

## City Commission Meeting September 9, 2021

Minutes of the Regular Meeting of the City of Auburndale held September 9, 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, City Clerk/Special Projects Director Jeffrey Brown, City Attorney Frederick J. Murphy Jr., and Police Chief Andy Ray.

Mayor Tim Pospichal declared a quorum present, and the Meeting was opened with prayer by Pastor Terry Brown, Legacy Community Church and a salute to the flag.

**Motion** by Commissioner Taylor Bogert, seconded by Commissioner Cowie, to approve the Minutes of the Workshop Meeting and approve the Minutes of the City Commission Meeting of August 16, 2021. Upon vote, all ayes.

City Manager Tillman stated Ridge League of Cities was cancelled. He noted the new School Superintendent will be in the Auburndale Civic Center on Wednesday September 15, 2021, at 6:00 p.m. The paving contractor is in town resurfacing streets once they have completed the city streets they will complete the county's roads in the area that the County piggybacked the City's contract.

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

### **1. PUBLIC HEARING – FISCAL YEAR 2021 TAX MILLAGE LEVY AND ANNUAL BUDGET**

Mayor Pospichal closed the regular meeting and opened a public hearing.

City Manager Tillman stated the Public Hearing has been advertised in accordance with the Florida Statutes regarding the method of fixing tax millage. This Public Hearing is the first of two (2) required Public Hearings with the second scheduled for September 21, 2021.

The proposed Budget for FY 2022 is balanced with Total Revenue and Total Expenditures of \$56,960,148. General Fund expenditures total \$27,991,773 and Utility Fund expenditures total \$18,538,187. An interfund transfer of \$2,824,067 is necessary to balance both General and Utility Funds. The proposed FY 2022 Budget includes Capital Improvements of \$14,174,206 and a Contingency Reserve of \$202,410. This amount is different than last presentation. The City has received the first installment of the American Recovery Act Funding. The budgets have been amended to represent the receipt of those dollars.

City Manager Tillman covered the following proposed amendments to the budget:

- \$75,000 from Stormwater Reserve for the Lake Avenue improvements.
- Utility projects: a watermain extension for Old Berkley Road, a centrifuge replacement at the Allred Facility, and the Saddlecreek forcemain will be carried over into next year's budget.
- The soccer stadium at Lake Myrtle Park.
- The Building Department software improvements.
- Delete the fire training officer position and increase training line item utilizing outside training resources. However, the cost of training is approximately 17,000 less than the salary of the training officer.

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- Reallocation of funds within the Parks and Recreation Department.

The 2023 proposed budget has amendments due to the American Recovery Act funding, the debt service for the soccer stadium, Parks and Recreation reallocations, and the Fire Department payroll changes.

The Proposed FY 2022 and 2023 Budgets includes all changes made during the Regular City Commission meetings of May 3, 2021 (Payroll), June 7, 2021 (Capital Outlay), June 21, 2021 (Expenditures), and July 19, 2021 (Revenues).

Revenues from ad-valorem taxes for FY 2022 and FY 2023 are estimated at \$6,470,000 and based upon the operating millage rate of 4.2515.

The FY 2022 Budget also includes the proposed Five-Year Schedule of Capital Improvements (CIP) for the City's Public Safety, Parks and Recreation and Public Works Departments. This schedule, which is a requirement of the City's Comprehensive Plan, assists the City Commission in prioritizing future capital needs throughout the City and is updated annually during the budget process to include a "new fifth year".

A balanced FY 2023 Budget (2<sup>nd</sup> Year Budget) is also being presented for the Commission's conceptual approval. The FY 2023 Budget will be reviewed by City Staff and the City Commission during the next Budget update process in order to accommodate needs that have arisen since the planned budget was prepared.

The proposed Ordinances were prepared by the Finance Director 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 September 21, 2021.

Mayor Pospichal asked for public comment. None was received.

Mayor Pospichal closed the public hearing and opened the regular meeting.

### 2. **ORDINANCE #1672 ADOPTING FY 2021 TAX MILLAGE LEVY**

City Attorney Murphy read Ordinance No. 1672 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, ESTABLISHING THE TAX LEVY FOR THE YEAR 2021 ON ALL PROPERTY WITHIN THE COPORATE LIMITS OF THE CITY OF AUBURNDALE AS SHOWN BY THE 2021 ASSESSMENT ROLL: ESTABLISHING THE MILLAGE RATE AT 4.2515, WHICH IS A 2.6% INCREASE OVER THE ROLLED BACK RATE OF 4.1450, AND PROVIDING FOR THE APPLICATION THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.** by title only.

