

Minutes of the Regular Meeting of the City of Auburndale held April 19, 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 Jeff Tillman, Finance Director/City Clerk Shirley Lowrance, City Attorney Fredrick J. Murphy Jr., and Police Chief Andy Ray.

Mayor Tim Pospichal declared a quorum present and the Meeting was opened with prayer by Pastor Jerry Smith of Berea Baptist Church and a salute to the flag.

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to approve the Minutes of the Regular Meeting of April 5, 2021. Upon vote, all ayes.

Parks and Recreation Director Cody McGhee passed out a flyer for the Touch-a-Truck event scheduled for May 8 and the Memorial Day activities. He said they were excited to have the Touch-a-Truck event, as this is their first event since Covid. He said registration for Summer Camp will open this Thursday with a limited capacity due to the buses needed for field trips. He explained safety aspects for both the Touch-a-Truck event and Summer Camp.

City Manager Tillman said at our last meeting we approved the Street Resurfacing bids for Hwy 559 around Lake Ariana Blvd. down to Derby Avenue. That project will start on April 26. He said he, the Police Chief, and Public Works Director had a good conversation regarding enforcing the no-through trucks on Lake Ariana Blvd. He said you will begin to see enforcement, as early as this week with warnings and educational type materials for the truck drivers. We will also be reaching out to the commercial truck companies that have truck traffic just to make them aware of us starting that educational process. He said over the last couple of weekends we have had some significant storm events. Last night the Town of Dundee requested we send them a vactor truck. Mr. Dickson did send over the truck to help our neighbors in Dundee.

City Attorney Fredrick J. Murphy, Jr. said subsequent to your April 5 meeting, when you approved the City of Auburndale's participation in the Southeast Wellfield Implementation Agreement, as mentioned there were ongoing discussions. We have ultimately reached what we could confirm as a final Agreement, which was included in the materials provided to the City Manager. He said he wanted to make the Commission aware of that. The issues we discussed have been addressed and we are ready to move forward.

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

The Commission consensus was to move forward with the Southeast Wellfield Implementation Agreement.

## **1. ORDINANCE #1657 AMENDING OFFICIAL ZONING MAP – KEYSTONE ROAD**

Assistant City Manager Amy Palmer said the City has received a request for a Zoning Map amendment for property owned by Keystone Developers of Polk County and the petitioner is Sarah Case of Econ South. The property is located on Keystone Road and Old Lake Alfred Road. In July 2019, the City approved a zoning classification of a Planned Development-Housing 1 or PD-H1, which included a binding site plan, for a 203 single-family residential development on 65.38 acres with access off Keystone Road and Lake Alfred Road. The Keystone Planned Development expired in 2020, as the City's Land Development Regulations or LDR's state that a Planned Development approval is valid for a period of 12 months unless otherwise specified. On January 19, 2021, the City Commission considered a request for a zoning change from Planned Development Housing 1 to zoning District RS-2 with a cluster design. The applicant subsequently withdrew the request in order to seek a different zoning classification at a later date. The current request before the City Commission is to amend the previously approved but expired Planned Development-Housing 1. As required by the Land Development Regulations for Planned Developments,

this request is accompanied by a binding site plan. The modification would allow for a 199-unit residential subdivision with lots between 60'-70' wide, a minimum lot size of 8,400 SF, and setbacks of 25' front, 10' side, and 15' rear. Sidewalks will be required on both sides of the internal roadway network and there will be two entrances that will access Keystone Road. The developer is proposing a trail along Old Lake Alfred Road, which would complete a portion of the Old Dixie Trail which plans to connect the TECO-Auburndale Trail to Lake Alfred's and Haines City's trails. The developer is also proposing three acres of active recreation for the subdivision. The Planning Commission recommended approval of the Zoning Map Amendment and to modify the minimum square footage of a home to be built to 1,400 square feet. This was a 7 to 0 vote at their meeting of March 2, 2021. Staff recommended approval of Ordinance #1657 amending the Official Zoning Map. The question was raised at the last meeting about the 1,400 square feet requirement not being on the binding site plan. This has been placed on the binding site plan and will be included in the Ordinance. She displayed the location of the property. The developer is requesting to update the Planned Development Housing-1. She displayed the binding site plan. She said this comes to the Commission on second reading.

City Manager Tillman said the proposed Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. The proposed ordinance was approved on first reading April 5, 2021 and is being presented for second and final reading. Staff recommends approval of the Ordinance.

City Attorney Frederick J. Murphy, Jr. read Ordinance No. 1657, which was presented and passed on first reading on April 5, 2021, by title only.

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

**Motion** by Commissioner Richard Hamann, seconded by Commissioner Dorothea Taylor Bogert, to approve Ordinance No. 1657, as read on second and final reading by title only.

Commissioner Richard Hamann asked whether there would be a wall along Keystone and Old Lake Alfred Road.

Assistant City Manager Amy Palmer said there are several buffers described on the site plan, along Old Lake Alfred Road and Keystone Road. Along Old Lake Alfred Road where there are homes backing up to the road there is a six-foot concrete wall. Along the retention pond there will be a berm with decorative fencing and landscaping. There is also a six-foot wall along Keystone Road. The trail will be between the road and the wall.

Upon vote, all ayes.

