it was a great opportunity to work for a great organization, as they do a lot of great things. He said the Christmas Shoe Boxes is one of the things they are known for. He said he was real excited and this was a big move for him and his family. He asked that they keep him and his family in their prayers. He said he appreciated the opportunity he has had all these years with the City. He introduced his wife Claire, and children: Mary-Margaret, Luke, and Isaiah.

City Manager Green said about five or six weeks ago he received an email he thought was spam and it was from Christopher Shelton. He said he thought Chris's mom is the only one who ever called him Christopher. The email wanted him to take a survey. He said he deleted it and later he received the email again. He said he deleted it about two more times because that is what your IT Department tells you to do, when you see spam. He said it upset him, as he did not think it was right that they were using Chris's name in the email. Chris was on vacation. He sent the email to Chris while he was on vacation and Chris says take the survey if you do not mind and I will explain later. He did not get the job earlier, as his boss did not respond to the survey. He said he did not open up the spam. He said it has been a pleasure working with Chris and he read the plaque "Thank you on behalf of the City of Auburndale. In grateful appreciation for more than three decades of outstanding service to the citizens of Auburndale.

City Manager Green introduced Brian Toune for an announcement.

Brian Toune, Director of Pickleball for Auburndale, said they wanted to thank you for the wonderful things you are doing for us. He said they continue to grow and have about 250 members. He said they were in need of new pickleball nets and frames. He described the drive they started to purchase new pickleball nets and stands. They received donations of two nets from the drive, Tim Pospichal and Ron Butler both donated nets, and then the City of Auburndale purchased four nets. He said they appreciated the Parks and Recreation Department and City for the nets. He said if you are lucky enough to live and play in the City of Auburndale, you are lucky enough.

Julie Farish – Habitat for Humanity gave an update. She said they are currently building at 320 Leta Street and the frame is up. The shingles are sitting on top of the roof, yet to be tacked down. She invited anyone to come out and participate with their build. She asked they pencil in December 19 for a dedication ceremony. She passed out a building schedule and invited them to come, if they had time in their busy schedule. The schedule showed dates planned for tasks such as painting and siding. She thanked the Commission for everything they have done for Habitat

City Manager Green said the City used our Community Development Block Grant dollars to make purchase of vacant lots in the CDBG target area and donated those lots to the Habitat for Humanity for them to build homes on. He thanked Julie Farish for being with us this evening.

Mayor Tim Pospichal asked for public comment.

Dennis Young, 254 Lake Tennessee, said during the public comment portion of the October 16, 2017 Commission Meeting he brought up several issues concerning Jere Stambaugh, who is on the Planning Commission. He said he referenced at that time the Planning Commission meeting minutes of April 5, 2016 concerning the Design Overlay or Chapter 15 of the Land Development Code. During which Mr. Stambaugh participated without first notifying the members that he had a conflict of interest concerning the parcel of land on the north side of 559A, also known as C. Fred Jones and the property in question was the Sharret property. Additionally, he did not fill out the Form 8B indicating his conflict of interest. He said in addition he also referenced the Planning Commission Meeting of October 4, 2016 where the Sharrett property was the topic of discussion concerning zoning of the property to Light Industrial. Again, Mr. Stambaugh had not notified the participating members of the Commission of his conflict of interest prior to making comments on the agenda item. He said for the record, Mr. Stambaugh is the Registered Agent/Manager and real estate broker for this property and also there was an option to purchase this property from October 1, 2015 to December 12, 2016. He said in addition, Mrs. Kathy Webb also spoke to the Commission on Mr. Stambaugh's actions and input during the March 5, 2015 Planning Meeting dealing with Gapway Landing. Mr. Stambaugh did not notify the Commission of his business ties with the developers of the property of Gapway Groves Corp., no Form 8B was filed and he voted to approve his own map amendment. The amendment was later approved by the City Commission in 2015. Also Mrs. Teresa Morris discussed her concerns pertaining to Mr. Stambaugh's actions during the May 6, 2014 Planning Commission Meeting. The topic of concern was the rezoning of the Liau property, which is directly to the west of the Sharrett property to Light Industrial. This rezoning did have a direct affect on the Sharrett property, which Mr. Stambaugh was a Registered Agent/Manager. He voted for the zoning change. Mr. Stambaugh did not notify the other Commissioners nor did he file Form 8B. There is an understanding that the property was listed at \$13.5 million and Mr. Stambaugh was to receive a commission on the sale of that property. At these presentations from himself, Mrs. Webb and Mrs. Morris, Mr. Mayor you said this will be taken under consideration. He said the question for the Commission members is has anyone reviewed the documents that have been cited or has any considerations been discussed during Mr. Stambaugh's actions. He said by your silence, I understand that no action has been taken. He asked if any Staff member has reviewed the documents that have been cited or has any considerations been discussed during Mr. Stambaugh's actions. He said by your silence, I would take that as no action. He said additionally based on a complaint he filed with the Florida Ethics Commission, the

