

Minutes of the Regular Meeting of the City of Auburndale held August 15, 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 Reverend William Fred Leonard, Mt. Zion Missionary Baptist Church, and a salute to the flag.

Motion by Commissioner Cowie, seconded by Commissioner Hamann, to approve Minutes of the City Commission Meeting of August 1, 2022. Upon vote, all ayes.

City Manager Jeffrey Tillman announced the City has received the annual population numbers from the University of Florida. The City has 17,453 residents for 2022. It has been updated on the website.

He reminded the Commission that the Florida Polytechnic ribbon cutting for their new building is at 9:00 a.m. on Thursday.

He said the next two Commission meetings in September have been moved from the first and third Mondays. The next Commission meetings are Thursday, September 8th, at 7:00 p.m. and Tuesday, September 20th, at 7:00 p.m. in the Commission Room. This is to accommodate the budget public hearings. All City offices will be closed on September 5th for Labor Day.

On Tuesday, September 6th, the City will be hosting the Ridge League of Cities dinner. The social will be at 6:00 p.m. with dinner at 7:00 p.m. We will be recognizing Mayor Taylor Bogert for stepping into the presidency of the Ridge League. He said we are excited to host and to see the Mayor transition into the presidency.

Commissioner Hamann congratulated Mayor Taylor Bogert.

Mayor Taylor Bogert said she is looking forward to it. It will be the 75th Anniversary of the Ridge League of Cities, and it will be an honor to serve as President.

City Attorney Frederick J. Murphy Jr. also congratulated Mayor Taylor Bogert.

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

Mayor Taylor Bogert said she would like to take a moment to recognize the Greater Auburndale Chamber of Commerce President Alex Cam and Executive Director Sandra Hall, who were in attendance.

1. PUBLIC HEARING – FUTURE LAND USE AND OFFICIAL ZONING MAP AMENDMENTS – AUBURN VILLAGE

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

City Manager Tillman said in previous meetings, the City annexed this developed property into the City limits. This will give it a City Zoning and Future Land Use complementary to its existing use.

Assistant City Manager Amy Palmer said as a result of annexation, the City has received a request from Eugene Strickland for a Future Land Use and Zoning Amendment on a parcel totaling +/- 9.54 acres. The property currently has a Polk County Land Use designation of Residential Low-3 (RL-3).

The requested Future Land Use of Medium Density Residential and Zoning classification of General Residential-2 (RG-2) is consistent with adjacent County residential land uses to the north, south, east, and west. The request is also consistent with properties adjacent to the west and south. The property is currently developed as an

affordable 55+ housing community. The requested Future Land Use and Zoning Map amendments are consistent with the City of Auburndale's Comprehensive Plan and Land Development Regulations.

The Planning Commission recommended approval of the proposed Future Land Use of Medium Density Residential and Zoning classification of General Residential-2 (RG-2) (6-0, 08/02/2022)

Staff recommends approval of Ordinance #1712 amending the Future Land Use Map – Auburn Village and Ordinance #1713 amending the Official Zoning Map – Auburn Village.

Assistant City Manager Palmer made a presentation depicting graphics of the proposal.

City Manager Tillman said the Ordinances were prepared by the Community Development Director and reviewed by the City Manager and City Attorney. If approved on first reading, the proposed Ordinances will be considered for second and final reading on September 8, 2022.

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.

2. ORDINANCE #1712 AMENDING THE FUTURE LAND USE MAP – AUBURN VILLAGE

City Manager Tillman said staff recommends approval of Ordinance #1712 amending the Future Land Use Map – Auburn Village.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1712 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 A PARCEL OF LAND TOTALING +/- 9.54 ACRES FROM POLK COUNTY FUTURE LAND USE CLASSIFICATION RESIDENTIAL LOW-3 (RL-3) TO CITY OF AUBURNDALE FUTURE LAND USE CLASSIFICATION RESIDENTIAL MEDIUM; AND PROVIDING AN EFFECTIVE DATE (General Location: Jersey Road)**, by title only.

