
Minutes of the Regular Meeting of the City Commission of the City of Auburndale held September 17, 2019 at 7:04 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 Green, Finance Director/City Clerk Shirley Lowrance, City Attorney V. Patton Kee, and Police Chief Andy Ray.

Prior to the meeting a video from the television show "60 Minutes" was shown related to cybercrimes and ransomware across America. City Manager Green said the town of Dundee and the Polk County Sheriff's Department have both been hit with ransomware issues. He said he appreciated the time the Commissioners took to watch the video. He said he was pleased with the steps the IT Department has taken to protect the City. Recently, the IT Manager set up training for about 120 employees to discuss best practices for computer access safety.

Mayor Tim Pospichal declared a quorum present and the Meeting was opened with prayer by Pastor Brad Bennett of Auburndale Community Church and a salute to the flag.

Motion by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to approve the Minutes of September 5, 2019. Upon vote, all ayes.

City Manager Green reminded the Commission of the 2020 Polk County Legislative Warm Up put on by Polk Vision will be held at the Polk State College Center for Public Safety on October 4, the Polk County Delegation meeting is scheduled for October 7, the Ridge League of Cities meeting will be held in Winter Haven on October 10, and the Central Florida Development Council will hold their annual dinner on October 16 at Nora Mayo Hall in Winter Haven.

Public Works Director John Dickson presented Magnum Howell with his five-year longevity plaque. He has worked at the Regional Wastewater Plant for a few years, then left the City for a few years, and was rehired in the Sanitation Division. He said he currently works as a Service Worker III as a driver and is very dependable.

City Manager Green requested that Agenda Item #8 Auburn Cove Phase I Final Plat be added to the Agenda. He said we have several items on the Agenda for second and final reading for Phase 3 and the developer, engineer, and owners have asked to consolidate this into one meeting. He said if it was the Commission's pleasure, we would need to add Agenda Item #8.

Motion by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to add Agenda

Item 8 – Final Plat Approval – Auburn Cove Phase1 to the Agenda. Upon vote, all ayes.

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

1. PUBLIC HEARING FY 2019 TAX MILLAGE LEVY & ANNUAL BUDGET

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

City Manager Green said the Public Hearing has been advertised in accordance with the Florida Statutes regarding the method of fixing tax millage rate. This Public Hearing is the second of two required Public Hearings with the first being held on September 5, 2019. The proposed Budget for FY 2020 is balanced with Total Revenue and Total Expenditures of \$49,103,866 before interfund transfers. Expenditures include general operating expenses of \$31,734,488. Capital Improvements of \$17,256,500 and Contingency Reserve of \$196,813. The Proposed FY 2020 and FY 2021 Budgets includes all changes made during the Regular City Commission meetings of April 15, 2019 (Payroll), June 3, 2019 (Capital Outlay), June 17, 2019 (Expenditures), and July 15, 2019 (Revenues). Each of the City's three funds including General Fund, Community Redevelopment Agency Fund and Utility Fund are also balanced. Revenues from ad-valorem taxes for FY 2020 and FY 2021 are estimated at \$5,230,000 and based upon the current operating millage rate of 4.2515 mils. The rolled back rate for FY 2020 is 4.056 and represents a 4.8% increase over our current millage. There is no tax increase being proposed. The FY 2020 Budget also includes the proposed Five-Year Schedule of Capital Improvements for the City's Public Safety, Parks and Recreation and Public Works Departments. This schedule, which is a requirement of the City's Comprehensive Plan, assists the City Commission in prioritizing future capital needs throughout the City and is updated annually during the budget process to include a "new fifth year". The first two years of the CIP have been incorporated into the proposed two-year Budget. He went over the proposed change to the Contingency for FY 2020 with the larger changes being the Reimbursement from USA Water Ski and Wake Foundation for road improvement on Denton Avenue at \$64,400, FL Poly Reuse Line reimbursement increased by \$18,500 to a total of \$150,000, Longevity pay adjustments for the new \$10 per year rate at a cost of \$28,711, and \$15,000 for an Extra Help position in the Fire Department to create and encourage an opportunity for minority hires in the Fire Department. The Contingency reserve is now \$196,813 for FY 2020. He went over the Contingency changes for FY 2021, which were similar to the prior year and resulted in a Contingency total of \$233,347. The proposed Ordinances being presented were prepared by the Finance Director and reviewed by the City Manager and City Attorney. The proposed Ordinances were approved on first reading September 5, 2019 and are being presented for second and final reading. Staff recommended approval of the proposed Ordinance establishing the tax millage levy and the proposed Ordinance adopting the FY 2020 and FY 2021 Annual Budgets.

