

## City of Auburndale City Commission Meeting December 6

City Manager Tillman welcomed everyone to the Auburndale Commission Meeting. He stated Family Night was started several years ago to give the elected officials and City staff an opportunity to invite their families to join us for a meeting and see how the City works. City Commissioners and City Staff introduced family members present.

Minutes of the Regular Meeting of the City of Auburndale held December 6, 2021, at 7:00 p.m. in the Commission Room of City Hall, after having been properly advertised. Commissioners present are listed below after having been properly sworn into office.

Mayor Tim Pospichal called the City Commission meeting to order at 7:00 p.m.

### **INSTALLATION OF COMMISSIONER-ELECT – DOROTHEA TAYLOR BOGERT, KEITH COWIE, BILL STERLING**

City Clerk Jeffrey Brown administered the Oath of Office for City Commissioner to Dr. Dorothea Taylor Bogert, Keith Cowie, and Bill Sterling. Copies of the Oaths of Office are attached to the Minutes.

### **ELECTION AND INSTALLATION OF MAYOR AND VICE MAYOR**

City Manager Tillman stated in accordance with the City Charter, the City Commission is to elect one of its members as Mayor and another as Vice Mayor. Only Commissioners who have held office for more than ten months immediately preceding the nomination shall be eligible as candidates for nomination, as mayor and vice mayor. Only City Commissioners Dorothea Taylor Bogert, Keith Cowie, Richard Hamann, and Jack Myers are eligible. He said the City Clerk will conduct the election by accepting nominations from the Commission. Upon election of the Mayor and Vice Mayor, the City Clerk will administer the Oaths of Office.

City Clerk Brown conducted the nominations for the Office of Mayor and Vice Mayor for the 2022 year. Dr. Dorothea Taylor Bogert was nominated as Mayor and Keith Cowie was nominated as Vice Mayor for 2022. Both were unanimously voted upon for their respective positions. He administered the Oaths of Office for Mayor and for Vice Mayor. Copies of the Oaths of Office are attached to the Minutes.

### **RECOGNITION OF OUTGOING COMMISSIONER TIM POSPICHAL**

Mayor Taylor Bogert recognized outgoing Commissioner and Mayor Tim Pospichal. After being appointed in 2012 to fill an unexpired term, he was elected in 2013 and 2017. Since 2015, Mayor Pospichal was elected Mayor for seven consecutive years. He is the longest serving Mayor in the history of Auburndale. Prior to his appointment to the Commission, he served on many city, local, and state boards and committees. During his tenure of Mayor, the FDOT Suntrax Test Facility, the PK Avenue Project, four collegiate fields at Lake Myrtle Park. Numerous distribution centers, The Cabana Club/Magaritaville Resort and the Publix were started.

Mayor Taylor Bogert and the City Commission presented him a plaque for his service.

City Commissioners individually thanked Mayor Pospichal for his leadership, friendship and love for the community.

Mayor Pospichal stated he has been blessed to work with individuals who love the City of Auburndale. He noted the City of Auburndale one hundred ten years after incorporation has its first female Mayor. He thanked

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the Commission for their confidence in him to be Mayor for seven years. He thanked the Department Directors and City Staff for their commitment to the City.

Mayor Taylor Bogert took a moment of personal privilege to thank the City Commission for their confidence. She thanked City Manager Tillman, Former City Manager Bobby Green, families, friend, her late husband Ted and her father, former Assistant City Manager John Taylor for their support and confidence in her. She considers it an honor to be the first female Mayor of the City of Auburndale.

The Meeting was opened with prayer by Pastor Dave Melendez, Life Church Auburndale, and the salute to the flag.

The following Commissioners were present: Mayor Dorothea Taylor Bogert, Commissioners: Keith Cowie, Richard Hamann, Jack Myers and Bill Sterling. Also, present were: City Manager Jeffrey Tillman, City Clerk/Special Projects Director Jeffrey Brown, City Attorney Frederick J. Murphy Jr., and Police Chief Andy Ray.

Mayor Taylor Bogert declared a quorum present.

**Motion** by Commissioner Myers, seconded by Commissioner Hamann, to approve the Minutes of the City Commission Meeting of November 15, 2021. Upon vote, all ayes.

Mayor Taylor Bogert asked if there was any public comment on any item not on the agenda. None was received.

