

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held March 2, 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, Assistant City Manager Jeff Tillman, 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 Senior Adult Pastor Randy Schneider, Legacy Community Church and a salute to the flag.

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to approve the Minutes of February 17, 2020, Regular Meeting. Upon vote, all ayes.

City Manager Green said first of all thanks to the Assistant Jeff Tillman for pinch hitting tonight for our City Clerk Shirley Lowrance. He yielded to Parks and Recreation Director Cody McGhee for announcements.

Parks and Recreation Director Cody McGhee said I just want to give you an update on a couple of the events that are going on at Lake Myrtle and Auburndale Softball. Lake Myrtle is obviously RussMatt Baseball. The RussMatt Baseball Invitational is here and they are underway. This year we are at 263 teams that will be playing for about 4 weeks. They end the third week of March. We are up on our games this year. We are looking at about 625 games that will be played in those 4 weeks. The bulk of them being this week and the next two weeks. At the Auburndale Softball Complex, we have a tournament going on called the Spring Games, which is a softball version of something similar to RussMatt's collegiate invitational tournament that are played on three different sites. Clermont, Polk County, which is Auburndale and Winter Haven, as well as over on the west coast. There will be 94 Division II teams that will be playing throughout the DiamondPlex and Auburndale. We will have about 175 games going on at the softball complex going on right in the middle of RussMatt. Over the course of the next three weeks we will be playing 800 games between Lake Myrtle and the softball complex.

City Manager Green said we have also received several compliments at City Hall regarding the condition of the fields at both softball and at baseball. Thank you and if you would pass that on to your crew please. We also have with us this evening, just for introduction Mr. Mayor and members of the Commission, Mark Zimmerman is with us from Polk County Tourism and Sports Marketing. He yielded to Amy Palmer for an announcement.

Community Development Director Amy Palmer passed out a newsletter from DOT. She said we just received this email with what DOT is calling their kickoff newsletter regarding the Old Dixie Trail Project. Back in 2017, the DOT kicked this project off with a feasibility study of building a trail that would connect Auburndale to Haines City via Lake Alfred. There were several different alternatives at that point. They have since been narrowed down to two alternatives. We would start the Old Dixie Trail from the existing trailhead in Auburndale at the Auburndale/TECO trail. It would come down Ramsgate, down PK Avenue. From there the two alternatives start. One would be a northern route along Old Lake Alfred Road and then Pierce Road through the City of Lake Alfred. The more southern route would take US Hwy 92 east to the existing trail that runs north into Lake Alfred and then back up with Hwy 92 and then go into Haines City that way. This newsletter outlines the progress for the PD&E study. This summer they will be holding a public workshop. As soon as that date is announced I will let you all know of that. You can see the rest of the schedule for the PD&E being complete in the fall of 2021. Following PD&E for a typical road or trail project, if there is any rights-of-way that would have to be acquired, that would be the next phase. Following the rights-of-way phase is always the construction phase. That is the timeline and those phases take about two years each. We are just in the beginning of the project.

City Manager Green said this is an exciting project that has been in the works for some time. It is designed to tie in our Polk County trails with the Heartland Trail and also statewide trails network. Amy has been our point person on that and we thank you.

## 1. ORDINANCE #1633 AMENDING FIREFIGHTERS PENSION PLAN – CANCER PRESUMPTION

City Manager Green said Florida Statutes were amended back in 2019 to provide that upon a diagnosis of one of twenty-one cancers, a firefighter is entitled to certain benefits as an alternative to pursuing workers' compensation benefits. The law, which was effective July 1, 2019, also gives broad rulemaking authority to the State to adopt best practices as it relates to personal protective equipment, decontamination, fire suppression apparatus, and fire stations. A firefighter that meets certain criteria and conditions will receive a \$25,000 lump sum payment; cancer treatment; reimbursement for out-of-pocket deductibles, copayments, and coinsurance; disability retirement; and a death benefit to the firefighter's beneficiary. To receive the benefits, the firefighter must be employed by the City for at least 5 continuous years, has not used tobacco products for at least the preceding 5 years, and not been employed in any other position in the preceding 5 years which is proven to create a higher risk of any cancer. If the firefighter elects to continue coverage in the City's group health insurance plan after terminating employment, the benefits of the health insurance plan must be made available for 10 years following separation. If the firefighter participates in the City's Firefighters' Pension Plan, the Plan must consider the firefighter totally and permanently disabled in the line of duty. That last item is where we are tonight with this particular Ordinance. The proposed Ordinance amends the City's Firefighters' Pension Plan to provide for the total and permanent disability due to a diagnosis of cancer or circumstances that arise out of the treatment of cancer. The cost for this benefit and amendment to the Firefighter Pension Plan is estimated by the Actuary (Foster & Foster) at .1 percent of the Fire Department Payroll. The proposed Ordinance was prepared by the City's Fire Pension Attorney, Christiansen and Dehner, and approved by the Firefighters' Pension Board on January 28, 2020. The proposed Ordinance was approved on first reading February 17, 2020 and is being presented for second and final reading. Staff would recommend approval of the Ordinance.

