

Minutes of the Regular Meeting of the City of Auburndale held June 7, 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 Deputy Police Chief Carin Ketcham.

Mayor Tim Pospichal declared a quorum present and the Meeting was opened with prayer by Minister Antonio Solomon of Winning Souls for the Kingdom and a salute to the flag.

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to approve the Minutes of the Regular Meeting of May 17, 2021.

Commissioner Dorothea Taylor Bogert said she thought the minutes should reflect Ted Broer instead of Tye Broer. Minutes to be changed for the name.

Upon vote, all ayes.

City Manager Tillman introduced Julie Fife, as the new Community Development Director. She came to Polk County to work on her bachelor's degree at Southeastern University. She left Polk County and went to work in the recovery efforts, post hurricane Katrina with the Red Cross in Mississippi. She came back to Polk County in 2014 to work with Career Source Polk, as a business consultant for economic development where she assisted businesses there. In 2016 began working with the Board of County Commission to work as a Land Development Planner. During that time, she actually worked on several initiatives involving the City, but on the County side – the Central Florida Innovation District on Pace Road, the Joint Planning Agreement the City has with the County. She is very familiar with several of the City initiatives. She holds a master's degree in Urban and Regional Planning from the University of South Florida. He welcomed her to the City of Auburndale. He said the Commission was copied to the Burn Ban issued by the Polk County Rescue Chief. Auburndale was included in the burn ban and it stays in effect even with the recent rains. He said the Ridge League of Cities meeting is Tuesday at 6 p.m. in Lakeland.

Mayor Tim Pospichal asked for public comment.

Rick La Fontaine, 218 Oakview Ave, said he was requesting a portable sign that would flash when traffic was going too fast. The speed limit on his street is a 25-mph zone and people speed on their way to Lake Marianna with their boats. He said there may be a variety of things that could be done, but probably the first one would be a portable sign on wheels to flash and slow people down. If that was not possible, maybe a temporary rubber speed bump to slow people down.

City Manager Tillman asked him to speak with Public Works Director John Dickson (who was in the audience) to make contact for this.

Richard Stollard, 124 Cherokee Dr., said he has seen a lot of semi-trucks around Lake Ariana. He said there was still no change in the signs at Main Street and Magnolia Avenue, as it still showed SR 559. He said there was no sign above the traffic lights going down Main Street that shows truck route.

Margarite Ramirez, 2092 Lake Ariana Blvd., said she was located near the 20-mph sign at the turn, before Denton Road. She said she has spoken with police officers about parking in the area to help with the speeding. She said there are a lot of children who cross the road in that area. Three weeks ago, a car flipped over at the edge of the bridge and it took 22 minutes for the police to respond. The neighbors came to assist. While the police were there at the accident, the traffic did not slow down for them, as they could not see them. She asked for lighting, signage about the tight turn, or anything to help slow people down. The police officers said

they could not park their cars in the Denton Road area, as the road was so tight. The traffic is going 35 mph to 45 mph in the 20-mph area.

Sherry Johnston, 2102 Lake Ariana Blvd., said she wanted to reiterate the tractor trailer traffic. She said so far, they had \$8,000 in damage with their fencing and property regarding tractor trailers. Tractor trailer are not permitted on Lake Ariana nor Denton, which is a County road. She said she will see a City cop driving by and a tractor trailer, who is holding up traffic and destroying our lake front, fencing, and walls. She said it was really important to try to stop the tractor trailer traffic and reroute them on the right path.

City Attorney Frederick J. Murphy, Jr. read the Proclamation for LGBT Pride Month – June 2021. The Proclamation was presented to Kerri McCoy.

Vice Mayor Dorothea Taylor Bogert, said today she comes before you as the City appointed member of the Ridge League of Cities or RLC, which represents six counties and 24 municipalities within these counties. For many years RLC has given academic scholarships to students attending two and four year schools. Several years ago, we began to look at the talent pipeline for individuals enrolled in vocational areas and saw a tremendous need. Under Mayor Pospichal's leadership as President and past President of RLC, seven vocational scholarships were awarded in the amount of \$1,250. We have two recipients from Auburndale, Kaylee Jackson and Justin Berlin. Kaylee was not able to attend tonight. She presented the award to Justin Berlin and said while attending high school Justin worked 30 hours per week and additionally served in the Polk County Fire Rescue Cadet Program in Bartow earning a rank of Cadet II and just received a promotion to logistics. His dream has always been to be a first responder. In addition to school work, he puts together care packages for the homeless and distributes them, when he sees someone in need. With his scholarship, he plans to attend Polk State and get his EMR Certification and then go to Ridge Tech to become a firefighter. While working on his firefighter program, he also wants to attend the culinary program at Ridge to open his own restaurant and allow the less fortunate to work for him. Everyone congratulated Justin on receiving the scholarship.

