

City of Auburndale Commission Minutes July 18, 2022

Minutes of the Regular Meeting of the City of Auburndale held July 18, 2022, 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, and Bill Sterling. Commissioner Jack Myers was absent. Also, present were: City Manager Jeffrey Tillman, City Attorney Frederick J. Murphy Jr., City Clerk Brandon Henry, and Police Chief Andy Ray.

Mayor Dorothea Taylor Bogert declared a quorum present, and the Meeting was opened with prayer by Elder Gene Huckabay, First Presbyterian Church, and a salute to the flag.

Motion by Commissioner Hamann, seconded by Commissioner Cowie, to approve Minutes of the City Commission Meeting of July 5, 2022. Upon vote, all ayes.

Police Chief Andy Ray presented Detective Christopher Wall with his longevity plaque for 10 years of service.

He presented Accreditation Manager Kassie Mooneyham with her longevity plaque for 15 years of service.

City Manager Tillman said that we had a plaque for Detective Robert Adair and several other City staff members who were not able to attend.

Public Works Director John Dickson presented Kelly Zellweger of the Water Distribution Division with her longevity plaque for 5 years of service.

He presented Service Worker II Danny Harrison of the Utility Billing Division with his longevity plaque for 10 years of service.

He presented Service Worker III Stacey Brown of the Sanitation Division with his longevity plaque for 15 years of service.

He said he has a plaque for Mark Castro of the Wastewater Division, but he was not able to attend.

City Manager Tillman presented Assistant City Manager Amy Palmer with her longevity plaque for 10 years of service.

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

1. ORDINANCE #1700 AMENDING THE FUTURE LAND USE MAP – THE LAKES DISTRICT, LANIER & JERUE

City Manager Tillman said the City initiated request is for a Future Land Use Map Amendment on +/-2,693.59 acres of incorporated properties that fall within the Lakes District boundaries from various Polk County Future Land Uses to the City's Future Land Use classification of Lake District Mixed Use (LDMU). The Future Land Use amendment includes the properties of Lanier (+/-407.87 acres) and Jerue (+/-44.51 acres) that were annexed into the City on May 2, 2022. The City initiated request does not include the Wheeler Farms property as the Future Land Use Amendment had been previously transmitted to the State.

Because the combined properties total more than 50 acres, the City Commission held a Transmittal Public Hearing on May 16, 2022, to send the proposed Future Land Use Amendment to the Department of Economic Opportunity (DEO) for an Expedited State Review. Upon receipt of the State review, the DEO responded with no objections or comments.

The requested Future Land Use change is consistent with the City of Auburndale Comprehensive Plan and establishes the Future Land Use in the Lakes District Boundaries that meets the vision of the district as outlined by The Lakes District Vision and Strategy endorsed by the City Commission in November 2019.

The Planning Commission recommended approval of the Future Land Use Map Amendment (6-0, 05/03/2022). Staff also recommends approval of Ordinance #1700 amending the Future Land Use Map – The Lakes District.

City Manager Tillman said we will do a vote on all three ordinances after the presentation.

As a result of annexation, the City has also received a request from Phillip Price on behalf of David Lanier and Linda Gail Tremaine for a Zoning Map Amendment on +/-407.87 acres and Andrew McCown of GAI Consultants, Inc. on behalf of E. Lewis Campano for a Zoning Map Amendment on +/-44.51 acres located within the boundaries of the Lakes District. The Lanier properties are located north and south of Lake Mattie Road and east and west of C.R. 559. The Jerue properties are located on Adams Barn Road.

The applicants are requesting Residential Neighborhood (RN) and Village Center (VC) Zoning classifications. The Zoning classification of Residential Neighborhood (RN) allows low to medium density residential areas and are intended to be scaled to the needs of pedestrians, with local destinations within walking distance such as centers, schools, and community parks, within walking distance. Retail, commercial, and business are not allowed in this zoning classification and residential uses shall have a density no greater than 6 units per acre.

The Zoning classification of Village Center (VC) is a mixed-use category that provides for a variety of shops, services, restaurants, and civic facilities that serve the needs of the surrounding neighborhoods and residential uses. Village Centers have a residential base density of 6 dwelling units per acre which may be increased through the Transfer of Development Rights (TDR) process.

The proposal on the Lanier property is for a master planned community of Residential Neighborhood (RN) Zoning classification on +/-321.88 acres and Village Center (VC) Zoning classification on +/-85.99 acres. The proposal on the Jerue property is for a master planned community of Residential Neighborhood (RN) Zoning classification on +/-44.51 acres

The requested Zoning classifications of Residential Neighborhood (RN) and Village Center (VC) are consistent with the City of Auburndale Comprehensive Plan, Land Development Regulations, and establishes the Zoning in the Lakes District Boundaries that meets the vision of the district as outlined by The Lakes District Vision and Strategy endorsed by the City Commission in November 2019.

