



**MULBERRY CITY COMMISSION MEETING**

**REGULAR MEETING**

**December 3, 2019 6:00 PM**

**Mulberry City Hall**

**AGENDA**

1. **CALL TO ORDER**
2. **INVOCATION FOLLOWED BY PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF THE MINUTES THE REGULAR COMMISSION MEETING ON NOVEMBER 19, 2019**
5. **DEPARTMENT DIRECTOR'S REPORT**
6. **COMMUNITY COMMITTEE REPORTS**
7. **NEW BUSINESS**
  - i. **Second Amendment to Vacant Land Contract**

8. **UNFINISHED BUSINESS**

9. **COMMUNICATIONS FROM CITIZENS:**

Public comments/communications from citizens are limited to 5 (five) minutes. Anyone wishing to address the Commission should sign in upon entering at the beginning of the meeting. When you are called to speak, please go to the podium and state your name and address for the record prior to addressing the Commission.

**\*CITY COMMISSION COMMENTS:**

**\*CITY MANAGER COMMENTS:**

**\*CITY ATTORNEY COMMENTS:**

**\*CITY CLERK COMMENTS:**

**\* ADJOURNMENT:**

**Each of the meetings/events scheduled may constitute a public meeting at which two or more City Commissioners may attend**



## MULBERRY CITY COMMISSION MEETING

### REGULAR MEETING

November 19, 2019 6:00 PM

Mulberry City Hall

### MINUTES

#### 1. CALL TO ORDER

Mayor Hatch called the meeting to order at 6:00 p.m.

#### 2. INVOCATION FOLLOWED BY PLEDGE OF ALLEGIANCE

Louis Holstein, City Programs Director, led the invocation followed by the Pledge of Allegiance.

#### 3. ROLL CALL

Present: Commissioners McAteer, McClintock and Smith, Mayor Hatch, Attorney Crawford, City Manager Johnson and City Clerk Lauther

Department Head present: John Wright, Director of Utilities and Public Works, John Wasmund, Finance Director, Louis Holstein, Programs Director, Ron Borchers, Planning Director, Cheri Schisler, Library Director.

Absent: Chelsea Young, Cultural Center/Museum Director

#### 4. APPROVAL OF THE MINUTES THE REGULAR COMMISSION MEETING ON NOVEMBER 5, 2019

Commissioner Smith made the motion to accept the minutes as distributed, seconded by Commissioner McAteer. Mayor Hatch asked all in favor of the motion say aye. All voted yes. Motion carried unanimously.

#### 5. PLANNING & DEVELOPMENT REPORT

Ron Borchers was absent due to illness.

At this time Cindy Rodriguez, Executive Director, Polk Arts Alliance, spoke and presented City Manager Johnson with a gift honoring his contribution to the art community. City Manager Johnson thanked Ms. Rodriguez.



**6. UTILITIES REPORT**

John Wright gave a brief update on various projects and work orders that his department has worked on from October 16 thru November 19, 2019.

At this time Steve Elias with Pennoni Engineering, presented Lieutenant Rhodes, with the PCSO, and Louis Holstein, Programs Director for the City of Mulberry, with a gift of appreciation for their participation in the Kandy Kane for Kids Program.

**7. NEW BUSINESS**

**i. RESOLUTION NO. RES-2019-15- A RESOLUTION OF THE CITY OF MULBERRY OF POLK COUNTY, FLORIDA, AMENDING THE FINAL BUDGET FOR FISCAL YEAR 2018-2019; PROVIDING FOR AN EFFECTIVE DATE.**

City Attorney Crawford read RES-2019-15 in brief. City Attorney Crawford gave a brief explanation of this Resolution. Mayor Hatch opened it up to the Public. No one came forward. Commissioner McClintock made a motion to accept RES-2019-15, seconded by Commissioner McAteer. City Manager Johnson discussed the need for the resolution. John Wasmund, Finance Director gave a brief explanation of the change in the budget that affected the Resolution. Mayor Hatch asked all in favor of the motion say aye. All voted yes. Motion carried unanimously at 6:31 pm.

**ii. RESOLUTION NO. RES-2019-16- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MULBERRY, FLORIDA RELATING TO PUBLIC SAFETY; APPROVING THE INTERLOCAL AGREEMENT WITH LAKELAND, POLK CITY, FROSTPROOF, FORT MEADE, WINTER HAVEN, BARTOW, LAKE WALES, HAINES CITY, AUBURNDALE, DAVENPORT, LAKE ALFRED, LAKE HAMILTON, DUNDEE, EAGLE LAKE, HIGHLAND PARK, HILLCREST HEIGHTS, FLORIDA POLYTECHNIC UNIVERSITY, POLK COUNTY AND THE POLK COUNTY SHERIFF REGARDING 911 PUBLIC SAFETY ANSWERING POINTS AND PRIMARY RADIO DISPATCH NOTIFICATION TO FIRST RESPONDER AGENCIES; AUTHORIZING THE MAYOR, CITY CLERK AND CITY ATTORNEY TO EXECUTE THE SAME; PROVIDING FOR AN EFFECTIVE DATE**

City Attorney Crawford read RES-2019-16 in brief. City Attorney Crawford gave a brief overview of the Interlocal Agreement relating to Public Safety. Commissioner Smith made a motion to accept RES-2019-16, seconded by Commissioner



McClintock. Mayor Hatch opened it up to the Public. No one came forward. Mayor Hatch asked all in favor of the motion say aye. All voted yes. Motion carried unanimously.

