

City of Auburndale Commission Minutes July 5, 2022

Minutes of the Regular Meeting of the City of Auburndale held July 5, 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, 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 Andy Ray.

Mayor Dorothea Taylor Bogert declared a quorum present, and the Meeting was opened with prayer by Roderick Cox, Spirit Life Ministries, and a salute to the flag.

**Motion** by Commissioner Cowie, seconded by Commissioner Hamann, to approve Minutes of the City Commission Meeting of June 20, 2022. Upon vote, all ayes.

City Attorney Frederick J. Murphy requested the Commission to add an additional item to the agenda relating to opioid settlements.

**Motion** by Commissioner Cowie, seconded by Commissioner Hamann, to add City Attorney Murphy's request as Agenda Item 15. Upon vote, all ayes.

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

Mayor Taylor Bogert presented a Proclamation recognizing July as "Parks and Recreation Month" to Parks and Recreation Director Cody McGhee. City Attorney Murphy read the Proclamation.

Mayor Taylor Bogert presented a Proclamation recognizing July as "Lake Appreciation Month" to Danny Kushmer (who could not be present at the Meeting) with the Lakes Education Action Drive. City Attorney Murphy read the Proclamation.

## **1. ORDINANCE #1698 AMENDING LAND DEVELOPMENT REGULATIONS – THE LAKES DISTRICT**

Community Development Director Julie Womble stated that in 2019, the City Commission endorsed "The Lakes District" Vision and Strategies for the North Auburndale area, which has been experiencing rapid growth and development. The Lakes District Vision is a master plan to help with the creation of greenway and trails corridors, mixed-use centers, walkability enhancements, and protection of environmental resources and agricultural character. At the end of 2021, the City Commission amended the Comprehensive Plan and the Land Development Regulations to include The Lakes District Master Planned Community Area, which is intended to implement the Vision and Strategies for The Lakes District.

City Staff is proposing an amendment to the Land Development Regulations, Chapter 15, Special Overlay Districts to include Architectural Standards for the Lakes District Master Planned Community Area and to correct several scrivener's errors. The Lakes District Master Planned Community Area Architectural Code will provide architectural definitions, architectural theme of "Florida Heritage" with four main architectural styles to choose from: Craftsman, Neoclassical, Old Florida and Modern Farmhouse.

The Architectural Code contains universal architectural rules for property within the Lakes District Master Planned Community Area, for which all new development and redevelopment within that area must comply. The Lakes District Master Planned Community Area Architectural Universal Rules are as follows:

1. "Heavy" materials below "light" materials. For example, smaller balconies or windows on upper stories, or coarse building materials on the bottom with smooth materials above.
2. Vertically proportioned fenestration.
3. Visible joints i.e., doors, windows, and columns, are required to have spanning lintels.

A development must then identify with one of the four architectural styles and comply with the style's universal rules, the styles permitted exterior building materials, the style's permitted roofline and shape, the style's roofline materials, and at least one characteristic feature as defined for each style provided.

She made a presentation of each of the four architectural styles and the required architectural elements of each style.

Staff is proposing correcting several scrivener's errors such as revising and correcting any references to figures and maps, grammatical corrections, addition of additional agency coordination for the protection of wetlands, sidewalks, and updated cross-references to other sections of the LDC.

The proposed text amendment to the Land Development Regulations is consistent with the City of Auburndale Comprehensive Plan and all other Land Development Regulations. The Planning Commission recommended approval at their June 7, 2022 meeting.

City Manager Tillman stated the proposed Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. The proposed Ordinance was approved on first reading and is being presented for second and final reading, and that staff recommended approval.

City Manager Tillman added that staff will be bringing back a recommendation regarding architectural exemptions to estate lots within the Lakes District Master Planned Community Area.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1698 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, MAKING FINDINGS AND AMENDING ORDINANCE NO. 764, THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AUBURNDALE, FLORIDA, BY AMENDING THE TEXT OF CHAPTER 15, SPECIAL OVERLAY DISTRICTS RELATED TO THE LAKES DISTRICT MASTER PLANNED COMMUNITY AREA BY ADDING ARCHITECTURAL CODE PROVISIONS WITHIN THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AUBURNDALE, FLORIDA; AND PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**, by title only.