Motion by Commissioner Hamann, seconded by Commissioner Sterling, to approve Ordinance #1712 amending the Future Land Use Map – Auburn Village, as read on first reading by title only.

Commissioner Myers asked if this property is contiguous with the old Schulz Polk Nursery property? There is a sign on the property for development. Have they contacted the City about annexing in?

Assistant City Manager Palmer answered that the property is within Winter Haven's service area.

Upon vote, all ayes.

3. ORDINANCE #1713 AMENDING THE OFFICIAL ZONING MAP – AUBURN VILLAGE

City Manager Tillman said staff recommends approval of Ordinance #1713 amending the Official Zoning Map – Auburn Village.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1713 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 +/- 9.54 ACRES FROM POLK COUNTY RESIDENTIAL LOW-1 (RL-1), RESIDENTIAL LOW-2 (RL-2) AND AGRICULTURE/RURAL RESIDENTIAL (A/RR) TO CITY OF AUBURNDALE ZONING MAP CLASSIFICATION GENERAL RESIDENTIAL-2 (RG-2); AND PROVIDING AN EFFECTIVE DATE (General Location: Jersey Road)**, by title only.

Motion by Commissioner Sterling, seconded by Commissioner Myers, to approve Ordinance #1713 amending the Official Zoning Map – Auburn Village, as read on first reading by title only.

Upon vote, all ayes.

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

4. PUBLIC HEARING – LAND DEVELOPMENT REGULATIONS TEXT AMENDMENT – LAKES DISTRICT

Assistant City Manager Palmer said 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. 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. On July 5th, 2022 the City Commission adopted a revised version of the Lakes District Master Plan Land Development Regulations adding Architectural Standards.

City Commission has requested staff to research and propose an amendment to the Land Development Regulations, Chapter 15, Special Overlay Districts for changes to the Architectural Standards for larger residential lots. New language is proposed to allow residential lots, over one acre, with an Estate Residential (ER) Zoning classification in the Lakes District Master Planned Community Area, the ability to have any architectural style.

New universal architectural rules are proposed for lots over one acre within Estate Residential (ER) Zoning, as follows:

1. Neutral or Earth-toned Exteriors
2. Enhanced Front Door and/or entryway
3. Mix of Exterior Building materials on all sides of home.

The proposed amendment also clarifies Section 15.305 – Other Setbacks and defines the minimum separation between primary buildings to be 15 feet, unless the property has alley access which allows for a building separation of 12 feet.

Further clarification to Section 15.307 (a) Starter Landscaping proposes that a mixture of two to three varieties of shade trees shall be used in the minimum starter package for landscaping. A suggestion of shade trees such as live oak, maple or magnolia trees is shown as preferred.

The proposed Ordinance amending the Land Development Regulations is consistent with the City of Auburndale Comprehensive Plan and all other Land Development Regulations.

The Planning Commission recommended approval of the proposed Land Development Regulation text amendment (4-1, 08/02/2022).

Staff recommends approval of Ordinance #1714 amending the Land Development Regulations – The Lakes District.

Assistant City Manager Palmer made a presentation depicting graphics of the proposal.

City Manager Tillman said 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 considered for second and final reading on September 8, 2022.

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.

5. ORDINANCE #1714 AMENDING THE LAND DEVELOPMENT REGULATIONS – LAKES DISTRICT

City Manager Tillman said staff recommends approval of Ordinance #1714 amending the Land Development Regulations – The Lakes District.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1714 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 AND ARCHITECTURAL CODE TO THE LAKES DISTRICT MASTER PLANNED COMMUNITY ESTABLISHED WITHIN THE CITY OF AUBURNDALE, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**, by title only.

Motion by Commissioner Cowie, seconded by Commissioner Hamann, to approve Ordinance #1714 amending the Land Development Regulations – The Lakes District.

