

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held January 21, 2020 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 Jack Myers. Also present were: City Manager Robert Green, Finance Director/City Clerk Shirley Lowrance, City Attorney V. Patton Kee, and Police Chief Andy Ray.

Mayor Tim Pospichal declared a quorum present and the Meeting was opened with prayer by Pastor Scott Hall, Higher Impact Ministries and a salute to the flag.

Motion by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to approve the Minutes of January 6, 2020 Regular Meeting. Upon vote, all ayes.

City Manager Green asked Police Chief Andy Ray to come forward. He said Chief Ray joined the Auburndale Police Department in September 2012 as our Deputy Chief and in September 2018 he was named Chief of the Auburndale Police Department. He is a current member of the Leadership Polk Class sponsored by Polk Vision and at a meeting in Lake Wales on January 9, 2020, he became President of the Polk County Police Chief's Association. He said this evening we recognize two firefighters who have recently been promoted: Cole Koon and Matt McCard. He said Cole Koon started with the Fire Department in July 2014, he was the firefighter of the year in 2016 and in June 2017 he received his Fire Officer I certification. He is approaching six years with the City and was recently promoted to Senior Firefighter. Lieutenant Matt McCard started with the Fire Department in November 2005. He received his Fire Officer 1 certification in September 2014 and Fire Officer 2 in December 2014. He was promoted to Senior Firefighter in November 2014. He has his Fire Safety Inspection Certification from March 2015. He was the Fire Department employee of the year in 2015. He participates in the City's tuition reimbursement program and has his AS degree in Fire Science, completed in November 2017. In June 2018, he received his Instructor 1. He got a commendation in August 2018 for assisting with a fire in his residential area in Winter Haven. Tonight we congratulate Matt McCard for being promoted to the position of Lieutenant in the Auburndale Fire Department.

City Manager Green said we have special guests from the Polk Pre-Collegiate Leadership Club, which is a new club at the Polk Collegiate Academy. The club members introduced themselves. Ms. Kathy Carver, principal of the school was also present. He reminded the Commissioners of the Ridge League of Cities Dinner on February 13 in Lake Wales.

City Manager Green requested Agenda Item #8 Discuss Emergency Lift Station Repairs at the Lake Shore Lift Station.

Motion by Commissioner Jack Myers, seconded by Commissioner Keith Cowie, to add Agenda Item #8 Discuss Emergency Lift Station Repairs at the Lake Shore Lift Station to the Agenda. Upon vote, all ayes.

City Attorney Kee read the Proclamation for the 52nd Anniversary of the Agriculture and Labor Program, Inc. proclaimed January 25, 2020 as their 52nd Anniversary Day.

Arlene Dobson thanked the City Commission on behalf of the Board of Directors. She said she was new to State of Florida, but loved it here. She thanked them for their continued support of the agricultural and labor program.

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

1. AFFIRM SECOND READING OF ORDINANCE #1625 THROUGH ORDINANCE #1628

City Manager Green said this item was for housekeeping purposes. Florida Statutes require that ordinances be advertised in the local media ten days prior to second and final reading. At the last meeting, Ordinances 1625, 1626, 1627 and 1628 were all advertised prior to the Commission meeting on January 6, 2020 where the Commission gave second reading and final approval. However, the advertisement did not meet the ten day statutory requirement. The four Ordinances were re-advertised on January 10, 2020 for the City Commission to reconsider and affirm the second and final reading of the ordinances. The four Ordinances include:

- . Ordinance #1625 Amending Future Land Use Map – Helms Property, Dairy Road
- . Ordinance #1626 Amending Official Zoning Map – Helms Property, Dairy Road
- . Ordinance #1627 Amending Future Land Use Map – Webb Property, Hwy 92 at Hughes Road
- . Ordinance #1628 Amending Official Zoning Map – Webb Property, Hwy 92 at Hughes Road

Properly advertised Public Hearings on the four Ordinances were held on December 16, 2019. There was no public comment on the matter prior to the first readings or at the second readings on January 6, 2020. The original copies of each Ordinance will have a notation explaining the re-advertisement and corrective action taken to meet the statutory requirement, including final approval dated January 21, 2020. This item is housekeeping in nature. Staff recommended to affirm the second and final reading of Ordinance No. 1625 through Ordinance No. 1628.

