
Minutes of the Regular Meeting of the City Commission of the City of Auburndale held April 16, 2018 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 Bill Sterling. Also present were: City Manager Robert R. Green, Finance Director/City Clerk Shirley Lowrance, City Attorney V. Patton Kee, and Police Chief Chris Nelson.

Mayor Tim Pospichal declared a quorum present and the Meeting was opened with prayer by Brother Johnson of the Winning Souls for the Kingdom Church and the salute to the flag.

Brother Johnson said he was the Youth Director at the Church and he was standing in place of Bishop Jeffrey Bradley, as he had an emergency and was taken to the hospital.

Motion by Commissioner Richard Hamann, seconded by Commissioner Keith Cowie, to approve the City Commission Minutes of the April 2, 2018 Meeting. Upon vote, all ayes.

City Manager Green said the Commission was copied to a public notice from Duke Energy. They made purchase on the Calpine Energy Plant on Derby Avenue. They need to get power lines from that facility to their transmission system in Kathleen and Haines City, which means they need to run transmission lines down public right of way. The Commission was provided with a map and information on the Public Hearing dates - May 10, May 8, and May 15, in Lakeland, Haines City, and Winter Haven. He said Jerry Miller, Duke Representative, will appear representing Duke on June 4. Most of the distribution lines in Auburndale would be in the industrial area along Derby Avenue and Recker Hwy. He said our next Meeting will include the Prologis request and the Sharrett Property. Prologis is the developer of the warehouse facility on the Sharrett Property in north Auburndale. The Public Hearing will be before the Planning Commission on May 1 and come to the City Commission on as a Public Hearing on May 7. An Ordinance will be presented at that time and if action is taken the second and final reading of the Ordinance will be on May 21. He introduced Fire Chief Brian Bradway for an introduction.

Fire Chief Brian Bradway introduced Deputy Fire Chief Dave Cash. He said he was excited to introduce the new Deputy Fire Chief. He comes to us with over 40 years of experience in emergency service with Polk County. He retired from Polk County as the Fire Chief.

Deputy Fire Chief David Cash said it was his pleasure to be here with the City of Auburndale. He said he was retired 23 months from the County and enjoying it. He got an invite to come and talk and discuss this matter. He said he had to give it a lot of thought. He said the reason he is here is that he has always thought highly of this City. He said he told his wife that if we were to move anywhere it would be to Auburndale, from Lake Wales. He said he loves this City and knows under the leadership of City Manager Green and the Commission it has always run smoothly. He said he has enjoyed his five days at the Fire Department. He said the firefighters are a great group of dedicated public servants; they are excited about their career. He said they will do a great job in the years to come. He said he appreciates the welcome and he looks forward to working with the City.

City Manager Green stated the Commission had received an email of the upcoming Chamber events.

City Attorney read the letter of commendation from the Mayor on behalf of the City of Auburndale to Daren Kroons, member of the Auburndale High School Weight Lifting Team. The Commendation congratulated Daren Kroons on his State title in the 129 weight class for his first place 255 bench press and 215 pound clean and jerk lift. Pictures were taken of the whole weight lifting team, Weight Lifting Team Coaches, City Commission, and Darren Kroons.

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

City Attorney Kee read the Proclamation for Parental Alienation Awareness Day – April 25, 2018.

Mayor Tim Pospichal presented the Proclamation to Danica Jones.

Danica Jones, Executive Director of Kids Need Both, said she started the organization in 2004. She said she was a life-long Polk resident. Her mission was to educate people who are impacted by high impact families. About 54% of marriages end in divorce and many have small children that are caught up in this cross-fire. In this battle, emotions are stirred up and people take extreme approaches. Some people are so hurt by the ex and will use any measure. She said her Organization is standing on education. They do coachings and education through their co-parenting curriculum, which is approved by the State of Florida. This year their curriculum expanded into live webinars and an on-line course. We have some closed Facebook groups. She said last year she became a certified mediator, to take matters out of the court system. She said she understands the children have love and affinity for both parents and we need to have measures in place that protect children. She thanked the Commission for the Proclamation.

1. PRESENTATION BY THE CITRUS CONNECTION

City Manager Green said at the request of Tom Phillips, Executive Director for the Citrus Connection, we will reschedule this agenda item for a later date.

2. PUBLIC HEARING – ZONING MAP AMENDMENT – LOMBARDI PROPERTY

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

City Manager Green said the Public Hearing was to consider the first reading of a proposed Ordinance amending Ordinance No. 764 the City's Land Development Regulations and Official Zoning Map.

