

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held March 18, 2019 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 Deputy Police Chief Carin Ketcham.

Mayor Tim Pospichal declared a quorum present and the Meeting was opened with prayer by Pastor David Price of the First Missionary Baptist Church and a salute to the flag.

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to approve the City Commission Minutes of the March 4, 2019 Meeting. Upon vote, all ayes.

City Manager Green said tomorrow afternoon at 1:30 p.m. the Board of County Commissioners will be holding a Public Hearing to consider the adoption of an ordinance dissolving the Polk Commerce Center Redevelopment Agency. Last March the City of Auburndale and the BOCC entered into an Interlocal Agreement to work towards dissolving that. It was actually scheduled to sunset in 2023, but the debt service has been paid off for the Polk Commerce Center CRA and the County has agreed to sunset that early. Also at 1:30 p.m. there will be a Public Hearing to consider the adoption of a Joint Planning Area Interlocal Agreement between the City and Polk County. We had previously entered into an Interlocal Agreement with the County, there was discussions recently that the adoption ordinance expired in 2013 after a five-year period. It was not renewed, however both the County and City continued to enact policies into the Planned Development Regulations consistent with the JPA and we felt it was good to dust it off. He said there were several longevity plaques to be presented tonight.

Deputy Chief Carin Ketcham presented Police Officer John Cruz with his 15-year service plaque. She said he has worked as a Patrol Officer, K-9 Officer, School Resource Officer, and currently works as Corporal for the SRO Unit. She said he coordinates between the schools, safe schools and the Police Department and is very attentive to the needs of schools.

Public Works Director John Dickson presented four longevity plaques. He presented Chuck Brucks with his five-year service plaque. He works as an Operator in the Wastewater Division. He has worked with the Utility Billing Department on the backflow preventer program and presently works as pretreatment coordinator. He presented Joe Vince with his five-year service plaque and said he was the Public Utilities Employee of the Year. He is a Service Worker IV and works in the Wastewater collections division on anything from lift stations, lines, force mains, or the plants. He presented Mitchell Meadows with his 30-year plaque for service. He has worked in Water Distribution in Customer Service, as Field Tech in the Waste Water Division, and pursued his water and wastewater licenses. He serves as the Lead Plant Operator at the Regional Plant since 1996. He presented Norris Jay with his 40-year longevity plaque for service. He has had many responsibilities over the years and currently works as the Water Superintendent over the Water Plants and Wastewater collections. He said he was very valuable to the City and has probably worked on every line in the City.

Norris Jay said he would like to thank the Commission and Mr. Green. He said this was one of God's best cities to live, work, and play.

Mayor Tim Pospichal said that was 95 years of service to the City. He asked for public comment.

Jason Pitts, 2005 Brentwood Dr., said as a follow up with Mr. Jay, this is the absolute best place to live and work. He said he thought this was the best city in the United States. He said he had the opportunity to live here since he was eight years old. He said he loved it so much, that when his parents moved he bought the house that he grew up in. He said he has been attending some Meetings and would like to announce he would like to run for the open City Commission seat in the fall. He said he was the Senior Finance Director for the School Board and has worked in local government for about 12 years. He said he

has had the opportunity to work as the Deputy Director for the Sheriff also. He said Auburndale has had such a unique place in this county, as you have seen this county grow and all the issues that come along with that growth. Auburndale has done a fantastic job of controlling that growth. He said he did not really have any other agendas by running for the Commission, other than to see this town continue the way it has and be here to support all of you.

Mayor Tim Pospichal thanked Mr. Pitts.

Mayor Tim Pospichal asked for any other citizen comment. There was no citizen comment.

## **1. ORDINANCE #1596 OFFICIAL ZONING MAP AMENDMENT – CG JEANS PROPERTY**

City Manager Green said Ordinance No. 1596 was presented for first reading on March 4. Following the Public Hearing, the City Commission voted to table the issue until tonight's meeting. It was suggested that the developer meet with City Staff to readdress the proposed setbacks and other issues and concerns raised during that Meeting. City Staff met with Attorney Bart Allen on March 8. The developer requested to withdrawal the petition and plans to resubmit new plans before the Planning Commission and the City Commission in May. The proposed Ordinance No. 1596 will not be used and will be noted in the official records of the City. Public Hearings will have to be re-advertised before the Planning Commission and the City Commission.

Community Development Director Amy Palmer said as Mr. Green stated the City Commission held a Public Hearing on March 4 to consider the zoning of the property to a Planned Development and there was a lot of discussion regarding lot sizes and setbacks. The City Commission decided to allow the developer to meet with City Staff. She said Mr. Green and she met with the developer representative and they have agreed to do a few things with the subdivision and take it back to the Planning Commission. Among things discussed with Mr. Allen was increasing the setbacks, which she thought Tom the developer had agreed to during the Public Hearing. They will be doing a little reconfiguring of the subdivision and make improvements to Adams Road. Those improvements to Adams Road as well as the reconfiguration of the subdivision would be presented to the Planning Commission and then to the City Commission for approval. She introduced Jack Brandon, with Peterson Myers. He is covering for Bart Allen who had to be in Lake Alfred tonight at another Public Hearing.

Jack Brandon, Peterson Myers, said it was a pleasure to be here in Auburndale. He said he goes way back with his involvement with this Commission and earlier Commissions. He said it has always been a very pleasant experience. He said he certainly enjoyed working with staff and your City Manager. As Community Development Director Palmer stated we have had follow up meetings and he is filling in for Bart Allen, his law partner, who is in Lake Alfred before that Commission. He said when he leaves this Commission, he will be going to Lake Alfred. He asked the Commission to consider their petition to allow us to dismiss this petition and go back to the Planning Commission. We will have further discussion with Staff; we have had on-going discussions. We heard you loud and clear and heard the Planning Commission loud and clear. We need to go back to the drawing board and look at our configuration of lots and come back with a case that is a little bit different and hopefully more palatable and we will be addressing some of the transportation issues on Adams Road and at the intersection of Adams and 559, by way of proportional share. We will be assuming some responsibility for some portion of the signalization when warranted. He asked for the Commission's favorable consideration of the request.

Community Development Director Amy Palmer said as Mr. Green stated, they will be reapplying for another Planned Development and taking it back to the Planning Commission.

City Manager Green said no action from the City Commission would be needed. If you wanted to go ahead and take no action, that would allow it to go back before the Planning Commission. The City Commission would be without prejudice meaning they could present it at any time.

Mayor Tim Pospichal said we will take no action.

Jack Brandon thanked the City Commission.

## **2. PUBLIC HEARING – OFFICIAL ZONING MAP AMENDMENT – H BLOCK PROPERTY, ADAMS RD**

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

City Manager Green said the purpose of the Public Hearing was to consider an Ordinance amending Ordinance 764, the City's Land Development Regulations and the Official Zoning Map.

