

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held November 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, Finance Director/City Clerk Shirley Lowrance, and Police Chief Andy Ray.

Mayor Tim Pospichal declared a quorum present and the Meeting was opened with prayer by Pastor John Gullett of St. Alban's Church and a salute to the flag.

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Richard Hamann, to approve the Minutes of the Regular Meeting October 19, 2020. Upon vote, all ayes.

Public Works Director John Dickson said he had two longevity awards to present. He presented Billy Neyman with his five-year longevity plaque. Mr. Neyman works in the Sanitation Division as a driver and has taken advantage of City's tuition assistance program and is pursuing his Associates Degree. He presented Derick Hough with his five-year longevity plaque. He said Mr. Hough is a Service Worker IV in the Street Division and is doing a great job. He said every day he depends on him more.

Parks and Recreation Director Cody McGhee presented Julianna Wilkerson with her 15 years longevity plaque. He said she is the right-hand lady in our Building Division. She is always out in our Downtown parks and beach working. He said she knows the City Recreation Department inside and out and he loves having her on the team.

City Manager Green said it was a pleasure to see familiar faces in the audience tonight. He said was going to start by introducing Merissa Greene, who had asked to appear before the Commission. He said Merissa is currently with Polk County schools and use to be our Communication and Information Manager.

Merissa Greene said it felt good to be back in Auburndale and she bragged about Auburndale all the time to her colleagues in Bartow. She said she was very proud of the work done while she was in Auburndale. She said she missed the Mayor and the Commissioners and felt fortunate to be here this evening. She said the reason she was here was to make sure we incorporate and include all of our stake holders in Polk County, in the process of looking for a new school Superintendent. Superintendent Jacqueline Byrd has announced she will be retiring in June. We are reaching out to everybody in the community, as we want your input. We want you to tell us what we should have in our next Superintendent. What are the things we are doing well with Polk County Schools? What are the things we can improve on? Today they started a virtual Town Hall forum that lasts through Friday for anyone to give input on the qualities of the next Superintendent and suggestions in this new leader. We also have a community survey that goes a little more in-depth. She said she implored everyone to take the time to take those surveys and participate in the online virtual forum. She asked the Department Directors to encourage the employees as this is a collaborative effort and we want everybody in Polk County to be involved. She said herself, a couple of members of her team, and the Public Relations Department will be out and about to let everyone know we need your help. She said she wanted to acknowledge Lakeland Mayor Bill Mutz who sits with her on the Board of Directors for United Way of Central Florida. This has been a very challenging year for our community and we want to say thank you to all of you who have donated financially to United Way. This is why we have been able to do the food drops and other things for our community. The City of Auburndale is a strong supporter of United Way. The United Way underwrites the cost of the Reading Pals program and she thought Auburndale is the only municipality who has the majority of the Department Directors participate in the Reading program. She thanked the Commission for allowing her to come before them.

Mayor Tim Pospichal recognized Mayor Bill Mutz from Lakeland. Mr. Mutz introduced his wife, Pam.

Mayor Tim Pospichal recognized his wife, Marcie.

Commissioner Keith Cowie requested Agenda Item #4 Consider Thanksgiving Day Bonus to Employees at One-Half the Christmas Bonus. He said this was to recognize their outstanding commitment and things they have done throughout this year.

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Jack Myers to add Agenda Item #4 Consider Thanksgiving Day Bonus for Employees at One-Half the Christmas Bonus. Upon vote, all ayes.

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

Mayor Tim Pospichal said we will have the Commendation for Lakeland City Manager Shawn Sherrouse.

City Manager Bobby Green, City Manager Shawn Sherrouse, Mayor Tim Pospichal, and Mayor Bill Mutz posed for a picture.

Commissioner Dorothea Taylor Bogert read the Commendation for Lakeland City Manager Shawn Sherrouse. She said Shawn Sherrouse's employment contract was unanimously approved at 5:15 p.m. today.

