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Minutes of the Regular Meeting of the City Commission of the City of Auburndale held February 6, 2023, at 7:00 p.m. in the Commission Room of City Hall, after having been properly advertised, with the following members present: Mayor Dorothea Taylor Bogert, Commissioners: Keith Cowie, Richard Hamann, Jack Myers, and Bill Sterling. Also, present were: City Manager Jeffrey Tillman, City Attorney Frederick J. Murphy Jr., City Clerk Brandon Henry, and Police Chief Terry Storie.

Mayor Dorothea Taylor Bogert declared a quorum present, and the Meeting was opened with prayer by Pastor Jerry Smith, Berea Baptist Church, and a salute to the flag.

**Motion** by Commissioner Hamann, seconded by Commissioner Cowie, to approve Minutes of the City Commission Meeting of January 23, 2023. Upon vote, all ayes.

City Manager Jeffrey Tillman announced that we have state champions at Auburndale High School in the competitive cheer team. We will be planning the parade with the high school and will be announcing details shortly. Youth baseball opening ceremonies are scheduled for February 18 at 9 a.m. It is the same day as Paul Green Day, which will take place later in the day. We have youth softball opening ceremonies on February 25 at 9 a.m. He invited Finance Director Christopher Reeder up for a special announcement. He said the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting Program encourages and assists local governments to go beyond the minimum requirements of generally accepted accounting principles by preparing annual comprehensive financial reports that evidence the spirit of transparency and full disclosure and then to recognize individual governments that succeed in achieving that goal. He said we have Finance Director Reeder, and Marilyn Colon-Arce and Kimberly Todd of the Finance Department to accept the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting, awarded to the City of Auburndale for the fourth year in a row.

Finance Director Reeder said it is hard for the Finance Department to be the only one to take credit. While we are the ones that pull together all the records and get the report sent out and reviewed for compliance, it really takes the entire City – all the departments, directors, and staff. We might cut a lot of checks, but they are the ones that do all the coding. They are the ones that take on all the projects and effort. So really this is a representation of the financial reporting of the entire City, not just the Finance Department. He gives credit to all the department directors and staff on the information they provide us to make it better and easier for us to get this type of award. He commends Ms. Colon-Arce and Ms. Todd of the Finance Department for all the work they do with him, but it does take everybody's effort.

City Attorney Frederick J. Murphy Jr. said he is delighted to be back, and is glad to be in this wonderful new Commission Room. It is a great room.

Mayor Taylor Bogert recognized Greater Auburndale Chamber of Commerce President Alex Cam, who was in attendance.

Mayor Taylor Bogert asked if there was public comment on any item not on the agenda. There was no public comment.

## **1. ORDINANCE #1728 AMENDING CITY CODE – CEMETERY RATES AND RULES**

Parks and Recreation Director Cody McGhee said the proposed Ordinance adjusts the rates charged for the sale of cemetery spaces in the City's three cemeteries and the changes for services such as openings and closings.

The proposed fee schedule is based on a recent survey of neighboring cities and their charges. The cities of Winter Haven, Lakeland, Lake Wales, Bartow, and Haines City were used in the comparison.

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Single spaces for residents are proposed to increase from \$600 to \$700. Non-resident spaces are proposed to increase from \$825 to \$1,050.

Infant and cremation spaces for residents are proposed to increase from \$300 to \$350. Non-resident infant and cremation spaces are proposed to increase from \$375 to \$450. We took a comparison of all those cities, and we are sitting at the average of all the cities put together.

Opening and closing rates on weekdays before 3:30 p.m. are proposed to increase from \$500 to \$575. Opening and closing rates after 3:30 p.m. on weekends and Saturdays before 3:30 p.m. are proposed to increase from \$650 to \$750. Opening and closing rates after 3:30 p.m. on Saturdays, Sundays and holidays are proposed to increase for adults from \$650 to \$850 and infants from \$400 to \$500. What this does is allows us to capture the costs to us. Not all of the cities in the County do their own internments or their own opening/closings. Some have their own private groups that do that. We like to keep it in-house, quality is what we are known for. This captures more of the timings with City staff.

The current rate structure has been in place since June 2012.

The proposed Ordinance also amends the interment and disinterment rules in the City's three cemeteries by amending the allowable cremations in a standard grave space from two (2) to four (4) and from one (1) to two (2) with a burial casket. The proposed Ordinance also creates rules for a baby grave space and changes the language from the number of bodies in a space to the number of burial caskets as the number of bodies in a space is already specified. This allows us to be able to put more cremations in a space. For us to have a full space and only allow two cremations in it does not fully utilize the space. On the back end, it allows us to maybe prolong the life of the cemetery.

The effective date of the new rate schedule will be March 1, 2023.