## **2. PUBLIC HEARING – OFFICIAL ZONING MAP AMENDMENT – BELLA VIVA PROPERTY**

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

City Manager Tillman said the purpose of the Public Hearing was to hear and consider a proposed Ordinance amending the City's Land Development Regulations and Official Zoning Map.

Assistant City Manager Palmer said the City has received a request for a Zoning Map amendment for property owned by Gapway Groves Property with the petitioner being Sarah Case of Econ South. The property is located on Cone Road and County Road 559. It is currently a vacant piece of property, about 76.28 acres. In March 2020, the City annexed +/- 76.28 acres located on Cone Road and CR-559 into the City Limits. In September 2020, the City Commission approved a Future Land Use of Low Density Residential-Green Swamp and Conservation/Wetlands-Green Swamp and a zoning classification of Single Family Residential-1 or RS-1 and Open Use Agricultural or OUA. Those land uses and zoning designations

were adopted following a compliance review by the State's Department of Economic Opportunity. Sarah Case of Econ South, LLC on behalf of property owner Gapway Groves, Co. has requested a zoning classification change from Single Family Residential-1 and Open Use Agricultural to Planned Development-Housing 1. As required by the Land Development Regulations for Planned Developments, this request is accompanied by a binding site plan. The Planned Development proposes 176 single family residences on 72.03 acres with ingress and egress onto Cone Road. The remaining 4.25 acres will remain as conservation-wetlands. The Planned Development is located in the Green Swamp Area of State Concern and is capped at a density of three units per acre. The developer is proposing a density of 2.44 per acre with typical lot sizes averaging between 60' to 70' wide with a minimum lot area of 8,100 square feet. The setbacks proposed are 25' in the front, 7' on the sides, and 10' in the rear. There are 11.43 acres set aside for recreation and open space and includes a walking trail for the development. Two boulevard entrances are provided for the project. The requested zoning district of Planned Development-Housing 1 is consistent with the existing underlying Future Land Use of Low Density Residential-Green Swamp and Conservation/Wetlands-Green Swamp and is also consistent with the Land Development Regulations. The Planning Commission recommendation was approval of the proposed Zoning Map Amendment and also made a recommendation to add a condition of 1,400 minimum square foot house size and a sidewalk, a wall, and landscape along Cone Road. The vote was a 6 to 0 vote on March 2, 2021. All of the Planning Commission recommendations are noted on the binding site plan being presented. Staff recommendation was approval of the proposed Zoning Map Amendment. She displayed the location of the property. She went over the development road map for the subdivision. The developer is requesting a change from the Zoning District RS-1 to Planned Development Housing-1. The binding site plan becomes a part of the Zoning Ordinance. Cone Road is a County Road, so they will have to get access from Polk County. The next time this will come back to the City Commission will be during final plat approval. She displayed the binding site plan.

Sarah Case, with Econ South, 6700 South Florida Avenue, Lakeland, thanked Assistant City Manager Amy Palmer for the very thorough staff report. We were in front of the Planning Commission on March 2 and they did make the three recommendations. We have re-submitted the binding site plan with those three recommendations: minimum living area of 1,400 SF, buffering on Cone Road. We have engaged with County Staff regarding ingress/egress into the proposed project. We will need to obtain the drive way permits from the County. She said she would stand for any questions and would appreciate the Commission's vote of approval.

Commissioner Jack Myers asked about the property just to the south. He asked if there was enough road to allow a driveway cut into that property for another subdivision, if it were to go south. He said he knew they were not representing that or anything, but are they going to have to come off County Road 559.

Sarah Case said as you stated, we do not own or control that property. This is Gapway Groves and now would be the time for design, if they (the property owners) wanted to be included in our subdivision. We have not prepared a stub out or anything like that. The distance for driveway separation is not there.

Commissioner Jack Myers said the reason for his question is to keep people from coming and going that close.

Sarah Case said we do not own or control the property south of them.

Pam Hattaway, 903 Liberty Lane, said several people in the room have already heard me speak about this. She said she was not opposed to progress or development, but this development with this many homes has the potential of dumping another 350 vehicles onto 559. The residents up and down 559 have stated over and over and expressed their concerns about the dangerous conditions that are occurring on that stretch of road. She said this is becoming ridiculous. She said she would like to know and thought a lot of other residents along 559 would like to know how many accidents, injuries, and, God forbid, deaths are going to have to occur before you slow your roll a little bit, just slow it down until you can get something

done about the traffic on 559. We have asked for center turn lanes and traffic lights. She said she keeps hearing about traffic light at Adams Road, but that was not going to alleviate all of the traffic that these developments are already causing. By the time that everything that is already underway is complete, we will have created roughly 1,000 more vehicles on that stretch of road and that is not counting what comes down from I-4 on a daily basis. She said she did not know where the Commissioners live and she was not going to get into their business but could look it up on public records. She asked if they wanted 1,000 extra cars coming down your road for you to have to navigate on your way to or from work. There are going to be families with teenagers driving and they are going to have to navigate that road. She said will you please just slow your roll. You mentioned in your Vision Plan that you want to control and slow down suburban sprawl. She read the definition of suburban sprawl – the spreading of developments such as housing developments and shopping centers into suburban and rural areas. She said which means plowing down every green space we have. She said will you consider putting a cap on it for a while until you can go work with the County and say we need help with 559. We are developing faster than that road can handle. She said she dodged big pieces of construction debris down 559. She asked who was going to be responsible for picking that up, as you have so much going on. She said it was very frustrating and this will not be the last you will hear about the traffic on 559 and about the danger this fast rolled out development is causing. We do not need a convenience store and warehouse and a gas station and whatever else you have planned for these Community Centers you are planning at Gapway and Lake Van. This is going to dump, with an average of two vehicles per home, 350 vehicles. We already have Cascara built out. How many homes are there? That is about 500 cars already. She said please slow your roll and put a cap on it for a while and give us some relief on 559.