Mayor Taylor Bogert, Commissioner Hamann, and Commissioner Myers thanked staff.

Commissioner Myers said this started out as a public/private partnership. Some of the major landowners contributed financially towards hiring Kimley-Horn. They will have the chance to review and provide input before second reading.

Commissioner Hamann asked if the landowners had any input?

Assistant City Manager Palmer answered that with the original architectural plan that was adopted, they did a full review and made recommendations. One of the landowners made the recommendation for different architectural standards for one-acre lots. They have not seen this specific amendment, but this is something we can share with them before second reading.

City Manager Tillman said it would accommodate the recommendations they had suggested.

Commissioner Myers said we partnered with them financially and received comments from them, so let us not leave them out.

Upon vote, all ayes.

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

6. PUBLIC HEARING – LAND DEVELOPMENT REGULATIONS TEXT AMENDMENT – FOOD TRUCKS

Assistant City Manager Palmer introduced the item. She said the City has received several requests to update Land Development Regulations to allow Food Trucks within City limits. Staff researched nearby jurisdiction practices along with State of Florida Food Truck regulations and propose an amendment to the Land Development Regulations Chapter 4 and Chapter 5 defining and allowing food trucks.

The proposed text defines a food truck as a mobile food unit, self-sufficient mobile food vendor, or any other food service/vending motorized vehicle licensed with the State of Florida Motor Vehicle Department. The proposed text amendment also states that it shall be unlawful for any person or business to engage in mobile food vending within the city limits unless the person or business has the necessary state licenses.

Food Trucks would be prohibited in Open Use Agricultural (OUA), all residential Zoning categories including Residential Planned Developments, Lake Front (LF), all Rights-of-Way, and City-owned property or parks without authorization from City Administration.

All Food Trucks shall have a notarized authorization form(s) from the legal property owner(s) of each proposed food truck site. A permit is required for each property where the food truck will be in operation and proof of insurance. Food Trucks shall only operate at an authorized permitted location for three (3) consecutive days and shall not be allowed back to the same location for five (5) days. They would be required to leave at the end of the day.

The proposed Ordinance amending the Land Development Regulations is consistent with the City of Auburndale Comprehensive Plan and all other Land Development Regulations.

The Planning Commission recommended approval of the proposed Land Development Regulation text amendment (6-0, 08/02/2022), and staff recommends approval of Ordinance #1715 amending the Land Development Regulations – Food Trucks.

Assistant City Manager Palmer made a presentation clarifying the proposed amendment.

Commissioner Myers asked for the reasoning behind requiring a five-day break, and whether it is five calendar days or five business days.

Assistant City Manager Palmer answered it is calendar days.

Commissioner Myers said that businesses will have different trucks come back every day.

City Manager Tillman said that the amendment addresses the same truck being there for more than three consecutive days. It does not say they could not have different trucks.

Commissioner Myers said that is the point, would the City patrol food trucks?

City Manager Tillman said we would have to have enforcement in place.

Assistant City Manager Palmer says that once we start issuing a permit, it would imply an enforcement mechanism.

City Attorney Murphy clarified that we are not permitted to require a separate permit for mobile food dispensing vehicles. It has been preempted to the State. We are permitted to adopt regulations regarding the operations of mobile food dispensing vehicles within the City. The terminology "permit" would suggest the payment of a fee. We do not intend on that to be the protocol. It is more informational to understand where, when, and provision of State documentation – and limitations of time, manner, and place.

City Manager Tillman reminded that we are in a public hearing.

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.

7. ORDINANCE #1715 AMENDING THE LAND DEVELOPMENT REGULATIONS – FOOD TRUCKS

City Manager Tillman said 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 considered for second and final reading on Thursday, September 8, 2022. He said staff recommends approval of Ordinance #1715 amending the Land Development Regulations – Food Trucks.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1715 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 764, THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AUBURNDALE, FLORIDA, BY AMENDING THE TEXT OF CHAPTER 04 DEFINITION OF FOOD**

TRUCKS, AND AMENDING THE TEXT OF CHAPTER 05, ZONING, DETAILING WHERE FOOD TRUCKS ARE PERMITTED AND PROHIBITED; AND PROVIDING AN EFFECTIVE DATE, by title only.