The proposed Ordinances were prepared by the Community Development Department and reviewed by the Assistant City Manager, City Manager and City Attorney. The proposed Ordinances were approved on first reading and are being presented for second and final reading.

City Manager Tillman said the Planning Commission recommended approval of the Official Zoning Map Amendment on the Lanier Property (6-0, 05/03/2022) and approval of the Official Zoning Map Amendment on the Jerue Property (5-1, 05/03/2022). Staff also recommends approval of Ordinance #1701 amending the Official Zoning Map – Lanier Property and Ordinance #1702 amending the Official Zoning Map – Jerue Property.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1700 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 PARCELS OF LAND TOTALING +/- 2,693.59 ACRES FROM POLK COUNTY FUTURE LAND USE AGRICULTURE/RURAL RESIDENTIAL (A/RR), RESIDENTIAL LOW-1 (RL-1), RESIDENTIAL LOW-2 (RL-2) AND CITY OF AUBURNDALE FUTURE LAND USE LOW DENSITY RESIDENTIAL, MEDIUM DENSITY RESIDENTIAL, HIGH DENSITY RESIDENTIAL, NEIGHBORHOOD ACTIVITY CENTER, AND CONSERVATION/WETLANDS TO CITY OF AUBURNDALE LAKES DISTRICT MIXED USE (LDMU) FUTURE LAND USE; AND PROVIDING AN EFFECTIVE DATE (GENERAL LOCATION: THE LAKES DISTRICT),** by title only.

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

Motion by Commissioner Hamann, seconded by Commissioner Sterling, to approve Ordinance No. 1700 amending the Future Land Use Map – the Lakes District, as read on second and final reading by title only. Upon vote, all ayes.

2. ORDINANCE #1701 AMENDING THE OFFICIAL ZONING MAP – LANIER PROPERTIES

City Manager Tillman said staff recommends approval of Ordinance #1701 amending the Official Zoning Map – for the Lanier property, and that the City Attorney has the Ordinance.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1701 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 ESTABLISHING AN AUBURNDALE ZONING MAP CLASSIFICATION ON PARCELS OF LAND TOTALING +/- 407.87 ACRES TO CITY OF AUBURNDALE ZONING MAP CLASSIFICATION RESIDENTIAL NEIGHBORHOOD (RN); AND PROVIDING AN EFFECTIVE DATE (General Location: C.R. 559 and Gapway Rd.),** by title only.

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

Motion by Commissioner Sterling, seconded by Commissioner Cowie, to approve Ordinance No. 1701 amending the Official Zoning Map – Lanier, as read on second and final reading by title only. Upon vote, all ayes.

3. ORDINANCE #1702 AMENDING THE OFFICIAL ZONING MAP – JERUE

City Manager Tillman said staff recommends approval of Ordinance #1702 amending the Official Zoning Map – for the Jerue property, and that the City Attorney has the Ordinance.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1702 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 ESTABLISHING AN AUBURNDALE ZONING MAP CLASSIFICATION ON PARCELS OF LAND TOTALING +/- 44.51 ACRES TO CITY OF AUBURNDALE ZONING MAP CLASSIFICATION RESIDENTIAL NEIGHBORHOOD (RN); AND PROVIDING AN EFFECTIVE DATE (General Location: Adams Barn Road),** 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 No. 1702 amending the Official Zoning Map – Jerue, as read on second and final reading by title only. Upon vote, all ayes.

4. ORDINANCE #1703 AMENDING THE FUTURE LAND USE MAP – WHEELER FARMS PROPERTY

City Manager Tillman said the Wheeler Farms, Inc. property consists of +/-178.12 acres that was annexed into the City Limits on February 21, 2022 and is located on the north and south side of Lake Mattie Road. The owner has requested to amend the City of Auburndale’s Future Land Use on +/- 178.12 acres from Polk County Future Land Use of Agriculture/Rural Residential-X (A/RR-X) to City of Auburndale Future Land Use of Lakes District Mixed Use (LDMU). The proposed land use of LDMU will allow up to 6 dwelling units per acre.

Because the property is larger than 50 acres, the City Commission held a Transmittal Public Hearing on March 21, 2022, to send the proposed Future Land Use Amendment to the Department of Economic Opportunity (DEO) for a 60-day State Coordinated Review (since a small portion of these lands was within the Green Swamp Area of Critical State Concern). Upon receipt of the State review, the DEO responded with no objections or comments.

The requested Future Land Use of Lakes District Mixed Use (LDMU) and Zoning classification of Residential Neighborhood (RN) are consistent with City of Auburndale Comprehensive Plan, Land Development Regulations, and establishes the Future Land Use and Zoning in the Lakes District Boundaries that meets the vision of the

district as outlined by The Lakes District Vision and Strategy endorsed by the City Commission in November 2019.