Community Development Director Amy Palmer said Matthew Johnson of JSK Consulting on behalf of property owner Mr. John Strang has requested a zoning map amendment on 104 acres from Single Family Residential-1 or RS-1 to Planned Development-Housing 1 or PD-H1. The Future Land Use for the property is Low Density Residential, which allows up to six units per acre. As required by the Land Development Regulations (LDR's) for Planned Developments, which is the zoning request, this request is accompanied by a binding site plan. The property is located at the intersection of Adams Road and 559, adjacent to the Estates of Auburndale subdivision. This parcel came before the Planning Commission at a Public Hearing on November 6, 2018 with a request for a Planned Development-Housing 1 zoning district that proposed 227 lots, with a minimum lot sizes of 7,200 SF and a minimum lot width of 60 feet. The Planning Commission denied the rezoning request due to incompatibility of the lot size with neighboring subdivisions. On January 8, 2019, the applicant resubmitted the property before the Planning Commission at a Public Hearing and requested the Single Family Residential-2 or RS-2 zoning classification. The difference between RS-1 and RS-2: the RS-1 is a little larger lot size of 10,800 SF and RS-2 lot size is 9,500 SF. At a Special Meeting January 22, 2019, the Planning Commission made a formal recommendation that the proposal return as a Planned Development, following the RS-2 minimum lot size and a minimum house size of 1,500 SF. The RS-2 zoning district currently has a minimum house size of 1,200 SF. So, what the Planning Commission was asking was that the Planned Development come back following the RS-2 lot size with a larger house than the minimum in the zoning code. The Planned Development would also allow the developer to address traffic concerns at the intersection of Adams Road and Hwy 559. A Public Hearing was held on January 28, 2019 before the City Commission to introduce the project and take additional public comment. No action was taken by the City Commission. As requested, the proposed project was resubmitted to the Planning Commission at a Public Hearing on March 5, 2019, that would have been the fourth Public Hearing. This evening is the fifth Public Hearing. The proposed Zoning classification of Planned Development Housing-1 will allow the applicant to construct a 201 lot single-family residential subdivision. The overall density for the proposal is two single-family homes per acre, which is consistent with the Comprehensive Plan and Future Land Use of Low Density Residential. The proposed amendment is consistent with the RS-2 zoning district, meeting the minimum lot size of 9,500 SF, the minimum lot width of 70-feet, and minimum setbacks of 25-foot front and 10-foot side and rear. The Planned Development also requires a 1,500 SF minimum house size, which is more than the minimum RS-2 house size of 1,200 SF. A question was asked during the Planning Commission what size garage the houses would have and the developer has responded they will be two-car garages. The binding site plan meets all other Land Development Regulations including five-foot wide sidewalks on both sides of the street, road widths, and length of blocks. The proposed binding site plan includes a recreation and amenity area on the southeastern side of the neighborhood that may include a clubhouse, pool, meeting rooms, restrooms, and other recreational activities. Significant discussion was held during the Planning Commission Public Hearing on January 8, 2019 related to traffic concerns along Adams Road. Traffic studies show that with the build out of the H Block project and several other subdivisions planned on Adams Road mostly the CG Jeans project that was just discussed in Agenda Item #1, the intersection of Hwy. 559 and Adams Road would be a Level of Service "F" at peak hours, which are basically your peak hours. The developer has agreed to contribute their proportionate fair share towards the improvements of the 559 and Adams Road intersection, similar to the CG Jeans project taking responsibility for the impact

their project has on that intersection. A note is provided on the binding site plan that states the developer will enter into a Developer's Agreement with the City prior to platting to address these improvements and a financial commitment. The City and County are partnering with the developer of this project and the CG Jeans project further east on Adams Road, to identify what improvements will be required to alleviate the failing level of service and establish concurrency. In addition to the intersection improvements, this project is proposing to construct a second entrance that will help alleviate the intersection congestion. This second entrance is proposed to be constructed prior to the construction of homes in Phase 2 of the subdivision and would be a future connection to the 30 acres of commercial currently provided for on Hwy. 559. She displayed the zoning map and stated the property is currently RS-1. The surrounding properties and subdivisions on the south, west and north all have RS-2 zoning districts. On the east, that is Estates of Auburndale with a Planned Development Housing zoning district that is equivalent of RS-1 zoning. This request is to change the zoning from RS-1 to Planned Development following the RS-2 zoning district, which surrounds it on three sides. She displayed the Binding Site Plan, layout of the subdivision and Notes. The entrance was on Adams Road to the north and a secondary entrance to be provided during Phase 2, out to 559. She said the wetlands would be undisturbed and more stormwater retention would be provided on Adams Road. The Commercial area is not part of the project. She displayed a typical lot in the subdivision, which met the RS-2 zoning requirement of 9,500 SF. The minimum house size was 1,500 SF. She said this Binding Site Plan becomes a part of the adopted Ordinance. She went over the Note section of the plan and said most of the Notes touch on the road issues. No certificate of occupancy for the homes in Phase 2 would be issued until the connection to 559 is complete. Note 5 states that the final alignment of that road would be subject to permitting. At the time this is constructed, 559 will most likely be a County road, so they will have to be going to the County for a driveway permit for the road. She said it would also depend on the configuration of the Commercial parcel and where the driveway would come out. It is required driveway and final layout would be approved during construction plan review, when they go for their permitting through Polk County. Note 4 was regarding the intersection of Adams and 559 that addresses how the Developer will enter into a Developer's Agreement with the City at the time of platting to address their cost of the intersection at 559 and Adams. The Planning Commission recommended approval of the Zoning Map Amendment on March 5. Staff recommended approval of the proposed Planned Development-Housing 1 (PD-H1) Zoning Map Amendment and Binding Site Plan. She introduced Matthew Johnson of JSK Consulting.

Matthew Johnson, JSK Consulting, said he was honored to be here this evening. He said as he mentioned before, he honestly believed Auburndale was the best City in the county and State. He said it is a great town. He said Ms. Palmer did a fantastic job of outlining the issues of our site. To recap this is our fifth Public Hearing. We had originally requested a Planned Unit Development in November and we had a variety of lot sizes on the plan. At the time, it was determined that it did not really match the character of the neighborhood. We went back to the drawing board and in January came back with a straight zoning application, with no site plan. At that time, we were asking for zoning that basically matched the zoning on the west side of us, on the north side of us, and on the south side. As Ms. Palmer mentioned, the RS-2 zoning does correspond with three sides of our property and we had requested that, but again it was not exactly what the Planning Commission wanted. So based on their recommendation, we came back and are asking now for a Planned Unit Development which basically follows the RS-2 zoning requirements. We meet the minimum lot size and exceed the requirements of the minimum home size of 1,500. We have a minimum home size of 1,500 SF, which exceeds the RS-2 zoning. He said he wanted to go over the highlights of our current application and request. This is a Planned Unit Development asking for RS-2 zoning lot sizes. We are proposing to exceed the requirements for the minimum home size. We will have an amenity center, which backs up to our natural wetlands. We are showing a connection to 559 in Phase 2. We will have that in place before we start building the homes in Phase 2. We have agreed and are working very hard with City Staff to enter into a Developer's Agreement to pay our fair share of any improvements that are required to meet our concurrency along Adams Road as well as the intersection of Adams Road and 559. We acknowledge that Adams Road is a concern of the residents in the area. He said he has heard this at four other Public Hearings and they want to be here today to help get this right. We acknowledge that and agree to enter into an Agreement to pay our fair share of the costs to improve

that road. We have the full backing of City Staff. As Ms. Palmer mentioned, we did receive a unanimous approval from the Planning Commission with our request. He said Ms. Palmer has done a fantastic job. He said he would stand for questions.

Mayor Tim Pospichal asked for citizen comment.

Neal Anderson, 113 Brighton Way, thanked the Commission for allowing them to speak on this. He said he wanted to acknowledge Mr. Johnson and the developer for making progress toward compatibility and he certainly understands the compatibility with the zoning. However, he still does have concerns with the compatibility of lot size and density. The property we are looking at is 104 +/- acres and it is his understanding that includes the southeast corner the wetland area that is approximately 40 acres. He said comparing apples to apples is it really fair to take the number of lots at 201 and come up with your 1.9 lots per acre including that 40 acres of wetlands or should we just be looking at the proposed development itself, which is 62 +/- acres. If you look at that 62 acres at 201 units, that comes out to approximately 3.2 lots per acre. He said there is a pretty big difference between that and 1.9 lots per acre, in his opinion. From a visual perspective it looks like the southern, southwestern portion of that proposed development, they are looking at 16 lots running along that strip, east to west. Compare that to about the same distance on the southern end of Brighton Point, there are 11 lots approximately along that same difference. He said he does question the compatibility there. He asked if it was really compatible with that development.