Justin Berlin introduced his mother Stephanie and sister Rita.

## **1. ORDINANCE #1663 AMENDING OFFICIAL ZONING MAP – H BLOCK COMMERCIAL PROPERTY**

City Manager Tillman said the City has received a request for an amendment to the zoning map. In March 2008, the City approved a Planned Development-Commercial 1 or PD-C1 zoning classification as part of a development known at the time as Auburndale Manor. The overall development was envisioned to be mixed-use, including residential dwelling units, a grocery store and property for a school. In the fall of 2008, the state and nation experienced an economic downturn and the project was abandoned. No activity has occurred on this property since then. The Land Development Regulations give Planned Developments an expiration of 12 months unless construction is occurring or the applicant proposes a longer development timeline. The requested timeline extension must be approved by the City Commission. JSK Consulting on behalf of H Block, LLC has requested to re-establish the zoning district of Planned Development-Commercial 1 or PD-C1 on the 28.65 acres. As required by the Land Development Regulations for Planned Developments, this request is accompanied by a binding site plan. The applicant is seeking to develop 80,000 sq. ft. of personal storage on 10 acres of the 28.65 acres. The remaining acreage will be reserved for future commercial development. The request is consistent with the existing underlying Future Land Use of Neighborhood Activity Center and the Land Development Regulations. He displayed the binding site plan and stated the location at the intersection of Adams Road and County Road 559. Access to the mini storage will be off C.R. 559 and the driveway provides an internal connection to the Auburn Grove subdivision, as was required in the approved binding site plan for Auburn Grove. The mini-storage development will have to apply the applicable policies of Chapter 15, Special Overlay Districts, with regards to façade articulation, architectural treatments, parking, signage, etc. A solid wall and landscaping will be provided along the northern boundary of the mini-storage site on Adams Road.

A solid fence or wall will be provided between the residential portion on the eastern and southern border of the commercial site. Two large wet-retention ponds lie to the south of the project and a retention pond stretches from north to south along the eastern border. On the northern boundary abutting Adams Road, there will be a wall, as well as on the eastern and southern boundaries. There would be a retention area that would run along the eastern portion of the mini storage site that would directly abut the Auburn Grove Subdivision and two retention ponds on the south of the project. No other commercial development is proposed for the remainder of the site at this time. However, the site plan contains a list of permitted and prohibited uses for future development. Following the Public Hearing at the May 17<sup>th</sup> City Commission meeting, the City Commission approved the binding site plan with several conditions. Several of the permitted uses were removed, including Convenience Stores, Gas Stations, and Alcohol Package Sales, as a primary use. Any proposed development of the 12.5 acre outparcel will be required to submit a Planned Development modification for approval by both the Planning Commission and City Commission. The Planned Development will require 3" caliper tree plantings along Adams Road and a neutral color scheme on the mini-storage buildings. In addition, the expiration date of the Planned Development has been modified from five years to a two-year period. He referred to the binding site plan notes for the changes mentioned. He said the property would have to come back before the Planning Commission and City Commission for a modification of the Planned Development. The remaining permitted uses that are listed are similar in nature to the General Commercial Zoning District. Expansion of the mini-storage use would be prohibited. All guidelines of the Land Development Regulations, including architectural standards, as described in Chapter 15, Overlay Districts, would apply to the future development. Additional future access will be provided along Adams Road and CR 559, as the future commercial development occurs. 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 and is being presented for second and final reading. Planning Commission recommendation was denial of the Future Land Use and Zoning Map Amendments with a 4-1 vote with 1 abstention at their April 6, 2021 meeting. Staff recommended approval of Ordinance #1663 amending the Official Zoning Map. At our last meeting, we did have a Public Hearing on this item and a number of residents that are in the audience this evening spoke before that Public Hearing. This is the second reading and there will be a public comment portion, where the Mayor will give the residents the opportunity to bring new information before the City Commission. He said there are a number of residents that may not have stayed for the meeting after an incident and if you did leave, you would have an opportunity to have your public comment. He said the City Attorney will read the Ordinance and the Mayor will get into the discussion. This will be your opportunity to share any new information with the City Commission.

City Attorney Frederick J. Murphy, Jr. read Ordinance No. 1663, which was presented and passed on first reading on May 17, 2021, by title only.