Motion by Commissioner Cowie, seconded by Commissioner Hamann, to approve Ordinance #1715 amending the Land Development Regulations – Food Trucks.

Commissioner Hamann asked if it is limited to one food truck at a time?

Assistant City Manager Palmer answered yes.

Commissioner Hamann asked what if they wanted two or three?

Assistant City Manager Palmer said with the way it is written, it would only allow one food truck at a time.

Commissioner Myers said that his research indicates the businesses will have one or two food trucks come, and rotate them out. That is why he is asking about the five-day separation, because if you want a specific food truck (e.g. *“Joe’s Burgers”*) on Monday and Friday – there is no five-day separation. It was not staff’s recommendation, but a recommendation of the Planning Commission. He said he could not understand why that was done based on the minutes from the Planning Commission meeting.

Assistant City Manager Palmer said the distinction between Commissioner Myer’s comments and what is in the amendment is if you wanted to have a specific truck (e.g. burgers) on Monday, and another truck (e.g. pizza) on Tuesday – you can do that all year long. It is referring to the specific truck itself not being allowed to be there for four consecutive days.

Mayor Taylor Bogert said what she thinks Commissioner Myers is saying is if a group wants a specific truck (e.g. *“Bob’s Burgers”*) on Monday and Friday, there is no five-day separation.

Commissioner Myers said the five-day separation is not clear to him.

Mayor Taylor Bogert said she was not clear as to why. It is not the case that a food truck can be there for three days then it will be empty. They can have a food truck on their property every day. She is curious as to the purpose of the five-day separation.

Commissioner Hamann asked if it is for having the same food truck?

Mayor Taylor Bogert said yes, it is for having the same one versus a different one every day. From a citizen perspective, having something different to choose from is always nice. She said she does not know the purpose of the five-day separation.

City Manager Tillman said the five-day separation was recommended by the Planning Commission. In talking with Community Development Director Julie Womble in crafting the regulations and researching other jurisdictions, this was intended to be temporary. He said food trucks would set up in one location and stay there for seven days a week, 365 days a year. The intent is to make sure they get off the property and go somewhere else, so you get a variety of food trucks, as opposed to having one set up in one location – as seen in other jurisdictions. The intent is so you do not have a permanent food truck.

Mayor Taylor Bogert said they still have to move every night regardless.

City Manager Tillman confirmed they do have to move every night.

Commissioner Myers said typically of businesses hosting food trucks, the food trucks come in for lunch time and leave.

Commissioner Cowie said unless it is a special event.

Mayor Taylor Bogert said outside of special events, it is usually on private property. If we are allowing them to bring food trucks on, and they want to have an agreement with someone to set up every day – she does not personally see a problem with that. She said she loves the rotation, but she does not think that will be the case for businesses hosting food trucks for their employees. She said she knows the Greater Auburndale Chamber of Commerce is for food trucks. They want to have food trucks be able to be here. She asked Commissioner Myers if there is something he is looking to change.

Commissioner Myers said he yields to the rest of the Commission. He said it takes away from enforcement, we do not have to spend extra money on enforcement. Does the Police Chief really want to enforce food trucks? Our code enforcement is busy enough as it is. We are better off with less restrictions, until specific problems arise.

Mayor Taylor Bogert said we can always come back to revisit specific problems.

Commissioner Cowie said what we are trying to stay away from is when a business allows a food truck to park there for an entire year. He asked if this is right?

Commissioner Myers said they have to leave at night.

Commissioner Cowie said so they drive it home at night and they drive it back every day – is that what we are trying to stay away from with the five-day separation?