Donald Conner, 506 Cimarosa Ave, said he appreciated the opportunity to speak to the Mayor and Council. He said this was his fifth Public Hearing he has been to. He said he was Irish and he was persistent. He said the thing he always looks at is right from the very beginning, the developer has been telling us how much more they are doing than what is required by what they are asking for. He said that was not the point. The point is they bought a piece of property that was zoned a certain way, that in my community 301 families assessed the value of what they were buying by not only the property itself, but also by the surrounding property and how they are zoned and what their expectations are for holding their value for the future. He said he knew it was not the job of the City to protect my investment. But, it is also not the job of the City to make a decision to change something that I have already based a decision on that could affect my investment by a more dense project that adjoins mine, when those were the comps he was looking at the area. The other thing he had that was a real issue is if you take a look at the new entrance they are going to build coming off 559 - it goes through a commercial parking lot. He said no one is going to use that. It comes out across from Dickey Road on through a commercial parking lot. Let's say Publix puts something on that lot, are you going to go through a parking lot and go into that. They are talking about proportionately paying for improvements to the Adams Road and 559, which during rush hour it is appalling. What can they do and what can they agree to share in if the main problem is the State highway. The State has not agreed to do anything by the time they get to their Phase 2. The County has not agreed to do anything. So, they are agreeing to proportionately pay for something no one else has agreed to, as far as he could see. He said the last thing he wanted to say and he knew it was out of everyone's control here, but the schools that would be put in this area and ones already in development down Adams Road are already in temporary classrooms. The fact is that even if the School Board decided to make a decision now, to put additions on the schools it would be years before that came about. He said he thought it was really important for us to understand the quality of the education is important to the people. He said he appreciated the Commission's time.

Kevin Morrissey, 2013 Van Buren Loop, said he was a board member at Lake Van HOA, which is at the east end of Adams Road. He said he appreciated the opportunity to speak. He said he had a few things he wanted to discuss and some recommendations - primarily focusing on safety along Adams Road, intersection improvements, and a couple things on developmental considerations. He said he asks and hopes that the City, the engineer, the developer listen and take these in as considerations. Regarding the safety along Adams Road, we are seeing developments along Adams Road and it is a fairly narrow road. With the developments, what we have there and what we will be seeing, it is natural to expect an increase

in pedestrian and vehicular traffic. He said he knew the Plan shown here does not visually show sidewalks. He would like to see sidewalks constructed. He said he believed for the safety of the pedestrians sidewalks, especially as close as they will be to 559 and the level of pedestrian traffic, they would make sense. At the last Planning meeting, it was mentioned about potential conflicts with the utility poles. He said he knew from experience that utilities can be worked out, most can be relocated or moved to underground. He said that was an option. He said he has often seen developers do that to help the community. Also removing the poles would remove a hazard along that portion of Adams because when you get to the end of the H Block property, the poles actually go away and there is a sidewalk there that continues down and eventually ends, but the poles are gone. Removing poles would sort of consider a clear zone which should help with the safety of vehicular traffic. A big item that has not been really shown in the community's up and down Adams Road is the school bus pick up. At Lake Van the students or children all gathered at the entrance, as well as cars. In the morning, it is a big hazard with kids running all over the place. He asked the developer to really think about a third entrance onto Adams, which will primarily be bus pick up. He said take into consideration the safety of the children where they can stand so they are not potentially in the way of traffic. He said he wanted to remind everybody of the annual bicycle event that usually uses 559, Adams and Mohawk. He said consideration on how we can maintain these great community events. From the intersection side, he knew there was a Developer's Agreement. He said he was not exactly sure of language used in the Developer Agreement, but did hope to see that the Agreement does not push the responsibility onto the HOA members. He said this was a concern of his. If a developer defaults, who is responsible. For an intersection like that, we are talking a minimum starting out ¼ million. He said he would hate to see 200 homes having to come up with \$100,000 to \$200,000. He said please build language to protect the future homeowners in those HOA's. The developer has the right to pass that off, in their sales of their property and that was fine, but he did not want it to be a surprise.

John Morrissey 105 Brighton Circle, said that was his son who just spoke. He said he has attended a number of meetings related to Block H and 559. At the last Planning meeting, he heard something and he did not know if it was correct or not. His understanding was that with 559 going in and with Berkley Road and the trades between the Department of Transportation and Polk County and the City that all the truck traffic was going to be routed off of 559 over to 559 A and down Berkley. He said his concern was what he heard somewhere. He did not know if it was part of the official record, is that no that is not correct. All the semi traffic will not be required to go 559A, it will be able to go down to Old Lake Alfred Road and continue forward into town. He described his personal experience with a semi-truck overturned on 559 and the lane blockage, at a very rigorous turn southbound. He said he has observed a number of semi's flipped over there. He said his recommendation was and what the original understanding was is that the semis would be routed off 559 to Berkley and not allowed to come on down farther down 559, because especially around that turn is dangerous. He said he did not know if someone could let us know what the standing was or what will be happening with semi-trucks.

City Manager Green said he knew our Public Works Department and Planning Staff have met with the County. The County and the State will be swapping jurisdictional control of 559 and Berkley Road. There is discussion where would you turn the trucks if they did come past 559A, which is C. Fred Jones. Some of the trucks that come there now to the industrial area off of Gandy Road, across from Caldwell School, would still need to come past C. Fred Jones to get there. How do you coordinate that? We are having those discussions with the County. There was some discussion that where do you limit. It is a great problem to have with the beautiful lakes in the north Auburndale area, but we have very limited east/west crossings. You have SR559A or C. Fred Jones and Gapway. There was some discussion do you turn them down Lake Mattie Road or Bolender Rd or where do you make that turn to come up. He said Old Lake Alfred Road is the last road you would have to turn them off 559, before you got into town. He said that has not been decided yet. The maintenance of the road from Recker Hwy. all the way to I-4 will be a County road until the City takes its responsibility from Recker Hwy. all the way to the north side of Lake Ariana. He said your points are well taken.

John Morrissey said he hoped there would be an investigation and review of the frequency of traffic accidents and the severity of the accidents. He said the rolled over semi's are extremely dangerous.

Tim Humphrey, 144 Brighton Circle, said just to note on what Mr. Morrissey said he had tractor trailers that come into his office and he is right across from Buckhead Beef. He said 557 and Berkley Road was perfect. They do not need to come through town. They can come around and get on 92 and go up, as they do that with us. He said he did not let them go down 559. He said he knew we were looking at zoning for this development and he knew before it was how many lots are across here. He stated before where he is at, he has five houses behind my house, between his neighbor and my property. Two of the lots in Brighton Circle and I have five houses. He said when he was growing up sardines were not good to taste and that is what it sounds like to him. He said he was not trying to be funny. He said he was serious because you are going to look at this development, the other developments, you are looking at close to 1,000 homes going into this area, within a radius of 5 miles. He said he did not know how many people try to go through Davenport and down I-4 at all times. He said that is what we are creating over here. Until we can get our infrastructure developed and set up for this stuff, he knew some development had to happen to get the funds for that, but we are going create more of an issue with the people that live here and you are going to push them out of this area. The same thing happened in these other areas, because I was in Davenport and I left it. I wanted to get into a hometown and that is what I found in Auburndale, but it is not that any more. They are trying to develop, trying to overgrow and trying to do things before we can develop the infrastructure for what we have. He asked if the housing size of 1,500 SF included the garage, because all you have to do is air conditioning. He asked on the easement on the outer side behind his house he has a drainage area and he wanted to know if that was part of the 10 foot setback or is that over and above the 10 foot setback because of the drainage that is suppose to go into our retention area. He thanked them for the time. He said it was his second time with you guys and fifth time for him.

