

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held January 4, 2021 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 Dave Melendez of Life Church Auburndale and a salute to the flag.

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Keith Cowie, to approve the Minutes of the Regular Meeting December 21, 2020. Upon vote, all ayes.

Mayor Tim Pospichal asked for public comment.

Doug Braverman, 1918 Lake Ariana Blvd. Auburndale, thanked the Commission for the improvements to the Lake Myrtle Dog Park for the ant problems and for placing the additional trash receptacle along the trail. He said the Parks and Recreation Department has been very responsive. He said he lives on Lake Ariana Blvd. and the main reason he is here tonight is that a while back the City of Auburndale did some speed enforcement along the lake. It seems to have subsided substantially and there has been a serious uptick in excessive speed along the lake. He said it is a double lined, solid lane road and people are passing others aggressively driving on the North side of the lake. He said it seems to be a hot bed for aggressive, big pickup trucks driving with their bright light on, and aggressively tailgating people. He asked if they could get a little more enforcement not just during the day, but early and later in the day.

City Manager Green asked Mr. Braverman to speak with Police Chief Andy Ray who was in the back of the room. He said they have some plans to place some signage and provide additional enforcement in that area. We are looking to install the speed-limit beacon signs also on the north side of the lake.

City Attorney John Murphy read the proclamation for the Agricultural and Labor Program's 53<sup>rd</sup> Anniversary – January 23, 2021.

Arlene Dobison, CEO, thanked the Commission for their support of the Agricultural and Labor Program. She said last year was very challenging as they found so many families in need of additional services due to Covid 19 and the loss of their jobs. They still remained open and only closed for two weeks, while they planned on how they would provide services. We went live with online applications and were able to provide services to over 1,000 clients per month as it relates to utilities, rent, mortgage, food, or child care. For the period of October 2019 to September 2020 in Polk County we provided services in excess of \$2.9 million. In the City of Auburndale we provided services of approximately \$155,000 provided services to close to 300 households and provided services of over 300 different services. We thank you for your support. We will continue to do as much as we can and provide those essential services to those families that are in need in the Auburndale community. Right now, according to the census bureau 14.4% of the residents are living in poverty and those are the residents that qualify for our services. If they do not qualify for our services, we recommend them to other organizations. She said if they knew of anyone in need of services please reach out to us and we will do all we can to provide those services.

Mayor Tim Pospichal recognized Alex Cam, President of the Greater Auburndale Chamber of Commerce.

## **1. ORDINANCE #1651 LAND USE MAP AMENDMENT – BARFIELD/STERLING PROPERTIES**

City Manager Green said recently the City annexed one acre of property owned by Roger Barfield at 3650 Havendale Boulevard and .48 acres of property owned by William Sterling at 3630 Havendale Boulevard into the City Limits. The Barfield property currently has two Polk County Land Use designations including Residential Medium and Linear Commercial Corridor. The Sterling Property has a Polk County Land Use designation of Linear Commercial Corridor. The proposed Ordinances establish the City Future Land Use classification of Commercial Corridor and the City Zoning classification of Highway Commercial on both adjacent properties. Ordinance No. 1651 amends the City Land Use as Highway Commercial on both properties. The Ordinances were presented for second and final reading, after first reading on December 21, 2020. The Planning Commission recommended approval of the Amendments with a 5 to 0 vote on December 1, 2020.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1651, which was presented and passed on first reading on December 21, 2020, by title only.

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

**Motion** by Commissioner Richard Hamann, seconded by Commissioner Dorothea Taylor Bogert, to approve Ordinance No. 1651, as read on second and final reading, by title only. Upon vote, all ayes.

## **2. ORDINANCE #1652 ZONING MAP AMENDMENT – BARFIELD/STERLING PROPERTIES**

City Manager Green said these properties were outside the City limits, were annexed into the City, and we have to change the Land Use from a County Land Use to a City Land Use. Now that the Land Use is established, we have to establish the zoning on the property. The proposed Ordinance establishes the zoning as Highway Commercial on both pieces of property. He said this comes with the recommendation of the Planning Commission. Staff recommended approval.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1652, which was presented and passed on first reading on December 21, 2020, by title only.

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

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to approve Ordinance No. 1652 as read on second and final reading by title only. Upon vote, all ayes.