Mayor Taylor Bogert said she thinks what we are trying to stay away from are permanent food trucks. She cited an example in Winter Haven.

Commissioner Hamann said the intent is so they do not stay there.

Assistant City Manager Palmer said this is a true temporary use.

Commissioner Sterling asked if a non-motorized trailer counts under the definition? Should the definition be changed to include trailers? He said you have brick-and-mortar restaurants in Auburndale who belong to the Chamber of Commerce and who pay ad valorem taxes on their buildings. It costs a lot to get into the restaurant business, and they have to secure parking. It is easier to get into the restaurant business with a food truck because they are not paying ad valorem taxes. He is not in favor of food trucks. They are competing with other restaurants and may or may not belong to the Chamber.

Mayor Taylor Bogert thanked Commissioner Sterling. She said she is assuming if someone has to file for a permit, there is going to be at least a minimal fee to cover the costs for the City. Is that not the case?

City Attorney Murphy said Section 509.102 of Florida Statutes preempts requirements of a local government to issue permits for mobile food dispensing vehicles to the State. We can regulate operation, hours, time, place, and manner – but we do not want to be charging for a permit or issuing a permit. We can cull some of that language and clarify the five-day separation, but he would not advise the City Commission to adopt an ordinance that conditions the issuance of a permit – because that has been preempted to the State.

Mayor Taylor Bogert said she thought that concern was strictly health and licensing.

City Attorney Murphy said the only permit a mobile food dispensing vehicle is required to obtain is of that required by the State. They have to show that to us – that they have their licensure and proper permitting from all the various agencies of the State. He wants to make sure we are clear on that point. He did not know if that was discussed at the Planning Commission level or not.

Assistant City Manager Palmer answered no.

Commissioner Myers said he was trying to think of where a food truck would park in front of a brick-and-mortar business, because they can only park on private property.

Commissioner Hamann added that they have to be 150 feet away.

Commissioner Myers said we have had the mobile ice cream shops park in front of the park by Dan's Ice Cream and put him out of business. There have been instances, such as Crave and Copper, that started as a food truck. They evolved into a brick-and-mortar because their business became good. It is like an incubator process. It is an opportunity for someone to start a business and possibly become brick-and-mortar.

Mayor Taylor Bogert said if they find the residents of Auburndale like a specific truck, they may consider Auburndale as a location. It also brings customers to Auburndale who may discover other businesses in the City. It provides a marketing perspective that is currently not there.

Motion by Commissioner Myers, seconded by Commissioner Hamann, to amend Commissioner Cowie's motion to include striking the five-day separation requirement. Upon vote, four ayes and Commissioner Sterling voting nay.

City Attorney Murphy added that he will work with staff to tweak the language to make it clear that we are not requiring a separate permit. The motion on the table now is to approve Ordinance No. 1715, with the amendment offered by Commissioner Myer's that strikes the five-day separation.

Upon vote, four ayes and Commissioner Sterling voting nay.

8. AGREEMENT WITH SADDLE CREEK PRESERVE CDD FOR FORCE MAIN EXTENSION AND L/S GENERATOR

City Manager Tillman said the Saddle Creek Preserve Subdivision is a 425-unit single-family housing development located on Saddle Creek Road, west of Tenoroc High School, in unincorporated Polk County within the City of Auburndale Utility Service Area.

The City's Land Development Regulations allows the City to require the over sizing or extension of utility lines, lift stations, and/or other utility facilities to benefit the overall utility system. The City requested the Saddle Creek Preserve Community Development District (District) to extend a sewer force main beyond its development and that a lift station generator be installed at the Tenoroc Lift Station as a part of the development.

The District has agreed to utilize their current utility contractor to complete the sewer force main extension. The City would reimburse the Saddle Creek Preserve CDD for all of the costs associated with the sewer force main extension. The District has also agreed to purchase and locate the required generator downstream and offsite of the development to the Tenoroc Lift Station including any necessary up-sizing and arrange for its delivery. The City would be responsible for the cost of installation.