## **1. ORDINANCE ##1678 ADOPTING COMPREHENSIVE PLAN TEXT – PROPERTY RIGHTS**

City Manager Tillman stated growth management legislation enacted by the Florida Legislature in House Bill 59, Property Rights, requires all unincorporated and incorporated jurisdictions to update their Comprehensive Plans to ensure property owners' rights are more clearly addressed. Specific language regarding property owner rights was suggested in the State's legislation.

Following a Transmittal Public Hearing on September 9, 2021, the City transmitted to the State the Text Amendment to the Comprehensive Plan to be consistent with Florida Statutes.

On November 2, 2021, the City received the Objections, Recommendations and Comments Report from the Florida Department of Economic Opportunity (DEO) that included an objection and a comment to the Text Amendment. The objection stated that the proposed Text Amendment includes the statement of rights as a policy within the Future Land Use Element of the City of Auburndale's Comprehensive Plan rather than as its own, separate Property Rights Element in the Comprehensive Plan. The DEO recommended creating a separate Property Rights Element in the Comprehensive Plan. The DEO also recommended that the Property Rights Element include a goal and an objective in order to clarify the role of the policy.

The suggested recommendations have been incorporated in the proposed Ordinance adopting the Comprehensive Plan Text and addresses the DEO objection.

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 November 15, 2021 and is being presented for second and final reading.

City Attorney Frederick J. Murphy, Jr. read Ordinance No. 1678, which was presented and passed on first reading on November 15, 2021, by title only.

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Mayor Taylor Bogert asked for public comment. None was received.

**Motion** by Commissioner Cowie, seconded by Commissioner Hamann, to approve Ordinance No. 1678. Upon vote, all ayes.

## **2. ORDINANCE #1679 AMENDING OFFICIAL ZONING MAP – K-VILLE PHASE 3.**

City Manager Tillman stated in March 2017, the City approved a zoning change for Dustin Jernigan from Planned Development-Housing 1 (PD-H1) to Open Use Agriculture (OUA) on +/- 69.02 acres. Wood and Assoc. Engineering, LLC, on behalf of property owner Dustin Jernigan, is requesting a zoning change on +/- 27.45 acres of the property from Open Use Agriculture (OUA) to a zoning classification of Single Family Residential-2 (RS-2). The remainder of the property is not included in the request.

The requested zoning district of Single Family Residential-2 (RS-2) is consistent with the existing underlying Future Land Use of Low Density Residential, the City's Land Development Regulations, and existing residential subdivisions to the north and to the east. The requested Single Family Residential-2 (RS-2) requires a minimum lot size of 9,500 sq. ft. with a minimum lot width of 70'. The setbacks are 25' in the front, 10' on the side and 10' in the rear. The proposal is to develop a 64-lot subdivision with a minimum lot size of 70'x155'. The site will access City water and utilize septic tanks. The City's sewer system is not available in this area.

Mayor Taylor Bogert asked for public comment. None was received.

City Attorney Frederick J. Murphy, Jr. read Ordinance No. 1679, which was presented and passed on first reading on November 15, 2021, by title only.

Commissioner Myers stated he would be abstaining due to a conflict of interest given his involvement with the property owner. Form 8B is attached to the minutes.

**Motion** by Commissioner Sterling, seconded by Commissioner Cowie, to approve Ordinance No. 1679. Upon vote, all ayes.

## **3. ORDINANCE #1680 AMENDING THE LAND DEVELOPMENT REGULATIONS – THE LAKES DISTRICT.**

Assistant City Manager Palmer stated in February 2019, the City Commission approved a Memorandum of Agreement with three major property owners in the North Auburndale Area and a Contract for Planning Consultant Services with Kimley-Horn and Associates for Master Planning the North Auburndale area, which has been experiencing rapid growth and development, and a change in land use patterns from agricultural to residential. Following several planning workshops with the property owners and the public, the City Commission endorsed "The Lakes District" Vision and Strategies. The Lakes District Vision is a master planned community that incorporates greenway and trail corridors, mixed-use centers, walkability enhancements, and protection of environmental resources and agricultural character.

The next phase of The Lakes District Vision and Strategies was to draft amendments to the City's Comprehensive Plan and Land Development Regulations that would implement the master planned community. During workshops with the Planning Commission and City Commission in August 2021, presentation of The Lakes District's major themes was made, which include mixed-use village centers, pedestrian and bicycle connectivity, regulations for open space and residential neighborhoods, and the creation of a Transfer of Development Rights program.