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

**Motion** by Commissioner Hamann, seconded by Commissioner Cowie, to approve Ordinance No. 1698 amending Land Development Regulations – The Lakes District, as read on second and final reading by title only.

Commissioner Myers asked when will staff bring back analysis regarding architectural exemptions to estate lots?

City Manager Tillman answered that staff would look to bring it to the Planning Commission in August, and then likely the second City Commission meeting in August.

Commissioner Myers said that adding a mid-century modern architectural style would probably catch most designs.

Community Development Director Womble responded that staff has talked to the consultant to provide even more flexibility, but still having some universal rules to tie back in.

Commissioner Myers said that he saw a notification regarding Max Strang's design at Panther Lakes, which is a high-end project. It is a project of Jack Nicklaus and Justin Thomas but would not be allowed in the Lakes District. As long as staff is bringing back a recommendation, he supports the motion.

Upon vote, all ayes.

## **2. ORDINANCE #1699 AMENDING THE OFFICIAL ZONING MAP – ENCLAVE AT LAKE ARIETTA**

Community Development Director Womble said in March 2019, the City approved a two phased Planned Development-Housing 1 (PD-H1) Zoning classification, which included a Binding Site Plan for 41 single-family units and 25 short-term rental duplex homes (50 units) for a total of 91 residential dwelling units on +/-78.77 acres. The 7.03-acre outparcel was reserved for future development and maintained a Future Land Use designation of Low Density Residential and Zoning designation of Planned-Development Housing-1 consistent with the balance of the property.

JSK Consulting on behalf of property owner Gapway Groves Corp. is requesting for a Zoning modification to the Planned Development Binding Site Plan on +/-28.93 acres of a +/-31.43-acre tract of land. The Binding Site Plan modification removes the proposed 25 short-term rental duplex units and returns the Planned Development-Housing 1 (PD-H1) to traditional single-family residential as originally approved in 2008. Phase 2 of the Subdivision will now include 54 single-family units for a total of 95 residential dwelling units and incorporates +/-4.53 acres of the outparcel that was reserved for future development. The request is compatible with the proposed and adjoining Zoning classifications. This Zoning Map amendment does not include the first phase (+/-47.42 acres) of the development.

As with the previous approved binding site plans, the remaining 2.5 acre outparcel fronting Berkley Road is being reserved for future development. The 2.5 acres will maintain a Future Land Use designation of Residential Low and Zoning designation of Planned Development Housing-1 consistent with the balance of the property. Any development of this property will require an amendment to the Zoning Map and Public Hearings before the Planning Commission and City Commission.

The minimum lot size will average 9,100-9,200 sq. ft. with lot dimensions of 70' x 120' and 80' x 130'. Setbacks proposed are 25' on the fronts, 10' on the side and 10' on the rear. Corner lots would have a setback of 20'. A proposed six-foot high wall will run the perimeter of Phase 2.

She made a presentation depicting the proposal. She said the Planning Commission approved at their June 7, 2022 meeting, and that staff recommends approval.

City Manager Tillman said the proposed Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. The proposed Ordinance was approved on first reading and is being presented for second and final reading.

City Attorney Murphy read Ordinance No. 1699 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 A PLANNED DEVELOPMENT HOUSING-1 ZONING CLASSIFICATION ON A PARCEL OF LAND TOTALING +/- 28.93 ACRES; AND PROVIDING AN EFFECTIVE DATE (GENERAL LOCATION: Berkley Road and Lake Myrtle Park Road),** by title only.

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

**Motion** by Commissioner Cowie, seconded by Commissioner Sterling, to approve Ordinance No. 1699 amending the official zoning map – Enclave at Lake Arietta, as read on second and final reading by title only. Upon vote, all ayes.