Lakeland City Manager Shawn Sherrouse said he was humbled and honored. He thanked the Mayor and City Manager for the honor and for what it means to him. He said Merissa hit it on the spot – it was good to be back in Auburndale among friends, neighbors, and Department Directors from his past. He said he wanted to recognize several people for coming this evening: Mayor Mutz and his wife, Parks and Recreation Director Bob Donahay, his girlfriend Dana Blydenburgh. He said he was thinking about when he got out of the Marine Corp and he was reading this series of books with these catchy titles. The titles were like "Everything I Needed to Learn About Life I Learned in Kindergarten", "Everything I Needed to Learn About Life I Learned from a Children's Book" or I Learned from a Soap Box. He said if he ever wrote a book, the title would be "Everything I Needed to Know About City Management I Learned from the City of Auburndale". He said this was because a great mentor and friend, your City Manager Bobby Green, from the Commissioners I had the pleasure to work with and from the Department Directors I made great friendships with and learned so much from. He said Lakeland is a giant battle ship and steering it can be quite the challenge, but there is nothing he has faced in Lakeland that he cannot tie back to some lesson he learned here in the City of Auburndale. He said he will be forever grateful for the experiences he has had to serve in the community he also grew up in along with Lakeland, to work for Mr. Green, and to have his friendship. He said there is no way he would be where he was today without this man. He said he will not be able to say "thank you enough coach". He said there are a couple of people who are not here tonight – his sons Reagan and Brantley. Brantley is in Marine Corp Boot Camp and arrived at Paris Island last Tuesday. He said he received a notification with his address during the Lakeland City Commission Meeting and will now be able to write him. He said he hoped he was doing well. Reagan is a firefighter for Polk County and bought a house in Winter Haven at the age of 21. He is doing well. Both are public servants and it was from lessons they learned right here in Auburndale, in this room, and from you good folks who have been an influence on his life. He said he was humbled and honored and will always appreciate his time in Auburndale, the friendships and the leadership he observed here. He thanked everyone for the great honor.

#### **1. ORDINANCE #1646 AMENDING THE OFFICIAL ZONING MAP - WATFORD PROPERTY**

Community Development Director Amy Palmer said the City has received a request to rezone property owned by Dyron Watford located at K-Ville Avenue and Polk Parkway. The current Future Land Use is Low Density Residential/Conservation-Wetlands and the current City Zoning is Planned Development-Housing 1. The proposed Zoning classification is single Family Residential-2 and Open Use Agricultural. The current use of the property is vacant. The Watford property was annexed into the city limits in 2005 as part of a large 1,470 acre planned development community that was never developed and included residential, commercial, and business park land uses. The Watford property is located at the intersection of K-Ville Avenue and the Polk Parkway and contains the Future Land Uses of Low Density Residential on 73 acres and Conservation/Wetlands on 110 acres. Dennis Wood of Wood and Assoc. Engineering, LLC on behalf of

property owner Dyron M. Watford has requested a zoning map amendment on 183 acres from Planned Development-Housing 1 to Single Family Residential-2 on 73 acres, and Open Use Agricultural (OUA) on 110 acres. The proposed zoning map amendment is consistent with the established and current Future Land Use designations on the property. The proposed zoning map amendment is compatible to existing zoning classifications and uses adjacent to the site such as Boswell Elementary and existing residential subdivisions to the north and to the east. The requested Single Family Residential-2 is intended for low density single family residential home developments and requires a minimum lot size of 9,500 square feet with a minimum lot width of 70 feet. The applicant is proposing a 121 unit subdivision. The requested Open Use Agricultural zoning district is intended for agricultural uses and is also intended to preserve conservation and wetland areas. The Open Use Agricultural zoning district will be applied on the 110 acres of Conservation/Wetlands designated on the City's Future Land Use Map. The site will access City water and utilize septic tanks. The City's sewer system is not available, at this time. The requested zoning map amendment is consistent with the City's Comprehensive Plan and Land Development Regulations. The Planning Commission recommended approval of the Map Amendment in a five to zero vote on October 6, 2020. Staff recommended approval of the Ordinance amending the Zoning Map. She displayed the location of the property. She went over the Development Road Map for the property. She said the property will go through the normal development process to move through the subsequent steps.

City Manager Green said there was Public Hearing at last Commission meeting and the Planning Commission held their Public Hearing in October. The proposed Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. The proposed Ordinance was approved on first reading October 19, 2020 and is being presented for second and final reading. Staff recommended approval of the Ordinance.

City Attorney John Murphy read Ordinance No. 1646, which was presented and passed on second reading on October 19, 2020, by title only.

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

**Motion** by Commissioner Richard Hamann, seconded by Commissioner Keith Cowie to approve Ordinance No. 1646, as read on first reading, by title only.

Commissioner Jack Myers said he needed to abstain from voting due to his office handling the sale of the property and he has a potential financial gain. He said he would file the appropriate form, Form 8B Memorandum of Voting Conflict.

Upon vote, all ayes with Commissioner Jack Myers abstaining and filing Form 8B Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers, which is attached to the minutes.

## **2. ORDINANCE #1647 ANNEXING PROPERTIES INTO CITY LIMITS – BARFIELD AND STERLING PROPERTIES**

City Manager Green said the City has received petitions from Roger Barfield, 3650 Havendale Boulevard to annex 1.00 acres of property and from William Sterling, 3630 Havendale Boulevard to annex 0.48 acres into the City limits. The properties are located on Havendale Blvd, east of Lake Blue Drive NW and contiguous with the Feliciano property, which was annexed into the City limits in May. The properties are adjacent to each other and the annexation does not create an enclave. The Barfield property currently operates as an RV repair center and the Sterling property, former eye clinic, is currently vacant. He displayed pictures of the property on the screen. Establishing a Future Land Use and Zoning classification on the properties 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 properties into the City. 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 on November 16, 2020. Staff recommendation was approval of the Ordinance annexing the Barfield and Sterling properties into the City limits.