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

Motion by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Richard Hamann, to affirm the second and final reading of Ordinance No. 1625 through 1628. Upon vote, all ayes.

2. APPROVE FDOT AGREEMENT FOR BRADDOCK ROAD DRAINAGE IMPROVEMENTS

City Manager Green said on December 16, 2019, the City Commission approved bids for the construction of the new youth baseball facility located on Braddock Road. The project was awarded to Miller Construction of Lakeland in the amount of \$7,380,900. The total contract included an alternate bid of \$234,900 for necessary drainage work related to the Braddock Road Widening Project being constructed in part by the Florida Department of Transportation or FDOT. To assure that a portion of the FDOT drainage system is compatible with the drainage system of the youth baseball facility, the parties have agreed to construct both stormwater improvements simultaneously. As explained at the time of letting the bid, FDOT has agreed to fund the full costs of the alternate bid. The proposed Agreement provides the scope of work, terms and financial provisions for the Florida Department of Transportation portion of the joint project. The proposed Agreement was prepared by the FDOT and reviewed by the Public Works Director, City Manager and City Attorney. Staff recommended approval of the Agreement between the City and FDOT for necessary stormwater improvements, at the youth baseball facility on Braddock Road.

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

Motion by Commissioner Keith Cowie, seconded by Commissioner Jack Myers, to approve the Agreement with the Florida Department of Transportation for drainage on Braddock Road. Upon vote, all ayes.

3. PUBLIC HEARING – FUTURE LAND USE AND ZONING MAP AMENDMENTS

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

City Manager Green said the Public Hearing was to consider the first reading of a proposed Ordinance amending the City's Comprehensive Plan and our Future Land Use Map and the first reading of an Ordinance amending Ordinance No. 764 the City's Land Development Regulations and our official zoning map. There are two petitioners petitioning the exact same land use and zoning on two parcels that are identical and adjacent to each other. They are MFG US Property and the First CZ property. The properties are located off State Road 559, just off William Van Fleet Road.

Community Development Director Amy Palmer said the City has received a request for a Future Land Use Map Amendment and Zoning Map Amendment on two separate and adjacent properties located on SR 559 and south of William Van Fleet Road. She displayed the location of the properties. The City Commission is requested to change the Land Use and Zoning classifications on the north property the MFG LLC property and establish a Land Use and Zoning designation on the other property, which is the First CZ Real Estate property. We are holding one Public Hearing for both properties, so we have two different petitions from two different owners for the same project. The first petition is for owner/petitioner Sara Case for MFG US, LLC. The location is SR 559 and William Van Fleet Road. The current City Future Land Use is Low Density Residential. The current City Zoning is Planned Development-Housing 1. The proposed Future Land Use is Neighborhood Activity Center. The proposed zoning classification is Commercial Highway. The current use is vacant on the 8.54 acres. In December 2005, the City placed a residential Future Land Use of Low Density Residential and a zoning classification of Planned Development-Housing1 on approximately +/- 182 acres for the project known as Lake Juliana Estates. This 8.5 acres is a finger of property that lies between the developed subdivision and SR 559 and lying south of William Van Fleet Road. The property is currently undeveloped with planted pine trees. The requested Future Land Use of Neighborhood Activity Center and Zoning classification of Commercial Highway is consistent with Future Land Use and Zoning on adjacent properties to the north of William Van Fleet Road and along SR 559 to Interstate 4. The combination of a Neighborhood Activity Center land use and a Commercial Highway zoning typically allow for offices, convenience stores, service stations, drug stores, gas stations, supermarkets and other related commercial services. Changing the Land Use and Zoning designations would support the existing and anticipated residential population of the area and are consistent with the City of Auburndale's Comprehensive Plan, Land Development Regulations and the City of Auburndale and Polk County Joint Planning Area Agreement. The location of the property, the Future Land Use Map, and Zoning Map were displayed.