The proposed Ordinances were prepared by the Community Development Department and reviewed by the Assistant City Manager, City Manager and City Attorney. The proposed Ordinances were approved on first reading on July 5, 2022 and are being presented for second and final reading.

The Planning Commission recommended approval of the Future Land Use and Official Zoning Map Amendments (6-0, 05/03/2022).

City Manager Tillman said staff recommends approval of Ordinance #1703 amending the Future Land Use Map – Wheeler Farms Property, and that the City Attorney has the Ordinance.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1703 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 752, THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING THE FUTURE LAND USE MAP BY RECLASSIFYING A PARCEL OF LAND TOTALING +/- 178.12 ACRES FROM POLK COUNTY FUTURE LAND USE MAP CLASSIFICATION AGRICULTURE/RURAL RESIDENTIAL (A/RR) TO CITY OF AUBURNDALE FUTURE LAND CLASSIFICATION LAKES DISTRICT MIXED USE (LDMU) ON +/- 178.12 ACRES; AND PROVIDING AN EFFECTIVE DATE (General Location: Lake Mattie Road),** by title only.

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

Motion by Commissioner Hamann, seconded by Commissioner Sterling, to approve Ordinance No. 1703 amending the Future Land Use Map – Wheeler Farms Property, as read on second and final reading by title only. Upon vote, all ayes.

5. ORDINANCE #1704 AMENDING THE OFFICIAL ZONING MAP – WHEELER FARMS PROPERTY

City Manager Tillman said staff recommends approval of Ordinance #1704 amending the Official Zoning Map – Wheeler Farms Property, and that the City Attorney has the Ordinance.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1704 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 ESTABLISHING AN AUBURNDALE ZONING MAP CLASSIFICATION ON PARCELS OF LAND TOTALING +/- 178.12 ACRES FROM POLK COUNTY AGRICULTURE/RURAL RESIDENTIAL (A/RR) TO CITY OF AUBURNDALE ZONING MAP CLASSIFICATION RESIDENTIAL NEIGHBORHOOD (RN); AND PROVIDING AN EFFECTIVE DATE (General Location: Lake Mattie Road),** by title only.

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

Motion by Commissioner Sterling, seconded by Commissioner Cowie, to approve Ordinance No. 1704 amending the Official Zoning Map – Wheeler Farms Property, as read on second and final reading by title only. Upon vote, all ayes.

6. ORDINANCE #1705 AMENDING POLICE OFFICERS PENSION TRUST PLAN

City Manager Tillman said the proposed Ordinances make the following changes to both the Police Officers' Pension Trust Fund and Firefighters' Pension Trust Fund Plans by amending the definition of Salary in Section 1, Definitions, to add necessary language to clarify the determination period for maximum annual compensation for members who leave the service of the City with less than 12 months of service completed during a fiscal year. This change is provided for in the Internal Revenue Code and its associated Treasury Regulations. The proposed

Ordinances also amend Section 27, Deferred Retirement Option Plan (DROP), to provide for an increase in the length of permissible DROP participation from its current five (5) years to a maximum of eight (8) years. The Florida Retirement System (FRS) recently adopted similar changes increasing the length of participation in the DROP from five (5) to eight (8) years.

Proposed Ordinance #1706 also amends Section 1, Definitions, by removing unnecessary language in reference to volunteer firefighters in the definition of Credited Service.

The actuary of the two plans, Foster & Foster, issued letters indicating that there are no costs associated with the adoption of the proposed Ordinances. Foster & Foster did note that changes to retirement benefits could potentially affect participants' retirement behavior. The proposed Ordinances were prepared by the Pension Plan Attorney for the two plans, Christiansen & Dehner, P.A., and reviewed by the Finance Director, City Manager and City Attorney. The proposed Ordinances were approved on first reading on July 5, 2022, and are being presented for second and final reading.

Both the Police Pension Board and Fire Pension Board recommended approval at their April 26, 2022 meetings.

Staff recommends approval of Ordinance #1705 amending the Police Officer's Pension Trust Fund Plan and Ordinance #1706 amending the Firefighters' Pension Trust Fund Plan.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1705 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA AMENDING THE CITY OF AUBURNDALE MUNICIPAL POLICE OFFICERS' PENSION TRUST FUND, ADOPTED AND RESTATED PURSUANT TO ORDINANCE NO. 1653, BY AMENDING SECTION 1, DEFINITIONS; AND BY AMENDING SECTION 27, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING 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 No. 1705 amending the Police Officers' Pension Trust Plan, as read on second and final reading by title only.