City Attorney Kee read Ordinance No. 1633, entitled: **AN ORDINANCE OF THE CITY OF AUBURDALE FURTHER AMENDING THE CITY OF AUBURDALE MUNICIPAL FIREFIGHTERS' PENSION TRUST FUND, ADOPTED PURSUANT TO ORDINANCE NO. 1347, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 8, DISABILITY, PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE**, by title only.

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

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to approve Ordinance No. 1633 amending the Firefighters' Pension Plan – Cancer Presumption. Upon vote, all ayes.

## 2. PUBLIC HEARING – EXTENDING TERM OF JOINT PLANNING AGREEMENT

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

City Manager Green said notice is hereby given that the City Commission of the City of Auburndale will hold a Public Hearing on Monday, March 2, 2020 at 7:00 p.m. in the Commission Room of City Hall to hear and consider a Resolution extending the Joint Planning Agreement for one (1) year between the City of Auburndale and Polk County. The Notice of the Public Hearing has been properly advertised. Back in 2009, the City of Auburndale and the Polk County Board of County Commissioners (BOCC) entered into a Joint Planning Area Interlocal Agreement. The adoption of the Agreement followed several years of discussion with Polk County, the Central Florida Regional Planning Council (CFRPC) and the Florida Department of Community Affairs regarding the City's goal to establish a unified approach to planning for coordinated growth in the north Auburndale area and west toward the Polk Parkway. The Interlocal Agreement established a Joint Planning Area (JPA) with Polk County that serves as a guide to the City and County regarding policies for future growth within the boundaries of the JPA. The Interlocal Agreement assists both governments to better identify areas proposed for future municipal services, and to better coordinate government services by avoiding the creation of incompatible land uses near common boundaries. The

Interlocal Agreement expired in 2014 and was renewed and updated by both parties in March 2019. The updated agreement was for a term of one (1) year that may be extended for succeeding periods of one (1) year by mutual written agreement of the parties. The proposed Amendment #1 constitutes the City's and County's desire to renew the Joint Planning Agreement with Polk County for a subsequent one (1) year period through March 19, 2021. The Polk County BOCC will consider renewal of the JPA Agreement at their scheduled meeting on Tuesday, March 3, 2020. Staff recommends approval of the Amendment.

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

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

### **3. AMENDMENT #1 – EXTENDING TERM OF JOINT PLANNING AGREEMENT**

City Manager Green said you have been copied to the Joint Planning Agreement, Interlocal Agreement, Amendment #1, which does extend the term for one (1) year. Staff would recommend approval.

**Motion** by Commissioner Jack Myers, seconded by Commissioner Richard Hamann, to approve Amendment #1 extending the term of the Joint Planning Agreement with Polk County. Upon vote, all ayes.