Commission held a meeting on October 9, 2018. They found probable cause on an ethics violation on three issues, as reported by the Ledger. He said it would be his recommendation based off the information presented, the findings of the Ethics Commission that Mr. Stambaugh be suspended from Planning Commission pending resolution of the Ethics Commission findings. If there is a Stipulation Agreement between the parties determining that a violation did occur, it would be his recommendation that Mr. Stambaugh be removed from this position on the Planning Commission. He submitted for the record the following documents: Florida Ethics Complaint 17050 dated June 5, 2017, Florida Ethics Complaint 17-50 amended dated June 26, 2017, State of Florida Commission on Ethics Report of the investigation Complaint 17050; Commission on Ethics for finding probable cause dated October 25, 2018 concerning Case 17050. Advocate for the State of Florida Commission on Ethics on recommendations concerning Case 17-050, copy of the Ledger article entitled 'Auburndale Planning Commissioner Jere Stambaugh Suspected of Ethics Violation' dated 10/30/2018; and a document indicating the website concerning the Case 17050 before the Ethics Commission. He said also that website has the audio portion of that Commission meeting. He said he would stand for questions.

Mayor Tim Pospichal thanked Mr. Young. He asked if there was any other citizen comment.

Dennis Young asked if during the next City Commission meeting of November 19 where Seefried will be presenting for the warehouse on Pace Road, will there be any comments from the public.

City Manager Green said there will be Commission action and he would expect that there will be a request for the general public for comment. He said there would be time between the presentation and any Commission action for the public to speak.

Kathy Webb, 125 Melissa Trail, questioned what policy the City may have in effect as to when there is an ethics complaint either under investigation or completed against any of the Commissioners. Is there a written policy in effect, as to what occurs? If not, is there one planned for the future? She said she knew that routinely in the Police Departments that many times there is a suspension until a decision is made. So she asked if there was any type of policy like that related to a Commission member.

City Manager Green said he did not believe you will find anything like that related to any of the Boards. He said the City Charter does address that the City Commission kind of serves as its own judge.

Mayor Tim Pospichal asked for public comment. There was no other public comment.

1. ORDINANCE NO. 1575 ANNEXING PROPERTY INTO CITY LIMITS – LEIS PROPERTY

City Manager Green said the City has received a petition from the Ranell B. Leis Trust requesting to annex +/- 0.45 acres of property into the City limits. The property is located at 1360 US Highway 92 W., at the intersection of West Bridgers Avenue and US Highway 92 West. The property is contiguous with existing City limits and does not create an enclave. The property contains a single building that currently accommodates a bakery and formerly a gas/convenience store. Establishing a Future Land Use and Zoning classification on the property will be considered at Public Hearings before the Planning Commission and City Commission at later dates. The action currently before the City Commission is only on the annexation of the property into the City. The Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. The Ordinance was approved on first reading October 15, 2018 and is being presented for second and final reading. Staff recommended approval of the Ordinance annexing the property.

City Attorney Kee read Ordinance No. 1575, as passed on October 15, 2018, by title only.

Mayor Tim Pospichal asked for citizen comment. There was no citizen comment.

Motion by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Richard Hamann, to approve Ordinance No. 1575, as read on second reading by title only.

2. PUBLIC HEARING – VACATING PUBLIC RIGHT-OF-WAY

Mayor Tim Pospichal closed the Regular Commission Meeting and opened the Public Hearing.

City Manager Green said the purpose of the Public Hearing was to consider the adoption of a Resolution vacating, abandoning, and discontinuing varying portions of public rights-of-ways..

