

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held October 19, 2020 at 7:00 p.m. in the Commission Room of City Hall, after having been properly advertised, with the following members present: Mayor Tim Pospichal, Commissioners: Dorothea Taylor Bogert, Keith Cowie, Richard Hamann, and Jack Myers. Also present were: City Manager Robert Green, Finance Director/City Clerk Shirley Lowrance, and Police Chief Andy Ray.

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

Motion by Commissioner Dorothea Taylor Bogert, seconded by Keith Cowie, to approve the Minutes of the Regular Meeting October 5, 2020. Upon vote, all ayes.

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

City Manager Green said we have two proclamations tonight. The one for Red Ribbon Week has been signed by the Mayor and delivered to the requesting parties. The second proclamation was for World Polio Day and Danny Chandler, Rotary President and Mark Scolnick, District Governor 6890 were present for acceptance of the Proclamation.

City Attorney John Murphy read the proclamation for World Polio Day – October 24, 2020.

A picture was taken of the Rotary Members present at the Commission Meeting: Mark Scolnick, Danny Chandler, Mayor Tim Pospichal, Commissioner Dorothea Taylor Bogert, Commissioner Keith Cowie, Commissioner Jack Myers, Commissioner Richard Hamann, City Manager Green, Police Chief Andy Ray, and Fire Chief Brian Bradway.

Mark Scolnick thanked the Commission on behalf of the children of the world.

1. PUBLIC HEARING - OFFICIAL ZONING MAP AMENDMENT – WATFORD PROPERTY

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

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

Community Development Director Amy Palmer said the City has received a request to rezone the property owned by Dyron Watford and the petitioner for the property is Wood and Assoc. Engineering, LLC. The property is located on K-Ville Avenue and Polk Parkway. The current future land use is Low Density Residential/Conservation-Wetlands and the current City zoning is Planned Development-Housing 1. The proposed zoning classification is Single Family Residential-2 (RS-2) & Open Use Agricultural (OUA). The current use is vacant on approximately 183 acres. The Watford property was annexed into the City limits in 2005 as part of a large 1,470 acre planned development community that was never developed and included residential, commercial, and business park land uses. The Watford property is located at the intersection of K-Ville Avenue and the Polk Parkway and contains the Future Land Uses of Low Density Residential (+/- 73 acres) and Conservation/Wetlands (+/- 110 acres). Dennis Wood of Wood and Assoc. Engineering, LLC on behalf of property owner Dyron Watford has requested a zoning map amendment on +/- 183 acres from Planned Development-Housing 1 to Single Family Residential-2 on +/- 73 acres, and Open Use Agricultural on +/- 110 acres. The proposed zoning map amendment is consistent with the established and current Future Land Use designations on the property. The proposed zoning map amendment is compatible to existing zoning classifications and uses adjacent to the site such as Boswell Elementary and existing residential subdivisions to the north and to the east. The requested Single Family Residential-2 is intended

for low density single family residential home developments and requires a minimum lot size of 9,500 square feet with a minimum lot width of 70 feet. The applicant is proposing a 121-unit subdivision. The requested Open Use Agricultural zoning district is intended for agricultural uses and is also intended to preserve conservation and wetland areas. The Open Use Agricultural zoning district will be applied on the 110 acres of Conservation/Wetlands designated on the City's Future Land Use Map. The site will access City water and utilize septic tanks. The City's sewer system is not available in this area. The requested zoning map amendment is consistent with the City's Comprehensive Plan and Land Development Regulations. The Planning Commission recommended approval of the Zoning Map Amendment on October 6, 2010 with a vote of 5 to zero. She displayed the location of the property on the map. She went through the discussion on the specific zoning process for the property. She said the RS-2 zoning district on the 73 acres would go through the subdivision process and come back before the Planning Commission and City Commission for plat layout and approvals. Staff recommended approval of the Ordinance.

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

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

2. ORDINANCE #1646 AMENDING THE OFFICIAL ZONING MAP – WATFORD PROPERTY

City Attorney John Murphy read Ordinance No. 1645 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 ONE PARCEL OF LAND TOTALING +/- 183 ACRES FROM CITY OF AUBURNDALE ZONING CLASSIFICATION PLANNED DEVELOPMENT-HOUSING 1 (PD-H1) TO SINGLE FAMILY RESIDENTIAL-2 (RS-2) (+/- 73 ACRES) AND OPEN USE AGRICULTURAL (OUA) (+/- 110 ACRES); AND PROVIDING AN EFFECTIVE DATE (General Location: K-Ville Ave., and Polk County Pkwy.),** by title only.