Ean Jackson, 903 Hillgrove Road, Auburndale, said he wanted to support the nice lady, as a lot of what she said he agrees with. He said he lived on 559. On the other hand, the good people of Gapway Groves do not have a grove there anymore. They have to figure out some way to make a living. It is their land and he understood that. He said he has heard many times Polk County is considered the "jewel" among the State of Florida. If that is the case, Auburndale is the prime "jewel", the shining crown jewel. We are in the perfect place. We have a fantastic City Commission, spectacular staff, and this is a place people want to come to...one car after another. He said he feels there are people that look at Auburndale as only a source of more money or getting richer. He said he realizes we need the income from the property assessments on the houses for the schools and to keep the City going, but maybe there is a way. If he could plant the seed as the lady said, slow it down somehow. He said he was not wise enough to tell you how, but he was wise enough to say the squeaky wheel sometimes gets the oil. He said he would like to see more discussion about how to expand. He asked if it was possible for a company to make the same or almost the same amount of money by less housing per acre and still raise the property values to offset the need for more money for the City. He said he kind of agrees with the lady and was speaking up. He said he was always happy with whatever the City decides.

Commissioner Jack Myers said to Mr. Jackson that it was going to be hard for him to believe, but studies have been done and residential does not pay for itself. The tax base you get from it does not pay for itself. It becomes a matter of property values. Environmentalists will tell you the closer you put the houses together and maintain the green space the better for the aquifer and not having the sprawl. We sit here as the City and the property to south is in the County. They are going to go and probably seek approval in the County and later annex into the City, as they want to get water and sewer. We are going to deal with that later. We could stop the roll or whatever in the City, but we are not stopping the roll in the County. He said is it fair to the neighbor with private property to punish them because they have been annexed into the City and the other has not. He said he wanted to give the realization of this issue.

Ean Jackson said he appreciated Commissioner Myers' comments. He said he brought up a very valid point he forgot to mention and maybe it was time to work with everyone and the County. He said perhaps the City could pass on to the County that we are not as inclined to give them the City water support that they might like. It was a little hard ball on our part. In a roundabout way, if we are going to be the "jewel of the jewel, the crown Jewel of the crown", let's talk about that more. He said the understanding about

the spacing was a very cool point, but what he sees about green space – it is a bit of an ecological nightmare. Because it seems that everybody's idea of green space is something that we continuously mow and expend perpetual chemicals and energy into maintenance. Maybe more green space raises the value of the property to make everybody money including the City.

Commissioner Jack Myers said as far as the roads go, we are in talks with the County about improving, three-laning it, doing turn lanes and even a roundabout at Gapway.

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

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

### **3. ORDINANCE #1658 AMENDING OFFICIAL ZONING MAP – BELLA VIVA PROPERTY**

City Manager Tillman said the proposed Zoning Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. If approved on first reading, the proposed Zoning Ordinance will be presented on second and final reading on May 3, 2021. Staff recommended approval of Ordinance No. 1658 amending the Official Zoning Map.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1658 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 A PARCEL OF LAND TOTALING +/- 76.28 ACRES FROM CITY OF AUBURNDALE ZONING CLASSIFICATION OF SINGLE FAMILY RESIDENTIAL-1 (RS-1) AND OPEN USE AGRICULTURAL (OUA) TO PLANNED DEVELOPMENT-HOUSING 1 (PD-H1); AND PROVIDING AN EFFECTIVE DATE (General Location: Cone Rd. and CR 559),** by title only.

**Motion** by Commissioner Jack Myers, seconded by Commissioner Keith Cowie, to approve Ordinance No. 1658, as read on first reading by title only.

Commissioner Dorothea Taylor Bogert said again she wanted to reiterate what she said last time Mr. Jackson, that we do not approve or disapprove based upon what our taxes would be. She said she would never ever consider that. She said she will address the trash Ms. Hattaway mentioned and wanted to say she has personally been in the vehicle with the former City Manager and current City Manager who have both stopped in the middle of the road to pick up trash out of the road and place it in their vehicle for proper disposal. She said it was something they do keep an eye on. She said she had some questions for Assistant City Manager Amy Palmer. She said she thought the biggest hurdle was the EPA and the SWFWMD because it was green swamp area. She asked what triggers expansion of 559 because she did not disagree with Ms. Hattaway in that we have a lot of cars and vehicles coming out onto 559. She said even a matter of three laning, which Cascara has done some of that. Cascara was also a County thing. She said she has said before and wanted to reiterate here that she does not disagree with Mr. Jackson and she thought Staff was working on something. She said she did not think the County should be the way to circumvent our LDRs, in order to get our water and sewer so they can meet smaller requirements and we have to approve it as they had it platted with the County. She said she did not agree with that, as they are going to have to have our water and they are not going to get it if they do not adhere to the minimum of our LDRs. She said this was something we needed to address and discuss also with Mr. Tillman. She said she knew the light at Adams will be triggered. She asked if there was anything that triggers an expansion of 559. She said she knew that Polk County's funding for roads is very sprawling and our roads may not be top priority.