Community Development Director Amy Palmer said the City has received a petition signed by Angela Usher, Assistant Superintendent of the Polk County School Board, to close various platted rights of way. The rights of way are former roads or alleys that now lie on the campuses of Stambaugh Middle School and Central Elementary, a few of which lie underneath buildings on campus. The rights of way were created in several historic subdivisions – Auburndale Heights and Lake View Addition to Auburndale. Over the years, several other rights of way in these subdivisions have been vacated by the City. The Resolution vacating the platted rights of way is housekeeping in nature and an easement will be reserved in the event of a future public need. She went to the property appraiser’s website to show where some of the old rights of way were. She displayed the Stambaugh Middle School campus and the Central Elementary property where an alley was platted through a building on both properties. The Resolution would vacate both rights of ways. Staff had no objection to the request.

Mayor Tim Pospichal asked for citizen comment. There was no citizen comment.

Mayor Tim Pospichal closed the Public Hearing and reopened the City Commission Meeting.

3. RESOLUTION #2018-11 VACATING PUBLIC RIGHT-OF-WAY – POLK COUNTY SCHOOL BOARD

City Attorney Kee read Resolution No. 2018-11 entitled: **A RESOLUTION VACATING, ABANDONING AND DISCONTINUING VARIOUS PORTIONS OF PUBLIC RIGHTS-OF-WAY; AND PROVIDING AN EFFECTIVE DATE (General Location: School Board properties – Central Elementary and Stambaugh Middle),** by title only.

Motion by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to approve Resolution No. 2018-11, as read by title only. Upon vote, all ayes.

4. APPOINTMENT TO THE FIRE PENSION BOARD

City Manager Green said the City has received a resignation notice from former Chief Ronnie Hall, as a member of the Firefighter’s Pension Board of Trustees. The Fire Pension Board consists of five members: two city residents, appointed by the City Commission for a term of four years; two full-time firefighters that are elected by a majority of the firefighters that are members of the Plan for a four year term; and the fifth member to be chosen by a majority of the previous four members and approved by the City Commission, for a four year term. As a City resident, Chief Brian Bradway is eligible to serve the unexpired term of Ronnie Hall through September 2020. Staff recommended approval of the appointment of Chief Brian Bradway as a resident appointment through September 2020.

Mayor Tim Pospichal asked for citizen comment. There was no citizen comment.

Motion by Commissioner Bill Sterling, seconded by Commissioner Keith Cowie, to approve the appointment of Chief Brian Bradway to the Fire Pension Board. Upon vote, all ayes.

5. INTERLOCAL AGREEMENT WITH POLK COUNTY - HOBBS ROAD IMPROVEMENTS

City Manager Green said the Auburndale Community Redevelopment Agency or CRA in November 2017 allocated \$89,430 to fund necessary infrastructure improvements to Hobbs Road, between Sandra Jackson Road and Derby Avenue. The allocation of the \$89,430 represents one-third of the construction costs, which includes resurfacing with added paved shoulders, larger curve radius at the intersection of Hobbs Road and Derby Avenue, and required drainage modifications. The remaining two-thirds costs will be paid by Polk County and the Coca-Cola Company. Polk County maintains Hobbs Road and Derby Avenue and the Coca-Cola Company has constructed a new trailer lot and entrance to the south side of their property, which will utilize the road network. He displayed pictures of the property where the road improvements are planned. He said there will be major improvements on Derby. The proposed Interlocal Agreement with Polk County provides for the terms and conditions of the project. The Agreement stipulates Polk County responsible for one-third of the construction costs and Auburndale responsible for two-thirds of the construction costs. However, the Coca-Cola Company has agreed by letter to reimburse Auburndale for its share, representing one-third of the construction costs. The Auburndale Community Redevelopment Agency Board approved the funding of Auburndale's share of this project at the CRA Board Meeting on November 20, 2017. Staff recommended approval of the Interlocal Agreement with Polk County for Infrastructure Improvements to Hobbs Road.

Mayor Tim Pospichal asked for public comment. There was no public comment.

Motion by Commissioner Bill Sterling, seconded by Commissioner Dorothea Taylor Bogert, to approve the Interlocal Agreement with Polk County for Infrastructure Improvements on Hobbs Road. Upon vote, all ayes.

Meeting adjourned at 7:38 p.m.

I HEREBY CERTIFY that the foregoing Minutes are true and correct.



Shirley A. Lowrance, Finance Director/City Clerk