Carin Swenson, 165 Costa Loop, Estates of Auburndale, said this was her first visit to look at this process and project. She said the cul-de-sac that is there, was directly in her back yard. She said she had some concerns about that. When she purchased the home in 2005, she paid an \$8,000 lot premium because there was green space and several neighbors also paid that amount of money. She said she felt now that is all taken from her as well her neighbors. One concern she had was with the rec center or some kind of amenity center there. She said that was right in her back yard. She said if this does happen, she would respectfully request maybe that they move that rec center more to the center of the community rather than have it in someone's back yard, where there would be risk of a noise level. One of the beauties of the Estates of Auburndale is that at night you can hear a pin drop. It is so quiet and so peaceful. There is no loud noises, no cars, and everyone is settled in around nine at night. If a community like this does pass, she would also ask that respectfully you might want to consider some kind of berming between the two lots areas to create a little bit more quiet space. Our 300 families that live there really do respect that privacy. If any of you have driven down Adams Road when the school buses are letting out, you cannot even move, you are backed all the way up to the entrance of the Estates waiting. She said she was sitting here thinking of the horror show when we get 500 to 700 families all lining up and everybody trying to get out between 2:30 and 4:30. It is going to be a nightmare. She said she respectfully asks that.

Heath Johnson, 369 Magenta Loop, said he lives directly east of his neighborhood and has a couple of concerns. He said he feels like we are being worn down. We continue to come to these meetings and we continue to speak as citizens and we are met with changes, but does the zoning change need to happen. If it was planned to be that, then it should stay. It is going to affect our property values. He said he used to live in Davenport and you drive down into the communities with cars backed up along the sides of the road. He asked that we keep the zoning, as it was put. He said we are going to be reactionary in the future with the traffic. He said it would be great to have a plan prior. We are going to have 200 homes here, probably 100 at CG Jeans, and a few 100 farther down the road, it seems like we should do it now rather than be reactionary. We are going to have a lot of property taxes coming in, that is a given. He said the problem is there so let's spend the money beforehand to make sure it is right for the citizens that currently live here not the future, for us to all be frustrated in the future.

Rick Fink, 212 Magenta Loop, said he has been here only two years. He said it grinds my gears to go up Adams Road to take his grandkids to school, in the morning you have to wait. He said he sits here and listens to the Plan, you have a Plan for Phase 2, but Phase 1 is a handshake and a smile. He said he is watching Mohawk being built out now and just seeing the traffic with construction and no people and then to see building 200 here and potential 200 here across from the gate, is a lot. We are already having accidents and traffic. He said he would like to see before you got final approval see a Plan for a Plan. He said he is not hearing it. He is hearing more in the second section than the first section. We are willing to pay, but nobody has a Plan. He said there is nothing - no street widening plan, nobody has said anything. He said he would like to hear some Plan before final approval.

Mayor Tim Pospichal asked if there were any more public comments. There was no other public comment.

Matthew Johnson, said thank you and everyone had very good comments, respectful comments. He said he appreciated everyone's input. We want to be a good neighbor and be a part of the Auburndale community. He said going through the list, we are providing a building that would possibly have a small pool area, bathroom, and what not. The community will have a strict set of restrictions and be deed restricted. We will have restrictions on noise, parking cars on the streets, and things like that. It is going to be a deed restricted association. As far as the compatibility and the density, he said he thought they have gone over that before. The existing land uses on three sides of us are RS-2 and as far as the existing neighborhood, we have similar lot sizes. If you look at our layout, there are three lots at the very most that will be backing up to the individual lots. We do have very similar lot sizes. He showed the stormwater management pond and the wetland area. As far as Adams Road goes, it has been well documented that it is a concern and he failed to adequately address this earlier. We are working with the County and the City as well as other developers in the area and we are actively engaging a traffic engineer to do our studies, before we can get approval and move forward with our construction plans we will have to come back with our preliminary plat. At that time, we will have a Plan in place based on engineering studies of what is needed out there. There will be a Plan that has to be reviewed and approved prior to us starting any construction on site. It will definitely happen, it is not just smoke and mirrors, it is not just talk. We will have an actual Plan in place before we can move the first amount of dirt on the site. We will have a sidewalk along Adams Road along the frontage of our site. We will have a right-hand turn lane that enters our site, so there will be an area up there for even a school bus to get off the road, off the travel lanes. We want to be good neighbor. We want to provide a quality development, with deed restrictions. We have the approval of the City staff that says we are compatible with the surrounding neighborhoods. We feel like our lot sizes are very compatible and we have reached a good compromise with the citizens and the City for the development.

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

### **3. ORDINANCE #1597 OFFICIAL ZONING MAP AMENDMENT – H BLOCK PROPERTY, ADAMS RD**

City Manager Green said before the City Commission can get into discussion, Ordinance No. 1597 will be presented by the City Attorney. It changes the zoning on the H Block property from Single Family Residential or RS-1 to Planned Development Housing 1 or PD-H1.

City Attorney Kee read Ordinance No. 1597 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 AN AUBURNDALE ZONING MAP CLASSIFICATION ON PARCELS OF LAND TOTALING +/- 104 ACRES FROM CITY OF AUBURNDALE ZONING CLASSIFICATION SINGLE FAMILY RESIDENTIAL-1 (RS-1) TO PLANNED DEVELOPMENT-HOUSING 1 (PD-H1); AND PROVIDING AN EFFECTIVE DATE** (General Location: Hwy 559 and Adams Road), by title only.

Mayor Tim Pospichal asked for discussion.

Commissioner Richard Hamann said he looks at this plan with what we have, from what was first presented and it is a lot better than what it was. He asked Community Development Director Amy Palmer about the 1,500 SF home and if the RS-1 was 1,400 SF. He said it was exceeding the RS-1. He said he could live with this.

Community Development Director Amy Palmer said that was correct.

Mayor Tim Pospichal asked Community Development Director Amy Palmer to display the map showing the zoning districts surrounding the property.

Community Development Director Amy Palmer said the property to the south, west and to the north are zoned RS-2, which is what the request is for the property.

Mayor Tim Pospichal said it will have all the lot setbacks and actually the home size like Commissioner Haman said will be larger and exceed the RS-2.

Commissioner Keith Cowie said it was brought up that we would have something to address the road concerns. He asked if there was a reason why we cannot do that now.

Community Development Director Amy Palmer said there are different stages of development and we are in Stage 1 right now, which is Zoning Approval. Without zoning approval the developer does not know how to proceed. They do not know how many lots they need to account for to do a traffic study, to figure out what impacts they will have on the roads. Stage 1 of zoning is very preliminary, you are getting your lot count at this point, basically. The next stage after zoning is construction plan approval. You do not get construction plan approval unless you have road concurrency, school concurrency, water and sewer concurrency, unless you have accounted for all of your Stormwater. All your permitting takes place during Stage 2. Stage 3 is platting, would be when you secure the financial commitment from the developer to do the road improvements that are being permitted during the construction. The planning for the intersection and the planning for the roads takes place at the next state after zoning and then the financial commitment comes with the plat following that.

Commissioner Keith Cowie said it makes it difficult for him to make a decision not knowing what that is to change the zoning, which could change the number of homes there. We know how many lots you have. He said he did not understand why we cannot get that information now that would help us make a better decision, if we want to go forward with this or not.

Commissioner Dorothea Taylor Bogert said one of the biggest issues she has is Adams Road. She said she thought this was the same for a lot of the citizens, as well. She said she understood this was the start, we do a traffic study, and they are find that within the first 200 homes it possibly triggers a failure of the intersection, is there any way to get the Developer Agreement in place now.

Community Development Director Amy Palmer said the Developer's Agreement will come with the plat.

Commissioner Dorothea Taylor Bogert said we talked about the intersection, but her concern was the actual road. Is that going to be part of that as well? They are paying their proportional share. She asked does that include whatever they choose to do to move utility poles or put them underground and sidewalk and when will that be put into place that it will be guaranteed it will be done.