Community Development Director Amy Palmer said the second property is adjacent to the south of the MFG US LLC property and the owner/petitioner is Sara Case for First CZ Real Estate, LLC. In November 2016, the City annexed the 9.73 acres into the Auburndale City Limits. This property contains two parcels that are located on SR 559 and south of William Van Fleet Road and south of the above described MFG US LLC property. Following the annexation in 2016, the property was never assigned a Land Use and Zoning designation. The two parcels currently have a Polk County Land Use designation of Residential Low-1. The requested Future Land Use of Neighborhood Activity Center and Zoning classification of Commercial Highway are consistent with requested classifications on the MFG US LLC property to the north, and properties to the north of William Van Fleet Road and along SR 559 to Interstate 4. The combination of a Neighborhood Activity Center Land Use and a Commercial Highway Zoning typically allow for offices, convenience stores, service stations, drug stores, gas stations, supermarkets and other related commercial services. Changing the Land Use and Zoning designations would support the existing and anticipated residential population of the area and are consistent with the City of Auburndale's Comprehensive Plan, Land Development Regulations and the City of Auburndale and Polk County Joint Planning Area Agreement. She went over the Development Road Map and explained how a property gets from a development site to full development on the property. This project went before the Planning Commission on January 7. The

Planning Commission recommended approval on establishing and changing the Land Use designation to Neighborhood Activity Center on both the MFG US LLC property and the First CZ Real Estate Property, the Planning Commission voted 5-1 to approve. On establishing and changing the Zoning designation to Commercial Highway on both the MFG US LLC property and the First CZ Real Estate Property, the Planning Commission voted 6-0. She read recommendation "to ask the developer to go back to staff and do this as a Commercial Planned Development". In our Land Development Regulations state that if the recommendation of the Planning Commission is adverse to any proposed change, such change shall not become effective except by the affirmative vote of four members of the City Commission. The request was for Commercial Highway and the Planning Commission recommended that the developer go back to staff and do this as a commercial planned development. Their recommendation was adverse to the recommended change. It does require an affirmative vote of four members of the City Commission to approve the Commercial Highway request. Given the Planning Commission recommendation asking the developer to resubmit the proposed change as a Commercial Planned Development is adverse to the proposed Commercial Highway zoning requested by the property owner, the City Attorney has suggested the above requirement would apply. Staff recommended approval of the Future Land Use of Neighborhood Activity Center and the Zoning designation of Commercial Highway on both the MFG property and the First CG property. She introduced Sara Case, who is the petitioner for both petitioners, to make presentation.

Sara Case, Next Level Planning and Permitting, 6700 S. Florida Ave., Lakeland, said Amy did a great job on the presentation. She said they were excited to be here and she represents both property owners: MFG US LLC and First CG Real Estate LLC and Watkins Real Estate Group. She said Watkins Real Estate Group is known for grocery store anchor or shopping center developer. She said they have been looking in the City of Auburndale for quite some time to find some property to build a shopping center. We have had a couple of contracts over the years and here we are today. She said they love this location at a DOT, 559 Road, and William Van Fleet Road. She said they felt combining the properties would provide an opportunity to build a nice center for the City of Auburndale. The request was for Neighborhood Activity Center Land Use, which is also known for grocery stores throughout Polk County. The zoning request is Highway Commercial and is appropriate because of the location. She said there is an overlay district, which Amy Palmer touched on in her presentation. The Joint Planning Agreement overlay will require additional design criteria. There has not been a site come through the City of Auburndale yet. We will be held to a higher standard when it comes to our development and in its own rights it is almost like a PUD. The purpose of this special overlay district is specific design standards for development. It exists as an additional layer of regulation on top of an underlying zoning district providing standards that are typically above and beyond those established. She said your staff will make sure this overlay district will be applied. This is our first step to get the Land Use and Zoning. We are working with both property owners to bring you a complete shopping center package. She said she appreciated their vote of consideration.

Mayor Tim Pospichal asked for public comment.