### **4. INTERLOCAL AGREEMENT – FUNDS FOR SOCCER STADIUM DESIGN**

City Manager Green said in 2006, the City of Auburndale entered into several agreements to expand the Lake Myrtle Sports Complex to accommodate the Florida Youth Soccer Association (FYSA) headquarters and additional improvements including a stadium on the soccer championship field. Engineering work was performed by Chastain Skillman, and design work prepared by the Lunz Group. Due to financial considerations, the stadium was never built. Specifically, plans were changed to relocate concession operations out of the FYSA building, and the parties agreed to utilize aluminum bleachers for seating on the Championship Field. The City and Polk County are interested in hosting more events at the complex that require the amenities of a stadium. These events include the Florida High School Athletic Association's Boys and Girls Soccer State Championships, the Boys and Girls Lacrosse State Championships, the Pan American Lacrosse Association's World Qualifying events, the Florida Tropics professional team and other large-scale events. The proposed Interlocal Agreement would allow for updating the previous engineering and design plans to current building code requirements. The proposed Interlocal Agreement provides \$112,355 to be used by the City solely for the payment of updating the engineering plans (Chastain Skillman - \$98,355 – Exhibit A) and design plans (Lunz Group - \$14,000 - Exhibit B). Completion of this work will allow for the bidding of the construction phase. The Polk County Tourist Development Council has committed the funding for the construction of the stadium. The City and County will consider an additional Interlocal Agreement for construction services at a later date. The proposed Interlocal Agreement was prepared by Polk County and reviewed by the City Manager, City Attorney and Parks and Recreation Director. The Board of County Commissioners will consider this Interlocal Agreement at their second meeting on March 17, 2020. Staff would recommend approval of the Interlocal Agreement. Basically, it is a pass-through of the Sports Marketing funds through the City and we are taking the plans that were previously done for a stadium and upgrading those plans to accommodate our current codes.

Mayor Tim Pospichal asked for public comment.

Ian Jackson, 903 Hillgrove Lane, said there may be more City Council members here than there are people from the City. That is a shame because they are missing a wonderful opportunity. The soccer stadium, the softball upgrades, or any sports events. You cannot think of a greener type of business for Auburndale and Polk County. Polk County has turned geographically into the center of sports for the entire State High School system. Look at the RP Center with basketball and everything else. Soccer, it is unbelievable. I cannot help but jump up in joy with the thought of there being a stadium here. I stand for any questions you want, but I am 100 percent behind building this. I remember the time when Chris Shelton put the first field down way,

way long ago. When they played behind Caldwell.

Commissioner Jack Myers said I remember Caldwell. Sandspurs.

Ian Jackson, 903 Hillgrove Lane, said sandspurs, but amen.

Mayor Tim Pospichal asked for any further comments.

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to approve the Interlocal Agreement for the Tourist Development Tax funding for soccer stadium. Upon vote, all ayes.

## **5. PROMOTIONAL AGREEMENT WITH POLK COUNTY – SOFTBALL COMPLEX**

City Manager Green said Polk County, through its Tourism & Sports Marketing Division has agreed to sponsor the Auburndale Softball Complex, which hosts numerous events and tournaments that attract visitors and participants to Polk County, and is also home to the City's local Miss Auburndale Softball league. This one-time sponsorship of \$18,000 will allow the City to make necessary improvements to the facility, including construction of new batting cages. The sponsorship complements the additional funding included in the City's current fiscal year budget for enhancements to the softball complex. As with the baseball fields at Lake Myrtle, all five softball fields have been laser graded for better play on the clay surfaces. Additional improvements include sun shading over the bleachers on two of the five fields, fence repairs and landscaping. The proposed Promotional Agreement was prepared by Polk County and is similar to other Sponsorship Agreements with the City. He made a presentation on the improvements that have been made to the Auburndale Softball Complex. He said staff would recommend approval of the Promotional Agreement with Polk County.

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 Promotional Agreement with Polk County for the softball complex. Upon vote, all ayes.

## **6. CONSIDER PURCHASE OF 108 SHELBY STREET BEHIND SENIOR CENTER**

City Manager Green yielded to Assistant City Manager Jeff Tillman for presentation.

Assistant City Manager Jeff Tillman said the City was recently approached by Ricky F. Browning, owner of 108 Shelby Street, to inquire if the City was interested in acquiring his property for \$35,000. The property currently contains a single-family home in disrepair and sits behind the Senior Center and adjacent to vacant property previously purchased by the City. The City secured a title search on the property and provided the owner, Ricky F. Browning, the required documents needed for closing. The City Attorney has reviewed the Contract for Sale and Title Commitment. Funding for the purchase is available in the Recreation Impact Fee Reserve line item in the City's current FY2020 Budget. The account has a balance of \$540,672.13. The purchase of the property is an allowable expense as provided in Resolution 822, which established the impact fee. Acquisition of the property at 108 Shelby Street will allow for additional parking at both the Senior Center and Civic Center after demolition of the single-family structure. Staff recommends approval of the Contract for Sale and Purchase at 108 Shelby Street.