Community Development Director Amy Palmer said H Block will take care of what is in front of their subdivision. They will make the improvements in front of their subdivision for relocating poles, putting in

a sidewalk, putting in the turn lanes, making the improvements to Adams Road there. That is their responsibility as is typically done by other developers.

Commissioner Dorothea Taylor Bogert said that is the bulk along Adams Road right now them and the commercial section, but the utility poles are on that side of the road.

Community Development Director Amy Palmer said that is correct. The CG Jeans project has also agreed to make some improvements to Adams Road, including additional pavement width, sidewalks, and some pole relocations they would be responsible for. The traffic study that we have now does show Adams Road itself with concurrency. It has traffic concurrency. The conditions of the road may not be ideal. They will be taken care of through the developers and the Agreements that they have talked to Mr. Green and her about.

Commissioner Dorothea Taylor Bogert said if it goes to the next stage, if we are not happy with the Developer's Agreement or it does not satisfy our road needs and subdivision needs, then we can make a decision at that point to stop it, is this correct.

Community Development Director Amy Palmer said unofficially.

Commissioner Richard Hamann said all we are talking about tonight is zoning and size of the houses.

Commissioner Dorothea Taylor Bogert said she thought it was important for the citizenry to understand concurrency and when those studies are done, if it does not meet it, they cannot do it. It does not matter what we have or where we are, if it does not meet school concurrency, the School Board would do this. If it does not meet or satisfy what they feel is the need, then they will not allow the subdivision to go forward.

Community Development Director Amy Palmer said we have never crossed that bridge.

Matthew Johnson said he apologized for any misunderstanding. At this moment in time, we are just requesting approval on zoning. We will have to come back to the same group and apply for approval on our plat. With that we will have the Developer's Agreement and infrastructure costs, the Adams Road widening detailed out, and all items addressed before we can move into our construction side. At this time, we are just asking for approval on the zoning. We are running into a challenge with school concurrency and having to enter into some kind of agreement on an individual basis with the School Board to do some off setting cost for new improvements. We are not there yet. We are focusing on the zoning application and we will have to come back again once we iron out all the technical and engineering details of the Developer's Agreement and any improvements along Adams Road.

Commissioner Dorothea Taylor Bogert said there was a request from the Estates of Auburndale and unfortunately you are sold the back end of the property and they promise you green space and it is not actually part of the subdivision there is no guarantee for that, unfortunately. She asked if there was any type of berming between the subdivisions that might help alleviate sound or concerns of the citizens. She asked what separated the subdivisions.

Matthew Johnson said we do not have any kind of buffer that is part of our plans at this moment. We are backing up a neighborhood to a neighborhood and have provided some depth on these back lots. This is going to be a deed restricted area, so we do not envision any loud parties.

Commissioner Keith Cowie asked his general question about Lots 38, 39, and 40, can you explain where my front yard and side yard is.

Community Development Director Amy Palmer said the corner lots will have two front yards. There will be a little extra width for the corner lots. The corner lots are not ideal, but it is better than some we have seen.

Commissioner Keith Cowie said it concerns him and like he has stated before, he knows they sell, but it becomes troublesome for City Staff when we start permitting things such as a swimming pool or fence. It creates issues long after the developer is gone for the HOA to deal with and work through. He said he would strongly encourage and he has talked to the Building Department about trying to eliminate those type of lots, when we have subdivisions.

**Motion** by Commissioner Richard Hamann, seconded by Commissioner Bill Sterling, to approve Ordinance No. 1597, as read on first reading by title only.

Commissioner Dorothea Taylor Bogert asked if at any point, we feel like they are not meeting the things we need to see happen can we come back and make some changes.

Mayor Tim Pospichal said we are just going for zoning this evening.

City Manager Green said the preliminary Plat will go back before the Planning Commission and the City Commission at Public Hearings.

Upon vote, four ayes and Commissioner Keith Cowie voting nay.

#### **4. PUBLIC HEARING – LAND USE AND ZONING AMENDMENTS – GANDY STREET PROPERTIES**

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

City Manager Green said as a result of annexation, the City is requested to establish Future Land Use and Zoning designations on the properties that were recently annexed into the City on Gandy Street. Ordinance No. 1598 establishes the Land Use Designation of Residential Suburban from the County to City of Auburndale Low Density Residential. If we skip to Ordinance No. 1600 it does the exact same thing on the adjacent Johnson property, changing from County Residential Suburban to Low Density Residential. After the Land Use designation is applied to the property, we come back and amend the official zoning map. The zoning on both properties is proposed as Single Family Residential or RS-3. He said we are in a Public Hearing and he would be glad to answer any questions anyone may have.

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

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

#### **5. ORDINANCE #1598 FUTURE LAND USE MAP AMENDMENT - WILSON PROPERTY, GANDY ST**

City Mayor Green said Ordinance No. 1598 establishes the Land Use designation of Low Density Residential on the property.

City Attorney Kee read Ordinance No. 1598 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 752, THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, FLORIDA, BY AMENDING THE FUTURE LAND USE MAP RECLASSIFYING A PARCEL OF LAND TOTALING +/- 0.44 ACRES FROM POLK COUNTY FUTURE LAND USE CLASSIFICATION RESIDENTIAL SUBURBAN (RS) TO CITY OF AUBURNDALE FUTURE LAND USE CLASSIFICATION LOW DENSITY RESIDENTIAL; AND PROVIDING AN EFFECTIVE DATE** (General Location: Gandy Street), by title only.

City Manager Green said the Planning Commission voted 7 to 0 to recommend approval on all four of these amendments at their meeting of March 5, 2019. Staff recommended approval.

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to approve Ordinance No. 1598 as read on first reading by title only. Upon vote, all ayes.

#### **6. ORDINANCE #1599 OFFICIAL ZONING MAP AMENDMENT – WILSON PROPERTY, GANDY ST**

City Manager Green said Ordinance No. 1599 establishes the zoning on the property. It was also approved by the Planning Commission with the recommendation of approval.

Attorney Kee read Ordinance No. 1599 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 OFFICIAL ZONING MAP BY ESTABLISHING AUBURNDALE ZONING MAP CLASSIFICATION OF SINGLE FAMILY RESIDENTIAL-3 (RS-3) ON A PARCEL OF LAND TOTALING +/- 0.44 ACRES; AND PROVIDING AN EFFECTIVE DATE** (General Location: Gandy Street), by title only.

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to approve Ordinance No. 1599, as read on first reading by title only. Upon vote, all ayes.

#### **7. ORDINANCE #1600 FUTURE LAND USE MAP AMENDMENT - JOHNSON PROPERTY, GANDY ST**

City Manager Green said Ordinance 1600 and 1601 make the same changes to the Land Use and Zoning Map as the previous Wilson property. Ordinance No. 1600 establishes the Land Use designation as Low Density Residential.

City Attorney Kee read Ordinance No. 1600 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 752, THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, FLORIDA, BY AMENDING THE FUTURE LAND USE MAP RECLASSIFYING A PARCEL OF LAND TOTALING +/- 0.44 ACRES FROM POLK COUNTY FUTURE LAND USE CLASSIFICATION RESIDENTIAL SUBURBAN (RS) TO CITY OF AUBURNDALE FUTURE LAND USE CLASSIFICATION LOW DENSITY RESIDENTIAL; AND PROVIDING AN EFFECTIVE DATE** (General Location: Gandy Street ), by title only.

**Motion** by Commissioner Bill Sterling, seconded by Commissioner Keith Cowie, to approve Ordinance No. 1600, as read on first reading by title only. Upon vote, all ayes.