Commissioner Jack Myers said he needed to abstain from voting due to his office handling the sale of the property. He said he would file the appropriate form, Form 8B Memorandum of Voting Conflict.

Motion by Commissioner Richard Hamann, seconded by Commissioner Keith Cowie to approve Ordinance No. 1646, as read on first reading, by title only. Upon vote, all ayes with Commissioner Jack Myers abstaining and filing Form 8B Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers, which is attached to the minutes.

3. UTILITY REIMBURSEMENT AGREEMENT FOR AUBURN VILLAGE SUBDIVISION – JERSEY ROAD

City Manager Green said for several years, the City of Auburndale has been working with developers on a planned adult living facility on the west side of Jersey Road and north of Havendale Boulevard. The proposed Auburn Village project consists of 102 residential units including a pool, clubhouse and other supporting uses. He displayed the location of the property. In order to meet financing guidelines in an expedited timeframe, the developer will secure site plan and building permits through Polk County. The subdivision will be constructed in Polk County, with annexation following issuance of a Certificate of Occupancy. We understand a similar facility was being constructed in Citrus County, identical to this facility. After this facility is built in County and it receives the CO, it will be annexed into City of Auburndale. We do not see any land use or zoning, or binding site plan. We are looking at the Utilities Agreement so the subdivision may get our utilities. As part of the City's approval of the project, the City is requiring the developer to construct utility improvements to facilitate the extension and expansion of the City's sewer system. This will include oversizing the development's lift station and extension of a force main across Havendale Boulevard. He displayed the property location and where the lift station would be placed on the property. The 4-inch lift station presently near the property is not large enough to accommodate future

growth, so it has to come across Havendale Blvd. The lift station will be oversized to accommodate future development. The proposed Utility Reimbursement Agreement provides that the City will reimburse the Developer (Jersey Gardens, LTD) for fifty (50%) percent of the actual costs incurred for the construction of the additional utility improvements. The City and developer have reviewed the cost estimate and agreed the City's obligation pursuant to the Agreement is \$114,500.00. The City's share is offset by collected wastewater impact fees derived by the development, which total \$401,000. The proposed Utility Reimbursement Agreement was prepared by the developer's attorney and reviewed by the City Manager, City Attorney and Public Works Director. Jersey Gardens, LTD has accepted and signed the proposed Agreement. As indicated, we have been working on the project for several years and our intentions were to bring this project into City limits and develop it in the City. Because of financing through the Federal HUD programs and other financing initiatives, they are going to go through the County to expedite the project. We have no issue with this. He said he appreciated the review of the City Attorney.

City Attorney John Murphy said the date on the Agreement needs to be stated at some point in the future. He said everything else appeared to be in proper form.

City Manager Green said Staff recommendation was approval of the Utility Reimbursement Agreement for the Auburn Village Subdivision.

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

Motion by Commissioner Keith Cowie, and seconded by Commissioner Dorothea Taylor Bogert, to approve the Utility Reimbursement Agreement for the Auburn Village Subdivision. Upon vote, all ayes.

4. APPOINTMENT TO POLICE PENSION BOARD

City Manager Green said at a recent City Commission meeting Ronnie Spears was appointed to serve on the Police Pension Board. Mr. Spears has suggested he is not able to serve, at this time. Mr. Keith Johnson, owner of Pool Works on Lake Avenue and a resident of the City, has offered to serve on the Police Pension Board. Staff had no objection to the appointment.

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

Motion by Commissioner Jack Myers, and seconded by Commissioner Dorothea Taylor Bogert, to appoint Keith Johnson as the Resident member of the Police Pension Board. Upon vote, all ayes.

Meeting adjourned at 7:23 p.m.

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

Shirley A. Lowrance, Finance Director/City Clerk

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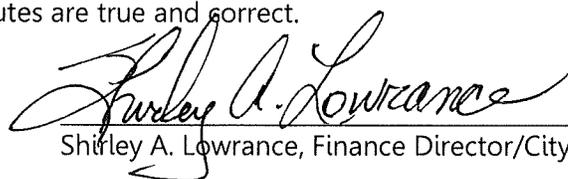
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Shirley A. Lowrance, Finance Director/City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Myers JACK RICHARD</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Auburndale City Commission</i>
MAILING ADDRESS <i>P.O. Box 2158</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY <i>Auburndale Polk</i>	NAME OF POLITICAL SUBDIVISION: <i>City Commission</i>
DATE ON WHICH VOTE OCCURRED <i>10/19/2020</i>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Jack Richard Myers, hereby disclose that on October 19th, 2020:

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

My Real Estate office HAS the listing on this Property AND is under contract.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

10/19/2020
Date Filed

Jack R Myers
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.