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

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

2. ORDINANCE #1617 ADOPTING FY 2019 TAX MILLAGE LEVY

City Attorney Kee read Ordinance No. 1617, which was presented and passed on first reading on September 5, 2019, by title only.

Motion by Commissioner Richard Hamann, seconded by Commissioner Bill Sterling, to approve Ordinance No. 1617, as read by title on second reading.

Commissioner Bill Sterling asked where the expense for the \$64,000 reimbursement was shown in the Budget.

City Manager Green said that was the expense for the Denton Avenue Road Improvement.

Upon vote, all ayes.

3. ORDINANCE #1618 ADOPTING FY 2019 & FY 2020 ANNUAL BUDGETS

City Manager Green said now that the Tax Millage rate has been established Ordinance No. 1618 adopts next year's Fiscal Budget and the FY 2021 annual budgets.

City Attorney Kee read Ordinance No. 1618, which was presented and passed on first reading on September 5, 2019, by title only

Motion by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to approve Ordinance No. 1618, as read by title on second reading. Upon vote, all ayes.

4. ORDINANCE NO. 1619 AMENDING FUTURE LAND USE MAP – AUBURN COVE PHASE 3

Community Development Director Amy Palmer said the City has received a request for a Large-Scale Future Land Use Map Amendment and Zoning Map Amendment for property owned by Augustus Davis. The petitioner is Hunter Engineering Inc. The property is known as the Auburn Cove property, formerly known as the Berkley Ranch property. We have already seen Phase 1 and Phase 2 of the Auburn Cove property. It is approximately 20 acres and located on Berkley Road and Pearce Road. The current Polk County Future Land Use is Residential Low-4X; Preservation X. The proposed City Future Land Use is Low Density Residential and Conservation Wetland. The proposed City Zoning classification is Planned Development-Housing 2. As a result of the annexation of the adjacent property into the Auburndale City limits on July 1, 2019 and the property exceeding ten acres in size, the property is required to go through the City's Comprehensive Plan Large-Scale Future Land Use and Zoning Map amendment process including being forwarded to the Florida Department of Economic Opportunity or DEO for compliance review. The proposed City Future Land Uses of Low Density Residential and Conservation Wetland are consistent with the Polk County Future Land Uses of Residential Low-4X and Preservation-X, which are currently applied to the property. The proposed Land Use is also consistent with surrounding development including Phases I and 2 of the proposed subdivision, the City's Land Development Regulations, Comprehensive Plan, and the Joint Planning Agreement with Polk County. The proposed Future Land Use of Low Density Residential and Conservation Wetland were submitted to the Department of Economic Opportunity (DEO) for an Expedited State Review. On August 8, 2019, the City received the State response with no comments, objections, or recommendations. For Ordinance No. 1619, the Planning Commission recommended approval of the

proposed Land Use in a five to zero vote on July 2, 2019. Staff recommended approval of the proposed Ordinance amending the Land Use Map.

Community Development Director Amy Palmer went over the analysis of the Zoning Map Amendment. In order to develop the property with the 58 lots for the single residential family subdivision, the applicant has requested a zoning classification of Planned Development-Housing 2. Phase 3 of the Auburn Cove subdivision would be accessed through Phase 2 and a new entrance off Pearce Road, which is a County maintained road. The average lot sizes are 60 by 120, up to 80 by 120. Setbacks for the subdivision would be 25 in the front, 5 foot on the side, and 10 in the rear, which are all consistent with Phase 2. As required by Chapter 6 of the Land Development Regulations, the proposed development zoning is accompanied by a binding site plan that demonstrates the appropriate setbacks, open space, and other City requirements. The proposed binding site plan has been reviewed by City staff and meets the requirements of the City's Land Development Regulations. The proposed City zoning of Planned Development Housing 2 is also consistent with surrounding developments, including Phase 1 and Phase 2 of the proposed subdivision, the City's proposed Land Development Regulations, the Comprehensive Plan, and the Joint Planning Agreement with Polk County. The zoning would be approved by Ordinance No. 1620. The Planning Commission recommended approval of the proposed Land Use with a five to zero vote on July 2, 2019. Staff recommended approval of the proposed Ordinance amending the Zoning map. She went over the location map for the proposed 20 acres. She went over the Development Roadmap for the property for Future Land Use and Zoning. She said the binding site plan becomes a part of the adopting Ordinance. She said the Auburn Cove subdivision is a great example of the full Development Roadmap, as the Future Land Use and Zoning for Phase 3 is being established and Agenda Item #8 is for Final Plat and shows completion of the process. She went over the Binding Site plan for Phase 3. She said the subdivision provides recreation space in all of the Phases.