#### **8. ORDINANCE #1601 OFFICIAL ZONING MAP AMENDMENT – JOHNSON PROPERTY, GANDY ST**

City Attorney Kee read Ordinance No. 1601 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 OFFICIAL ZONING MAP BY ESTABLISHING AUBURNDALE ZONING MAP CLASSIFICATION OF SINGLE FAMILY RESIDENTIAL-3 (RS-3) ON A PARCEL OF LAND TOTALING +/- 0.44 ACRES; AND PROVIDING AN EFFECTIVE DATE** (General Location: Gandy Street), by title only.

**Motion** by Commissioner Bill Sterling, seconded by Commissioner Keith Cowie, to approve Ordinance No. 1601, as read on first reading by title only. Upon vote, all ayes.

#### **9. PUBLIC HEARING – FUTURE LAND USE AND ZONING AMENDMENTS – WURTZ PROPERTY**

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

City Manager Green said the Public Hearing was properly advertised. The property abuts Bridgers Avenue, Eaker Street and Hwy. 92. The property was recently annexed into the City on March 4. The items before the City Commission are to establish Land Use and Zoning on the property. The property currently has a Commercial Enclave Future Land Use designation. The proposed Future Land Use designation is Industrial and Commercial Corridor. The proposed zoning would be Light Industrial and Highway Commercial. The property currently has several buildings that would be used at a future date to allow for a small business of sales and storage. The Planning Commission held a meeting on March 5 and recommended approval of both the amendments. Staff recommended approval of the amendments.

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

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

#### **10. ORDINANCE #1602 FUTURE LAND USE MAP AMENDMENT - WURTZ PROPERTY, EAKER ST**

City Manager Green said Ordinance No. 1602 amends the Future Land Use map to the City of Auburndale's Industrial and Commercial Corridor on the property.

City Attorney Kee read Ordinance No. 1602 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 752, THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, FLORIDA, BY AMENDING THE FUTURE LAND USE MAP RECLASSIFYING A PARCEL OF LAND TOTALING +/- 2.42 ACRES FROM POLK COUNTY FUTURE LAND USE CLASSIFICATION COMMERCIAL ENCLAVE (CE) TO CITY OF AUBURNDALE FUTURE LAND USE CLASSIFICATION COMMERCIAL CORRIDOR (CC) AND INDUSTRIAL; AND PROVIDING AN EFFECTIVE DATE** (General Location: US Hwy 92, Eaker St. and Bridgers Ave.), by title only.

City Manager Green displayed the Future Land Use map. The Commercial Corridor zoning fronts U.S. Hwy. 92 and the Industrial zoning on Bridgers Avenue is complimentary to the Industrial zoning on Eaker Street and Bridgers Avenue. Staff recommended approval.

**Motion** by Commissioner Richard Hamann, seconded by Commissioner Dorothea Taylor Bogert, to approve Ordinance No. 1602, as read on first reading by title only. Upon vote, all ayes.

#### **11. ORDINANCE #1603 OFFICIAL ZONING MAP AMENDMENT – WURTZ PROPERTY, EAKER ST**

City Manager Green said Ordinance No. 1603 establishes the Light Industrial and Highway Commercial CH zoning classification on the Wurtz property and the comparable Future Land Use designation. He displayed the Zoning Map for the property. The Highway Commercial was consistent with the property along U.S. Hwy. 92 and the Light Industrial was along Bridgers Avenue, which was complimentary to adjacent property on Eaker and Bridgers. Staff recommended approval of the Ordinance.

City Attorney Kee read Ordinance No. 1603 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 OFFICIAL ZONING MAP BY ESTABLISHING AUBURNDALE ZONING MAP CLASSIFICATION OF COMMERCIAL HIGHWAY (CH) AND LIGHT INDUSTRIAL (LI) ON A PARCEL OF LAND TOTALING +/- 2.42 ACRES; AND PROVIDING AN EFFECTIVE DATE** (General Location: US Hwy 92, Eaker St. and Bridgers Ave.) , by title only.

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to approve Ordinance No. 1603, as read on first reading by title only. Upon vote, all ayes.

Mayor Tim Pospichal recessed the Meeting at 8:29 p.m.

Mayor Tim Pospichal called the Meeting back to order at 8:35 p.m.

City Manager Green said to bring something to your attention and to maybe help Staff with some direction. You can see the similarity between H Block and CG Jeans. He said he kind of liked the fact that it was pointed out that this was the fifth Public Hearing before the Planning Commission and the City Commission and then the thought that we are just dragging this out. But at the same time CG Jeans went before the Planning Commission also they got a denial and turned around and came to the City Commission for your blessings with a denial by the Planning Commission. They were sent back to go through the same process that H Block did. In talking with Amy, he said he thought there was a benefit and Amy spelled it out in perfect steps. You get your zoning, the Developer Agreements, then the preliminary plat, and then you move the final Plat. One allows you to move to infrastructure and the other allows you to move to selling lots. CG Jeans is going back to the Planning Commission in May. He said he was asking Amy if it were the pleasure of the City Commission, maybe we ought to request that CG Jeans jump a little bit ahead and when they go to the Planning Commission or it comes back to the City Commission that they have that Development Agreement for CG Jeans in place. They can be running parallel to H Block because they are looking at funding the same improvements. H Block may be sitting back and suggesting they are going to make the improvements in front of their subdivision and H Block may very well be paid in part by CG Jeans. The only way we can get our hands around that is if you really want to see those Developers Agreement run parallel. If they run parallel, you and the citizenry will see that at the same time. He said this was just a suggestion. If we can get a consensus we will ask that of the CG Jeans and explain that directive to the Planning Commission.

Mayor Tim Pospichal asked if this was something you felt we would have success with in going back to the CG Jeans group.

Community Development Director Amy Palmer said yes, she believed so. Both projects will have an impact on Adams Road and this just makes sense to have them approach the Developer's Agreement together and parallel as Mr. Green stated before the City Commission.

City Manager Green said from the discussion tonight the attorney for CG Jeans suggested about accepting the responsibility for some of those improvements. They know that going forward. They have already counted the telephone poles on Adams Road to be relocated. He said Amy and he could not speak for CG Jeans that Development Agreement will talk for CG Jeans and we need to make sure of that whenever H Block comes back. There is a timing issue here. If they are not going back before the Planning Commission until May, it may be June before you see CG Jeans. In May, you see the preliminary plat for H Block and we are thinking there is an advantage to the end product to at least have that Development Agreement for CG Jeans running parallel with H Block.

Mayor Tim Pospichal said this will put developers working together for the answer.

City Manager Green said they are working already. We are just saying there may be a joint Developer's Agreement.

Mayor Tim Pospichal said he thought this was the way we have to go and he thought we can get the answers for Adams Road, which still is the biggest concern of what we heard tonight.

Commissioner Keith Cowie said he would agree, that was his concern this evening. He said he did not feel comfortable and understood it was only a zoning request tonight. Many of the comments from the citizens revolved around what is going to happen on Adams Road and I do not feel they really presented that other than saying we are going to handle that. They did not really have a concrete plan. He said he gets it that it is out of sequence. In a situation like that where those are the concerns of the residents, I

think it is vital that they bring that with them. It is going to help them #1, as it is their story. It gives us a better opportunity to make a decision.

City Manager Green said you may see that when H Block comes back before you with their preliminary plat they are sitting with that and a joint Developer's Agreement with CG Jeans or two Developer's Agreements on the table at the same time. We can then go to the screen and address what those improvements are.

Commissioner Keith Cowie said that was the biggest missing piece.

Commissioner Richard Hamann said it was still a missing piece, but then you have to figure out how they are going to set off make the failure for the road.

City Manager Green said the difference is that H Block had an established zoning of RS-1 and asked for RS-2. CG Jeans never had zoning established. As we look now at the zoning map, now you will see RS-2 and PD-H that will be very comparable to our RS-2 and now on the north side of Adams Road you will see CG Jeans asking for almost identical to H Block.

Commissioner Dorothea Taylor Bogert said she thought their lot size was 6,900 SF.