Mayor Tim Pospichal asked for citizen comment.

Bart Allen, Land Use Attorney for Peterson Myers, said we had a thorough Public Hearing at the last meeting, so will not go through full presentation at this time. He thanked the Commission and the community for the time spent at the last meeting. He said the thought it was a very beneficial meeting with a good outcome. He said we have John, Bud, and Zac Strang here on behalf H Block Commercial. Also present was engineer Mathew Johnson. We did not bring the transportation engineer Mathew West. He introduced Savana Hancock, intern with the lawfirm this summer.

Scott Lee, 810 Arietta Circle, said he did not think it was going to be a real good idea. He said property values will go down and crime will go up. They want to put up a 6 foot or 8 foot retaining wall. He said it is going to drag everything down, crime is going to go up, and people are going to jump that wall. He said you cannot have security cameras monitored 24/7 by a robot. He said the crime is already committed the next day when someone comes in. He said he did not want his property value devalued. If he wants to sell his house in five to ten years, they are going to look at that storage unit. He said he did not agree with it. Auburndale has

always been a small town. The City has always looked out for our best interest not your own. He said do not be selfish and take this all into consideration. He said he understood we are trying to grow and build, but we do not need a storage unit in our area. There are six others in Auburndale. If you drive by them, they are run down and eye sores. When they are freshly built, they look good, give them five years. You are going to have abandoned vehicles, boats, campers, and everything else. He said he did not want it.

Sherry Johnston, 2102 Lake Ariana Blvd., said she did not live in his neighborhood, however she was very familiar with the Adams, as that was her family Bo Adams and Wally Adams. She said her concern was why would you put a storage building in a subdivision. She said this is not Auburndale. We have storage buildings down Havendale and down 92. She asked why are you convoluting the neighborhoods. This is not Auburndale. She said she knew the City Manager was new and she has known Bobby Green for 25 years. This is not how Auburndale operates with putting storage units in a neighborhood. She said it was not acceptable and she understood she was the Adams family, I get it. She said she was not confident this was going to help the neighborhood, the home values and we have a lot of storages that are not really filled up now.

Teresa Morris, 200 Melissa Trail, said she came to the Planning Commission meeting, but missed the last City Commission meeting, as she was out of town. She said she gets the land has been Neighborhood Activity Center for over a decade and that the property will never become residential. However, the previously approved PD-C1 expired – it was never mini warehouses or a storage yard. Her objection was for the storage yard. At the last Meeting, Mr. Allen spoke about HOA's keeping rv's and boats out of their neighborhood so they can look clean and nice. She said that was great, but what about the other neighborhoods. It is being done at the expense of other neighbors along 559 and Adams Road. At the Meeting and again tonight, it was stated that the uses are similar in nature and consistent with General Commercial and that mini warehouses are being allowed as a special exception of the General Commercial. She asked about the storage yard because also under General Commercial under prohibited uses and structures is storage warehouses and yard. She asked if these storage yards are considered an accessory to the special exception and if so it is supposed to be according to the LDR's incidental and subordinate. She said you have 80,000 SF of mini warehouses and 200 spaces of which 109 will be covered. The numbers are 200 spaces X 40 feet X 12 feet is the average length of space for rv parking lot, which is 96,000 SF. She said she knew this, as she has one stored off I-4. She said she would never store in it in somebody else's neighborhood. You have 96,000 SF for storage and even if they are all 35 feet that is 84,000 SF total. She said this is not incidental or subordinate to the primary use of the mini warehouse. Under PD-C1 it states under prohibited uses - outdoor display and storage. It also says under PD-C1 under the intent: to protect the stability and property values in surrounding neighborhoods. At the previously Meeting, Mr. Allen said the mini warehouses were 12 to 15 feet tall and the rv storage was 15 to 16 feet tall on 200 spaces of which 109 are covered. He said they would peak over the six-foot wall. She said sorry that is not peaking over the six-foot wall - that is towering over the six-foot wall. It is going to be a gigantic pole barn for everyone else to look at, so other neighborhoods can be clean and neat. On a positive note, at the Planning Commission they did not have the southbound turning lane entrance. She said on the out parcel under prohibited use self storage has been added. She asked does that also include rv and boat storage yards.

Austin Broer, 376 Renssalaer Ave., said he has been at pretty much every meeting since the inception of this back in February. He said he was yet to hear one single person come up here and want storage units. He said he lives ½ mile away. He asked this question in front of everybody, if we have these Public Hearings for the public to speak their mind about what they want in the neighborhoods, why are not any of you listening to what we are asking and asking you to respect our wishes.