7. ORDINANCE #1706 AMENDING FIREFIGHTERS' PENSION TRUST PLAN

City Manager Tillman said staff recommends approval of Ordinance #1706 amending the Firefighters' Pension Trust Plan.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1706 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA FURTHER AMENDING THE CITY OF AUBURNDALE MUNICIPAL FIREFIGHTERS' PENSION TRUST FUND, ADOPTED AND RESTATED PURSUANT TO ORDINANCE NO. 1654, AS SUBSEQUENTLY AMENDED; BY AMENDING SECTION 1, DEFINITIONS; AND BY AMENDING SECTION 27, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE**, by title only.

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

Motion by Commissioner Sterling, seconded by Commissioner Cowie, to approve Ordinance No. 1706 amending the Firefighters' Pension Trust Plan, as read on second and final reading by title only. Upon vote, all ayes.

Mayor Taylor Bogert closed the Regular Meeting and opened the Public Hearing.

8. PUBLIC HEARING – FUTURE LAND USE AND ZONING MAP AMENDMENT - ENCLAVE AT LAKE ARIETTA

Community Development Director Julie Womble said the City has received a request for a Future Land Use Map Amendment and Zoning Map Amendment on approximately +/- 2.5 acres for the Enclave at Lake Arietta Property. In March 2019, the City approved a Planned Development-Housing 1 (PD-H1) Zoning classification, which included a binding site plan for 91 residential dwelling units that included 41 single-family units and 25 two-family detached short term rental homes on +/-78.77 acres. The Binding Site Plan also included 7.03 acres reserved for "future development." On July 5, 2022, the City Commission approved an amendment to this binding site plan that incorporated 4.53 acres of the "future development" outparcel and changed the 25 short-term rental duplexes into 54 single-family units. The previous proposal did not include the 2.5-acre vacant parcel.

The property currently has a City of Auburndale Future Land Use designation of Low Density Residential and a Zoning classification of Planned Development-Housing 1 (PD-H1). The owner is requesting the Future Land Use and Zoning change to allow for medical and professional offices. The proposed Future Land Use of Convenience Center is a low-intensity commercial district intended to accommodate the convenience shopping needs of residents living in the immediate area. The proposed Zoning district of Planned Development Commercial – 1 (PD-C1) and binding site plan comes with conditions allowing only medical and professional offices as the permitted uses. A six-foot wall is proposed to separate the commercial use from the residential neighborhood to the north. The binding site plan shows a +/- 32,670 SF building with the entrance on Enclave Lake Blvd.

Community Development Womble made a presentation depicting graphics of the proposal.

The requested Future Land Use of Convenience Center and Zoning classification of Planned Development-Commercial 1 (PD-C1) is consistent with Future Land Use and Zoning on adjacent properties to the west. The requested Future Land Use and Zoning Map amendments are consistent with the City of Auburndale's Comprehensive Plan, Land Development Regulations and the City of Auburndale and Polk County Joint Planning Area (JPA). All requirements of the Land Development Regulations are met, including a binding site plan.

She presented a graphic of the overall development process for the proposal.

The Planning Commission recommended approval of the Future Land Use and Official Zoning Map Amendments (5-0, 1 abstention, 07/05/2022).

City Manager Tillman said the proposed Ordinances were 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 August 1, 2022, and that staff recommends approval.

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

Mayor Taylor Bogert closed the Public Hearing and reopened the Regular Commission Meeting.

9. ORDINANCE #1707 AMENDING THE FUTURE LAND USE MAP – ENCLAVE AT LAKE ARIETTA

City Manager Tillman said staff recommends approval of Ordinance #1707 amending the Future Land Use Map – Enclave at Lake Arietta.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1707 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 PARCELS OF LAND TOTALING +/- 2.5 ACRES FROM CITY OF AUBURNDALE FUTURE LAND USE CLASSIFICATION LOW DENSITY RESIDENTIAL TO CITY OF AUBURNDALE FUTURE LAND USE CLASSIFICATION CONVENIENCE CENTER (CC); AND PROVIDING AN EFFECTIVE DATE (General Location: Gapway Road and Lake Alfred Road), by title only.**

Motion by Commissioner Hamann, seconded by Commissioner Sterling, to approve Ordinance #1707 amending the Future Land Use Map – Enclave at Lake Arietta, as read on first reading by title only.

Commissioner Cowie asked if there were any hours of operation restrictions for that type of business in this zoning classification?

Community Development Director Womble answered no, but they would have to adhere to lighting standards, parking standards, noise standards – anything for which we have a code.

Commissioner Cowie asked for clarification regarding the location of the proposed entrance. He asked if you must come into the neighborhood and make a U-turn to get into the property?

Community Development Director Womble answered yes, and that the applicant's engineer, Matthew Johnson, is in attendance if he would like to ask him any questions.