## **3. ORDINANCE #1653 RESTATING POLICE OFFICER'S PENSION PLAN**

City Manager Green said the proposed Ordinances restate the City's Police Officer's and Firefighters' Employee Pension Plans to reflect relevant changes required by the Internal Revenue Code. The adoption of the changes provided in the restatement do not have an impact on the City's funding of the plans. The benefits provided in the restatement are the same as in the current plans, including normal, early and late retirement, disability and pre-retirement benefits, vesting eligibility and the employee contribution rate. The restatement of Police and Fire Plans are very similar to the changes approved to the General Employees Plan approved by the Commission in August 2020. The proposed Ordinances would take effect upon second and final reading of the ordinances. The Ordinances and Restated Plans were prepared by the Police and Fire Pension Plan Attorney Scott Christiansen and reviewed by the City Clerk, City Manager and City Attorney. If approved on first reading, the proposed Ordinances will be presented for second and final reading on Tuesday, January 19, 2021. The Police Pension Board recommended approval of the Restated Plan on October 27, 2020 with a vote of 4 to 0. The Fire Pension Board recommended approval of the Restated Plan

on October 27, 2020 with a vote of 3 to 0. Staff recommended approval of the ordinances and the Restated Pension Plans. He said it would be nice going into the New Year with all three of our pension plans restated to be in up to date with the Internal Revenue Codes.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1653 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING AND RESTATING THE CITY OF AUBURNDALE MUNICIPAL POLICE OFFICERS' PENSION TRUST FUND; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE**, by title only.

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

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to approve Ordinance No. 1653, as read on first reading by title only. Upon vote, all ayes.

#### 4. ORDINANCE #1654 RESTATING FIREFIGHTER'S PENSION PLAN

City Manager Green said the Commission has letters from the Actuary suggesting there is no cost to the City and no changes to the make up of the Plan. The amendments reflect changes in Code. Ordinance No. 1654 restates the Firefighter Pension Plan.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1654 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING AND RESTATING THE CITY OF AUBURNDALE MUNICIPAL FIREFIGHTERS' PENSION TRUST FUND; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE**, by title only.

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

**Motion** by Commissioner Richard Hamann, seconded by Commissioner Keith Cowie, to approve Ordinance No. 1654, as read on first reading by title only. Upon vote all ayes.

#### 5. 2021 COMMITTEE APPOINTMENTS

City Manager Green said the following appointments have all been contacted and have agreed to serve.

##### **Board of Adjustments**

Tim Reiter	Re-Appointment (Through 01/24)
Mike Littles	Re-Appointment (Through 01/24)
Donishia Yarde	Re-Appointment (Through 01/24)

##### **Planning Commission**

Perry Price	Re-Appointment (Through 01/24)
Danny Chandler	Re-Appointment (Through 01/24)

##### **Historic Preservation Commission**

Perry Price	Re-Appointment (Through 01/24)
Jean Hancock	Re-Appointment (Through 01/24)

##### **Community Redevelopment Agency**

Ellie Harper	Appointment as Chair	(Through 01/22)
Cindy Price	Appointment as Vice Chair	(Through 01/22)

Staff recommended approval of 2021 Committee Appointments. All the appointees have been contacted and agreed to serve.

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

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to approve the 2021 Committee Appointments.

Commissioner Dorothea Taylor Bogert asked if the open position for the pension board was going to be filled.

City Manager Green said the position is filled, but waiting for the Police and Firefighter Pension Boards to give their approval. The Commission would need to take care of this in February.

Upon vote, all ayes.

## **6. AGREEMENT WITH LAKELAND AREA MASS TRANSIT FOR BUS SERVICE**

City Manager Green said the Lakeland Area Mass Transit District is the legal entity responsible for the operation and management of the public transportation system within Polk County. For several years, the City of Auburndale has agreed to participate in funding a portion of the fixed route services currently being operated through the city boundaries. This includes those services provided by the Purple Line, formerly Route 12, and Route 50 that run through and stop within the City limits. The proposed Service Agreement is for two years, through September 30, 2022, and increases the allocation to \$81,529.51 in FY 2021 and FY 2022. Funding for the bus service is included in the current FY 2021 and planned FY 2022 Budgets. The proposed Service Agreement was prepared by the Lakeland Area Mass Transit District and reviewed by the City Manager and City Attorney. Staff recommended approval of the Service Agreement.

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

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to approve the Service Agreement with the Lakeland Area Mass Transit for Bus Service. Upon vote, all ayes.