City Manager Green said Ordinance No. 1619 amends the Future Land Use map and establishes the Land Use designation as Low Density Residential.

City Attorney Kee read Ordinance No. 1619, which was presented and passed on first reading on September 5, 2019, by title only

City Manager Green said staff recommended approval

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. 1619, as read by title on second reading. Upon vote all ayes.

5. ORDINANCE #1620 AMENDING OFFICIAL ZONING MAP – AUBURN COVE PHASE 3

City Manager Green said now that we have established the Land Use designation as Low Density and Conservation/Wetlands, the proposed City zoning classification is Planned Development Housing 2, which includes a Binding Site Plan.

City Attorney Kee read Ordinance No. 1620, which was presented and passed on first reading on September 5, 2019, by title only.

City Manager Green said staff recommend approval.

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

John Snyder, Hunter Engineering, said they were representing the property owners and was here for questions.

Motion by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to approve Ordinance No. 1620, as read by title on second reading.

Commissioner Dorothea Taylor Bogert said she wanted to make note again of her displeasure with the five-foot setback. She said normally she would not vote for this and she did not last time, but since we have already set Phase 1 and Phase 2 this will make it consistent. She said this was for future reference, this was too little space. She said they also have open space and recreation space too, which is definitely something the community wants.

Commissioner Bill Sterling said hopefully with some of the larger lots, some of those houses may have larger setbacks. They may not have all of them at 10 feet apart. He said he agrees on the larger setbacks, but we did have Phase 1 and Phase 2 and it was not quite fair to the developer to change it now.

Upon vote, all ayes.

Staff requested moving Agenda Item 8 up on the Agenda, as it is dealing with the same subdivision.

8. FINAL PLAT APPROVAL – AUBURN COVE PHASE 1

Community Development Director Amy Palmer said the City has received a request to plat the Auburn Cove Phase 1 Subdivision, formerly known as the Berkley Road subdivision. The property is located on Berkley Road and Pearce Road and is zoned Planned Development Housing 1. The City Commission approved

the zoning and binding site plan on September 6, 2018. The subdivision consists of 130 lots and the average lot sizes are 60' x 120' to 60' x 145', which meets the PD-H1 zoning regulations. The development meets all Land Development regulations including lot size, setbacks, open space, and sidewalk requirements. As provided for in the Land Development Regulations, the developer is requesting Final Plat approval before all infrastructure improvements are made. The LDR's allow a developer to execute a surety bond, which is available to the City in an amount 120% of the estimated completed construction cost as determined by the engineer. The Bond paperwork includes the list of improvements that need to be made, which will be covered by the bond and a timeframe to complete the work. The developer estimates that all necessary infrastructure improvements will be made within this time period and that the purpose of bonding is to expedite the sales of the lots. The bond ensures that the City can complete the improvements, if the developer does not. As provided for in the LDR's, building permits cannot be issued until the street giving access to the lots in the subdivision has been constructed and accepted by the City. Infrastructure required by City specifications and covered by the bond includes: street paving; pavement markings; sidewalks; water testing and clearance; sanitary testing and clearance; removal of excess fill; survey and testing; 6' high buffer wall; landscape and irrigation. To accomplish the necessary improvements, the developer's engineers have estimated the cost at \$409,791.26. In accordance with the City's LDR's, the bond amount is \$491,749.51 or 120% of the cost of improvements. She went over the subdivision plat for Phase 1 of Auburn Cove. She went over the entrances. She said a portion of the entrance road will be dedicated to the City of Auburndale and all other roads will be maintained by the home owner's associations. She said the engineer for the project, John Snyder, was available for any questions.

City Manager Green said Staff recommended approval.

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

Motion by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Richard Hamann, to approve the Final Plat for Auburn Cove Phase 1 and accept the performance bond.

Commissioner Keith Cowie asked about the performance bond regarding 5-foot sidewalks in the common areas only. He said he thought there was a requirement for the sidewalk network inside the subdivision once a certain percentage of the lots were built.

