

City Commission Meeting October 4, 2021

Minutes of the Regular Meeting of the City of Auburndale held October 4, 2021, 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: Assistant City Manager Amy Palmer, City Clerk/Special Projects Director Jeffrey Brown, City Attorney Frederick J. Murphy Jr., and Police Chief Andy Ray.

Mayor Tim Pospichal declared a quorum present, and the Meeting was opened with prayer by Pastor Bob Bauer, Orange Street Church of Christ, and a salute to the flag.

Motion by Commissioner Cowie, seconded by Commissioner Taylor Bogert, to approve the Minutes of the City Commission Meeting of September 21, 2021. Upon vote, all ayes.

Mayor Pospichal recognized Assistant City Manager Palmer as being the first woman in the City of Auburndale's history to run a city commission meeting.

Assistant City Manager Palmer spoke about the successful Bloodhound Bash.

City Attorney Frederick J. Murphy, Jr. recognized Duane Draper of Bryant, Miller, Olive P.A., the City's bond counsel, who assisted with bank loan documents for the soccer stadium at Lake Myrtle Sports Park.

Mayor Pospichal asked if there was public comment on any item not on the agenda. None was received.

Assistant City Manager Palmer stated there are two Proclamations this evening. The first is recognizing October as National Breast Cancer Awareness Month. The second recognized October 3-9 2021, as Fire Prevention Week.

1. **ORDINANCE #1674 AMENDING CITY CODE - CHAPTER 23 – ARTICLE II. SEWERS**

Public Work Utilities Director Dickson stated the City Commission in 1988 established an industrial pretreatment program to protect the City's wastewater treatment facilities from substances that may interfere with their operations, present contamination, or cause a violation of the City's discharge permits.

The City has amended the pretreatment policies on several occasions to stay compliant with new laws and guidelines, or as a result of plant modifications. However, it has been several years (2012) since the entire pretreatment policy as stated in the City Code of Ordinances was reviewed for compliance.

In 2020, the Environmental Protection Agency (EPA) recommended the City update the Sewer Use Ordinance resulting in a complete review of the Ordinance by Chastain-Skillman. After review, Chastain-Skillman has recommended three (3) changes to the City's Sewer Code.

- Revise the current permit renewal window for significant industrial users to apply for reissuance from 180 days to 90 days before permit expiration.
- Add language to prohibit discharges of hazardous waste pharmaceuticals from healthcare facilities and reverse distributors into the sewer system.
- Add language to prevent dental amalgam releases into the sewer system.

The proposed Ordinance is housekeeping in nature and updates the City's Code to meet all of the required EPA guidelines and standards.

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Also, as a part of the review, Chastain-Skillman evaluated the Industrial Pretreatment Local Limits and the City has revised the Pollutant Table based on their recommendations.

The proposed Ordinance was prepared by the City Manager's Office incorporating significant work by the City's Consulting Engineer Chastain-Skillman. The proposed Ordinance has been preliminarily approved by the FDEP and reviewed by the City Attorney and Public Utilities Director. If approved on first reading, the proposed Ordinance will be presented for second and final reading on October 18, 2021.

City Attorney Frederick J. Murphy, Jr. read Ordinance No. 1674 entitled: **AN ORDINANCE AMENDING CHAPTER 23, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF AUBURNDALE, FLORIDA REGARDING THE CITY'S SEWER SYSTEM SPECIFICALLY THE CITY'S INDUSTRIAL PRE-TREATMENT PROGRAM CODIFIED THEREIN BY REVISING AND UPDATING PRETREATMENT STANDARDS MANDATED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION THROUGH REVISION OF THE CITY'S WASTEWATER INDUSTRIAL PRETREATMENT REGULATIONS; PROVIDING FOR CODIFICATION, ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND A REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Pospichal asked for public comment. None was received.

Motion by Commissioner Taylor Bogert, seconded by Commissioner Cowie, to approve Ordinance #1674. Upon vote, all ayes.