Mayor Tim Pospichal said we are listening. This is not a Public Hearing this evening, this is a comment period. He said you are given the right to come up here and in three minutes give your comments. We have heard you; we have listened to you.

Austin Broer said at the last Meeting, you disregarded everything all of us said. He said did you not? Did you not Mayor? Did you disregard everything that was said?

Mayor Tim Pospichal asked him to not get obstinate. He said we heard everything that you had to say and listened.

Austin Broer said he was being very polite. You did not listen or implement anything.

Mayor Tim Pospichal said we are here for our second vote this evening. We made the judgement due to the facts given to us through our Land Development Regulations.

Austin Broer said the Planning Commission said no and you did not listen to them.

Mayor Tim Pospichal said that is a recommendation committee.

Austin Broer asked about all the residents here that are recommending they do not want this. He said he thought he (the Mayor) had said enough. He said you guys have a great evening.

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

**Motion** by Commissioner Richard Hamann, seconded by Commissioner Jack Myers, to approve Ordinance No. 1663, as read on second and final reading by title only.

Commissioner Dorothea Taylor Bogert asked for clarification for the landscape buffer.

Bart Allen said the exterior of the building will have a wall and there will be decorative fencing and landscape barrier. This will be on the western boundary and then the commercial will come in on the other side.

Commissioner Richard Hamann said he brought up the issue at the last Meeting about the Walmart versus Amazon development. He said he sees this is somewhat not the same as the Walmart development. He asked are we locking in the allowed uses or are we tying the developer's hands from going out and reaching bigger.

City Attorney Frederick J. Murphy said his understanding of the Ordinance, as it is being submitted and Staff could certainly clarify, is that there are allowed uses under this zoning category which would be consistent with the Land Use and that any actual use/development placed on the 12.5 acres would have to come back through a PD approval process which would require presentation to the Planning Commission for recommendation and then to the City Commission for action.

Commissioner Richard Hamann said so it would have to come back as an amendment to the plan.

City Attorney Frederick J. Murphy said yes, that was his understanding and the allowed uses would be a guide for that process.

Community Development Director Julie Fife said the portion on the western side when they come back before the Planning Commission and City Commission as the final adoption would have the same regulations we would have along any major road. We have standards in place for extra berm or vegetation. Those standards would be looked at again with these commercial uses and surrounding properties.

Commissioner Dorothea Taylor Bogert said this also falls under the JPA requirements, which are more intense as far as berms and facades.

Community Development Director Julie Fife said she would have to look at those specifically. But, she knew when we are looking at property against a major road we do have higher standards.

City Planner Jesse Planner said Chapter 15 of our JPA has much more stringent requirement, in regards to development. We look at facades, building heights, and various aspects. Landscaping is much more intense than your typical landscape along 92 and Havendale. We will go through staff review to ensure all those policies and conditions that have been placed by the City Commission are met or exceeded.

Upon vote, all ayes.

## **2. ORDINANCE #1664 ANNEXATION OF PROPERTY – ROWE PROPERTY**

City Manager Tillman said the City has received a petition from property owner Janice Rowe to annex 8 acres of property into the City limits. The property is located south of Pace Road on Bryan Lane, adjacent to the Henderson property, which was recently annexed. The annexation does not create an enclave. The Rowe property contains several residential and agricultural uses. The proposed annexation is a result of the owner's request for City utilities and proposed mixed-use development. Establishing a Future Land Use and Zoning classification on the property will be considered at Public Hearings before the Planning Commission and City Commission, at later dates. The action currently before the City Commission is only on the annexation of the property into the City. The proposed Ordinances were prepared by the Community Development Department and reviewed by the City Manager and City Attorney. The proposed Ordinance was approved on first reading and is being presented for second and final reading. He displayed the location map for the property. Bart Allen is representing the property owner on this and Scott Brown was also present. Staff recommendation was approval of Ordinance #1664 annexing the Rowe property into the City limits.

City Attorney Frederick J. Murphy, Jr. read Ordinance No. 1664, which was presented and passed on first reading on May 17, 2021, by title only.

Mayor Tim Pospichal asked for citizen comment.

Bart Allen, Land Use Attorney for Peterson Myers, thanked them for their time. He said he represents Mr. Scott Brown and they are eagerly looking forward to getting into the land use and zoning process and anticipate this within 45 days. He said we look forward to seeing you again on this.

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to approve Ordinance No. 1664, as read on second and final reading by title only. Upon vote, all ayes.