### **3. PUBLIC HEARING – FUTURE LAND USE AND OFFICIAL ZONING MAP AMENDMENTS – THE LAKES DISTRICT, LANIER & JERUE PROPERTIES**

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

City Manager Tillman introduced the items. He said the Future Land Use is being put onto the entire Lakes District, with individual zoning requests to take advantage of the new Future Land Use.

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Community Development Director Womble said these will be different action items. Staff is presenting the items as a whole because when it was reviewed by the State, it all came back on the same report.

She said that in November 2019, the City Commission endorsed "The Lakes District" Vision and Strategies. The Lakes District Vision is a master planned community to help with the creation of greenway and trails corridors, mixed-use centers, walkability enhancements, and protection of environmental resources and agricultural character. On January 18, 2022, the City Commission adopted the Comprehensive Plan text amendment establishing a new Future Land Use classification, Lakes District Mixed Use (LDMU). On December 6, 2021, the City adopted an amendment to the City's Land Development Regulations (LDRs) Chapter 15, Special Overlay Districts, establishing new zoning policies for this newly adopted Future Land Use.

The Lakes District Mixed Use Future Land Use category provides opportunities for a mix of open space, pedestrian and bicycle connectivity, residential, and mixed-use village centers, and the establishment of a Transfer of Development Rights program.

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.

Community Development Director Womble made a presentation depicting the proposal.

She said the Planning Commission approved the Future Land Use Amendment on 5/3/22.

She asked City Manager Tillman if he would like the Commission to take action each time?

City Manager Tillman said let us get to the end, and we will do action on all three ordinances. Staff is depicting the Future Land Use change, and then the specific zoning changes.

Community Development Director Womble said that 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.

She presented a graphic depicting the overall development process for these items.

The Planning Commission and staff recommended approval of these items.

City Manager Tillman said the proposed Ordinances were prepared by the Community Development Department and reviewed by the Assistant City Manager, City Manager and City Attorney. If approved on first reading, the proposed Ordinances will be presented for second and final reading on July 18, 2022.

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

City Attorney Murphy asked Community Development Director Womble if the proposed Future Land Use designations and Zoning classifications would provide more density than would be allowed in the County?

She answered yes, and that all properties are annexed into the City.

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

#### **4. ORDINANCE #1700 AMENDING THE FUTURE LAND USE MAP – THE LAKES DISTRICT**

City Manager Tillman said staff recommends approval of Ordinance #1700 amending the Future Land Use Map – The Lakes District, and that the City Attorney has the Ordinance.

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.

**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 first reading by title only.

Commissioner Hamann thanked Assistant City Manager Amy Palmer and all three property owners for making the vision for the Lakes District and should be commended.

Upon vote, all ayes.

## 5. ORDINANCE #1701 AMENDING THE OFFICIAL ZONING MAP – LANIER

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.

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

## 6. 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.

**Motion** by Commissioner Cowie, seconded by Commissioner Hamann, to approve Ordinance No. 1702 amending the Official Zoning Map – Jerue, as read on first reading by title only. Upon vote, all ayes.

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

## 7. PUBLIC HEARING - FUTURE LAND USE AND OFFICIAL ZONING MAP AMENDMENTS – WHEELER FARMS PROPERTY

Community Development Director Womble said in November 2019, the City Commission endorsed "The Lakes District" Vision and Strategies. The Lakes District Vision is a master planned community to help with the creation of greenway and trails corridors, mixed-use centers, walkability enhancements, and protection of environmental resources and agricultural character. On January 18, 2022, the City Commission adopted the Comprehensive Plan text amendment establishing a new Future Land Use classification, Lakes District Mixed Use (LDMU). On December 6, 2021 the City adopted an amendment to the City's Land Development Regulations (LDRs) Chapter 15, Special Overlay Districts, establishing new zoning policies for this newly adopted Future Land Use.

The Lakes District Mixed Use Future Land Use category provides opportunities for a mix of open space, pedestrian and bicycle connectivity, residential, and mixed-use village centers, and the establishment of a Transfer of Development Rights program.

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 request also includes an Official Zoning Map Amendment designating a Zoning classification of Residential Neighborhood (RN), which allows low to medium density residential areas and is 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 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.