City Manager Green said I also want to thank our City Attorney for his review of the contract.

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

**Motion** by Commissioner Jack Myers, seconded by Commissioner Dorothea Taylor Bogert, to approve the Contract for Sale and Purchase at 108 Shelby Street.

Commissioner Jack Myers asked have we ever had conversations with the Prison Ministry about the lot that goes out to PK? They also own the old hotel.

City Manager Green said we have not. I know others have approached them from the private sector and they have shown no interest.

Commissioner Jack Myers said that is probably a discussion for another time at a CRA meeting. With this piece and the City owns the other piece to the side there, that is a pretty nice piece for some redevelopment. The CRA may one day want to consider.

City Manager Green said that is in the CRA 5-year plan. The consideration of relocating the Civic Center, which would then open that up. This only becomes that much more important for us to bring under the City ownership.

Upon vote, all ayes.

#### **7. ORDINANCE #1634 ANNEXING PROPERTY INTO CITY LIMITS – GAPWAY GROVES/CONE RD**

City Manager Green said the City has received a petition from the Gapway Groves Corporation to annex +/- 76.28 acres of property into the City limits. The property is located east of Cone Rd. at CR-559 and is currently vacant land following the recent removal of the orange groves on the site. The property is contiguous with existing City limits and annexation does not create an enclave. The action currently before the City Commission is only on the annexation of the property into the city. Establishing a Future Land Use and Zoning classification on the property will be considered before the Planning Commission and City Commission at Public Hearings at later dates. The proposed Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. If approved on first reading, the proposed Ordinance will be presented for second and final reading at your next meeting of March 16, 2020. Staff would recommend approval of the Ordinance annexing the Gapway Groves property into City limits.

City Attorney Kee read Ordinance No. 1634, entitled: **AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF AUBURNDALE, FLORIDA, SO AS TO INCLUDE THEREIN ADDITIONAL TERRITORY LYING CONTIGUOUS AND ADJACENT TO THE PRESENT BOUNDARIES OF THE CITY; DESCRIBING SAID ADDITIONAL TERRITORY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE**, by title only.

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

**Motion** by Commissioner Richard Hamann, seconded by Commissioner Dorothea Taylor Bogert, to approve Ordinance No. 1634 as read. Upon vote, all ayes.

#### **8. DISCUSS PROPOSED AGREEMENTS FOR ROAD TRANSFER WITH POLK COUNTY**

City Manager Green said for several years, the City has worked with the Florida Department of Transportation and Polk County on issues related to SR 559. These matters include the increased number of commercial trucks through the downtown area, safety concerns near the downtown park and increased traffic due to the growth in the North Auburndale area. Just recently, and after years of negotiations and additional road network improvements, the State and County swapped jurisdictional control of State Road 559 and Berkley Road. He made a presentation on the March 16, 2020 City Commission Meeting, where the City Commission will consider several Agreements with Polk County to transfer jurisdictional control of portions of the road network that were recently obtained from the State and a Resolution restricting truck traffic on those City portions of the road network. He introduced several issues related to the transfer of various portions of the

road network to the City and the restriction of truck traffic on former State Road 559. He yielded to Public Works Director John Dickson for further presentation.

Public Works Director John Dickson made presentation on signage improvements that would need to be made to the road network to restrict truck traffic on 559. The items he discussed included signage at C. Fred Jones Boulevard, signage at US Highway 92, signage along Berkley Road and Dairy Road, and having discussions with the Coca-Cola Main Street Plant on the routes their trucks travel.

City Manager Green said this presentation was made before the County and the State at a meeting with Amy and John last week. The State was at the meeting. The State suggestion was that getting that Resolution to restrict truck traffic to then move forward with signage improvements.

Public Works Director John Dickson said as soon as the Resolution is signed then they can proceed with the signage plan. It was interesting that they asked for a copy of the presentation, so that they would know the signing locations they were thinking about.

Community Development Director Amy Palmer made a presentation on additional improvements that could be made to the road network including speed indicators on Lake Ariana Boulevard, crosswalk improvements at Lake Alfred Road, constructing a pedestrian crossing on Main Street at the First Missionary Baptist Church, and installing a sidewalk on the west side of Main Street between US Highway 92 and Melton Avenue.