## **3. PUBLIC HEARING – FUTURE LAND USE AND ZONING MAP AMENDMENTS – WATSON PROPERTY**

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

City Manager Tillman said the Public Hearing was to hear petitions to amend Ordinance No. 752, the City's Comprehensive Plan and Future Land Use Map and Ordinance No. 764 the City's Land Development Regulations and Official Zoning Map.

City Attorney Frederick J. Murphy, Jr. said he was going to recite a few of the City's ground rules for the Public Hearing. He asked that everyone turn off their cell phones, so as not to distract from the Public Hearing. Staff will first present the staff report and recommendation, the applicant will be given time to present their respective positions, others in support or opposition will then be given their opportunity to speak, which will be limited to three minutes. If you are speaking, please adjust the microphone to your height and please state your full name and address for the record before you begin speaking on a topic. The Commission expects

civility at all times during all Public Hearings held by the Auburndale City Commission. Speaking out of turn, shouting from the audience, and disrespectful sounds while another is speaking are not acceptable. After the Commission has heard from members of the public, the Commission will close the Public Hearing and ask questions of staff and the applicant before deliberating on the matter and taking a vote on the merits.

Jesse Pearson, Staff Planner, said the notice of the Public Hearing was published in the Lakeland Ledger on May 21, 2021. The City has received a request for a Future Land Use Map Amendment and Zoning Map Amendment on property owned by David Watson. The location of the property is Lake Ariana Blvd and Century Blvd. The current Future land Use is Commercial Corridor and the proposed Future Land Use is medium Density Residential. The current City zoning is Neighborhood Commercial and the proposed Zoning classification is General Residential-1. David Watson has requested to amend the City of Auburndale's Future Land Use Map and Zoning Map on a 0.74-acre piece of property located on Lake Ariana Blvd and Century Blvd. The property contains an office building that was constructed in 1980. The request is to change the Future Land Use from Commercial Corridor to Medium Density Residential and to change the zoning district from Neighborhood Commercial to General Residential-1. The request will allow the applicant to convert 6 office spaces into a multi-family dwelling unit. The Future Land Use request of Medium Density Residential is consistent with the surrounding neighborhood and Comprehensive Plan. The rezoning request of General Residential-1 would be consistent with the surrounding zoning district and Land Development Regulations. He went over the City's development process for the property. The Planning Commission recommended approval of the Future Land Use and Zoning Map Amendments with a vote of 5-0 on June 1, 2021. Staff recommended approval of Ordinance #1665 amending the Future Land Use Map and Ordinance #1666 amending the Official Zoning Map for the Watson Property. He displayed the location of the property and said the building has been here since 1980 and has not been used for at least 10 years.

City Manager Tillman said the proposed Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. If approved on first reading, the proposed Ordinances will be presented for second and final reading on June 21, 2021. Staff recommend approval.

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.

#### **4. ORDINANCE #1665 AMENDING LAND USE MAP – WATSON PROPERTY**

City Manager Tillman said Ordinance No. 1665 amends the Future Land Use Map on the Watson Property.

City Attorney Frederick J. Murphy, Jr. read Ordinance No. 1665 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 752, THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, FLORIDA, BY AMENDING THE FUTURE LAND USE MAP RECLASSIFYING A PARCEL OF LAND TOTALING +/- 0.74 ACRES FROM CITY OF AUBURNDALE FUTURE LAND USE CLASSIFICATION COMMERCIAL CORRIDOR (CC) TO CITY OF AUBURNDALE FUTURE LAND USE CLASSIFICATION MEDIUM DENSITY RESIDENTIAL; AND PROVIDING AN EFFECTIVE DATE (GENERAL LOCATION: LAKE ARIANA BLVD. AND CENTURY BLVD)**, by title only.

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to approve Ordinance No. 1665, as read on first reading by title only. Upon vote, all ayes.

#### **5. ORDINANCE #1666 OFFICIAL ZONING MAP AMENDMENT – WATSON PROPERTY**

City Manager Tillman said now that the Commission has approved the Future Land Use Amendment, Ordinance No. 1666 amends the Official Zoning Map.

City Attorney Frederick J. Murphy, Jr. read Ordinance No. 1666 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 A PARCEL OF LAND TOTALING +/- 0.74 ACRES FROM CITY OF AUBURNDALE ZONING CLASSIFICATION OF NEIGHBORHOOD COMMERCIAL (CN) TO GENERAL RESIDENTIAL-1 (RG-1); AND PROVIDING AN EFFECTIVE DATE. (General Location: Lake Ariana Blvd. and Century Blvd.),** by title only.