City Manager Green said you suggested for them to get back with us and that was one of the concerns we expressed to them. They may actually be looking at something more comparable to H Block.

Commissioner Dorothea Taylor Bogert said that is what she would like to see, as she thought it was unfair of us to require. We have pushed this for H Block and it is right across the street next to RS-2 for them to have these much smaller lots. She said this has been her biggest concern.

Mayor Tim Pospichal said the communications are open and the Community Development Director and City Manager are speaking with their representatives.

Commissioner Dorothea Taylor Bogert said this is what she would like to see for CG Jeans and then bring that joint or two Developer's Agreements.

City Manager Green said the same question that was asked tonight is also here for the H Block with a Developer's Agreement that pays their proportionate fair share. What about the other proportionate fair share that does not come to the table. We need to get that to the table in the same meeting.

Commissioner Dorothea Taylor Bogert said she agreed. She said she also agreed with Commissioner Cowie that that would help us make a much better informed decision on what we can do. She said she thought it would make the citizenry feel much more secure, as they do not understand the process. She said she felt this will help bring more of a comfort level.

Commissioner Keith Cowie said Commissioner Hamann brought it up, we are waiting for it to trigger. He asked if there was a way they could write in the trigger. He said he felt that was one of the things the residents are concerned with. We say even with the Developer's Agreement, it is going to happen. He said when is that, we talked about the failing intersection and everything kind of stops when that happens.

Community Development Director Amy Palmer said it is part of the Developer's Agreement to identify when it is going to happen. We do not want it to get to a failing road and then you are making the improvements, because you are behind. So, you do want to address that timing of getting it done before.

Mayor Tim Pospichal said it is part of the process. He said he thought by getting the two builders or developers together and talking about this, we cannot always get the answers like you want on the front end. It is a process we have to follow and we are not going to hang anybody out there. In today's world,

everybody is sure that is what is going to happen. If we could move on and we could just charge Staff to take care of this and get them both on the same page and that it will actually benefit them in the long run, when they can come back and say this is what is going to be done –add 18 inches here, move 15 telephones poles, or whatever.

Community Development Director Amy Palmer said thank you.

Commissioner Bill Sterling asked if we could say the road had to be improved before any lots are sold.

City Manager Green said you have to remember the road is not failing.

Commissioner Bill Sterling said it will fail.

City Manager Green said the narrowness of the road is the issue. Last year we went in and added 18 inches to it, but you cannot add any more until the telephone poles are moved. If you add another 18 inches to the road, the road is probably fine.

Community Development Director Amy Palmer said they are required to bring the road up to standard, in front of their subdivision.

Commissioner Bill Sterling said could we require that they bring the road up to standard before they sell a lot.

Community Development Director Amy Palmer said the improvements have to be done before plat approval or the improvement is bonded. Before a permit is issued the road would have to be improved.

City Manager Green said go back to the process: land use, zoning, preliminary plat, final plat. The preliminary plat brings in the Developer's Agreement for all the infrastructure to be put into place. If water is not available, the sewer line or the lift station is not constructed, or any other issue they do not get the final plat. At final plat, all the infrastructure including the improvements to the roads are made then they can sell lots.

Commissioner Keith Cowie asked if the road improvements are based on our Developer's Agreement or on failing. He said his concern is that they can go through all of that and the road might not fail according to metrics.

City Manager Green said he felt that was why the Developer's Agreement will tie them at the preliminary plat.

Commissioner Dorothea Taylor Bogert said that will have to be done before they can go to final plat. She said she did not think that was made clear.

Commissioner Richard Haman said we have to figure out who is going to contribute to bring the road up to standards. That is why we want the Developer's Agreement back to the table with both developers, so they know what they are getting into and we know what to expect.

## **12. RENEW & UPDATE JOINT PLANNING AGREEMENT WITH POLK COUNTY**

City Manager Green said 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 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 or JPA with Polk County that serves as a guide to the City and County regarding policies for future growth with 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 City of Auburndale has incorporated several of the planning initiatives of the JPA, including the creation of an overlay district and providing architectural design standards. The proposed Interlocal Agreement renews and updates the previously adopted 2009 Agreement. The updates include the following:

- Deletes references to the Polk Commerce Centre Community Redevelopment Agency (CRA). The County is scheduled to sunset the CRA at its Board Meeting on March 19, 2019.
- Revises references to the USF Polytechnic University to reflect Florida Polytechnic University.
- Deletes references to the State Comprehensive Plan by name. (Florida Statutes 163.3177 repealed provisions of Rule 9J-5, which was repealed.
- Provides a 1-year term for the Agreement to allow both parties the opportunity to amend.

The Polk County BOCC will consider renewal and updating the JPA Agreement at their scheduled meeting tomorrow. Staff recommended approval of the Joint Planning Area and Interlocal Agreement. The reason for one year term is that would bring both parties to the table. As we work within JPA boundary at Pace Road, it requires coordination with Polk City and Lakeland. We want to pull this back into place and use it as a launching pad to a larger JPA in the area or a separate JPA. The one year is there to allow the parties to get together on the current issue of Pace Road area, which is already in our JPA. Staff recommend approval of the Joint Planning Agreement and the Interlocal Agreement.

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

**Motion** by Commissioner Bill Sterling, seconded by Commissioner Dorothea Taylor Bogert, to approve the Joint Planning Area and Interlocal Agreement with Polk County. Upon vote, all ayes.

### **13. REPLACEMENT AGREEMENT FOR CITY SPRAYFIELD - FL DEPARTMENT OF TRANSPORTATION**

City Manager Green said in September 2016, the City Commission approved a land swap with J. Everett Allen & Sons, Inc. as part of the FDOT SUNTRAX Test facility and to encourage additional economic development in the area. The City owned 129 acres lying east of the Polk Parkway and north of Braddock Road and the 16-acre Allen property was located west of the Polk Parkway and immediately adjacent to the north and south of the City's Regional Wastewater Treatment Facility. The City continues to maintain and operate a permitted sprayfield on the 129 acres belonging to Allen. Replacing the current sprayfield property was an important consideration in moving the FDOT project forward. ACT Environmental and Infrastructure was contracted by the parties to perform a hydrologic investigation of the Allen property to evaluate the site capacity for accepting and disposing of the City's treated wastewater effluent. ACT and the City's Consulting Engineer Chastain-Skillman worked together to insure the swapped property would meet or exceed the existing permitted capacity of the existing sprayfield. Based on all the analysis performed and modeling results suggests the swapped property could reasonably accept 1,060,000 gpd of treated wastewater discharge equal to the City's existing sprayfield. Additional studies were performed for endangered species and other environmental matters on the Allen property. Those studies were completed in 2017 and 2018 clearing the property for use by the City. The proposed Agreement between the City and the Florida Department of Transportation and Florida's Turnpike Enterprise provides the necessary funding for the sprayfield replacement. The total estimated cost of the sprayfield replacement is \$3,891,404. The proposed Agreement is consistent with the 2016 Property Swap Agreement that stipulated that the relocation of the sprayfield infrastructure would be at no cost to the City. All properties being considered in the exchange were annexed into the City limits, designated with appropriate Land Use and Zoning Designations and properly permitted by the Florida Department of Environmental Protection. The proposed Agreement was prepared by FDOT and reviewed by the City Manager, City Attorney, and Public Works Director. Staff recommended approval of the Agreement for Replacement of the City's

Braddock Road Sprayfield with the Allen property and being paid for by the Florida Department of Transportation.

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to approve the Agreement for Replacement of the City's Braddock Road Sprayfield with FDOT. Upon vote, all ayes.