**8. UNFINISHED BUSINESS**

**i. Grant Administrator Award recommendation**

City Manager Johnson gave an overview of the meeting to review the packets that were received for the CDBG Grant Administrator Services and the Engineering Services. City Manager Johnson stated the recommendation from the committee on the Grant Administrator Services is to either (1) Put it back out for bid since we only received one bid or (2) Award the bid to Fred Fox Enterprises. Commissioner McClintock made a motion to accept Fred Fox Enterprises bid, seconded by Commissioner McAteer. Mayor Hatch opened it up to the Public. No one came forward. Mayor Hatch asked all in favor of the motion say aye. All voted yes. Motion carried unanimously.

**ii. Engineer Award recommendation**

City Manager Johnson stated the recommendation from the committee on the Engineering Service for the CDBG Grant is to award to Pennoni Engineering. Commissioner McAteer made a motion to accept Pennoni Engineering bid, seconded by Commissioner Smith. Mayor Hatch opened it up to the Public. No one came forward. Mayor Hatch asked all in favor of the motion say aye. All voted yes. Motion carried unanimously.

**9. COMMUNICATIONS FROM CITIZENS:**

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Clyde Flowers, 421 Montego Bay, Mulberry, asked if the City could extend the sidewalks leading up to Bridgeport Lakes. Mr. Flowers stated in walking he has noticed a lot of litter in the City and wanted to know if something could be done about that. City Manager Johnson stated he will talk to DOT about extending the sidewalk. City Manager Johnson stated DOT mows along the roadways, and he will talk with DOT about picking up the trash before they mow.

Tom Mulvaney, 601 NW 2<sup>nd</sup> Avenue, Mulberry, wanted to say "Thank-you" to staff for the difference in the Community and wished everyone a Happy Thanksgiving.



**\*CITY COMMISSION COMMENTS:**

**Commissioner Smith** thanked John Wright (spouse), Janie Ayala, Cheri Schisler, Chelsea Young and Rick Johnson for helping at the Ball n' Towel fundraiser for the Kiwanis.

**Commissioner McClintock** stated she is looking forward to all the City events for the Holidays. Commissioner McClintock stated she was contacted by the Florida League of Cities to be part of Young Elected Municipal Officials Committee and she hopes to be able to attend their next meeting.

**Commissioner McAteer** stated he attended the Creative Coalition meeting last night and there was a lot of great ideas for the spring. Commissioner McAteer stated next month is going to be a very busy month in the City and that he is looking forward to it.

**Mayor Hatch** stated all the candy cane lights that have been put up in the City look great. Mayor Hatch thanked the PCSO for the luncheon they provided to municipalities. Mayor Hatch stated Susan McManus will be speaking at the Tiger Bay Club this week. Mayor Hatch reminded everyone the Chamber breakfast is 11/20/2019.

**\*CITY MANAGER COMMENTS:**

**City Manager Johnson** stated the RFQ will be advertised this weekend. City Manager Johnson stated we should be receiving preliminary site plan for the Commission's approval for the property at 1014 N. Church Avenue. City Manager Johnson stated he and John Wright have marked the lights for DOT to change. City Manager gave an update on the LandStar property, new City Hall plans, Library addition and paving project.

**\*CITY ATTORNEY COMMENTS:**

**City Attorney Crawford** wished everyone a Happy Thanksgiving. City Attorney gave an update on the annexation of the property that was found to be not part of the City at 1014 Church Avenue.

**\*CITY CLERK COMMENTS:**

None



**\* ADJOURNMENT:**

Meeting adjourned at 7:31 pm.

Approved: \_\_\_\_\_

Honorable Mayor George H. Hatch

Attest: \_\_\_\_\_

Sharon Lauther, City Clerk CMC

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DRAFT



November 26, 2019

USPS: Priority

Mr. George Hatch  
Mayor of City of Mulberry  
P.O. Box 707  
Mulberry, Fl. 33860

Re: Real Property ID No. 23-30-02-000000-011060

Dear Sir,

As you are aware, the City of Mulberry ("Seller") entered into a Vacant Land Contract with Esplanade Communities of Florida, LLC ("Buyer"), related to the sale and purchase of certain property -referred to as Real Property ID No. 23-30-02-000000-011060 (the "Property")- located in Polk County, Florida (the "Agreement"). Section 8(a) of the Agreement [the "Inspection Period") provides that Purchaser shall have 135 days from full execution of the Agreement within which to determine the acceptability of the Property. If Buyer should determine during the Inspection Period that the Property is unacceptable, then Buyer must provide timely written notice in order to receive a full refund of its earnest money deposit.