City Manager Tillman made a presentation depicting graphics of the proposal.

The FY 2022 Budget has \$150,000 allocated for the Saddle Creek Force Main Extension project. The onsite contractor, Tucker Paving, Inc. of Winter Haven, has quoted the cost of the Force Main Extension at \$273,637.25. Due to inflation of material and labor costs since approval of the Budget, staff feels the pricing received from Tucker Paving is competitive and additional funds are available due to impact fees collected from development in the area.

The proposed agreement was prepared by the District's Attorney and reviewed by the Public Utilities Director, City Manager and City Attorney. City Manager Tillman expressed appreciation for City Attorney Murphy's input.

He said staff recommends approval of the Interlocal Agreement.

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 Saddle Creek Preserve CDD for Force Main Extension and L/S Generator.

Commissioner Myers asked if this is in addition to what the developer already paid for their subdivision?

Public Works Director John Dickson answered yes. The generator is an addition. The extension will not be serving their development. It is just getting flows off of Schalamar, which is substandard. That station was not designed for the flows from Wilson Acres. Saddle Creek Preserve constructed the force main the rest of the way. We did not have to participate in any of the costs. They have a station that pumps to Tenoroc High School at their expense. The only thing we are participating in is diverting this flow from the existing force main to the one they constructed at their cost. We wanted to do this years ago, but this was the opportune time if they were already going to construct this portion.

Commissioner Hamann asked if they are going to pay for the oversizing, or are we taking care of that?

Public Works Director Dickson answered the only thing that is oversized is the generator. They are paying for the generator to go to the Tenoroc High School site, which will serve their development.

Commissioner Sterling asked if they are paying for the generator and we are paying to hook it up?

Public Works Director Dickson answered yes.

Commissioner Sterling asked if this is a diesel generator?

Public Works Director Dickson answered yes.

Commissioner Sterling asked if there are any gas lines out there that would make it possible to not worry about getting diesel fuel?

Public Works Director Dickson answered there is a gas line out there, but we cannot connect to it.

Upon vote, all ayes.

9. FY 2021 EDWARD BYRNE JUSTICE ASSISTANCE GRANT

City Manager Tillman said each year the Board of County Commissioners allocates federal Edward Byrne Memorial Justice Assistance Grant funds for various law enforcement projects within Polk County. These funds may be used by local units of government to support a broad range of activities to prevent and control crime and to improve the criminal justice system. The FY 2021 allocation for the County is \$174,722.00 with Auburndale approved for \$21,722.00.

The Auburndale Police Department plans to utilize this grant for the Citizen Safety Project, which includes the purchase of eight (8) automated external defibrillators (AED) and two (2) speed measuring devices. The AED's will be assigned to officers, so that all members assigned to patrol have an AED in their vehicle ready for use. The two speed measuring devices will be used by traffic officers in the enforcement of speed limits and in addressing citizens' concerns about reckless or careless drivers. All Polk County municipalities are requested to approve the State allocation as shown. City Manager Tillman presented a graphic depicting the allocation amounts.

He said staff recommends approval of the distribution of the FY 2021 Edward Byrne Grant and to authorize the Mayor to execute the support letter.

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

Motion by Commissioner Sterling, seconded by Commissioner Cowie, to approve the distribution of the FY 2021 Edward Byrne Grant and to authorize the Mayor to execute the support letter.

Upon vote, all ayes.

10. FIRST AMENDMENT TO INTERLOCAL AGREEMENT WITH POLK COUNTY – LAKE MYRTLE STADIUM

City Manager Tillman said in August 2021, the Polk County Board of County Commissioners approved spending four (4) million dollars in tourist tax dollars for the construction of a Multipurpose Stadium at the Lake Myrtle Sports Complex (Stadium). The 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 team and other large-scale events.