Community Development Director Womble made a presentation depicting the proposal, and a graphic depicting the overall development process for these items.

The Planning Commission and staff recommend approval.

City Manager Tillman highlighted the overall development process for properties being developed in the Lakes District Master Planned Community Area.

The proposed Ordinances were prepared by the Community Development Department and reviewed by the Assistant City Manager, City Manager and City Attorney. If approved on first reading, the proposed Ordinances will be presented for second and final reading on July 18, 2022.

Mayor Taylor Bogert asked for public comment.

Shelton Rice, attorney with Peterson and Myers, 225 E Lemon St., Lakeland, FL, on behalf of the applicant thanked staff and requests a favorable vote.

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

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

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.

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

#### **9. 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.

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

#### **10. 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. If approved on first reading, the proposed Ordinances will be presented for second and final reading on July 18, 2022.

He noted the Police Pension Board and Firefighters' Pension Board recommended approval for their respective ordinances. Staff also recommends approval.

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 Sterling, to approve Ordinance No. 1705 amending the Police Officers' Pension Trust Plan, as read on first reading by title only.



Commissioner Myers asked if participants could start earlier into the DROP?

City Manager Tillman answered that there would still be vesting requirements to get into the DROP, such requirements to get into the DROP have not changed.

Upon vote, all ayes.

#### **11. ORDINANCE #1706 AMENDING FIREFIGHTERS' PENSION TRUST PLAN**

City Manager Tillman said the Firefighters' Pension Board recommended approval of Ordinance #1706 at their April 26, 2022 meeting and that 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 Hamann, to approve Ordinance No. 1706 amending the Firefighters' Pension Trust Plan, as read on first reading by title only. Upon vote, all ayes.

#### **12. FINAL PLAT – OTTER WOODS ESTATE**

City Manager Tillman introduced the item. He thanked Community Development Director Womble for all her help and hard work tonight. He said she picked up where Amy left off on the Lakes District and has done a great job in getting it across the finish line.

Community Development Director Womble said the City has received a request to plat the Otter Woods Estate Subdivision, formerly known as Otter Pond, from JSK Consulting, on behalf of Gapway Groves. The property is 11.2 +/- acres and located north of Bolender Road and has a Zoning of Single Family Residential-2 (RS-2).

On December 7, 2020, the City Commission adopted a Zoning Map Amendment on the subject site from Open Use Agricultural (OUA) to Single Family Residential-2 (RS-2). The subdivision consists of 22 lots and the minimum lot size is 9,500 SF allowing for a 70-foot-wide lot.

The development meets or exceeds all Land Development Regulations, including minimum lot size, minimum setbacks, and minimum house size. The RS-2 zoning district requires 25' front yard setbacks, 10' side yard setbacks, and 10' rear setbacks. Access to the subdivision will be from Bolender Road, a County maintained road. Five-foot sidewalks will be provided on both sides of the street.

Community Development Director Womble made a presentation depicting the proposal.

The developer's engineer has certified that all necessary improvements to the subdivision have been constructed and installed according to the Land Development Regulations. All retention areas, roads, sidewalks, and open spaces will be dedicated to and maintained by the Homeowner's Association.

Approval of the Final Plat allows the developer to sell the lots and begin building houses.

She presented a graphic depicting the overall development process for this item.

City Manager Tillman said staff recommends approval.

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

**Motion** by Commissioner Hamann, seconded by Commissioner Cowie, to approve Final Plat – Otter Woods Estate.

Commissioner Sterling asked if this is on the south side of Bolender Road?

Community Development Director Womble said yes.

Upon vote, all ayes.

### **13 AGREEMENT WITH FRONTIER COMMUNICATIONS FOR UTILITY LOCATE SUPPORT**

City Manager Tillman said on June 6, 2022, Frontier Communications presented the upcoming fiber expansion project in the City, known as Frontier FiberOptic, in an effort to be able provide fiber services to all City residents and businesses over the next several years.