Martin Erlenbaugh, 156 Julianna Blvd., said he resides in Lake Juliana Landings, which is a 55+ manufactured home community. He said he represents the Home Owners Association and they have 268 homes with approximately 400 residents. We have discussed the potential of having shopping centers or grocery stores or whatever is convenient for us in North Auburndale. He said this was great for us as residents, as well as for the development going on along 559. He said it was time consuming to drive into Havendale for shopping and the development on the North side would be convenient. He said he represents the Home Owner Association and asking for the Commission approval of tonight's request from the developer. He said they met with them a little and talked about what could possibly be there. He said he went to the Planning Commission and heard the discussion there also. He said he was in favor of both the zoning and

future use request. He said he hoped the City Commission would deeply consider their interest in this development.

Mark Mroczkowski, 4114 Juliana Lake Drive, Juliana Lake Estates, said as a resident there this type of use will be useful to us. He said in the difference of the zoning, when we already have the overlay district and there is an anchor tenant there is typically not a need to have more control than that. He said in addition to being a resident, he was Vice President of Administrations and CFO for FL PolyTechnic University. As you know, we are quite isolated and recruitment is no small task. The University would like to see this type of development closer to the University and the sooner it is done the sooner it will help us out for recruiting students. He said they appreciate the cooperation on this.

Mayor Tim Pospichal asked for additional public comment. No other comments from the audience.

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

4. ORDINANCE #1629 AMENDING FUTURE LAND USE MAP – MFG US PROPERTY

City Manager Green said four items on the Agenda will all be entertained in an individual vote. Ordinance No. 1629 amends the Future Land Use Map on the MFG US Property to changes it from the City's current Future Land Use of Low Density Residential to Neighborhood Activity Center.

City Attorney Kee read Ordinance No. 1629 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 752, THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, FLORIDA, BY AMENDING THE FUTURE LAND USE MAP RECLASSIFYING A PARCEL OF LAND TOTALING +/- 8.54 ACRES FROM CITY OF AUBURNDALE FUTURE LAND USE CLASSIFICATION LOW DENSITY RESIDENTIAL TO CITY OF AUBURNDALE FUTURE LAND USE CLASSIFICATION NEIGHBORHOOD ACTIVITY CENTER; AND PROVIDING AN EFFECTIVE DATE**, by title only.

Motion by Commissioner Dorothea Taylor Bogert seconded by Commissioner Keith Cowie, to approve Ordinance No. 1629, as read on first reading by title only.

Commissioner Jack Myers said he had a conflict of interest and will be filing Form 8B Memorandum of Voting Conflict. He said he was representing Watkins Retail Group to help them secure their property and had financial gain, if it were to sell. He said he will be abstaining on every ordinance.

Commissioner Keith Cowie asked about the Planning Commission suggestion.

Community Development Director Amy Palmer said the Planning Commission recommended the Future Land Use.

Upon vote, all ayes with Commissioner Jack Myers filed Form 8B Memorandum of Voting Conflict, which is attached to the minutes.

5. ORDINANCE #1630 AMENDING OFFICIAL ZONING MAP – MFG US PROPERTY

City Manager Green said after the Land Use is established, the zoning is established. The current zoning was Planned Development Housing or PD-H1. The proposed zoning was Commercial Highway.

City Attorney Kee read Ordinance No. 1630 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE,**

FLORIDA, AMENDING ORDINANCE NO. 764, THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AUBURNDALE, FLORIDA, BY AN AMENDMENT TO THE ZONING MAP RECLASSIFYING A PARCEL OF LAND TOTALING +/- 8.54 ACRES FROM CITY OF AUBURNDALE ZONING PLANNED DEVELOPMENT-HOUSING 1 (PD-H1) TO COMMERCIAL HIGHWAY (CH); AND PROVIDING AN EFFECTIVE DATE, by title only.

Motion by Commissioner Richard Hamann, seconded by Commissioner Dorothea Taylor Bogert, to approve Ordinance No. 1630, as read on first reading by title only.

City Manager Green said this is the zoning matter for both properties, where the Planning Commission recommended the developer go back to staff and resubmit as a PD.

Commissioner Keith Cowie asked if the developer was asking for something that was opposed to our Code.

Community Development Director Amy Palmer said the property owner was requesting Commercial Highway zoning. She said the Commercial Highway zoning district meets the standard Land Development Regulations and when the property gets developed it will be subject to our Land Development Regulations and will include the overlay district.