**Motion** by Commissioner Cowie, seconded by Commissioner Hamann, to approve Ordinance #1672. Upon vote, all ayes.

### 3. **ORDINANCE #1673 ADOPTING FY 2022 & FY 2023 ANNUAL BUDGETS**

City Attorney Murphy read Ordinance No. 1673 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, ADOPTING THE FISCAL YEAR 2021-2022 ANNUAL BIDGET; CONCEPTUALLY APPROVING THE FISCAL YEAR 2022-2023 ANNUAL BUDGET; ADOPTING THE FIVE (5) YEAR SCHEDULE OF CAPITAL IMPROVEMENTS (CIP); AND PROVIDING FOR AN EFFECTIVE DATE.** by title only.

**Motion** by Commissioner Taylor Bogert, seconded by Commissioner Cowie, to approve Ordinance #1673. Upon vote, all ayes.

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**4. TRANSMITTAL PUBLIC HEARING – LANDUSE MAP AMENDMENT – HENDERSON PROPERTY**

Mayor Pospichal closed the regular meeting and opened a public hearing.

Community Development Director Julie Fife stated as a result of annexation, the City has received a request for a Future Land Use Map Amendment on the following property:

***Henderson Property:***

<b><i>Owner/Petitioner:</i></b>	Peterson and Myers on behalf of Intersect Development Group
<b><i>Location:</i></b>	Pace Road and Bryan Lane
<b><i>Current Polk County Future Land Use:</i></b>	Interchange Activity Center- (+/- 37.1 acres) and Business Park Center-1X (+/- 35.4 acres)
<b><i>Proposed City Future Land Use:</i></b>	Regional Activity Center (RAC)
<b><i>Current use:</i></b>	Vacant (+/- 72.5 acres)

Community Development Director Fife stated the subject parcel of +/- 72.5 acres was originally annexed as two separate properties. In March 2021, the City annexed 64.5 acres south of Pace Road into City limits known as the Henderson property. In June 2021, the City annexed 8.00 additional acres adjacent to the Henderson property and south of Pace Road on Bryan Lane known as the Rowe Property.

As a result of the annexations, Peterson and Myers on behalf of Intersect Development Group has requested to amend the City of Auburndale's Future Land Use on +/- 72.5 acres from Polk County Future Land Use Interchange Activity Center-X (IAC-X) and Business Park Center-1X (BPC-1X) to City of Auburndale Future Land Use of ***Regional Activity Center (RAC)***.

Because the property is larger than 50 acres, it is required to go through a Large-Scale Future Land Use Map Amendment and must be submitted to the Department of Economic Opportunity (DEO) for Expedited State Review. Upon receipt of the State review, the City Commission will hold an additional Public Hearing on the adoption of the proposed Future Land Use Map Amendment and proposed Zoning Map Amendment.

The requested Future Land Use of ***Regional Activity Center (RAC)*** is intended to accommodate regional shopping centers, other regional attractors, residential development, and community facilities.

The applicant is requesting to establish a zoning district of Industrial Planned Unit Development (IPUD) on the +/- 72.5 acres. The request will allow the applicant to construct a research and development area and E-commerce building on 57.1 acres, and mixed commercial development on 15.4 +/- acres. The request includes the development of a 464,400 sq. ft. E-commerce and logistics building, two research and development buildings, and 10 outparcels of various sizes for future mixed-commercial development. As required by the Land Development Regulations (LDR's) for Planned Developments, this request is accompanied by a binding site plan, which will be presented to the City Commission during adoption hearings following State review of the Future Land Use Map Amendment.

The requested Future Land Use of ***Regional Activity Center (RAC)*** is consistent with the City of Auburndale Comprehensive Plan, the Joint Planning Agreement with Polk County, and surrounding development.

The action currently before the City Commission is only to take public comment on the proposed Future Land Use and authorize transmittal to the Florida Department of Economic Opportunity for a compliance review.

The proposed Transmittal Resolution was prepared by the Community Development Department and reviewed by the City Manager and City Attorney.

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Mayor Pospichal asked for comments. None was received,

Mayor Pospichal closed the public hearing and opened the regular meeting.