#### **14. PRESENTATION OF BIDS FOR RESURFACING OF VARIOUS STREETS**

Public Works Director John Dickson said the City has advertised and requested bids to resurface the following areas:

- Lake Whistler Estates & Arietta Point:  
Crestview Drive; Shoreland Drive; Kinsmen Drive; Brentwood Drive; Amesbury Drive; and Kirkland Lake Drive
- Ramsgate Road & Side Streets:
- Ramsgate Road; Lake Ariana Blvd. – Pearl Street to Ariana/Lena Canal; Lake Ariana Blvd. – Off of Ramsgate Road, Next to Lake Ariana Park; Ralford Road; Great Barford Street; Barford Street; Reidgate Road; and Chestnut Road – Ramsgate Road to Pearl Street
- Cory Court
- Hillgrove Lane
- Owens Circle.

The following bids were received: Hubbard Construction, Lakeland - \$468,929.70; Tucker Paving, Winter Haven - \$498,500.00; Preferred Materials, Orlando - \$515,000.00; General Asphalt, Lakeland - \$519,463.26; CWR Contracting, Plant City - \$539,527.00; and AAA Top Quality Asphalt, Winter Haven - \$594,830.00. Funding for this project is provided in the current FY 2018-2019 Budget in the amount of \$500,000.00. Staff recommended to award the bid to Hubbard Construction in the amount of \$468,929.70.

City Manager Green said Hubbard was the same contractor the State was using recently to come through town and do some of the 559 patches.

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

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to award the bid to Hubbard Construction in the amount of \$468,929.70 for resurfacing.

Commissioner Bill Sterling said he used to live on Kinsmen Drive. He said this road has been there for 40 years and this is the first time for resurfacing. He said it was kind of nice when developers put in the roads in the way they should be put in.

Public Works Director John Dickson said some of the corners have been resurfaced several times and we filled the potholes.

Upon vote, all ayes.

#### **15. PRESENTATION OF BIDS FOR EQUIPMENT STORAGE BUILDING AT PUBLIC WORKS FACILITY**

Public Works Director John Dickson said the Public Works Department 5-year Capital Improvement Program includes the construction of an additional equipment storage building at the City's Public Works facility. The new shed space is similar to the existing bay space and will be used to park sanitation and street division vehicles. He displayed the existing center bay building. He displayed four City trucks that presently sit in the weather with an estimated value of \$800,000 to \$1,000,000. He said the proposed building will be 40 X 50, 13.5 foot front and 11.5 foot rear, enclosed on 3 sides with an open front. Invitation to bid was advertised in the local media on February 4, 2019. The City received the following bids for the Equipment Storage Building: Everett Whitehead & Sons, Inc., Winter Haven - \$55,717; Tucker

Construction & Engineering, Winter Haven - \$73,999; and L. Cobb Construction, Wauchula - \$83,967. Everett Whitehead & Sons, Inc. was the low bid to construct the equipment storage building. The City has had positive work experiences with the contractors in the past. The bids were reviewed by the Public Works Director, Building Official, and City Manager. This is a budgeted project in the current Fiscal Year 2018-19 at \$85,000. Staff recommended to award the bid to Everett Whitehead & Sons in the amount of \$55,717.00 to construct the equipment storage building at the Public Works facility.

City Manager Green said Staff would like to also negotiate with Everett Whitehead & Sons up to budgeted amount to add additional space in that building if possible.

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

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Bill Sterling, to award the bid to Everett Whitehead & Sons in the amount of \$55,717 to construct the equipment storage building at the Public Works facility.

Amended motion by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Bill Sterling, to add to the motion for Staff to negotiate with Everett Whitehead & Sons up to the budgeted amount of \$85,000.

Commissioner Bill Sterling asked about the open front for the building.

Public Works Director John Dickson said the only building that has doors was the mechanic shop.

Upon vote, all ayes.

City Manager Green said he apologized for the long agenda, but there were a lot of issues to discuss. He said Assistant City Manager Jeff Tillman and IT Manager Jee Hoon Kim will make a presentation.

## **16. RESOLUTION #2019-02 AMENDING PERSONNEL POLICY HANDBOOK**

Assistant City Manager Jeff Tillman said the City's Personnel Policy Handbook provides general guidance for the personnel administration of the City and is intended to assure fair treatment of all City employees. The City Commission amends the Personnel Policy Handbook to reflect new policy, changes in existing policies, or changes required due to new law and legislation. Changes to personnel policy must be adopted by Resolution and then included in the subsequent handbook revision. The proposed Resolution amends three different personnel policies. He thanked Jee Kim, IT Manager, for his assistance in drafting the Electronic Communication section. In Section 3.15 the recommended changes does a number of things with one being it allows the employee to lock the computer as opposed to logging off the computer, when leaving the workstation. This makes it more efficient. It also sets a timeframe to log the computer out after a certain amount of time. It also sets the number of password attempts and times the computer out for 10 minutes for incorrect passwords attempts. These are all security measures that are industry standards. It establishes employee passwords, authentications, and change of passwords in 180 days.

City Manager Green said these changes to IT also come at the recommendation of our auditor.

Assistant City Manager Jeff Tillman said Section 2 – Requires employees to maintain all required certifications and licenses while in an authorized leave status. If they were to go out for an extended time, we do not want them to allow their licenses to lapse. Section 3 – Adds language that may allow for employees to be indefinitely suspended with or without pay if they are charged with a felony or misdemeanor opposed to being indicted for crimes involving moral turpitude. Eliminates the moral turpitude language from our Personnel Policy Handbook. It allows us to indefinitely suspend if charged with a felony, rather than trying to determine what was moral turpitude, which is kind of vague. The

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proposed Resolution was prepared by the City Manager's Office and reviewed by the City Clerk and City Attorney. If approved, the proposed Resolution will take immediate effect upon passage, with amendments to be included in the next printed Personnel Policy Handbook. Staff recommended approval of Resolution 2019-02.

City Manager Green said in addition to it being printed in the next edition of the printed Handbook, each employee will get a copy of the Resolution with the changes as being proposed. Staff recommended approval.

City Attorney Kee read Resolution No. 2017-02 entitled: **A RESOLUTION AMENDING THE PERSONNEL POLICY HANDBOOK**, by title only.

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

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to approve Resolution No. 2019-02, as read by title only.

Commissioner Bill Sterling asked who pays for those certifications.

City Manager Green said there are several they come in the door with such as their driver's license. They have to maintain their Florida Driver's License status. Other certifications such as water certifications, Fire certifications, building certifications are paid for by the City. .

Upon vote, all ayes.

#### **17. TEMPORARY STREET CLOSING REQUEST – CHAMBER EVENT/ MARCH 21, 2019**

City Manager Green said Staff had no objection to the request from the Chamber to temporarily close West Park Street from City Hall and Larry Walker's business Thursday, March 21, 2019 between 4 p.m. and 7 p.m. to accommodate a Chamber social event at the offices of Larry Walker. Plans are to use the closed street to accommodate antique vehicles.

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

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to approve the request for the street closing. Upon vote, all ayes.

Meeting adjourned at 9:11 p.m.

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

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Shirley A. Lowrance, Finance Director/City Clerk

proposed Resolution was prepared by the City Manager's Office and reviewed by the City Clerk and City Attorney. If approved, the proposed Resolution will take immediate effect upon passage, with amendments to be included in the next printed Personnel Policy Handbook. Staff recommended approval of Resolution 2019-02.

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City Attorney Kee read Resolution No. 2017-02 entitled: **A RESOLUTION AMENDING THE PERSONNEL POLICY HANDBOOK**, by title only.

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

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to approve Resolution No. 2019-02, as read by title only.

Commissioner Bill Sterling asked who pays for those certifications.

City Manager Green said there are several they come in the door with such as their driver's license. They have to maintain their Florida Driver's License status. Other certifications such as water certifications, Fire certifications, building certifications are paid for by the City. .

Upon vote, all ayes.

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**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to approve the request for the street closing. Upon vote, all ayes.

Meeting adjourned at 9:11 p.m.

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

  
Shirley A. Lowrance, Finance Director/City Clerk