Assistant City Manager Amy Palmer said the County maintains the roadway network data base. They are constantly looking at traffic counts for County and State maintained roads around Polk County. She said

this is the objective way to figure out if a road is failing. Every road has a letter grade from A to F. As it is getting closer to F, it raises flags. We need to start thinking about funding for the road and get it into our capital improvement plan. She said it is a way for the County to do their capital improvement planning. She said if she was not mistaken, the last time she looked County Road 559 was a letter B. There may be times of the day when there are more cars on the road – rush hours or in the morning or afternoon. Those times are looked at as well. We looked at this for the intersection of Adams Road and 559, to know we are getting to the point where that intersection cannot just handle a stop sign, as you are having cars wait there for a longer and longer period of time. There are only so many cars that intersection can handle in an efficient manner. Once you get past that efficiency, you have to fix the road or intersection. For Adams and 559, developers are working on funding that intersection improvement. It has to go back to the level of service for the road.

Commissioner Dorothea Taylor Bogert said she has said this repeatedly - she is not an advocate of the 7' setback on the sides. She said she thought the minimum should be 10' regardless of where they are or what they do. In going from an RS1 to try to do this land development, she did not agree with the 7' side setbacks. We were forced last time due to the circumstances and the pre-plat approval for the 7 1/2' not too long ago. She said she felt there was a lot of articulation that we wanted a minimum side setback to make it look reasonably decent and they are not sitting on top of each other. She said that was the main issue she had with how this was laid out.

Commissioner Keith Cowie said currently the RS-1 Zoning District requires 80' lots.

Assistant City Manager Amy Palmer said correct.

Commissioner Keith Cowie said we are changing it in order, in his opinion, to put more lots into the property.

Assistant City Manager Amy Palmer said she would have to check with the engineer to see, as there is a lot of open space here. As far as the density goes, the number of lots, it is 10,800 versus 8,100 and all the open space. She said she was not sure about the density and the lot count or if there would be a difference. We would need to speak to the engineer for that answer.

Commissioner Keith Cowie said he has a concern to change it from RS1 to increase the density of houses. We have just spoken about how we have to depend on the County's grading system to see improvements on the road. As we know, we have seen many developments pop up that we felt should trigger certain things to happen that still have not happened. He said he certainly was not in favor of increasing the number of houses since they already have RS1. He said his second question is about the layout of subdivision and you have heard this question from me before. Some of these lots and there are plenty to choose from where the front yard has a back yard in it. He said lots 59, 58, 147, 60, 61, and 146. He said his concern, which he has shared with Amy and staff, is that when you put up a fence in my back yard then my front yard has your fence. He said he knew the developer does not have a concern about this; because they are gone and then the Home Owner Association and City staff are having to explain why I have a fence in my front yard. He said there are multiple lots like this. He said he personally was not in favor of increasing the density of this piece of land nor was he in favor of the layout currently as designed.

Commissioner Jack Myers said we just approved earlier in the agenda the Keystone property with the larger lots on 65 acres for 199 units. It was redesigned from 203. He said personally he liked the 203 because it had more open space, even though it had some smaller lots. It did not have people in the back yards as it came back and we asked them to change it. So, we go from 65 acres for 199 units to 76.2 acres for 176 units. He said he goes back and asked if we were being fair to everybody from one landowner to another. He said sometimes he wonders if we are. He said he understands we are all trying to accomplish the same thing and he did not know if we were going about it in the right way.

Commissioner Keith Cowie said he agreed and understood his point. He said he feels that at 559 and what we have already seen developed the light at Adams Road is already talked about. Everybody agrees it needs to be there, but we are waiting to build so many houses and it triggers it, which is the County's plan and how that works. He said it does not make sense and we all know it should be there, but we are waiting to build houses to do that. He said he was not in favor of adding to the problem, if we do not know when that is going to happen. He said he understands it gets triggered and there is a process, but why compound that problem. He said it is one house less and two cars less. He said nobody can tell us when it will happen.

Commissioner Jack Myers said he was going to ask that. He said there was a Developer's Agreement that has been in place and finalized or that was his understanding.

Assistant City Manager Amy Palmer said the Adams Road Developer's Agreement for the intersection improvements has not been finalized yet. The Adams Road Developer's Agreement for the improvements to Adams Road has been finalized and there is money sitting in the escrow account to pay for the expansion of Adams Road. She said the funding question for the intersection improvements (including a signal) is with the County. We are trying to figure out how to use County Transportation impact fees to fund those intersection improvements.

Commissioner Jack Myers said that is what impact fee funds are there for – to offset impacts to the roads.

City Manager Tillman said we are engaging the question on the timing of the intersection and do we collect impact fees as we receive them and have the City jump out there and do the construction of the intersection on a County roadway and collect the County impact fees. We are having those discussions with County staff and the developers. As we move forward with that, we are looking to how the City could jump out and make those improvements and how would that take place. It would all be spelled out in a Developer's Agreement.