City Attorney John Murphy read Ordinance No. 1647 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** (General Location: Havendale Blvd. and Avenue Z NW), 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. 1647, as read on first reading, by title only. Upon vote, all ayes.

### **3. FACILITY USE AGREEMENT WITH AUBURNDALE YOUTH BASEBALL**

City Manager Green thanked Parks and Recreation Director Cody McGhee for his assistance in putting together the Agreement. He said beginning in 2021, Auburndale Youth Baseball will begin play at the new Youth Baseball Park off Braddock Road. The proposed Facility Use Agreement is intended to provide guidelines and expectations of both, the City of Auburndale and Auburndale Youth Baseball. The proposed Agreement permits Auburndale Youth Baseball the non-exclusive right to use the facilities on Braddock Road for the purpose of providing youth baseball activities to the community. The Agreement addresses issues of insurance, indemnification, facility usage and fiscal operation requiring adequate financial records be kept and provided to the City. The City will provide all necessary maintenance to the facility, including fields, landscaping and lighting. The Agreement provides a 10:00 p.m. curfew to end all games and activities. This is important given the adjacent residential community to the west of the property. The Agreement is patterned after similar arrangements used by Polk County and Winter Haven between the various organizations that utilize their facilities. The Agreement was prepared by the Parks and Recreation Department and reviewed by the City Manager and City Attorney. It is the intent that the City will enter into similar agreements with the other youth and recreation organizations that use City facilities. He displayed a picture of the facility. He reminded everyone that the former Assistant City Manager and Lakeland City Manager Shawn Sherrouse use to be President of our Auburndale Little League Baseball program. Staff recommendation was approval of the Facility Use Agreement with Auburndale Youth Baseball.

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

**Motion** by Commissioner Keith Cowie, and seconded by Commissioner Richard Hamann, to approve the Facility Use Agreement with Auburndale Youth Baseball.

Commissioner Keith Cowie asked about tournaments held at Lake Myrtle where they charge for parking. He asked if we had anything that addressed parking, when a person may not be going to that particular event.

City Manager Green said this facility is not being built for a tournament facility. It is a stand-alone youth facility, so there will probably not be those types of tournaments. If during the off season, the County came to us for an AAU tournament we could make that available, but it is not set up for it.

Commissioner Keith Cowie said if we are doing some other Agreements, we could look at this. He said he has received several complaints from the soccer field and baseball field regarding the charge for parking.

Upon vote, all ayes.

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**4. CONSIDER THANKSGIVING BONUS TO EMPLOYEES AT ONE-HALF OF THE CHRISTMAS BONUS**

Commissioner Keith Cowie said he reached out to Mr. Green late last week. He said we talked throughout the year about the great job our employees do and this year has been exceptionally trying for everybody. He said he reached out to Mr. Green to see if we had the ability from a budgetary standpoint to provide an additional Christmas Bonus. As we talked, we discussed we had time to provide this bonus at Thanksgiving. Mr. Green indicated after he talked with Finance Director/City Clerk Shirley Lowrance that we have funds in contingency to provide that. He said he would like to provide a Thanksgiving Bonus to all the City employees. He said it would be one-half of the Christmas Bonus, with the same stipulations as the Christmas Bonus.

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to provide a Thanksgiving Bonus at one-half the Christmas bonus and using same criteria.

Commissioner Jack Myers asked the cost of the Thanksgiving Bonus.

Commissioner Keith Cowie said approximately \$18,000.

Commissioner Dorothea Taylor Bogert said she thought it was a great idea. She said the employees have served us well through this pandemic.

Commissioner Richard Hamann said he concurred and thanked the employees for doing a great job.

Upon vote, all ayes.

City Manager Green and the employees present applauded the Commission for the Thanksgiving Bonus.

Meeting adjourned at 7:40 p.m.

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

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Shirley A. Lowrance, Finance Director/City Clerk

**4. CONSIDER THANKSGIVING BONUS TO EMPLOYEES AT ONE-HALF OF THE CHRISTMAS BONUS**

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Upon vote, all ayes.

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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 <i>Myers Jack Richard</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Auburndale City Commission</i>
MAILING ADDRESS <i>P.O. Box 2158</i>	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 <i>Auburndale Polk</i>	NAME OF POLITICAL SUBDIVISION: <i>City Commission</i>
DATE ON WHICH VOTE OCCURRED <i>11/2/2020</i>	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 RICHARD MYERS, hereby disclose that on Nov. 2nd, 2020:

(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:

*My Real Estate office has the listing on this Property AND is under contract.*

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.

11/2/2020  
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.