City Manager Green said that was the goal of the City and it was not a policy of the City. We work with the developer to monitor that, when we see they get to a certain point. The sidewalk network in its entirety would have to be complete before the bond would be released.

Commissioner Bill Sterling asked if they would have a wall on Pearce Road around the subdivision.

Community Development Director Amy Palmer said yes.

Commissioner Bill Sterling asked who would maintain the street lights and if they were done in phases.

City Manager Green said the developer would maintain them and be responsible for the electric bill. This would shift to the home owner's association once complete.

Upon vote, all ayes.

6. FINAL PLAT APPROVAL – AUBURN MANOR

Community Development Director Amy Palmer said the City has received a request to plat the Auburn Manor Subdivision, formerly known as the 5-Point Estates subdivision. The property is located on Old Lake Alfred Road and is zoned General Residential – 1. Here is one where we do not have a Planned Development. It went through zoning, the Commission saw the Preliminary Plat, they went through permitting and construction. They are back to the Commission for their Final Plat. The City Commission approved the Preliminary Plat on February 18, 2019. The subdivision consists of 63 lots and the minimum lot size is 7,200 SF, which meets the RG-1 zoning regulations. The development meets all Land Development Regulations including lot size, setbacks, open space, and sidewalk requirements. As provided for in the Land Development Regulations, the developer is requesting Final Plat approval before all infrastructure improvements are made. The LDR's allow a developer to execute a surety bond, which is available to the City in an amount 120% of the estimated completed construction cost, as determined by the engineer. Infrastructure required by City specifications and covered by the bond include: street paving; sidewalks; lift station improvements; removal of excess fill; roadway signage and striping; water connection; and sodding along curb and disturbed rights of way. To accomplish the necessary improvements, the developer's engineers have estimated the cost at \$48,237.26. In accordance with the City's Land Development Regulations, the bond amount is \$57,884.71, or 120% of the cost of improvements. The bond ensures that the City can complete the improvements if the developer does not. As provided for in the LDR's, building permits cannot be issued until the street giving access to the lots in the subdivision has been constructed and accepted by the City. She displayed the final plat for Auburn Manor and said it was very similar to the Bentley Oaks subdivision, which is west of the property. Staff recommended acceptance of the performance bond and approval of the Final Plat for the Auburn Manor Subdivision.

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

Motion by Commissioner Bill Sterling, seconded by Commissioner Richard Hamann, to approve the Final Plat for the Auburn Manor Subdivision.

Commissioner Bill Sterling asked about the roads and lights and whether they would be maintained by the Homeowner's Association.

Community Development Director Amy Palmer said yes to both.

Commissioner Bill Sterling said the front retention pond did not have much water, but the back pond near Bentley Oaks had more water in it. He said hopefully that will not create a problem for them.

City Manager Green said you will see that. He said even in the Estates of Auburndale the front ponds are about to overflow, but the back ponds are not. He said it was elevation.

Upon vote, all ayes.

7. RESOLUTION NO. 2019-09 AMENDING LONGEVITY PAY PLAN

City Manager Green said the City Commission in September 2001 established and implemented a Longevity Pay Plan for all permanent full-time City employees. The established Plan currently pays employees \$8 per month, or \$96 a year times their years of service beginning after five years with a maximum of twenty years. The proposed Resolution amends the plan by increasing the monthly amount to \$10. The financial impact of the proposed change is an additional \$28,711 and is included in the proposed FY 2020 Budget. Of the City workforce, 53% are eligible for longevity pay in FY 2020 and 20 employees eligible to receive the maximum amount. Staff recommended approval of the proposed Resolution.

City Attorney Kee read Resolution No. 2019-09 entitled: **A RESOLUTION AMENDING THE CITY OF AUBURNDALE LONGEVITY PAY PLAN; AND PROVIDING AN EFFECTIVE DATE**, by title only.

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

Motion by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Richard Haman, to approve Resolution No. 2019-09, as read by title only.

Commissioner Bill Sterling asked when the person at the five year mark would begin drawing his Longevity.

City Manager Green said annually it was \$10 X 12 months X the number of years of service. Someone with five years would get 50 monthly. He said on behalf of the City employees, we thank you.

Upon vote, all ayes.

Meeting adjourned at 7:49 p.m.

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

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

Motion by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Richard Haman, to approve Resolution No. 2019-09, as read by title only.

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Upon vote, all ayes.

Meeting adjourned at 7:49 p.m.

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


Shirley A. Lowrance, Finance Director City Clerk