City Attorney Frederick J. Murphy, Jr. said to add to the discussion, the concept is that the City, if the County will acquiesce, would essentially hold the County road impact fees. The City of Auburndale does not have a road impact fee. The only source of funding available other than available General Fund monies would be from the developers, who are developing the property and paying this fee to the County. The conversation right now is for the County to allow for their impact fees to be held by the City and utilized for that specific intersection. This is a conversation that is in play but is not over yet because the County has to deal with the entire County. They have as Ms. Palmer referenced their CIP program and they have priorities as well. It is a balancing act. He said the level of service is a very important concept and most of the Land Development Regulations that are in Code, and Auburndale is not unique in that regard, they are based on traffic impacts and adopted levels of service. You analyze traffic counts based on density and reference traffic engineering numbers. If the level of service for this road is a B, as determined by those professional standards, then it is not likely there will be any capacity improvements if the level of service even including this proposed development is not making it worse. He said he was not hearing it was making it go down to a level C or even changing the level. The peak PM and AM hours are the times everyone is concerned about. We have to be very careful how we are implementing our Land Development Regulations. We have to be fair and reasonable. He said he thought you were hearing from the Planning Commission and your professional Planning Staff that this is something they would recommend. He said ultimately this was up to the Commission.

Commissioner Richard Hamann said if we turn the clock back, we got the County and State to trade roads. He said there is no way on God's green earth there is anything that will ever happen to 559. He said he has been here long enough and worked with the State and County to make this happen. They said you got what you got and that is all you are going to get. So, we are working on it. We are trying to get things to make it better for everybody, but this is not happening real fast.

Commissioner Dorothea Taylor Bogert said she drove out there this evening to try to get a feel and all the recreation around the road was under water now. She asked how that was going to be. She asked if it was going to be a legitimate recreation area. She said she struggles with this and she was in real estate. She said she understood developers and what they are looking out for and understands what we are looking for in the City too. She said it was a hard decision to make. The Mayor pointed out we went up from 5 foot to 7 foot. With a Planned Development, they do that to go to the lowest of all of our different things and she did not know that was necessarily a valid way of setting up a Planned Development and this was her personal opinion. She said she struggles with this and agreed with Commissioner Cowie on the density of it and some of the layouts and not liking how some of the lots back up to the sides. She said she knew there was a limited amount of space. She said she appreciates the green space and recreational areas. She said she thought it would be a lovely setup with the retention ponds, but struggles with density and side setbacks.

Assistant City Manager Amy Palmer asked John McVay to address the wetland question and recreation question.

John McVay, CEO of Econ South, 6700 South Florida Avenue, Lakeland, said he would like to address a couple of questions the Commission has had. He said the 11.3 acres is open space and of that only 3.5 acres are actually wetlands along Cone Road in the north. He displayed the location of the wetlands. He said we are proposing recreation walking trails along the lake and docks. He said one of the things talked about and he thought Commissioner Myers brought it up, it is kind of like the chicken and the egg. The level of service on 559 is a level of service B. A is good, B is next, and then C and D. He said it was kind of like the School Board, they do not build schools until they need the students and until they are over run in other schools. The reason the County has not done anything on 559 is because the road itself is level service B. Assistant City Manager Amy Palmer mentioned the intersection at Adams Road could fail to a level service D or F, but not change the level of service of the road itself. We talked about density. The subdivisions that are developed in the County and then brought into the City have a higher density than 2.44 units per acre. They are going to be more in the 3 units per acre range for the County. They have less restrictions, less conditions, and less control. He said yes, we are asking for smaller lots, but this area is an area where the home prices and the houses are 176 units on 76 acres. He said that is a smaller lot, but not a smaller density. By having the lots a little smaller, we can have more open space. He said one of the Commissioners asked about the 7' side yards. We do not have a problem of going to a 10' side yard, if that is what the Commission likes. It will give you more room and you will notice the lots along the lake are 70' wide. This was done so the people across the street would have a better lake view from a marketing standpoint. If you do not have the houses being built to pay the impact fees, the County nor City have money to make improvements. He said there again it is the chicken and the egg thing. You need the money in order to improve the roads and you cannot get the money if you do not have houses. There was another question about the 80' lot versus the number from Commissioner Cowie. He said it probably would be looking at 10 to 15 additional lots if we went 80' and made it a "same old same old" everything square and everything rectangular. The only way to not have corner lots backing against corner lots is to have it gridded out in a square where all the lots back up and have a side on the road. Otherwise, if you have an intersection at least one or two lots are going to back up to another lot. In this particular layout, those lots that backup are wider than the ones in the front. He said he hoped to have clarified some things. He said it was your decision, you are the policy makers and we appreciate your time and hopefully you will support this.

Commissioner Dorothea Taylor Bogert asked if he would you consider 10' side setback.

John McVay said yes, he will commit to 10' instead of the 7'.

**Motion** by Commissioner Jack Myers to amend his motion, seconded by Commissioner Richard Hamann, on the amendment to include the 10' side setback.

City Attorney Fredrick J. Murphy, Jr., said for the record the Developer's representative has on the record agreed to the 10' side setback.

Upon roll call vote, four ayes and one nay from Commissioner Keith Cowie. Motion carries.