Commissioner Cowie said he assumes it is because they cannot enter through Berkely Road.

Community Development Director Womble answered yes, and because of setbacks required from FDOT.

Matthew Johnson, JSK Consulting, 5904 Hillside Heights Drive, Lakeland, said they intend to put a driveway cut on Enclave Lake Boulevard to allow people to enter and exit instead of having to go into the neighborhood and make a U-turn. The reason we do not have access to Berkely Road is because FDOT will not allow us to have a driveway cut.

City Manager Tillman asked Mr. Johnson if we can have the site plan updated between first and second readings to reflect that?

Mr. Johnson answered yes.

Commissioner Sterling said there is already a red light there, it would be easier to turn that way.

Community Development Director Womble said it is a State regulated roadway.

Upon vote, all ayes.

10. ORDINANCE #1708 AMENDING THE OFFICIAL ZONING MAP – ENCLAVE AT LAKE ARIETTA

City Manager Tillman said now that the Commission has approved the Future Land Use map amendment, Ordinance #1708 amends the Official Zoning Map – Enclave at Lake Arietta.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1708 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 BY RECLASSIFYING AN AUBURNDALE ZONING MAP CLASSIFICATION ON A PARCEL OF LAND TOTALLING +/- 2.5 ACRES; AND PROVIDING AN EFFECTIVE DATE (General Locations: Berkley Road and Lake Myrtle Park Road)**, by title only.

Motion by Commissioner Cowie, seconded by Commissioner Hamann, to approve Ordinance #1708 amending the Official Zoning Map – Enclave at Lake Arietta, as read on first reading by title only.

Mayor Taylor Bogert asked if this will include an updated site plan as well?

City Attorney Murphy answered yes.

Upon vote, all ayes.

11. ORDINANCE #1709 ANNEXING PROPERTY INTO CITY LIMITS – VARIOUS GAPWAY GROVE PROPERTIES

Community Development Director Womble said the City has received a petition from John Strang of Gapway Groves Corporation and Gapway Road, LLC. to annex +/-77.35 acres of properties located in various areas into the City limits. The properties are located near Old Berkley Road and Gapway Road, and on Old Lake Alfred Road north of Lake Mariana. The various properties are contiguous to City limits and the annexation does not create an enclave. The proposed annexation is as a result of the owner's request for city utilities and proposed residential and mixed-use development within the Lakes District.

Establishing a Future Land Use and Zoning classification on the properties 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.

She presented graphics depicting the proposal.

City Manager Tillman said staff recommends approval, and that 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 Ordinance will be presented for second and final reading on August 1, 2022.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1709 entitled: **AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF AUBURNDALE, FLORIDA, SO AS TO INCLUDE THEREIN ADDITIONAL TERRITORY LYING CONTIGUOUS AND ADJACENT TO THE PRESENT BOUNDARIES OF THE CITY; DESCRIBING SAID ADDITIONAL TERRITORY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE (General Location: Gapway Road and Lake Alfred Road)**, by title only.

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

Motion by Commissioner Hamann, seconded by Commissioner Sterling, to approve Ordinance #1709 annexing property into City limits – various Gapway Grove properties, as read on first reading by title only. Upon vote, all ayes.

12. ORDINANCE #1710 ANNEXING PROPERTY INTO CITY LIMITS – AUBURN VILLAGE

Community Development Director Womble said the City has received a petition from Eugene Strickland and Michael Strickland to annex +/-9.78 acres of property into the City limits. The property is located on Jersey Road and has just been developed as the Auburn Village apartment building. The property is contiguous to City limits and the annexation does not create an enclave. The proposed annexation is as a result of the owner's request for city utilities.

Establishing a Future Land Use and Zoning classification on the properties 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.

She said the property is already developed as an affordable housing complex.

City Manager Tillman said staff recommends approval. 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 Ordinance will be presented for second and final reading on August 1, 2022.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1710 entitled: **AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF AUBURNDALE, FLORIDA, SO AS TO INCLUDE THEREIN ADDITIONAL TERRITORY LYING CONTIGUOUS AND ADJACENT TO THE PRESENT BOUNDARIES OF THE CITY;**

DESCRIBING SAID ADDITIONAL TERRITORY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE (General Location: Jersey Road), by title only.

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

Motion by Commissioner Sterling, seconded by Commissioner Cowie, to approve Ordinance #1710 annexing property into City limits – Auburn Village, as read on first reading by title only.

Commissioner Sterling said they already have water service. If we do not annex this in, would we cut the water off?

City Manager Tillman answered the City had been working with Auburn Village for several years. He complimented Public Works Director John Dickson for his work. This came before the Commission and they were able to upsize some of their lines. With the way the project was developed, it was said the City would annex the property at the completion of construction. Because they were working with the County on affordable housing dollars, the City would wait on annexing. Now that they are completed with construction and fully leased, it is time to annex it into the City. It is a great complement to the City.