Upon vote, all ayes with Commissioner Jack Myers filing Form 8B Memorandum of Voting Conflict, which is attached to the minutes.

6. ORDINANCE #1631 AMENDING FUTURE LAND USE MAP – FIRST CZ REAL ESTATE PROPERTY

City Manager Green said when the property was annexed into the City, it was given a Land Use or Zoning designation. The Ordinance establishes the Future Land Use as City of Auburndale Neighborhood Activity Center.

Attorney Kee read Ordinance No. 1631 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 752, THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, FLORIDA, BY AMENDING THE FUTURE LAND USE MAP FROM POLK COUNTY FUTURE LAND USE RESIDENTIAL LOW-1 (RL-1) TO CITY OF AUBURNDALE FUTURE LAND USE OF NEIGHBORHOOD ACTIVITY CENTER ON PARCELS OF LAND TOTALING +/- 9.73 ACRES; AND PROVIDING AN EFFECTIVE DATE,** by title only.

Motion by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to approve Ordinance No. 1631, as read on first reading by title only. Upon vote, all ayes with Commissioner Jack Myers filing Form 8B Memorandum of Voting Conflict, which is attached to the minutes.

7. ORDINANCE #1632 AMENDING OFFICIAL ZONING MAP – FIRST CZ REAL ESTATE PROPERTY

City Manager Green said now that the Land Use designation has been established as Neighborhood Activity Center, this ordinance establishes the Zoning as Commercial Highway.

City Attorney Kee read Ordinance No. 1632 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 764, THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AUBURNDALE, FLORIDA, BY AN AMENDMENT TO THE OFFICIAL ZONING MAP BY ESTABLISHING AUBURNDALE ZONING MAP CLASSIFICATION COMMERCIAL HIGHWAY (CH) ON PARCELS OF LAND TOTALING +/- 9.73 ACRES; AND PROVIDING AN EFFECTIVE DATE,** by title only.

Motion by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to approve Ordinance No. 1632, as read on first reading by title only. Upon vote, all ayes with Commissioner Jack Myers filing Form 8B Memorandum of Voting Conflict, which is attached to the minutes.

City Manager Green said the Minutes will show that the votes on the four Ordinances was 4-0 with Commissioner Jack Myers abstaining on all four votes. The Ordinances will come back to the City Commission at their Meeting of February 3, 2020.

8. DISCUSS EMERGENCY LIFT STATION REPAIRS AT THE LAKE SHORE LIFT STATION

City Manager Green said this item is being added to the agenda as an emergency discussion. For some time we have been nursing the lift station that is located on Lake Ariana. We have had emergency generators and pumps there. We have not had any spills or anything that would go into the Lake; however we have had pumps that have gone down and electrical work that needed to be done. To make some improvements to that lift station we realize we will have to go under the road. We have called the emergency contractor with the County and we will be piggy-backing that bid for the necessary work. They feel they can knock the work out in about a 24 hour period and will be working over night to do the repairs. We will have to reroute traffic and do some detours in the area. He displayed and explained the City's five-year capital improvement program for the Public Utilities Department. The CIP for FY 2022–2023 showed the budget projection of \$350,000 for Lift Station repairs at Lake Shore and Lift Station upgrades of \$80,000 to keep the lift stations up and running. He explained the project would need to have repairs now such as plumbing and road improvements.

Public Works Director John Dickson displayed the location of the Lift Station on Lake Ariana Blvd. and across from Century Blvd. He said it was a master station as nine other lift stations pump to this location and then this one pumps to the Allred Wastewater Treatment Plant. He went over the service area for the lift station. The station was built in 1972. It was not built to accommodate maintenance or repairs very easily, as the electrical motors and pumps are 18 feet below ground in a can station. The worker has to go down a ladder into a small vault area for repairs. He said we rely on two check valves in the station and one valve is on the main line, in order to make any repairs. About three weeks ago, the two check valves started leaking into the dry site and the main line valve was broken in the open position. He said not we are not operable at all with the pumps down in the bottom of the station. We are pumping everything through what was normally a 12 inch force main with a by-pass pump and a four inch emergency force main. We have been very fortunate to be in a dry season and not a lot of flow. The 12 inch line is under the edge of the asphalt. We need to get that 12 inch line out from under the edge of pavement and provide us with a larger by-pass pumping situation and provide us with an area for the repairs.