Richard Hamann said to back up on little bit to the church property. From what I understand, they are going to tear down the old Publix building.

Community Development Director Amy Palmer said yes. They are going to tear that building down. We do not know what their plans are for that property. That is something we are looking at.

Richard Hamann said I heard they were going to make that parking.

City Manager Green said that is their plan. We have already reached out to them with their engineer to get their site plan and then work with them as Amy said as they tear that building down. This particular leg of sidewalk, working with DOT, it just had to go into their 5-year improvements plan. It was not for any other reason. It was just to throw it into their program.

Community Development Director Amy Palmer continued making presentation on additional improvements including making landscaping and stormwater improvements to Main Street between Derby Avenue and Recker Highway.

City Manager Green said if you think it is difficult permitting a sidewalk. Try permitting a raingarden.

Ian Jackson, 903 Hillgrove Lane, asked what is a raingarden?

City Manager Green said it is what you see along PK. It has the rocks in the bottom and it captures the water before it goes into the lake.

Community Development Director Amy Palmer continued making presentation on additional improvement including street resurfacing on the City's portions of CR-559 and the construction of a round-a-bout at Gapway and CR-559.

City Manager Green said lets go back to the round-a-bout. One of the things that makes this attractive, it is a gateway coming south into Auburndale, but then also a gateway going north into the Lakes District. We have heard from the residents as the CG Jeans property is being developed. They are going to be responsible, as the developer, for signalized improvements or round-a-bout improvements. We will be working with

them as well. We just see that as something that would be complimentary to that, but also a calming device, which the round-a-bouts are. It would still accommodate that truck that has to come through for deliveries. It is something we will have to be working with the County on because Gapway, Lake Van, and this portion of County Road 559 are all county maintained. He asked Amy to go to the resurfacing map. He said the City's portion from Sesaquachita all the up around to the north side of the lake. Why does it stop there? The north side of Lake Ariana Boulevard is also county maintained. Bolendar Road is county maintained. That was the perfect dividing line for the City and the County to agree upon and you will see that in that agreement at your next meeting as to why we stopped there. That was the reason. Then you can see a line coming from Lake Alfred. Bolendar, county maintained, hits Lake Ariana staying on the north side of the lake. All county maintained. The reason for this is in advance of those agreements coming to you at your next meeting. Several of the Commissioners, having been on the technical advisory committee, saw these suggestions of that swap years back. We have been ready for it. Some of these other improvements of sidewalk improvements and speed indicators. We have them on the ground at Public Works. We are ready to go. Once we get some of that legal paperwork in and recorded, our citizenry will start seeing some of that, but we wanted you to be up to date. The signage is probably not going to happen overnight. There are two Resolutions. The County has to pass a Resolution restricting trucks on what they will call now County Road 559. That means from the truck stop at C. Fred Jones coming south, they are going to restrict the truck traffic. Auburndale then has the leg on the south side. Auburndale has to pass a Resolution restricting traffic on the same road network for those trucks going northbound. We both have jurisdictional control, but we both have to pass very similar, if not identical, Resolutions.

Commissioner Richard Hamann said like the JPA.

City Manager Green said it will be very similar to that. He thanked John Dickson and Amy Palmer for their presentation tonight and to the County and State. It was well received. He thanked Jeff Tillman and Seth Teston for the presentation materials.

Mayor Tim Pospichal said I wish we would have had a room full of citizens. It was a great presentation and you just about answer everything. It is exciting and Auburndale has its hands around it.

Meeting adjourned at 7:52 p.m.

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

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Jeff Tillman, Assistant City Manager

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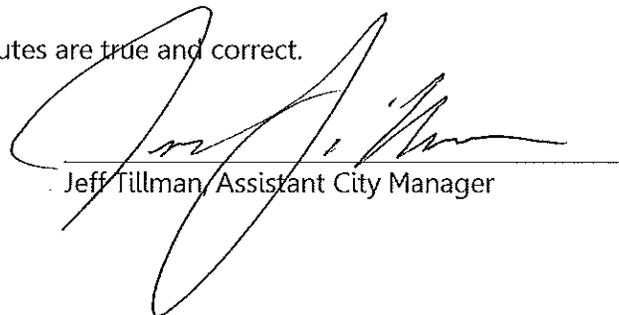
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Jeff Tillman, Assistant City Manager