The City and the County entered into an Interlocal Agreement that provided for debt service to be assumed by the City with reimbursement from the County. Specifically, the County made a one-time lump-sum payment of \$500,000 to the City for construction and the City borrowed the remaining \$3,500,000 for the estimated \$4,000,000 project. As debt service becomes due on the borrowed \$3,500,000, the City will invoice and be reimbursed by the County.

The First Amendment to the Interlocal Agreement provides the City with an additional \$622,000 one-time lump-sum payment to assist with the increased cost to construct locker rooms as a part of the Stadium's construction. The City also agrees to allow Polk County Tourism and Sports Marketing to retain one hundred percent (100%) of any future Stadium sponsorship revenues until fifty percent (50%) of the second lump-sum payment is reached (\$311,000), or until the expiration of the Agreement. Thereafter, the City and the County will divide any sponsorship revenues, with sixty percent (60%) retained by the City and forty percent (40%) retained by the County, similar to the current agreement for baseball sponsorships at the Lake Myrtle Sports Complex.

Both City and County Staff are preparing a sponsorship agreement for the Stadium to be considered by the City Commission and County Commission at a later date. The Agreement will formalize the sponsorship agreement of the Stadium and will be similar to the other sponsorship agreements at the Lake Myrtle Sports Complex.

Staff recommends approval of the First Amendment to the Interlocal Funding Agreement with Polk County for the Lake Myrtle Multipurpose Stadium.

City Manager Tillman expressed gratitude to Parks and Recreation staff.

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

Motion by Commissioner Cowie, seconded by Commissioner Sterling, to approve the First Amendment to the Interlocal Agreement with Polk County – Lake Myrtle Stadium.

Commissioner Sterling asked if the amendment is just to add the extra money for the locker rooms? This is all paid by the tourist development tax that is collected by the County. We just have the agreement to front the money and they reimburse us every year.

City Manager Tillman clarified that the \$3.5 million dollars that we borrowed through the issuance of bonds and the half-million dollar one-time payment is still out there. This is a second one-time payment we would get to complete the project. In the future, the only thing we would say to the County is they can collect 100% of any sponsorship revenues off the stadium funded by them, until they reach 50% of the additional costs of the second lump sum payment (up to \$311,000). If that goes away in five years, we are back to the traditional 60/40 sponsorship split.

Mayor Taylor Bogert said we are paying for half of the locker rooms, with sponsorships to cover it.

City Manager Tillman confirmed that is correct.

Upon vote, all ayes.

11. DISCUSS CHANGES TO PROPOSED FY 2022-2023 & FY 2023-2024 BIENNIAL BUDGET

City Manager Tillman said the proposed Fiscal Year 2022-2023 and Fiscal Year 2023-2024 Biennial Budget was presented to the City Commission on August 1, 2022. The balanced Budget was presented with a Contingency Line-Item balance of \$175,857 in FY 2022-2023 and \$162,769 in FY 2023-2024. Subsequent changes in the Budget can be made with offsetting changes to the Contingency Line Item. This allows all other budgeted items to stay fully funded.

After the Budget is adopted and put into practice, a necessary and unexpected expense can be charged to the Contingency Line Item, also allowing all other budgeted items to stay fully funded.

The proposed changes being presented to the Contingency Line Item in each year suggests modest increases to other expense line items, resulting in a decrease to the proposed Contingency Line-Item amounts. The Adjusted FY 2022-2023 Contingency Line-Item balance is \$157,300 and \$75,725 in FY 2023-2024.

City Manager Tillman made a presentation depicting the proposed changes.

Final adoption of the Biennial Budget will follow Public Hearings on Thursday, September 8, 2022, and on Tuesday, September 20, 2022.

Staff recommends approval of the Proposed Adjusted Contingency Line Items.


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

Motion by Commissioner Cowie, seconded by Commissioner Hamann, to approve the Proposed Adjusted Contingency Line Items.

Upon vote, all ayes.

The Meeting was adjourned at 8:12:49 PM.

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



Brandon Henry, City Clerk