## **7. ADAMS ROAD IMPROVEMENTS AGREEMENT**

Community Development Director Amy Palmer said in 2019, the City Commission approved amendments to the Official Zoning Map for the CG Land/Jeans Road property, which is a 259 single family unit subdivision lying north of Adams Road and HB Development/H Block properties, which is a 201 single-family unit subdivision lying south of Adams Road. Adams Road is a two-lane City maintained road running east-west between CR 559 and Mohawk Road. She displayed the location of the property. In 2019, the Public Hearings that established the Planned Development on these properties were pretty well attended. There were a lot of comments about Adams Road and the intersection of Adams Road onto 559. As a result of that, there were conditions placed on the Plan Developments, when they were approved. The conditions stated that the developers had to address the improvements to Adam Road as well as the intersection of Adams Road and 559. We are here today to address the improvements to Adams Road and we will touch a little on the plan on how the developers are going to handle the intersection of 559 and Adams Road. Tonight's agreement is only on the improvements to Adams Road. As you may remember, there was not one single project that was going to impact the Adams Road and intersection, as they were both coming on line at the same time. The combined developments would have an impact on the road. In addition to the owners of the residential subdivisions, the owners of the commercial property on the corner of Adams Road and CR

559 all jointly participated in a traffic study. The study concluded that Adams Road is currently operating with sub-standard roadway conditions due to the narrow 9' travel lanes and lack of pedestrian sidewalks. The City has reviewed the Traffic Study and agrees transportation capacity will exist for the first phases of the proposed developments, when the Adams Road improvements are completed. An additional Agreement for improvements to the intersection of Adams Road and CR 559 is anticipated at a later date between the owners, the City of Auburndale, and Polk County to address the signalization of the intersection. The City is requiring that the Adams Road improvements under this Agreement be constructed in order to bring the road to a satisfactory condition. The owners have agreed to pay for the designing, permitting, contracting, and overseeing the completion of the construction. In accordance with the Traffic Study, the City will vest the individual property owners with allocated transportation capacity. She displayed and went over the two sections of the Developer Agreement that addressed the transportation capacity or reservation. The agreement addresses the intersection improvements and only improvements to Adams Road. A second agreement is anticipated once more details are worked out. Some of those details would include where the funds will come from to signalize the intersection and timing for the intersection. We anticipate that agreement at a later date. The traffic Study did address the intersection and it is a failing intersection at the completion of all these projects. At some point in time, that intersection will have to be addressed. Also the Planned Development addresses the intersection improvements.

City Manager Green said the last sentence in section 4.12 says "which may include other independent jurisdictions such as the County to address improvements to the Adams Road/559 intersection or otherwise modify the approval of an owner's project before development beyond what is authorized through this agreement". He said basically that improvement to the intersection would have to be made before you could move out of Phase 1 into Phase 2.

Community Development Director Amy Palmer said that was correct. The proposed Adams Road Improvements Agreement provides all the terms, rights and obligations of the owners and the City. The proposed Agreement was prepared by the attorneys representing the property owners with extensive review by the City Attorney. She displayed a snap shot of the plans that are included in the agreement. She said there are four or five pages of the plan that would extend the length of Adams Road. There will be additional right of way given to the City on the south side of Adams Road, additional pavement, entrances into the developments, turn lanes, and sidewalks on the south side of the Road that meets up with the sidewalk at the Estates of Auburndale. She said representatives from the developers are present and the attorneys for the developers.

City Manager Green thanked the partners in the agreement, as this really has been a partnership of coming together. The comments made at the Public Hearings and other residents in the room that were objecting to the development were skeptical that the parties would come together, but they did. He said he was pleased to say the agreement has been worked out with all the parties coming to the table. He said we appreciate that. It has been a good working relationship.

Community Development Director Amy Palmer said all the developers have signed the agreement and the engineers cost estimates for the road improvements are \$458,000.

City Attorney Fredrick J. Murphy said we also had our own engineers verify the costs. He said he would anticipate the originals of the agreements by Wednesday.

City Manager Green said Staff recommendation was approval of the Adams Road Infrastructure Agreement.