The Inspection Period is set to expire. However, buyer is not prepared to agree to the acceptability of the Property. [At this juncture, critical due diligence material relating to soil composition remains outstanding and the issue of city annexation of an outlying parcel is unresolved.] Seller's attorney, Mr. Drew Crawford, has represented that an additional extension will be addressed at the next meeting of the City Commissioners on December 3, 2019, but at this time there is no authority to extend the Inspection Period. Accordingly, please allow this correspondence to serve as formal notice that Esplanade Communities of Florida, LLC does hereby terminate the Agreement effective immediately [the "Letter of Termination"].

Inasmuch as considerable resources have been committed to determine feasibility herein, the Property remains of interest to Buyer. As such, if an authorized Amendment to the Agreement extending the Inspection Period is forthcoming from Seller, Buyer will agree to withdrawal of this Letter of Termination and the ratification and reinstatement of the Agreement.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Bryan Adams", with a long horizontal flourish extending to the right.

W. Bryan Adams  
Manager

**SECOND AMENDMENT TO  
VACANT LAND CONTRACT**

This SECOND AMENDMENT TO VACANT LAND CONTRACT (the “Second Amendment”) is made between the CITY OF MULBERRY, a Florida municipal corporation (“Seller”) and ESPLANADE COMMUNITIES OF FLORIDA, LLC, a Florida limited liability company (“Buyer”) and is, upon execution by both parties, effective November 29, 2019.

WHEREAS, Seller and Buyer have entered into a *Vacant Land Contract* as modified by that certain *Addendum to Vacant Land Contract* and *First Amendment to Vacant Land Contract* (collectively the “Agreement”) for the sale and purchase of property as shown in part by Polk County Property Appraiser Parcel Numbers 23-30-02-000000-011060 and 23-30-02-000000-012040 (the “Property”); and

WHEREAS, Seller and Buyer mutually agree to extend the Feasibility Study Period by an additional sixty (60) days;

NOW THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The foregoing recitals are incorporated as if fully stated herein.
2. The numeral “90” in Section 8(a)(1), line 134 of the Agreement is hereby deleted and replaced with the number “195”.
3. By mutual agreement of the Seller and the Buyer, the Buyer’s Agreement termination letter issued on November 26, 2019 is withdrawn, cancelled and considered to be of no effect. The Agreement shall proceed as if the Buyer had never issued a termination letter.
4. These are the only changes to the Agreement. All other aspects, conditions, and warranties of the Agreement remain in full effect.

[SIGNATURES APPEAR ON FOLLOWING PAGE]



IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year herein below written.

WITNESSES:

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

WITNESSES:

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

SELLER:

CITY OF MULBERRY, a Florida municipal corporation

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

BUYER:

ESPLANADE COMMUNITIES OF FLORIDA, LLC, a Florida limited liability company

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

[SIGNATURE PAGE FOR SECOND AMENDMENT TO VACANT LAND CONTRACT]

# Mulberry Middle School



500 SE Dr. MLK Jr. Avenue  
Mulberry, FL 33860

Phone: (863) 701-1066

Fax: (863) 701-1068

School Year: 2019-2020

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*The mission of Polk County Public Schools is to ensure rigorous, relevant learning experiences that result in high achievement for our students.*

Dear Community Partner,

We at Mulberry Middle School are raising money for our athletic department, we are requesting your support by purchasing a banner for our gym. The banner sponsorship is a \$200 donation. Your banner will be displayed in the gym throughout the 2019-2020 school year for all sporting events and school related activities.

All the banners will have a white background with your lettering/graphics consisting of your choice of two colors, the banners are 2ft.x4ft. in size.

Please attach artwork or business card or email Ms. Daughtry your high-resolution graphic.

If you have any questions, please call the Athletic Director Ms. Juanita Daughtry at (863) 617-2714 or email her [juanita.daughtry@polk-fl.net](mailto:juanita.daughtry@polk-fl.net).

Thank you for your support as we strive to have excellent programs both academically and athletically here at Mulberry Middle School!

On behalf of Mulberry Middle School,

Nicki Carroll

Please make checks payable to: Mulberry Middle School

*Mulberry Middle School is dedicated to providing an environment wherein all students acquire the knowledge, skills, and attitudes necessary to work cooperatively and to succeed in a changing society.*