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

**Motion** by Commissioner Richard Hamann, seconded by Commissioner Dorothea Taylor Bogert, to approve Ordinance No. 1666, as read on first reading by title only. Upon vote, all ayes.

## **6. FINAL PLAT – ENCLAVE AT LAKE ARIETTA SUBDIVISION (PHASE 1)**

City Manager Tillman said the City has received a request to plat Phase 1 of the Enclave at Lake Arietta Subdivision. In February 2019, the City Commission approved a Planned Development with a binding site plan on 78.77 acres of vacant grove property. The 69-lot subdivision, which is planned to be developed in two phases, consists of 41 single-family dwelling units on the interior of the site and along Lake Arietta's shoreline to the east, 25 duplex lots that are proposed to accommodate short-term rentals located at the front of the development, a clubhouse that may include related services, and facilities such as a pool, gym, spa, meeting rooms, gift shop, restrooms, and administrative offices. The Planned Development was also required to have two gates, one at the entrance to the entire subdivision and one at the entrance to the single-family residential community. He displayed the location map for the property. Phase 1 of the Enclave at Lake Arietta Subdivision consists of the 41 single-family lots that have a minimum lot size of 13,000 SF with setbacks of 25' in the front, 7.5' on the sides, 10' in the rear, 20' on the corners, and a 25' Planned Development perimeter. The subdivision meets all Land Development Regulations, including lot size, setbacks, open space, and sidewalk requirements, as approved in the Planned Development. He displayed the final plat for the property. The developer is requesting Final Plat approval before all infrastructure improvements are made. The LDR's allow a developer to execute a performance bond, which is available to the City, in an amount equal to 120% of the estimated construction costs for completion, as determined by the engineer. The Bond paperwork includes the list of improvements remaining and includes a timeframe for completion. To accomplish the necessary improvements, the developer's engineer has estimated the cost at \$122,202 and the bond amount is \$146,642.60, or 120% of the cost of the improvements. The bond ensures that the City can complete the improvements, if the developer does not. Improvements still required by City specifications and covered by the bond include final lot grading, and various final street and utility improvements such as pavement markings and final electrical work on the lift station. Approval of the Final Plat would acknowledge acceptance of the terms of the performance bond and allows the developer to sell lots and begin building houses. Staff recommended approval of the Final Plat for Phase 1 of the Enclave at Lake Arietta.

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

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to approve the Final Pat for Phase 1 of the Enclave at Lake Arietta.

Commissioner Jack Myers said he will abstain from voting, as he has been contacted by the developer for marketing and sale of the lots. He said he would be filing the appropriate form, Form 8B Memorandum of Voting Conflict.

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.

## 7. FINAL PLAT – ERIKSON PARK SUBDIVISION

City Manager Tillman said the City has received a request to plat the Erikson Park Subdivision. In July 2019, the City Commission approved a Planned Development with a binding site plan on 57.75 acres of vacant grove property. The 199-lot subdivision is planned to be developed in two phases, but is requesting to be platted as one phase. The Planned Development required 73 perimeter lots that are 9,100 SF and 126 interior lots that are 7,800 SF. Minimum house size required is 1,500 SF with a two-car garage. The subdivision meets all Land Development Regulations, including lot size, setbacks, open space, and sidewalk requirements as approved in the Planned Development. He displayed the location map for the property. The developer is requesting Final Plat approval before all infrastructure improvements are made. To accomplish the necessary improvements, the developer's engineer has estimated the cost at \$781,500 and the bond amount is \$937,800, or 120% of the cost of the improvements. The bond ensures that the City can complete the improvements, if the developer does not. The bond covers the costs of the construction of Phase II of the subdivision, including installation of all infrastructure for the project – water and sewer systems, earthwork and grading, street construction, and storm drainage. Approval of the Final Plat would acknowledge acceptance of the terms of the performance bond and allows the developer to sell lots and begin building houses. He displayed the final plat for the subdivision. Staff recommended approval of the Final Plat for Erikson Park Subdivision.

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

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to the final Plat for Erikson Park Subdivision.

Commissioner Keith Cowie asked if this meets all the open space requirement and in Tract B if that was retention or open space. He asked if we allow retention to be part of open space.

City Manager Tillman said this was something that was approved in 2019.

City Planner Jesse Pearson said that tract would be open space also. He said this was approved at a time before we had the 700 SF open space per residential unit. He said that serves as their open space and they do meet that according to our LDR's.

Commissioner Keith Cowie said he hoped we get away from a retention pond being open space in the neighborhood.

City Planner Jesse Planner said we never want retention to be counted as open space.

Upon vote, all ayes.