2. RESOLUTION #2021-10 – AUTHORIZING TRUIST BANK LOAN – LAKE MYRTLE SOCCER STADIUM

Finance Director Reeder stated In August 2021, The City of Auburndale and the Polk County Board of County Commissioners entered into an Interlocal Agreement to use Tourist Development Tax funding totaling up to \$4,000,000 for construction of a soccer stadium on the championship field at Lake Myrtle Sports Complex. The soccer stadium will allow the City and County to attract larger events that require the amenities of a stadium such as 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 soccer team and other large-scale events.

Under the terms of the Interlocal Agreement, the County will make a single payment to the City on or before October 15, 2021, in the amount of \$500,000. The City is obligated to finance the remaining cost of the improvements in the approximate amount of \$3,500,000 amortized over a ten (10) year period, as requested by Polk County. Beginning in December 2021, the County will then reimburse the City the semi-annual debt payment due on the \$3,500,000 borrowing.

On September 9, 2021, the City Commission was presented several borrowing proposals from area banking facilities and accepted the 1.59% fixed rate for ten (10) years from Truist Bank.

The proposed Authorizing Resolution #2021-10 is the official documentation authorizing the Truist Bank loan. It includes approving the form of the loan agreement, authorizing the issuance of a promissory note in the principal amount of \$3,500,000, pledging the monies received by the City from Polk County pursuant to the Interlocal Agreement, and authorizes execution of the loan agreement.

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The proposed Resolution was prepared by Duane Draper of Bryant, Miller, Olive P.A. and reviewed by the Finance Director, City Manager and City Attorney.

City Attorney Frederick J. Murphy, Jr. read Resolution #2021-10: **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AUBURNDALE, FLORIDA AUTHORIZING THE ISSUANCE OF THE \$3,500,000 NON-AD VALOREM REVENUE BOND, SERIES 2021 FOR THE PURPOSE OF FINANCING AND/OR REIMBURSING ALL OR A PORTION OF THE COSTS OF THE ACQUISITION, EXPANSION, DESIGN, CONSTRUCTION AND EQUIPPING OF VARIOUS CAPITAL IMPROVEMENTS OF THE CITY, INCLUDING WITHOUT LIMITATION, CONSTRUCTION OF A STADIUM AND RELATED SUPPORT FACILITIES AT LAKE MYRTLE SPORTS PARK; PROVIDING THAT SUCH BOND SHALL BE A LIMITED OBLIGATION OF THE CITY PAYABLE FROM NON-ADVALOREM REVENUES BUDGETED, APPROPRIATED AND DEPOSITED AS PROVIDED HEREIN; PROVIDING FOR THE RIGHTS, SECURITIES, AND REMEDIES FOR THE OWNER OF THE BOND; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A WIRE TRANSFER AGREEMENT; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; TAKING CERTAIN ACTION WITH RESPECT TO THE BOND; DESIGNATING THE BOND AS A QUALIFIED TAX-EXEMPT OBLIGATION WITHIN THE MEANING OF THE INTERNAL REVENUE CODE; ESTABLISHING REIMBURSEMENT INTENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Pospichal asked for public comment. None was received.

Motion by Commissioner Cowie, seconded by Commissioner Taylor Bogert, to approve Resolution #2021-10. Upon vote, all ayes.

3. APPROVE 2022 CITY COMMISSION MEETING AND HOLIDAY SCHEDULE

Assistant City Manager Palmer presented the City Commission Meeting and City Holiday Schedule for 2022. The City Commission will need to adjust meetings in January and July due to National Holiday's, and September due to proposed budget public hearing dates.

Mayor Pospichal asked for public comment. None was received.

Motion by Commissioner Taylor Bogert, seconded by Commissioner Hamann, to approve the City Commission Meeting and City Holiday Schedule for 2022. Upon vote, all ayes.

The Meeting was adjourned at 7:29 p.m.

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

Jeffrey Brown, City Clerk/Special Projects Director