Commissioner Sterling said it is a nice facility.

Mayor Taylor Bogert agreed.

Upon vote, all ayes.

13. PRESENTATION OF BID – CONCESSION SERVICES

Assistant City Manger Amy Palmer said in July 2016, the City entered into a Concession Agreement with a private vendor, Four C's Concessions, to provide concession services at five concession stands: one at the Softball Complex, two at Lake Myrtle's baseball fields, and two at Lake Myrtle's soccer fields. Prior to the Agreement, Parks and Recreation staff had been providing concession services and had experienced fluctuating profits directly related to the number and size of tournaments and activities at the facilities, and the direct expenses of operating concessions, including food, supplies, and staffing. The Agreement provides for a dedicated revenue source from a percentage of the vendor's concession sales. The 2016 Agreement with Four C's Concessions was renewed and extended in 2017 for a period of five years and expired in June 2022.

On June 10, 2022, the City advertised a request for proposals (RFP) for providing concession services at the Lake Myrtle Sports Park and the Auburndale Softball Complex. The RFP requested the bidder provide an annual rental amount for the use of the concession building, and for a percentage of the concession sales. The request for proposals was advertised in the local media, placed on the City's website, and distributed to two known concession entities. On July 8, 2022, the City received the following bid:

Four C's Concessions \$6,000 annual rent / 6.5% of concession sales

Four C's Concessions was the only entity to submit a proposal for providing concessions at the City facilities. The proposal represents a reduction in the amount of revenue from concession sales, from the current agreement of 15% of sales to the proposed 6.5%. However, the proposal now includes the dedicated revenue from the building rental fee, which is not part of the current agreement for concession services. The City currently budgets \$25,000 in revenue from concession services and would continue to budget the same amount based on the experience of collecting more than the budgeted amount over the last several years.

The City has had a favorable experience with Mary Ann and Duncan Owens with Four C's over the last six years. The bid was reviewed by the Parks and Recreation Director and the City Manager's Office. Approval of the bid

by the City Commission would authorize the City Manager to sign a three-year agreement with Four C's Concessions under the bid's terms, with the ability to extend for an additional three years.

Assistant City Manager Palmer said that Parks and Recreation Director Code McGhee spoke with Duncan Owens of Four C's Concessions at the end of the current agreement. Mr. Owens expressed to Mr. McGhee a desire to decrease the percentage of sales revenue from 15%. The City included a rental amount within the RFP to make up the difference of lowering the revenue share from 15% to 6.5%.

City Manager Tillman said staff recommends approval of the proposed bids.

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

City Attorney Murphy said in speaking with City staff, we wanted to make sure we evaluated any outstanding bond covenants for any of the monies that would have been used for any of the facilities where these concession agreements would be operating. We are in the process of getting that information, but we were waiting for the dollar specific numbers – which we have now. He wanted to make the Commission aware that City staff and the City Attorney are mindful of bond covenants. When you have private use of something, you must make sure that it does not exceed the private use thresholds in the IRC.

Mayor Taylor Bogert asked if he is comfortable with where it is right now?

City Attorney Murphy said the City's bond counsel is still waiting for final numbers related to the Lake Myrtle Soccer Complex, but it looked like we are in good shape.

City Manager Tillman said there is very little profit that is made off the concession stands. We have the donation to Miss Auburndale Softball that we donate out of the proceeds of this, and we have to replace and maintain all of the equipment and the operation and maintenance expenses of the Facilities. Based on what we put in it, there is very little – if any – profit made off this agreement.

City Attorney Murphy said this is important because the City's operating, and maintenance expenses must be taken into account and may be a sum-zero game in that the monies from the private use may not exceed the amount of operation and maintenance expenses of the City.

Motion by Commissioner Cowie, seconded by Commissioner Hamann, to approve the bid from Four C's Concessions and to authorize the City Manager to sign the agreement with the approved terms.

Commissioner Hamann said when we first opened Lake Myrtle, the City ran the concessions. Have we had anyone else bid besides Four C's?

City Manager Tillman answered we put it out for bid. In his conversations with Parks and Recreation Director Cody McGhee, it was very challenging to find somebody to provide concession services. We reached out to several municipalities in the area, and submitted a bid packet to another company. It is a niche market and as a result of Mr. Owens being local and being in the restaurant business that he could provide that service. It is a unique relationship, but we did publicly bid it to give everybody else an opportunity to consider.

Commissioner Hamann said he wondered if anyone has shown any interest in bidding for the concession services.

Mayor Taylor Bogert said it is a service we provide to those using the parks.