Frontier's fiber expansion project will require the location and marking of underground utilities, including all City water, sewer, and reuse wastewater lines, throughout the project areas. Due to the unusually high number of anticipated requests and in an effort to coordinate and dedicate resources to expedite the project, Frontier has voluntarily agreed to partner with the City to reimburse the costs associated with hiring a utility locate contractor. The utility locate contractor would work on behalf of the City and if approved, Staff will coordinate selecting a utility locate contractor to begin coordinating with Frontier Communications on the FiberOptic project.

The Agreement will continue to be effective for a period of twenty (20) months from the date of approval. The Agreement was prepared by Frontier Communications based on agreements utilized with other jurisdictions and reviewed by the Finance Director, Public Utilities Director, City Manager and City Attorney.

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

**Motion** by Commissioner Cowie, seconded by Commissioner Hamann, to approve the Agreement with Frontier Communications for Utility Locate Support.

Commissioner Hamann asked who would be responsible for any miscalculations, for example – Frontier cutting into a water line?

City Manager Tillman answered the City would be responsible for marking locations of City utilities. If it is marked and they (Frontier) hit it, they (Frontier) would be responsible for any repairs.

City Attorney Murphy stated that by entering into this agreement, the City is not undertaking any responsibility or liability for Frontier's work. The City is only assisting in adding additional personnel for locate work as voluntarily requested by Frontier given the scope of its project.

Commissioner Myers asked when we get recommendations on the relocate company, will staff check references from other places where they did work?

City Manager Tillman answered yes.

Commissioner Myers said we should see if they worked in places with similar situations, such as having older parts of town where we think we know where the utilities are.

City Manager Tillman said that the utility subcontractor will be responsible to us - and if there is any uncertainty in an area, we can do some additional verification.

Commissioner Myers said we should minimize conflict.

Mayor Taylor Bogert said she was surprised how far utility locates and easements went up somebody's yard.

City Manager Tillman said we are coordinating with Frontier. The City issued two permits prior to the agreements but Frontier was willing to stop the project before additional utilities were marked so that the City could make sure Frontier got door hangers out with contact information. There has been some social media outreach. Kirkland Lake Estates will be the first subdivision.

Mayor Taylor Bogert said Frontier are putting the door hangers out.

Upon vote, all ayes.

#### **14. APPOINTMENT TO THE POLICE PENSION BOARD**

City Manager Tillman said the Board consists of two City residents, appointed by the City Commission for a term of four years; two full-time police officers that are elected by a majority of the police officers that are members of the Plan for a term of four years; and the fifth member chosen by a majority of the previous four members and approved by the City Commission, for a term of four years.

The City Commission in October 2020 appointed Keith Johnson to serve as a Resident Member to the Police Pension Board. Mr. Johnson has suggested he is not able to serve at this time. Mr. Alex Cam, of Cam's Catering, and President of the Greater Auburndale Chamber of Commerce, and resident of the City has offered to serve on the Police Pension Board.

Staff has no objections.

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

**Motion** by Commissioner Sterling, seconded by Commissioner Hamann, to approve Alex Cam's Appointment to the Police Pension Board. Upon vote, all ayes.

#### **15. OPIOID SETTLEMENT CHANGES**

City Attorney Murphy said he was recently advised by the Florida Attorney General that there are four additional settlements that will result in approximately \$58,379.76 allocated to the City of Auburndale for the opioid settlement matter, which will be handled by Polk County pursuant to our Interlocal Agreement with Polk County to further implement the Polk County, Florida Opioid Abatement Plan.

This requires the City Attorney to execute the settlement agreements on behalf of the City on the DocuSign platform. There are four settlement agreements with CVS Health, Teva Pharmaceuticals, Allergan Finance, and Walgreens Boots Alliance. He requests approval by the City Commission of the settlement agreements and associated documents and authorization to sign the settlement agreements on behalf of the City.

**Motion** by Commissioner Myers, seconded by Commissioner Cowie, to approve. Upon vote, all ayes.

The Meeting was adjourned at 8:05:08 PM.

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



Brandon Henry, City Clerk