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In September of 2021, the City Commission transmitted a Comprehensive Plan Amendment establishing Lakes District Mixed Use as a new Future Land Use to the Department of Economic Opportunity for a State review. The City is currently awaiting the State's review comments and/or approval. Concurrently, during the State review process, City Staff is proposing an amendment to the Land Development Regulations, Chapter 15, Special Overlay Districts. These proposed policies are intended to implement the new Future Land Use once adopted and ultimately, the master planned community.

The text amendment to the Land Development Regulation creates a new Special Overlay District called "The Lakes District Master Planned Community Area". The new development standards are intended to establish coherent and compact interconnected districts and neighborhoods, mixed and integrated uses, provide for a range of housing options, sizes, and prices, develop a balanced transportation system that provides alternatives to driving, ensure a connected and walkable street network, and to enhance public spaces. Several new zoning districts are also proposed to help implement The Lakes District Vision. Each of the following zoning districts may incorporate Transfer of Development Rights (TDRs) as proposed in the accompanying attachment, The Lakes District Master Planned Community Area.

Zoning Districts in the proposed overlay are to include:

**Village Centers.** This zoning classification provides a variety of shops, services, restaurants, medium density housing, and civic facilities that serve the needs of the surrounding neighborhoods. Village Centers have a base density of 6 dwelling units per acre, which may be increased through the Transfer of Development Rights (TDR) process. Mix of uses is required. Automobile centric businesses are prohibited. Buildings have a relationship with the street and pedestrians. Village Centers are expected to have higher densities.

**Residential Neighborhood.** These low-density areas shall be scaled to the needs of pedestrians, with local destinations, such as schools and community parks, within walking distance. Residential neighborhoods have a base density of 6 dwelling units per acre. Parks are required within .25 to .5 mile of homes.

**Estate Residential.** Areas within the Lakes District where rural development patterns recognize unique environmental conditions and incorporate them into larger single-family residential lots. Estate Residential neighborhoods have a base density of 6 dwelling units per acre.

**Parks/ Open Space.** This zoning category is applied to proposed locations for parks and other open space or institutional uses. Lands in these areas may also be a TDR sending zone and have a base density of 6 dwelling units per acre. 75% of homes shall be with 1/3 to 1/4 mile from a park. One acre of park space will be required for every 50 residential units.

**Conservation Network.** Establishes an interconnected open space system that protects wetland habitat along with communities and protected wildlife species while allowing passive recreation uses such as pedestrian and bike trails where appropriate. Lands in these areas may be a TDR sending zone and have a base density of 6 dwelling units per acre.

Transfer of Development Rights (TDR) encourages the implementation of higher density Village Centers, as well as preserve other important uplands, agriculture areas, water reuse area, aquifer recharge, wetland connections and wildlife corridors. The City of Auburndale may allow the transfer of development rights from sending areas to receiving areas in the Lakes District. Sending Zones include Estate Residential, Parks/Open Space, Conservation Network, and Residential Neighborhood. Receiving Zones would be Village Centers and Residential Neighborhoods. It is understood that only Site Plans approved following the adoption date of The Lakes District Master Planned Community Area are eligible to send and receive TDRs.

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The proposed development standards including character of single-family homes. These standards also include setback, lot size, number of models, elevations and material used. Neighborhoods should be designed to promote pedestrian and bike traffic within the community and outside of the neighborhood to access the Village Centers.

Assistant City Manager Palmer explained the Transfer of Development Rights (TDR) program in detail. The program is designed to encourage higher density in the Village Centers. This will allow important uplands, agriculture, wetlands, and wildlife corridors to be preserved by allowing development potential to be sent to the TDR receiving zones.

The proposed text amendment to the Land Development Regulations is consistent with the City of Auburndale Comprehensive Plan, all other Land Development Regulations, and the Joint Planning Agreement with Polk County. The proposed Ordinance was prepared by the City Manager's Office and reviewed by the Community Development Director and City Attorney.

City Attorney Frederick J. Murphy, Jr. read Ordinance No. 1680, which was presented and passed on first reading on November 15, 2021, by title only.

Mayor Taylor Bogert asked for public comment. None was received.

Commissioner Myers asked if Planned Developments were allowed in the Lakes District?

Assistant City Manager Palmer stated the Planned Developments are not permitted by the proposed Lakes District Master Planned Community Land Development Regulations.

**Motion** by Commissioner Myers to allow for Planned Unit Developments in the Lakes District Master Planned Community Land Development Regulations. The Motion failed for lack of second.

**Motion** by Commissioner Cowie, seconded by Commissioner Hamann, to approve Ordinance No. 1680.

Upon vote, all ayes.