#### 5. **TRANSMITTAL RESOLUTION #2021-06 TRANSMITTING MAP AMENDMENT TO STATE**

City Attorney Murphy read Resolution #2021-06: **A RESOLUTION PROPOSING AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, FLORIDA AND TRANSMITTING SUCH PROPOSED AMENDMENT TO THE FLORIDA STATE LAND PLANNING AGENCY FOR AN EXPEDITED STATE REVIEW (GENERAL LOCATION: Pace Road and Berkley Road).**

**Motion** by Commissioner Hamann, seconded by Commissioner Cowie, to approve Resolution #2021-06. Upon vote, all ayes.

#### 6. **TRANSMITTAL PUBLIC HEARING – COMPREHENSIVE PLAN TEXT AMENDMENT – PROPERTY RIGHTS**

Mayor Pospichal closed the regular meeting and opened a public hearing.

Community Development Director Fife 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. Specifically, the proposed amendment addresses the following:

The following rights shall be considered in local decision making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

All Comprehensive Plan Text Amendments must be submitted to the Department of Economic Opportunity (DEO) for Expedited State Review.

The proposed Transmittal Resolution was prepared by the Community Development Department and reviewed by the City Manager and City Attorney.

Mayor Pospichal asked for public comment, none was received.

Mayor Pospichal closed the public hearing and opened the regular meeting.

## 7. **TRANSMITTAL RESOLUTION #2021-07 TRANSMITTING TEXT AMENDMENT TO STATE**

City Attorney Murphy read Resolution #2021-07: **A RESOLUTION PROPOSING AN AMENDMENT TO THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, FLORIDA AND TRANSMITTING PROPOSED AMENDMENT TO THE FLORIDA STATE PLANNING AGENCY FOR STATE REVIEW AND COMPLIANCE FINDING.**

**Motion** by Commissioner Taylor Bogert, seconded by Commissioner Cowie, to approve Resolution #2021-07. Upon vote, all ayes.

## 8. **TRANSMITTAL PUBLIC HEARING – COMPREHENSIVE PLAN TEXT AMENDMENT – LAKES DISTRICT**

Mayor Pospichal closed the regular meeting and opened a public hearing.

Assistant City Manager Amy 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. This area of the City has been experiencing rapid growth and development, and a change in land use patterns from agricultural to residential. In November 2019, 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 plan, or blueprint, to help with the creation of greenway and trails corridors, mixed-use centers, walkability enhancements, and protection of environmental resources and agricultural character.

With the endorsement of The Lakes District Vision and Strategies, City Staff and its consultant have drafted amendments to the City’s Comprehensive Plan and Land Development Regulations. During City Commission Day activities on August 9, 2021, a 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. To help implement these Lakes District themes, the City needs to adopt amendments to its Comprehensive Plan and Land Development Regulations.

The Comprehensive Plan Text Amendment “codifies” The Lakes District Vision and Strategy, and it sets the stage for land development regulations to be adopted that accomplish the major themes.

The amendment to the Comprehensive Plan establishes a new Future Land Use category called “Lakes District Mixed Use”. The Lakes District Mixed Use Future Land Use category provides opportunities for a mix of open space, residential, and non-residential types of land uses. In addition, The Lakes District Mixed Use category sets a maximum number of residential units at 18,074 and a maximum intensity for non-residential development at 0.1 Floor Area Ratio (FAR) district-wide. This maximum density and intensity were calculated using the currently adopted densities and intensities on the City’s and County’s Future Land Use Map and were presented during the endorsement of The Lakes District Vision.

The amendment to the Comprehensive Plan also adopts a new policy in the Transportation Element that encourages the development of bicycling and walking paths within the District.

All Comprehensive Plan Text Amendments must be submitted to the Department of Economic Opportunity (DEO) for Expedited State Review. Amendments to the Land Development Regulations would take place following the State’s review of the Comprehensive Plan Amendments. The action currently before the City Commission is only to take public comment on the proposed Comprehensive Plan Text Amendment and

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authorize transmittal to the Florida Department of Economic Opportunity for a compliance review. Following the State's compliance review, the Comprehensive Plan text amendment and Land Development Regulations text amendment will be presented for adoption.

The proposed Transmittal Resolution was prepared by the Community Development Department and reviewed by the City Manager and City Attorney.

Mayor Pospichal asked for public comment. None was received.

Mayor Pospichal closed the public hearing and opened the regular meeting.

**9. TRANSMITTAL RESOLUTION #2021-08 TRANSMITTING TEXT AMENDMENT TO STATE**

City Attorney Murphy read Resolution #2021-08: **A RESOLUTION PROPOSING AN AMENDMENT TO THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, BY AMENDING VARIOUS ELEMENTS; AND TRANSMITTING SUCH PROPOSED AMENDMENT TO THE FLORIDA STATE LAND PLANNING AGENCY FOR A STATE EXPEDITED REVIEW.**

**Motion** by Commissioner Cowie, seconded by Commissioner Taylor Bogert, to approve Resolution #2021-08. Upon vote, all ayes.