## 8. RESOLUTION #2021-04 DEDICATING VETERANS GARDEN

City Manager Tillman said we had a great Memorial Day program last Monday. He displayed pictures from the event with attendees from the NJROTC, Auburndale High School Chorus, citizens, and the Coca Cola Plant Manager Trina Coggins. We dedicated the Veteran's Garden and the Mayor presented the Resolution. At this time, we will formally adopt the naming of the Garden through Resolution #2021-04. Staff recommendation was approval of Resolution.

City Attorney Frederick J. Murphy, Jr. read Resolution No. 2021-04 entitled: **A RESOLUTION DEDICATING THE VETERANS GARDEN AT THE HISTORIC BAYNARD HOUSE**, as read in full.

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to approve Resolution No. 2021-04, as read in full.

City Manager Tillman thanked the City staff for construction of the Garden, as they took a lot of pride in building the Garden.

Mayor Tim Pospichal said he wanted to thank the veteran.

Upon vote, all ayes.

## **9. INTERLOCAL AGREEMENT WITH POLK COUNTY – RESURFACING PROJECT**

City Manager Tillman said over the years, the City and County have tried to coordinate street resurfacing projects to allow either party to utilize a selected contractor to capture adjacent roadways while work is being performed. As an example, when the City contractor was resurfacing the five streets on the west side of Lake Ariana Blvd., the County requested to use the same contractor to resurface County roadways that were adjacent to the roadways we were resurfacing. The City is currently in the process of resurfacing Lake Ariana Boulevard from the intersection of Polk City Road south through town to Derby Avenue, as well as the Kinstle Avenue, Ariana Estates, Century Boulevard. When they come back to do the County roads the Somerset neighborhoods would be done at that time. The County has requested to use the City's contractor, Hubbard Construction, to resurface Lake Alfred Road, a portion of Dairy Road, Old Dixie Highway from Ramsgate Road to Berkley Road, Lake Ariana Boulevard from Ramsgate Road to Denton Avenue, and Bridgers Avenue from McKean Street east to US Highway 92. The estimated cost from Hubbard Construction to perform the work for the County is \$633,978.02. The County has agreed to reimburse the City for all associated costs. The proposed Interlocal Agreement formalizes the arrangement and allows the City to receive reimbursement for the project from the County. Staff recommendation was approval of the Interlocal Agreement with Polk County. He said it was a great relationship we have with the County at staff level and we always appreciate the partnerships to do additional roadwork. Sometimes their contractor is doing work near Auburndale and they ask us if we have any streets we would like to get paved based upon their bid.

Mayor Tim Pospichal asked for citizen comment.

Richard Stollard, 124 Cherokee Drive, said he noticed the street paving around Lake Ariana Blvd. He asked about the process of adding the light at Adams Road and 559, when that would take place.

Mayor Tim Pospichal said we are not discussing that now. He asked him to call up to City Hall and talk to Mr. Tillman or one of our planners.

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

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Jack Myers to approve the Interlocal Agreement with Polk County – Resurfacing Project, as presented.

Commissioner Jack Myers asked what the street name was on the left bottom.

City Manager Tillman said Old Dixie, on the west side of Lake Ariana from Denton Avenue. He said the west side of the Lake is all in the County.

Upon vote, all ayes.

## **10. PRESENTATION OF PROPOSED CAPITAL OUTLAY FOR FY 2021-2022 AND FY 2022-2023**

City Manager Tillman said in preparation of the proposed FY 2022 and FY 2023 Budgets, Department Directors were requested to revisit all the Capital projects previously approved by the City Commission in the second-year budget of the FY 2022 and the 5-Year Capital Improvement Program. This helps to determine if the equipment or improvements are still needed, could be delayed, or has a funding source. The proposed FY 2022 Capital Outlay section reflects expenditures of \$11,961,100. FY 2023 budget includes Capital Outlay projects totaling \$10,672,500. In September 2020, the Commission gave approval of the current year budget and approved our second year or tentative budget. As we go into the budget process, we move the tentative budget forward and present a FY 2022-2023 budget. He went over the Capital Outlay for both years.