#### **4. PRELIMINARY PLAT APPROVAL – WATFORD PROPERTY / K-VILLE SUBDIVISION**

Assistant City Manager Amy Palmer said the City has received a preliminary plat from Dennis Wood of Wood and Assoc. Engineering, LLC on behalf of Duron M. Watford for a 59-lot single-family dwelling development on 45.54 acres located at the intersection of K-Ville Avenue and the Polk Parkway. The preliminary plat has been reviewed by all City Departments and meets all City Codes and Land Development Regulations. The property is zoned Single Family Residential-2 or RS-2 and meets or exceeds all Land Development Regulations, including minimum lot size, minimum setbacks, and minimum house size. The RS-2 zoning district requires 25' front yard setbacks, 10' side yard setbacks, and 10' rear setbacks. The minimum lot size approved in RS-2 was 9,500 sq. ft. with a minimum lot width of 70'. The subdivision minimum lot size proposed on the plat is 10,800 sq. ft with a proposed width of 80'. Access to the subdivision will be from K-Ville Avenue, a County maintained road. Five-foot sidewalks will be provided on both sides of the street. All retention areas, roads, sidewalks, and open spaces will be dedicated to and maintained by the Homeowner's Association. The development will access City water and utilize septic tanks. The City's sewer system is not available in this area. Preliminary plat approval by the City Commission allows the developer to proceed with construction of infrastructure including roads and utility improvements. Final plat approval will be considered by the City Commission, at a later date. The Planning Commission recommendation was approval of the Preliminary Plat, with a 5 to 0 vote at their meeting on April 6, 2021. Staff recommended approval of the Preliminary Plat for the K-Ville Subdivision. She displayed the location map and went over the development road map for the property. She said the engineer Dennis Wood was present this evening.

City Manager Tillman said Staff recommends approval of the Preliminary Plat for the K-Ville Subdivision.

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

Commissioner Jack Myers said he will abstain from voting, as his company has this property listing and he could have some financial gains. He said he would be filing the appropriate form, Form 8B Memorandum of Voting Conflict.

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to approve the Preliminary Plat for Watford property, K-Ville Subdivision.

Commissioner Dorothea Taylor Bogert said they did a pretty decent job of laying this out without too many back-to-back lots and it not being squared. She said it can be done.

Commissioner Jack Myers said these lots are all on sewer and the lots are bigger and permitted by the Health Department.

Upon vote, all ayes with Commissioner Jack Myers abstaining and filing Form 8B Memorandum of Voting Conflict for County, Municipal, and other Local Public Officials, which is attached to the Minutes.

#### **5. IMPLEMENTATION AGREEMENT – POLK REGIONAL WATER COOPERATIVE (WEST POLK)**

City Manager Tillman said on April 5, 2021, the City Commission approved an Implementation Agreement with the Polk Regional Water Cooperative or PRWC to participate in the Southeast Wellfield Project subject to any significant changes to the agreement. During the meeting, staff made a presentation on the history of the City's participation in the PRWC and the City's future water demands. Similar to the

Southeast Wellfield Project Implementation Agreement, the proposed Implementation Agreement for the West Polk Wellfield Project requires the engineer/design consultant to complete 60% final design including design specifications and drawings, an estimated Bidding Budget and estimated rate structures for participants to use in determining end user water rates. At the 60% final design "off ramp", Auburndale would be able to opt out and not move forward as a participant, but would be responsible for the costs incurred. Auburndale's estimated cost to participate in the West Polk Wellfield Project up to the 60% final design is estimated at \$80,000. All the agreements are working their way throughout the County, as cities decide to participate or decide not to participate those numbers may go up or down. If the City decides to move forward into construction of the West Polk Wellfield Project, the Southwest Florida Water Management District or SWFWMD will fund 50% of the costs through cooperative funding reducing this amount to \$40,000. Auburndale's estimated deficiency in water need is 1.75 MGD in 2045. The Proposed Implementation Agreement allows the City to participate in the West Polk Wellfield Project as a Project Participant to offset 0.10 MGD of the 2045 deficiency. The remaining 1.65 MGD deficiency in water need would be offset by the City's participation in the Southeast Wellfield Project. The cost of participation in the West Polk Wellfield Project would be offset by the reduction in the participation amount in the Southeast Wellfield Project, however it is not dollar for dollar. The total estimated funding to participate in both projects, up to the 60% "off ramp", is \$1,420,160, or \$710,080 with 50% SWFWMD cooperative funding. By being a Project Participant in both projects, the City will be a voting member on both Project Boards. It would also give the City the flexibility in the future to determine the most cost-effective alternative water source for Auburndale without incurring additional upfront costs by not being a project participant at the beginning of the project. At our last meeting we had discussed being a project associate and there are additional fees as a result of being a project associate. We are in a fortunate location, where we already have two water connects with Lakeland and are working on an interconnect with Polk County and Winter Haven. We really have the ability to enter both projects with little capital being incurred. To receive Project Participant status at a later date, a Project Associate would pay all upfront design and capital costs plus an additional 2.5% fee based on its proportionate share of water demand. All other entities would pay the upfront costs and an additional 7.5% fee. He displayed a tabulation of costs based upon the needed water. We know we need an estimated 1.75 MGD and due to timing, it makes more sense to be a part of the Southeast Well project. We know that project is permitted and based on timing and based on being able to provide the water as we grow – we recommend we get 1.65 MGD from the Southeast Wellfield and to be a project participant of the West Wellfield at a smaller amount. In the future if we were to need water from the West Polk Wellfield, we would not have those upfront costs, additional fees. We would still have the design costs and capital costs. He said this may be 10, 15, or 20 years down the road that we decide to get into the West Polk project. If we get another extra million gallons per day from Coca Cola and we cannot get that water from the Southeast maybe, we can get it from the West Polk Wellfield. He said this gives us flexibility moving forward as a City now or in the future to make the determination on water needs. Staff recommended approval of the West Polk Wellfield Project Implementation Agreement with the Polk Regional Water Cooperative at a participation amount of 0.10 MGD and the Southeast Wellfield Project at a participation amount of 1.65 MGD.