City Manager Green said when we have to bypass the pumps, we have to pump into the 4 inch line and we are limited to those kind of overflow matters, as we can only pump so much into the 4 inch line.

Public Works Director John Dickson explained the plan to wet tap the 12 inch line. He said a wet tap allows you to make repairs while the line is still under pressure. We will extend the 12 inch closer to the station and out from under the road. We will do a line stop and cap to abandon the original line. To do the work, we will have to create a safe work area by closing off south bound lane of Lake Ariana and leave the north bound lane open. We do not know exactly what we will get into, so we inform DOT that this is possibly a two week repair or closure. That pipe has been underground since 1972 and we are not sure how corroded it is. If all goes well, maybe we will be back up in a couple of days. He explained the detour for the south

bound traffic up McNichols Avenue to Keystone Road to Old Lake Alfred Road to Stadium Road. He said they thought this was a good detour route and we will still be able to keep the north bound traffic going.

City Manager Green said over the years, we have used this route for other emergencies and it is functional. We are requesting DOT to permit this as a possible two week and the contractor feels we may be able to knock this out in a 24 hour period.

Public Works Director John Dickson said we are requesting to piggyback the emergency bid the County has with Killebrew. They have given us a bid of \$172,000 for phase 1 of the project. Phase 2 will be rebuild of the lift station at a preliminary design estimate of \$380,000. The total project will be about \$500,000.

City Manager Green said in looking at the Five Year Capital Improvement Program, we had \$350,000 as the proposed expense. He explained that as the project gets closer to completion we obtain current estimates for projects. He displayed the City's Pooled Cash Account balances and said for the Water and Sewer Emergency Pooled Cash we have a balance of \$1,679,263.15. We feel this is a good expenditure of the Emergency Fund with piggy backing the County's contractor. This is one of the older lift stations and now we will only have one remaining lift station of this type. He stated going into the lift station it requires an extra level of safety. We will fence in the area and eliminate a lot of problems we have had at that lift station. Staff recommend approval of the emergency expenditures for the Lake Shore Lift Station repairs.

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

Motion by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to approve the emergency lift station repair expenditure for the Lake Shore Lift Station.

Commissioner Jack Myers asked if the \$500,000 will take care of all the necessary repairs.

City Manager Green said yes, it will take care of all of it. At a later date, we may add on to the capacity at the lift station, if it is needed.

Commissioner Jack Myers asked if we were taking precautions for spills to make sure Lake Ariana is not impacted.

City Manager Green said yes.

Commissioner Keith Cowie said about the trucks not coming downtown and that traffic.

City Manager Green said we met with Police Chief today on this matter and we have sent the trucks that route before.

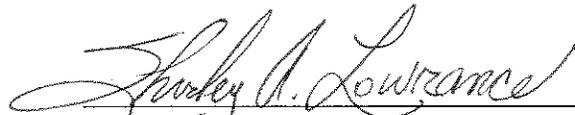
Upon vote, all ayes.

City Manager Green said the meeting needs to recess for a few minutes for the Community Redevelopment Agency meeting to follow.

Mayor Tim Pospichal thanked everyone for coming to see how the City Staff and City Commission works. He thanked the people who spoke and said he was glad to have the students and Mrs. Carver attend.

Meeting adjourned at 7:55 p.m.

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



Shirley A. Lowrance, Finance Director City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Myers, Jack, Richard	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Commission
MAILING ADDRESS P.O. Box 2158	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY Auburndale Polk	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 1-21-2020	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, JACK R MYERS, hereby disclose that on 1-21-2020, 20 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

ORDINANCES # 1429, 1430, 1431, & 1432, I AM TO RECEIVE A REAL ESTATE COMMISSION ON THE SALE OF THE LAND BEFORE THE CITY COMMISSION FOR REQUEST OF LAND USE & ZONING CHANGE

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

1-21-2020
Date Filed

Jack R Myers
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.