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

Bart Allen, attorney Peterson Myers Law, 225 E Lemon Street, Lakeland, said he was here on behalf of Jeans Road and H Block Development. He said with him on behalf of H Block was Les Dunson, Wes Donley, and John Strang. He said for Jeans Road, Mr. Chapman was not able to make it. He said Community

---

Development Director Amy Palmer did a great job going over the information. He said he echoed what City Manager Green said -- a lot of work has gone into this just to put this piece of puzzle together. He said he really appreciated City Staff: Amy Palmer, John Dickson, Mr. Green, and Mr. Murphy. He said he thought this was a good agreement for the City of Auburndale and developers. He said he looks forward to finishing the intersection agreement in 2021.

**Motion** by Commissioner Jack Myers, seconded by Commissioner Richard Hamann, to approve the Adams Road Infrastructure Improvement Agreement.

Commissioner Dorothea Taylor Bogert asked about the Phase 1 reservation and said once those units are done they cannot do anything more until the intersection is done.

Community Development Director Amy Palmer said essentially, we would want the intersection agreement in place before they plat Phase 2.

Commissioner Keith Cowie said that was the same question he had. He wanted to confirm they were not allowed to build all these houses before we had the intersection in place.

Community Development Director Amy Palmer said that was also covered in the zoning ordinance.

Commissioner Richard Hamann said he recalled last time Commissioner Keith Cowie said the cart was ahead of the horse regarding the intersection.

Commissioner Keith Cowie said he was certainly glad to see this coming to fruition, as the residents will be also. The intersection is still a contentious issue for the residents in that area.

Commissioner Dorothea Taylor Bogert said she thought it was difficult for residents to understand the triggering for the intersection. She said we know it is coming and "why don't we do it now". She said she has spent time explaining to them it is out of our control. We do not have any control over what triggers an intersection. They give us a number and that is what we have to go with. She said she thought that was the biggest issue, they want it done now. She said she was sure we will hear "why don't they do the intersection now, while they are fixing the road".

Commissioner Richard Haman commended all the parties for working together to make this happen. He said he thought it was a win-win for the City developers, and the future home owners who will be out there.

Upon vote, all ayes.

Meeting adjourned at 7:36 p.m.

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

---

Shirley A. Lowrance, Finance Director/City Clerk

Development Director Amy Palmer did a great job going over the information. He said he echoed what City Manager Green said -- a lot of work has gone into this just to put this piece of puzzle together. He said he really appreciated City Staff: Amy Palmer, John Dickson, Mr. Green, and Mr. Murphy. He said he thought this was a good agreement for the City of Auburndale and developers. He said he looks forward to finishing the intersection agreement in 2021.

**Motion** by Commissioner Jack Myers, seconded by Commissioner Richard Hamann, to approve the Adams Road Infrastructure Improvement Agreement.

Commissioner Dorothea Taylor Bogert asked about the Phase 1 reservation and said once those units are done they cannot do anything more until the intersection is done.

Community Development Director Amy Palmer said essentially, we would want the intersection agreement in place before they plat Phase 2.

Commissioner Keith Cowie said that was the same question he had. He wanted to confirm they were not allowed to build all these houses before we had the intersection in place.

Community Development Director Amy Palmer said that was also covered in the zoning ordinance.

Commissioner Richard Hamann said he recalled last time Commissioner Keith Cowie said the cart was ahead of the horse regarding the intersection.

Commissioner Keith Cowie said he was certainly glad to see this coming to fruition, as the residents will be also. The intersection is still a contentious issue for the residents in that area.

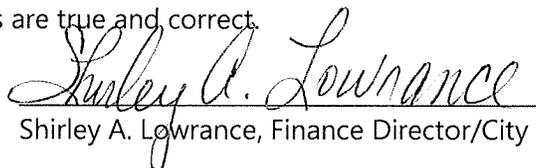
Commissioner Dorothea Taylor Bogert said she thought it was difficult for residents to understand the triggering for the intersection. She said we know it is coming and "why don't we do it now". She said she has spent time explaining to them it is out of our control. We do not have any control over what triggers an intersection. They give us a number and that is what we have to go with. She said she thought that was the biggest issue, they want it done now. She said she was sure we will hear "why don't they do the intersection now, while they are fixing the road".

Commissioner Richard Haman commended all the parties for working together to make this happen. He said he thought it was a win-win for the City developers, and the future home owners who will be out there.

Upon vote, all ayes.

Meeting adjourned at 7:36 p.m.

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

  
Shirley A. Lowrance, Finance Director/City Clerk