Community Development Director Amy Palmer said the City has received a request from JSK Consulting on behalf of Lombardi Family, LLLP for a Zoning Map amendment to rezone 10.31 +/- acres of property with frontage on Bolender Road and Keystone Road, east of Burlington Ct. and Ariana Woods Circle. The property was annexed in 2006 and given a City of Auburndale Future Land Use of Low Density Residential. Zoning was never established. The requested zoning district of Single Family Residential-2 (RS-2) allows 70 feet wide lots with a minimum of 9,500 sq. ft. and is compatible with the existing underlying land use of Low Density Residential. The applicant is seeking to develop a single-family subdivision on the property. The requested zoning classification of Single Family Residential-2 (RS-2) is compatible to the existing zoning classifications surrounding the property. The zoning classification to the west, northwest, and southwest of the site is Single Family Residential-1 (RS-1), east of the site is zoned Open Use Agricultural (OUA), and to the southeast across Keystone Road is an approved but undeveloped Planned Development subdivision approved for 203 units on +/-65 acres. The requested Zoning Map amendment and its allowable uses are consistent with the City of Auburndale's Comprehensive Plan, the Future Land Use of Low Density Residential, Land Development Regulations, and adjacent County land uses. The Planning Commission recommended approval of the Map Amendment at their meeting of April 3, 2018. Staff recommended approval of the Ordinance amending the zoning map. She displayed the location of the property on the map. She displayed the future land use and the zoning map. She said Justin with JSK Consulting was present for questions.

Commissioner Bill Sterling asked if there would be a road all the way through from Keystone to

Bolender, would there be a cul-de-sac, or how would the road network work. He asked if there is a road all the way through, would that be a public road or a private road.

Community Development Director Amy Palmer said they have been provided a conceptual plan and there are no plans to make that a through road. Most likely there will be cul-de-sacs.

City Manager Green said the Code requires cul-de-sacs depending on the length of the road. We also had a question today regarding the compatibility of the RS2 with the PD zoning, that is currently applied to the larger tract.

Community Development Director Amy Palmer said the PD zoning has a future land use Low-density Residential, which would allow up to six units per acre. It would be compatible with what is proposed. In terms of lot sizes, the Planned Development did have smaller than 70-foot lots. The RS2 has a minimum of 70 foot lots. She said in terms of density, this would be compatible.

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. ORDINANCE #1556 AMENDING OFFICAL ZONING MAP – LOMBARDI PROPERTY

City Manager Green said this property has no current zoning and the Ordinance establishes the zoning classification as RS2 - Single Family Residential.

City Attorney Kee read Ordinance No. 1556 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 ESTABLISHING SINGLE FAMILY RESIDENTIAL-2 (RS-2) ON A PARCEL OF LAND TOTALING +/- 10.31 ACRES AND PROVIDING AN EFFECTIVE DATE (General Locations: Bolender Road and Keystone Road),** by title only.

City Manager Green said staff recommended approval of the Ordinance.

Motion by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to approve Ordinance No. 1556, as read on first reading by title only. Upon vote all ayes.

4. PUBLIC HEARING – ZONING MAP AMENDMENT – BINION PROPERTY

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

City Manager Green said the Public Hearing was to consider first reading amending Ordinance No. 764 the City's zoning regulations and official zoning map.

Community Development Director Amy Palmer said the City has received a request from Eric Binion to rezone property at 305 Oak Street from Residential, Institutional and Office (RIO) to Single Family Residential 3 (RS-3). The request would accommodate the construction of a single family residence on the property. The current zoning of RIO would prevent the construction of a house on the lot because of the side setback of 20 feet and the platted lot width of 51 feet (leaving a building pad of only 31 feet). Mr. Binion just completed construction of a new residence on an adjacent lot at 307 Oak Street, which is zoned RS-3 and is also a platted 51 foot lot. The RS-3 zoning would accommodate 7-foot side setbacks (total side setback of 14 feet) and is consistent with the remainder

of the neighborhood to the south. The requested zoning classification of Single Family Residential-3 (RS-3) is compatible to the existing zoning classifications adjacent to the south, east, and west of the site. The requested Zoning Map amendment is consistent with the City of Auburndale's Comprehensive Plan, the Future Land Use of Low Density Residential, and Land Development Regulations. The Planning Commission recommended approval of the Map Amendment at their meeting of April 3, 2018. Staff recommendation was approval of the Ordinance. She displayed the location of the property on the map. She displayed the Future Land Use map for the comparable area.

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.

5. ORDINANCE #1557 AMENDING OFFICIAL ZONING MAP – BINION PROPERTY

City Manager Green said the Ordinance establishes the zoning from RIO to Single Family Residential (RS3).

City Attorney Kee read Ordinance No. 1557 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 +/- 0.17 ACRES FROM CITY OF AUBURNDALE ZONING CLASSIFICATION RESIDENTIAL, INSTITUTIONAL, OFFICE (RIO) TO SINGLE FAMILY RESIDENTIAL-3 (RS-3); AND PROVIDING AN EFFECTIVE DATE (General Locations: Oak St. and Bridgers Ave.)** by title only.

Motion by Commissioner Richard Hamann, seconded by Commissioner Bill Sterling, to approve Ordinance No. 1557, as read on first reading by title only. Upon vote all ayes.