**10. BOND COUNSEL RETAINER AGREEMENT – BRYANT, MILLER, OLIVE P.A.**

Finance Director Chris Reeder stated in August 2021, the City approved an Interlocal Agreement with Polk County for the construction of a soccer stadium at the Lake Myrtle Sports Complex. The County agreed to front \$500,000 toward construction and the City would finance the remaining \$3,500,000. As debt service becomes due on the borrowed \$3,500,000, the City will invoice and be reimbursed by the County.

Bond counsel is needed to provide assurance to the City for the debt borrowing to include evaluating Federal and State securities compliance, assist staff with closing document preparation, review and filing and render a reliance letter to the City's underwriters. The Bond Counsel Retainer Agreement will allow for Bryant, Miller, Olive P.A. to issue an opinion of the tax-exempt status for the bank qualified loan and perform other related services, as necessary, to finance the construction of the soccer stadium at the Lake Myrtle Sports Complex.

Bryant, Miller, Olive's proposed fee on the \$3,500,000 borrowing transaction is \$17,500, plus any out-of-pocket expenses (estimated at \$2,000) related to the closing of the loan.

The proposed Bond Counsel Retainer Agreement was prepared by Bryant, Miller, Olive P.A and reviewed by the Finance Director, City Manager and City Attorney.

Mayor Pospichal asked for public comment. None was received.

**Motion** by Commissioner Myers, seconded by Commissioner Taylor Bogert, to approve the Bond Counsel Retainer Agreement with Bryant, Miller, Olive P.A. Upon vote, all ayes.

**11. PRESENTATION OF BIDS – BORROWING FOR SOCCER STADIUM**

Finance Director Chris Reeder stated the City of Auburndale and the Polk County Board of County Commissioners recently entered into an Interlocal Agreement to use Tourist Development Tax funding totaling up to \$4,000,000 for construction of a soccer stadium on the championship field at Lake Myrtle Sports Park.

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The soccer stadium will allow the City and County to attract larger events that require the amenities of a stadium such as the Florida High School Athletic Association's Boys and Girls Soccer State Championships, the Boys and Girls Lacrosse State Championships, the Pan-American Lacrosse Association's World Qualifying events, the Florida Tropics professional soccer team and other large-scale events.

Under the terms of the Interlocal Agreement, the County will make a single payment to the City on October 15, 2021, in the amount of \$500,000. The City is obligated to finance the remaining cost of the improvements in the approximate amount of \$3,500,000 amortized over a ten (10) year period, as requested by Polk County. Beginning in December 2021, the County will then reimburse the City the semi-annual debt payment due on the \$3,500,000 borrowing.

On August 12, 2021, the City sent a notice seeking borrowing proposals for the \$3,500,000 directly to the five (5) banking facilities doing business in the City of Auburndale. On the closing date of the request (August 26, 2021) the City received the following bids:

<b>Truist Bank (BB&amp;T)</b>	<b>1.59% Fixed Rate for 10 Years</b>
Citizens Bank & Trust	1.98% Fixed Rate for 10 years
SouthState Bank	2.20% Fixed Rate for 10 years
Bank of America	No Proposal
Wells Fargo Bank	No Proposal

The Bids were reviewed by the Finance Director, City Manager, City Attorney and Bond Counsel. The best financing option meeting the terms of the Interlocal Agreement with Polk County and Request for Borrowing specification was proposed by Truist Bank with a fixed 1.59% interest rate over the amortization period.

**Motion** by Commissioner Taylor Bogert, seconded by Commissioner Cowie, to accept the proposal from Truist Bank. Upon vote, all ayes.

The Meeting was adjourned at 7:50 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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Bank of America	No Proposal
Wells Fargo Bank	No Proposal

The Bids were reviewed by the Finance Director, City Manager, City Attorney and Bond Counsel. The best financing option meeting the terms of the Interlocal Agreement with Polk County and Request for Borrowing specification was proposed by Truist Bank with a fixed 1.59% interest rate over the amortization period.

**Motion** by Commissioner Taylor Bogert, seconded by Commissioner Cowie, to accept the proposal from Truist Bank. Upon vote, all ayes.

The Meeting was adjourned at 7:50 p.m.

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

  
 Jeffrey Brown, City Clerk/Special Projects Director