Upon vote, all ayes.

City Manager Tillman said the Florida League of Cities 96th Annual Conference will be held August 11-13, 2022, at the Diplomat Beach Resort in Hollywood, Florida. The FLC By-Laws require that each Member City select one of their elected officials to cast their votes at the annual business session.

Mayor Dorothea Taylor Bogert has agreed to serve if this is the pleasure of the City Commission.

Staff recommends approving a Voting Delegate to the August FLC Conference.

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

Motion by Commissioner Hamann, seconded by Commissioner Cowie, to approve Mayor Taylor Bogert as the City's Voting Delegate to the August FLC Conference. Upon vote, all ayes.

Mayor Taylor Bogert said this will be the 100th anniversary of the Florida League of Cities.

15. PRESENTATION OF PROPOSED FY 2023 AND FY 2024 REVENUES

City Manager Tillman said the City Commission was previously presented various sections of the proposed FY 2023 and FY 2024 Annual Budgets for tentative approval. The Payroll sections were presented on April 18, 2022, Capital Outlay was presented on May 16, 2022 and Expenditures were presented on June 20, 2022. Presentation of the Revenue section completes the City Commission's budget review process.

He said we are presenting a balanced budget so that revenues equal expenditures.

Within the budget there are five different funds: the General Fund, the Community Redevelopment Agency Fund, the Public Utilities Fund, the General Impact Fee Fund, and the Public Utility Impact Fee Fund. Each individual fund also has to balance revenues and expenditures.

Finance Director Christopher Reeder started the presentation regarding the Revenue section for the FY 2023 and FY 2024 Annual Budget and spoke about individual line-items that were increased or decreased from the current year budget by at least \$10,000.

He went over General Fund Revenue line-items. Line-items discussed were: Ad Valorem, Local Option Fuel Taxes, Franchise Fees from Tampa Electric Company, Communication Service Tax, Licenses & Permits, Intergovernmental Revenues, Construction Plan Review Fees, Sanitation and Recycling Fees, Baseball Field Rentals and Maintenance, Summer Day Camp, Sale of Fixed Assets, Credit Card Fees, Lake Myrtle Improvements, IT Reimbursement, CRA Funding, USA Water Ski Reimbursement, 2011 Bond for Lake Myrtle, 2021 Bond for Lake Myrtle, Capital Lease Proceeds, Debt Proceeds, and Interfund Transfers.

Finance Director Reeder went over the Community Redevelopment Agency Fund line-items.

He went over the General Impact Fee Fund line-items. Line-items discussed were: Fire Impact Fees, Police Impact Fees, and Recreation Impact Fees.

He went over the Public Utility Fund Impact/Connection Fees, including Water Impact/Connection Fees, Sewer Impact/Connection Fees, and Fire Sprinkler Impact Fees.

He went over the Public Utilities Fund. Line-items discussed were: Charges for Water Service, Charges for Sewer Service, Late Charges, Heartland Grant, and Reimbursement from Liability Insurance.

Finance Director Reeder went over the American Recovery Act and Interfund Transfers.

He said we have a total budgeted value of \$72,275,056.

City Manager Tillman said there is a second-year balanced budget at \$67,903,069. He said the next two years are balanced and that we are going into the second year conservatively not knowing what the future holds.

He said the increase in the ad valorem tax base represents a 20.5% increase in property values within the City. About a third of that increase is a result of new construction. The other two-thirds of the increase are a result of the inflation of property values within our area. It is the largest ad valorem increase in the City's history. In deciding what to do with these additional funds, we have significant expenses coming up for operating and maintenance in order to maintain levels of service. In a conservative manner, we are setting aside additional revenues into a reserve to offset future maintenance and operating costs to continue to provide our levels of service, as well as accomplish larger projects. It will allow us to not have to increase taxes to accomplish this, and allow us to maintain the second lowest municipal property tax in Polk County.

He said we are proposing the same millage rate as the current fiscal year. City Manager Tillman presented changes to the Contingency balance.

Formal presentation of the Proposed FY 2023 and FY 2024 Budgets is scheduled for August 1, 2022. Public Hearings on the Proposed Budgets and Millage Rate are scheduled for Thursday, September 8, 2022 and Tuesday, September 20, 2022.

He said staff recommends tentative approval of the Revenues Section of the Proposed FY 2023 and FY 2024 Budgets.

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

Motion by Commissioner Cowie, seconded by Commissioner Hamann, for tentative approval of the Proposed Revenues Section of FY 2023 and FY 2024 Annual Budgets.

Mayor Taylor Bogert thanked everyone for working so diligently on the budget.

Upon vote, all ayes.