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

**Motion** by Commissioner Dorothea, seconded by Commissioner Keith Cowie, to approve the West Polk Wellfield Project Implementation Agreement with the Polk Regional Water Cooperative at a participation amount of 0.10 MGD and the Southeast Wellfield Project at a participation amount of 1.65 MGD.

Commissioner Dorothea Taylor Bogert said we know Southeast Wellfield is permitted and ready and they are going to start rocking and rolling pretty soon. She asked what would happen if the West Polk Wellfield did not happen and would we be able to go back to our 1.75 MGD from the Southeast. She asked if we had the flexibility. She said she thought we were doing the 1.75 and then the .1 as a backup.

City Manager Tillman said we knew we had a 1.75 need, so we did not want to incur additional cost for water we did not need. We wanted to get into the projects based upon our estimated water needs at this

time and this allows us to do both without incurring additional costs for water we may not need. It could be that both projects start not pumping the quantity they estimate, but there are a lot of engineers doing the background on this. Being a part of both projects allows us the flexibility, if one shuts down, we hopefully can get into the other at a lesser rate in the future.

Commissioner Richard Hamann said if one does not produce and the other does, we have the flexibility. He asked if we wanted more than a million, do we have the flexibility of getting it.

City Manager Tillman said you would approach the other project participants to see if they have quantities, they could give you. It gives us option to approach both.

City Attorney Frederick J. Murphy Jr. said the Southeast Wellfield project is likely a phased project. It is permitted for 30 MGD and they are only going to do 12.64 MGD. Probably they will do a 15 million gallon tank with a membrane inside for 12.64, that will be allowed to expand. He said Mr. Tillman is correct, the West Polk could not happen, but we think it will. It has not been permitted yet.

Mayor Tim Pospichal said they did all the feasibility studies up to 15 MGD. He said he likes the idea of going into it as a project participant instead of an associate.

City Attorney Frederick J. Murphy Jr. said the project boards that will comprise the member governments will be making the decisions. For example, for the Southeast Wellfield project, you will have a representative on the Project Board from the five of you.

Commissioner Jack Myers asked if the representative would have to be a City Commissioner.

City Attorney Frederick J. Murphy, Jr. said yes.

Commissioner Dorothea Taylor Bogert said as City Manager Tillman stated, this may be 15 or 20 years in the future and having the foresight now will be extremely beneficial to Auburndale in the long run. She said she thought it was a great idea to get into it as a participant.

Commissioner Jack Myers thanked Mayor Pospichal for serving since the inception of this project and representing the City. He said your knowledge is so overwhelming and we do have term limits here. When you go away, you will have to tutor someone. He said that was why he asked the question on who may serve as the representative. He said you have gone above and beyond in representing us on this Board. He said he wanted to say thank you personally.

Mayor Tim Pospichal said he will be sitting down with the person who takes his place and we are very blessed to have Mr. Tillman, as his grip and understanding of it is very great. We have Mr. Murphy, who has been part of the meetings, and Utility Director Mr. Dickson. He said he has kept all his notes.

Upon vote, all ayes.

## **6. APPOINTMENTS TO PLANNING COMMISSION AND BOARD OF ADJUSTMENTS**

City Manager Tillman said we have various committee appointments: Mike Chevalier to the Planning Commission, Maulissa Braverman to the Board of Adjustments, Commissioner Keith Cowie as the alternate on the Transportation Planning Organization, and the City Planner and City Development Director, as the alternate to the Joint Airport Zoning Board.

**Motion** by Commissioner Jack Myers, seconded by Commissioner Dorothea Taylor Bogert, to approve the committee appointments.

Mayor Tim Pospichal thanked Mrs. Braverman for stepping up for the committee appointment.

Upon vote, all ayes.

## 7. FY 2021-22 EDWARD BYRNE JUSTICE ASSISTANCE GRANT

City Manager Tillman said each year the Board of County Commissioners allocates federal Edward Byrne Memorial Justice Assistance Grant funds for various law enforcement projects within Polk County. These funds may be used by local units of government to support a broad range of activities to prevent and control crime and to improve the criminal justice system. The FY 2021-2022 allocation for the County is \$168,323.00 with Auburndale approved for \$38,636.15. The Auburndale Police Department plans to utilize this grant for purchase of protective equipment for our sworn law enforcement members including patrol rifles with optics systems, ballistic shields, and tourniquet kits. All Polk County municipalities are requested to approve the State allocation as shown.

<b><u>Agency</u></b>	<b><u>Dollar Amount of Federal Funds</u></b>
Auburndale Police Department	\$38,636.15
Bartow Police Department	\$18,000.00
Davenport Police Department	\$10,838.00
Town of Dundee	\$ 6,615.00
City of Frostproof	\$ 7,949.85
Haines City Police Department	\$14,834.00
Lake Alfred Police Department	\$15,000.00
Lake Hamilton Police Department	\$11,000.00
Lake Wales Police Department	\$12,800.00
Lakeland Police Department	\$20,458.00
Winter Haven Police Department	\$12,192.00

Staff recommendation was to approve the distribution of the FY 2021-22 Edward Byrne Grant and authorize the Mayor to execute the support letter.