City Manager Tillman said the proposed Ordinance was prepared by the Parks and Recreation Director and City Manager's Office and reviewed by the Parks and Cemetery Superintendent, Finance Director and City Attorney. If approved on first reading, the proposed Ordinance will be considered for second and final reading on February 20, 2023. Staff recommends approval of proposed Ordinance #1728 amending the cemetery rates and rules.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1728 entitled: **AN ORDINANCE AMENDING SECTIONS 8-15, 8-16, AND 8-86 (C) OF THE CODE OF ORDINANCES OF THE CITY OF AUBURNDALE RELATING TO CEMETERIES (AMENDING SALE PRICES FOR GRAVE SPACES AND OTHER FEES AND CHARGES AND AMENDING INTERMENT AND DISINTERMENT RULES); PROVIDING FOR SEVERABILITY; A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**, by title only.

Mayor Taylor Bogert asked for public comment. There was no public comment.

**Motion** by Commissioner Cowie, seconded by Commissioner Hamann, to approve Ordinance #1728 amending City Code – Cemetery Rates and Rules, as read on first reading by title only.

Commissioner Hamann said that we had scheduled two years from now funding for a columbarium. Mr. McGhee said we could add a little more life to the cemetery if we did this. He said he would like to bump the columbarium to be sooner.

City Manager Tillman said in our Capital Improvements Program, instead of putting it in the new fifth year, we put a columbarium in Year 3 – knowing that it is important to preserve as much space in the cemetery as possible. If it is the pleasure of the Commission, we can bump that up to maybe next year's budget – as we get into this year's budgeting process.

Commissioner Hamann said he would like for us to do that. It would extend the life of the cemetery.

Parks and Recreation Director McGhee said columbariums are focused on cremations. We are seeing more and more cremations as the generations change. We could potentially do a columbarium and give us more time.

Mayor Taylor Bogert asked what is the estimated time now?

Mr. McGhee said if we sell the same amount of spaces as we have over the last four years, we are probably at eight or eight and a half years. That number is a little harder to justify just because when you have families come in, they are looking for four or five spaces together. A lot of times, we have single or double spaces in odd spots. We have roughly 1,800 spaces left. We average about 200 each year. It depends on the fluctuations as we move through the generations over the next five or eight years. If we look at the next three years, we will probably stay at the 200 – 220 number.

Mayor Taylor Bogert asked if it is the consensus of the Commission to have staff look at this during budgeting?

There was consensus.

City Manager Tillman said for the record, the item in the Capital Improvements Program is a \$100,000 expense.

Commissioner Myers asked if people sell their spaces back?

City Manager Tillman said yes, people sell back to the City.

Commissioner Myers asked how did we come up with March 1<sup>st</sup> as the effective date? Second reading is on February 20<sup>th</sup>. Should we not give them 30 more days, such as April 1<sup>st</sup>, in case someone wanted to take advantage of the previous rates. He likes to provide a grace period.

City Manager Tillman said if it is the pleasure of the Commission.

Commissioner Hamann said that is fine, he does not have a problem with that.

Commissioner Cowie withdrew his original motion.

**Motion** by Commissioner Cowie, seconded by Commissioner Hamann, to approve Ordinance #1728 amending City Code – Cemetery Rates and Rules, with an effective date of April 1, 2023, as read on first reading by title only. Upon vote, all ayes.

## **2. CONSIDER EASEMENT TO SATISFY ALLEY ENCROACHMENT – ARIANA HOTEL**

City Manager Tillman said in December of 1999, the City Commission conveyed an easement to the previous owner of the Ariana Hotel building for encroachments on the sidewalk and in the alleyway. The easement included reverting language, or termination of the easement in the event the existing structure no longer remained on the easement.

The current owner of the property, Christian Prison Ministry, has surveyed the building in order to sell the property and has determined the previous legal description to be in error due to an incorrect assumption of the lot size.

The owner is requesting the City Commission to consider granting an additional easement to satisfy the encroachments of the Ariana Hotel in the alley, which include 31.3 square feet of the three-story building and 0.5 square feet of the A/C pad. The new easement would also include reverting language in the event the existing structure no longer remained on the easement. The easement granted in December of 1999 shall also continue to remain in full force and effect.

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The Easement for Existing Improvements in Public Rights of Way (Alley) was prepared by the owner's attorney and was reviewed by the City Manager and City Attorney. Staff recommends approval of the easement for existing improvements in the alley.

City Attorney Murphy said he would like to acknowledge Mr. Philip Kaprow, attorney representing the property owner – who is in the audience and with whom he was able to work with regarding this matter.

Mayor Taylor Bogert asked for public comment.

William Voigt, 2406 Lake Lena Boulevard, asked if the corner of the building is actually protruding over the property line now?

City Manager Tillman answered yes.

Mayor Taylor Bogert answered yes, it is an encroachment. She thanked Mr. Voigt for the question.

**Motion** by Commissioner Sterling, seconded by Commissioner Hamann, to approve the easement to satisfy alley encroachment – Ariana Hotel. Upon vote, all ayes.

The Meeting was adjourned at 7:18:20 p.m.

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



Brandon Henry, City Clerk