Mayor Tim Pospichal said he loves the overhead shots of the property, included in the presentation. He said it makes such a difference.

6. ORDINANCE NO. 1558 AMENDING POLICE OFFICERS PENSION TRUST FUND PLAN

City Manager Green said the proposed Ordinance allows the Police Officers' Pension Trust Board to broaden their investment opportunities in line with State Statute in order to achieve better return results for the Plan portfolios. This is permissible under the statutory requirements; however, the Plan never adopted the language. The Actuaries for the Plan issued a "no cost" letter, as to the adoption of the proposed change. The proposed Ordinance was prepared by Board Attorney Christiansen & Dehner, P.A. and reviewed by the City Clerk, City Manager and City Attorney. If approved on first reading, the proposed Ordinance will be presented for second and final reading on May 7, 2018. The Police Pension Board recommended approval of the Ordinance at their Meeting on March 20, 2018. Staff recommended approval of the Ordinance amending the Police Officer's Pension Plan.

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

City Attorney Kee read Ordinance No. 1558 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE FURTHER AMENDING THE CITY OF AUBURNDALE MUNICIPAL POLICE OFFICERS' RETIREMENT SYSTEM, ADOPTED PURSUANT TO ORDINANCE NO. 1346, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; PROVIDING FOR**

SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE, by title only.

Motion by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Bill Sterling, to approve Ordinance No. 1558, as read on first reading by title only. Upon vote all ayes.

7. ORDINANCE NO. 1559 AMENDING FIREFIGHTERS PENSION TRUST FUND PLAN

City Manager Green said same change is recommended for the Firefighters' Pension Trust Board. The Firefighters Pension Board recommended approval of the Ordinance at their Meeting of February 13, 2018. Staff recommended approval of the Ordinance amending the Firefighter's Pension Plan.

City Attorney Kee read Ordinance No. 1559 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE FURTHER AMENDING THE CITY OF AUBURNDALE MUNICIPAL FIREFIGHTERS' PENSION TRUST FUND, ADOPTED PURSUANT TO ORDINANCE NO. 1347, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; PROVIDING FOR CODIFICATION; 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 Bill Sterling, seconded by Commissioner Richard Hamann, to approve Ordinance No. 1559, as read on first reading by title only. Upon vote all ayes.

8. APPROVE PURCHASE OF VACANT LOT ON CLEVELAND STREET – CDBG FUNDING

City Manager Green said the City Commission in April 2017 gave approval to spend Community Development Block Grant (CDBG) funds for property acquisition of vacant lots with the CDBG Target Area for donation to Habitat for Humanity. This would allow the parcels to be utilized for Habitat's affordable housing program. The FY 2017-2018 CDBG allocation totaled \$80,322. The City Commission on April 6, 2018 gave approval to purchasing two adjacent, buildable lots at 324 and 326 Preston Street that have been vacant for some time. Appraisals on the two separate lots, both 52' x 208' suggested the market value of the property at \$20,000 per lot. City closed on those two lots this afternoon. City Staff has identified a buildable lot at 315 Cleveland Street that has also been vacant for some time. The owner Westine Harris was contacted and is willing to sell. Corneal Appraisal Services, Auburndale provided the CDBG required appraisal suggesting the market value of the 57' x 208' lot at \$21,000. A Contract for Sale and Purchase of the two lots was prepared by the City Attorney and executed by both parties and the City Manager signed subject to City Commission approval. Title insurance has also been ordered on the lot. Habitat for Humanity has reviewed the locations and is receptive to the conveyance of the property from the City. He said he asked Jim Carleton to come back into the Commission Room, as while he was outside the Room, the Commission raved about the aerial view and he wanted to thank the person who flies the drone and takes the pictures. He said the Mayor was right, the overhead pictures tell the story. We identified lots from the pictures. We have had several other owners make contact with us and they are excited about the lots being built on. Two residents on Friday were excited about the re-vitalization project by the City purchase and then Habitat to put families in the houses. One requirement of Habitat was that the person has to go help build another house for Habitat. The drone does tell that story that there are several more lots there. The only buildable lots are the ones we are entertaining, as some are too small or we cannot get a clear title. We have a limited pot of funds with CDBG. He thanked Assistant City Manager Jeff Tillman with his efforts in working with the CDBG Project. Staff recommendation was: (1) approve the purchase of the vacant lot at 315 Cleveland Street for \$21,000

utilizing CDBG funds and (2) authorize the conveyance of the subject parcel to Habitat for Humanity of East Polk County.

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

Motion by Commissioner Keith Cowie, seconded by Commissioner Bill Sterling, to approve the Staff recommendation and authorize the conveyance of the property to Habitat for Humanity of East Polk County.

Commissioner Keith Cowie said this was an outstanding project.

Upon vote, all ayes.

City Manager Green said we will need to adjourn and reconvene into the CRA Meeting in about ten minutes.

Meeting adjourned at 7:38 p.m.

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


Shirley A. Lowrance, Finance Director/City Clerk