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

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to approve the distribution of the FY 2021-22 Edward Byrne Grant and authorize the Mayor to execute the support letter.

Commissioner Richard Hamann asked if this was the most money, we ever got out of this grant.

Police Chief Andy Ray said this is the most we had received since he has come to Auburndale. He said it was based on the funds the Federal Government sends and it is called a pass-through grant. The funds are based on population of the Counties and the counties distribute to the agencies based upon their request. This year Polk County received about \$168,000. We put together our request and submitted it. There was about \$14,000 extra that was not requested. In our request, we indicated we would purchase items not funded with the grant by budgeting for the items. Chief Velasquez of Lake Wales made the motion that the extra money come to Auburndale, if no one else requested it so that way we would not have to use budgeted funds for the purchases. The motion was approved unanimously by the Board. It helps out a lot to purchase extra equipment.

Commissioner Jack Myers said this was a compliment to you, Chief.

Police Chief Andy Ray said he has said it before and he will say it as often as he can. He gets the opportunity to work with some really great professionals in this County. All of our Police Chiefs and the Sheriff and staff as a group in our Polk County Police Chief's Association are able to talk about things and we are all good friends and all support each other. We know we are all in this together. He said this is

unlike any other place. There is empire protecting that goes on everywhere outside of Polk County. In most of the nations the Police Departments and Sheriffs Offices do not talk to each other. They are at odds. In Polk County, we are all friends and that is the importance and quality of our relationships. We know that relationships are super important and how you get everything done. They were great to me this time. Next time when that grant comes up, somebody will need something and we are going to support that.

Upon vote, all ayes.

Commissioner Dorothea Taylor Bogert asked when will we know the parameters and the layout of the Lakes District. She said she did not necessarily disagree with the "slow the roll" mentality until we know what we want to put up there in that north Auburndale area. We just keep putting things out there and approving them. She said she understood that property owners have the right to try and develop their property, but do we have anything in place. She said the Gapway Groves and land owners were part of that. She said she was curious as to what we can do and where we were on that.

Assistant City Manager Amy Palmer said for past 9 or 10 months, she has been working with our consultant on drafting new Land Development Regulations as well as some Comprehensive Plan policies. That draft should be complete within the next two to four weeks. At that time, we will start sharing that with the property owners and public for feedback on what we can then present to the Planning Commission and City Commission. She said there was a process. We have to remember that all of the land already has a Future Land Use designation, mostly for residential development. Part of the Lakes District vision was to also incorporate commercial aspects and what we are calling Village Centers. What we are doing with the Land Development Regulations is incorporating some of those Village Centers into key areas we had talked about as shown on the Vision Map. We are also looking at a Transfer of Development Rights program. Where most of the area in the Lakes District has a density of 5 units per acre if it is in County and 6 units per acre if in the City, we are looking at transferring some of that density into the Village Centers. The Village Centers will incorporate residential as well and commercial development, so you will get that true mix of uses within those new zoning categories. We are looking at a new Future Land Use category that will encompass the entire Lakes District that would accommodate the mix of uses. We are looking at two or three new zoning categories within the Lakes District. She said she was proud of the work that Phillip DiMaria and she have done so far. She said it has been a beast of a project. We will have something to share and some of the details to share in the next couple of weeks.

Commissioner Dorothea Taylor Bogert asked if we can look at a moratorium or something to put this development on hold until we know what we want out there. Because we keep developing and we have a lot of complaints about it. She said she was curious if this was something they could do. She said she wanted that on public record and that was why she said it. She said she wanted them to know we are considering and understand the public's concern or at least she did as a Commissioner about what is happening up in north Auburndale. She said she thought it could be a diamond for Auburndale and Polk County, if we do it right. She said she thought the whole point of it was to make it a concerted effort together instead of these things keep coming up.

Assistant City Manager Amy Palmer said she will have to look into that.

City Manager Jeff Tillman said he, the Assistant City Manager and City Attorney will discuss moving forward with that and even if there are those abilities legally. We want to address those types of issues as well.

Commissioner Jack Myers asked how much was in the pipeline and will be coming to us in that north Auburndale corridor.

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Assistant City Manager Amy Palmer said City wide we are looking at 2,800 new units in the pipeline, anywhere from zoning to final plat. This count does not include what is in our entire utility service area or outside the City limits.

Commissioner Jack Myers asked how much was in the pipeline that the Planning Commission and we have not seen.

Assistant City Manager Amy Palmer said maybe 3,000. It would be real close to the 2,800 number.

The meeting was adjourned at 8:28 p.m. for the CRA Meeting to follow.

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

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Shirley A. Lowrance, Finance Director/City Clerk

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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 Myers Jack Richard	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Commission
MAILING ADDRESS P.O. Box 2158/524 Arneson	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 Auburndale Polk	NAME OF POLITICAL SUBDIVISION: City of Auburndale
DATE ON WHICH VOTE OCCURRED 4-19-2021	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 R. MYERS, hereby disclose that on April 19<sup>th</sup>, 2021:

(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:

Preliminary Plat Approval - Watford Property/K-Ville Subdivision.

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.

4/19/2021  
Date Filed

  
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.