#### **4. ORDINANCE #1681 AMENDING FISCAL YEAR 2020-2021 ANNUAL BUDGET**

City Manager Tillman stated in accordance with Florida Statutes, adopted auditing practices, and on the recommendation of the City's Auditor, the City needs to amend by Ordinance the FY 2020-2021 Annual Budget to properly appropriate for revenue and expenditures that may exceed budgeted amounts. As provided by Ordinance No. 1026, the level of budgetary control for the City's Annual Budget is at the Fund Level. The proposed Ordinance amends the FY 2020-2021 Budget to reflect the collection of unanticipated revenue and appropriation for unanticipated expenditures.

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The amended budget totals for each City Fund are as follows:

**CITY OF AUBURNDALE  
SUMMARY BY FUND BUDGET AMENDMENT FY 2020 – 2021**

<b>SUMMARY OF FUNDS</b>	<b>CURRENT BUDGET</b>	<b>CHANGE +/-</b>	<b>AMENDED BUDGET</b>
<b>General Fund (001)</b>	\$23,452,292	\$2,256,000	\$25,708,292
<b>General Fund Impact Fee (110)</b>	\$370,500	\$875,000	\$1,245,500
<b>Community Redevelopment Agency (151)</b>	\$3,293,966	-\$998,000	\$2,295,966
<b>Water &amp; Sewer Fund (430)</b>	\$16,467,425	\$95,000	\$16,562,425
<b>Water &amp; Sewer Impact Fee (440)</b>	\$1,410,400	\$5,527,000	\$6,937,400
<b>TOTAL BUDGET</b>	<b>\$44,994,583</b>	<b>\$7,755,000</b>	<b>\$52,749,583</b>

The proposed Ordinance was prepared by the Finance Director and reviewed by the City Manager and City Attorney.

City Attorney Frederick J. Murphy, Jr. read Ordinance No. 1681, which was presented and passed on first reading on November 15, 2021, by title only.

Mayor Taylor Bogert asked for public comment. None was received.

**Motion** by Commissioner Hamann, seconded by Commissioner Sterling, to approve Ordinance No. 1681. Upon vote, all ayes.

## **5. APPROVE CONTRACT FOR SALE OF PROPERTY – 113 MCKEAN STREET**

Assistant City Manager Palmer stated in March 2021, the City acquired the property located at 113 McKean Street through the Code Enforcement lien foreclosure process. For many years, the property had accumulated numerous fines for code violations including high grass and weeds, junk, trash, and debris, and other health and safety violations. The City's expenses for legal fees, on-going lawn maintenance, and demolition of the house that was on the property totaled approximately \$25,000.

On October 9, 2021, the City advertised an invitation to bid in the local media and on the City's website to submit bids to purchase the +/- 0.34 acre property. The request for bids was also distributed to five (5) individuals who had expressed an interest in the property. The minimum bid requested was \$25,000 for the property. The property is zoned Single Family Residential (RS-1), and the development intent stated in the bid was to construct one single-family residence on the parcel. On November 12, 2021, the City received one bid from the following:

Larry McCarty and Charles McCorquodale                      \$31,250.50

All required information from the bidder was included. The Purchase and Sale Agreement was prepared by the City Attorney and defines the terms of the sale. If approved by the City Commission, a closing date will be set within 45 days. Approval of the Purchase and Sale Agreement authorizes the City Manager to close on the property.

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**Motion** by Commissioner Cowie, seconded by Commissioner Sterling, to approve the Purchase and Sale Agreement and authorize the City Manager to execute all closing documents. Upon vote, all ayes.

The Meeting was adjourned at 8:11 p.m.

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

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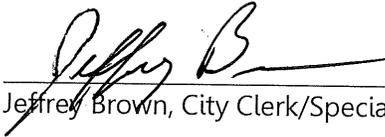
Jeffrey Brown, City Clerk/Special Projects Director

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**Motion** by Commissioner Cowie, seconded by Commissioner Sterling, to approve the Purchase and Sale Agreement and authorize the City Manager to execute all closing documents. Upon vote, all ayes.

The Meeting was adjourned at 8:11 p.m.

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

  
\_\_\_\_\_  
Jeffrey Brown, City Clerk/Special Projects Director



**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 Myers, hereby disclose that on December 6, 20 21 :

(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:

*I ~~have~~ <sup>am to</sup> Received a commission on the Real Estate on the Agenda Item # 2 K-Ville Phase 3*

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.

December 6, 2021  
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.