Some of the larger improvements proposed in FY 2022 include:

- Lake Myrtle Soccer Stadium = \$4,000,000 fully funded by the Polk County Sports Marketing and Tourism;
- Gapway Road Waterline Extension = \$1,200,000 funded with Federal Stimulus dollars over a two-year period;
- Simmers Young Waterline Extension (For Interconnect Project) = \$1,200,000 funded with Federal Stimulus dollars;
- Auburndale / Winter Haven / Polk County Interconnect = \$350,000 funded with Federal Stimulus dollars;
- PRWC Phase II Project (\$1,400,000 over 2 years) = \$700,000 funds to opt out of the Southwest Well Field at the design phase, if desired;
- PRWC Phase I Project (\$830,000 over 5 years) = \$166,000 shared expense for projects;
- Utility System Rehabilitation = \$500,000 for lift station improvements. Recently we had the Lakeshore Emergency Lift Station repair. We increased this funding to get ahead of an emergency situation and look to fund \$500,000 annually for maintenance utility repairs.
- Reserve Replacement for Street Resurfacing = \$500,000;
- Regional Centrifuge Replacement = \$350,000;
- Replacement Tanker (2005) for Fire Dept. = \$345,000;
- City Hall Renovations (Upstairs) = \$300,000;
- Garbage Truck = \$300,000;
- Allred WWTP Generator Replacement = \$250,000; and
- Lease Vehicles for Police Dept. (8 New) = \$225,000.

Some of the larger improvements proposed in FY 2023 include:

- Berkley Water Plant Expansion = \$4,200,000 offset with Federal Stimulus dollars;
- PRWC Phase II Project = \$1,400,000 expenses to move forward with the project;
- PRWC Phase I Project (\$830,000 over 5 years) = \$166,000;
- Allred WWTP Filter Rehab = \$750,000;
- Regional WWTP Filter Rehab = \$450,000;
- Public Utilities System-Wide SCADA = \$600,000 on the wastewater side for electronic tie into our alarm system for the lift stations;
- Utility System Rehabilitation = \$500,000;
- Water Shop Relocation = \$310,000;
- Lease Vehicles for Police Department (9 new for a total 41 vehicles) = \$270,000;
- Cemetery Road Improvements = \$270,000;
- Reserve Replace Pumper (2005) for Fire Department = \$200,000;
- Community Development Office Expansion (Kee Building) = \$150,000;
- Lake Myrtle Soccer and Football Field Design = \$150,000.

All items in FY 2022 and FY 2023 of the revised 5-year CIP have been programmed into the proposed two-year budget. Staff recommendation was tentative approval of the Capital Outlay sections of the Proposed FY 2022 and FY 2023 Budgets. Formal adoption of the FY 2022 Budget and conceptual approval of the FY 2023 Budget will come after the scheduled Public Hearings in September.

Mayor Tim Pospichal asked for citizen comment.

Melissa Braverman, 1918 Lake Ariana Blvd., said this was amazing, great stuff. She asked about the City's IT infrastructure in light of recent cyber hacking into water systems. She said she did not see anything for cyber security.

City Manager Tillman said Jee Hoon Kim is our IT Manager and we budget annually for infrastructure improvements for IT. He said we had some good discussion with the Public Works Director regarding security at our water treatment plant and other plants. We feel secure where we are, where it is not on a computer operated system like Oldsmar, which we heard about.

Ean Johnson, 903 Hillgrove Lane, said he would like to take a moment to thank you sincerely - City Manager, Mayor, Vice Mayor, and Commission - for the job you do and he would like you to pass that compliment to all the City staff. This is basically a four-year plan for our finances and it was started a long time ago. He said Mr. Tillman you are doing a great job.

Richard Stoddard, 124 Cherokee Drive, said he has been in Auburndale for 53 years and you have made a lot of improvements. He mentioned the old ballfield by schools, the move to Lake Myrtle Park, go cart races in the streets of Auburndale and the Blue Grass Festival. He suggested a small go cart track for sanctioned events.

Mayor Tim Pospichal said now that the pandemic has loosened its grip on us, things will get better and we will have more public events we can attend and open up more.

Commissioner Richard Hamann said the go cart races were sponsored by the Little League as their annual fund raiser. They got away from doing that because of the liability insurance. They were great.

Commissioner Dorothea Taylor Bogert said she would like to thank the Public Works Director and the Water Department for being on top of the security for the plants.

There were no other comments.

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert to tentatively approve the Capital Outlay sections of the proposed FY 2022 and FY 2023 Budget, as presented. Upon vote, all ayes.

The meeting was adjourned at 8:48 p.m.

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

---

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 <i>Myers JACK Richard</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>City Commissioner</i>
MAILING ADDRESS <i>524 ARNISON AVE</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>Auburndale City Commission</i>
DATE ON WHICH VOTE OCCURRED <i>6/7/21</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.

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 June 7<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:

*My Real Estate Company Has the Listing for the Sale of Lots & Homes.*

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.

6/7/21  
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.