16. APPROVE PROPOSED FY 2023 ROLLED-BACK RATE AND MILLAGE RATE

City Manager Tillman said Florida Statutes require the City to compute a proposed millage rate necessary to fund the proposed budget. The City must advise the Property Appraiser of its proposed millage rate, rolled-back rate and the date, time and place for a public hearing. The Property Appraiser utilizes this information in preparing the notices of proposed property taxes, which are mailed to property owners.

The City's existing millage rate is 4.2515. Using the current millage rate times our current year's gross taxable value; the ad valorem proceeds would represent an increase of \$1,297,175 over the prior year. The Rolled-back rate for FY 2023 is 3.7799 and would provide the City with the same ad valorem revenues as the prior year.

The proposed FY 2022-2023 Budget is balanced utilizing the current millage rate of 4.2515. If approved by the City Commission, the millage rate could be lowered, but not increased above the 4.2515 without the expense of re-advertising to all property owners.

Staff recommends approval of 3.7799 as the Rolled-back rate and 4.2515 as the proposed operating millage rate for the Certificate of Taxable Value Form for 2022 and Budget Year 2023 which commences on October 1, 2022.

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

Motion by Commissioner Cowie, seconded by Commissioner Sterling, to approve 3.7799 as the Rolled-back rate and 4.2515 as the proposed operating millage rate for the Certificate of Taxable Value Form for 2022 and Budget Year 2023 which commences on October 1, 2022. Upon vote, all ayes.

17. APPROVE PUBLIC HEARING DATES FOR PROPOSED FY 2020 BUDGET

City Manager Tillman said staff recommends approval of Thursday, September 8, 2022 and Tuesday, September 20, 2022 at 7:00 p.m. at City Hall for the required Public Hearings on the proposed FY 2023 (which commences on October 1, 2022) Budget.

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

Motion by Commissioner Hamann, seconded by Commissioner Sterling, to approve Thursday, September 8, 2022 and Tuesday, September 20, 2022 at 7:00 p.m. at City Hall for the required Public Hearings on the proposed FY 2023 Budget (which will commence on October 1, 2022). Upon vote, all ayes.

18. SET BUDGET WORK SESSION DATE (08-08-22), COMMISSION DAY

City Manager Tillman said he would like to go back to the previous agenda item. Those Commission meetings would replace the first and third Monday Commission meetings for the month of September, 2022. So that Thursday and that Tuesday would be our Commission meetings for the month of September, 2022.

Back to Item 18, he said staff recommends approval of setting Monday, August 8, 2022, for Commission Day activities and for a proposed budget work session, if needed.

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

Motion by Commissioner Cowie, seconded by Commissioner Hamann, to approve setting Monday, August 8, 2022, for Commission Day activities and for a proposed budget work session, if needed. Upon vote, all ayes.

City Manager Tillman said that completed the agenda for the evening.

Mayor Taylor Bogert said she would like to take a moment to acknowledge that in our longevity presentations to our nine employees, we had a total 80 years of experience – and that it speaks highly for our employees at the City of Auburndale. She thanked all the employees that were recognized.

The Meeting was adjourned at 8:27:29 PM.

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



Brandon Henry, City Clerk

17. APPROVE PUBLIC HEARING DATES FOR PROPOSED FY 2020 BUDGET

City Manager Tillman said staff recommends approval of Thursday, September 8, 2022 and Tuesday, September 20, 2022 at 7:00 p.m. at City Hall for the required Public Hearings on the proposed FY 2023 (which commences on October 1, 2022) Budget.

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

Motion by Commissioner Hamann, seconded by Commissioner Sterling, to approve Thursday, September 8, 2022 and Tuesday, September 20, 2022 at 7:00 p.m. at City Hall for the required Public Hearings on the proposed FY 2023 Budget (which will commence on October 1, 2022). Upon vote, all ayes.

18. SET BUDGET WORK SESSION DATE (08-08-22), COMMISSION DAY

City Manager Tillman said he would like to go back to the previous agenda item. Those Commission meetings would replace the first and third Monday Commission meetings for the month of September, 2022. So that Thursday and that Tuesday would be our Commission meetings for the month of September, 2022.

Back to Item 18, he said staff recommends approval of setting Monday, August 8, 2022, for Commission Day activities and for a proposed budget work session, if needed.

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

Motion by Commissioner Cowie, seconded by Commissioner Hamann, to approve setting Monday, August 8, 2022, for Commission Day activities and for a proposed budget work session, if needed. Upon vote, all ayes.

City Manager Tillman said that completed the agenda for the evening.

Mayor Taylor Bogert said she would like to take a moment to acknowledge that in our longevity presentations to our nine employees, we had a total 80 years of experience – and that it speaks highly for our employees at the City of Auburndale. She thanked all the employees that were recognized.

The Meeting was adjourned at 8:27:29 PM.

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



Brandon Henry, City Clerk