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Minutes of the Regular Meeting of the City of Auburndale held September 8, 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 Pastor Terry Brown, Legacy Community Church, and a salute to the flag.

**Motion** by Commissioner Myers, seconded by Commissioner Hamann, to approve Minutes of the City Commission Meeting of August 15, 2022. Upon vote, all ayes.

City Manager Jeffrey Tillman said he hoped everybody enjoyed their Labor Day weekend. On Tuesday this week, the City hosted over 200 individuals from around the Ridge League of Cities. He congratulated Mayor Taylor Bogert on being sworn in as the President of the Ridge League for 2022-2023. He said the Bloodhound Bash is scheduled for September 29<sup>th</sup>.

City Attorney Frederick J. Murphy Jr. also congratulated Mayor Taylor Bogert on her swearing in as President of the Ridge League. He recognized the death of Queen Elizabeth II.

Mayor Taylor Bogert thanked staff for their work in hosting the Ridge League of Cities. She recognized Greater Auburndale Chamber of Commerce President Alex Cam, who was in attendance.

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

## **1. PUBLIC HEARING – ESTABLISHING COMMUNITY DEVELOPMENT DISTRICT – LAKE MATTIE PRESERVE**

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

Community Development Director Julie Womble said DLD Development, LLC. has filed a Petition to Establish the Lake Mattie Preserve Community Development District with the City of Auburndale pursuant to Section 190.005(2)(a), Florida Statutes.

Chapter 190 of Florida Statutes allows a developer to petition to establish a CDD for the purpose of managing the provision of infrastructure improvements and public services including funding. The proposed CDD is comprised of approximately 234.157 acres, generally located north of Lake Mattie Road and east of County Road 559. The subject site is located in the Lakes District Master Planned Community Area and has a Zoning Classification of Residential Neighborhood (RN) and a Future Land Use of Lakes District Mixed Use (LDMU).

The petitioner has proposed to establish the CDD to finance, construct, and install improvements and facilities to benefit the lands within the District in two (2) phases over an estimated three (3) year period from 2022 through 2025. The petitioner has proposed a summary of infrastructure that will be constructed through the establishment of the CDD such as offsite improvements, stormwater facilities, water, sewer, lift stations, street lighting, conduit, roadways and parking areas, entry features, signs and parks and recreational features. Costs not funded by bonds will be funded by the developer.

The Lake Mattie Preserve CDD will consist of a five (5) member Board of Supervisors having the authority to oversee the installation of infrastructure improvements, secure financing within its boundaries. All meetings are open to the public and are subject to all applicable Government in the Sunshine laws. In the event that the established CDD is terminated for any reason, the City shall in no way be required to accept ownership and/or maintenance responsibility for any proposed infrastructure that is necessary for the development in the District without the City's express written consent. In the event of termination, the CDD shall be responsible for ensuring

the transfer of such ownership and maintenance responsibilities to an appropriate entity other than the City as authorized by law.

The proposed CDD has been reviewed by the Community Development Office, City Manager and the City Attorney.

In accordance with Chapter 190 of Florida Statutes, the petitioner has published public notice of this public hearing in a local newspaper for four (4) consecutive weeks prior to the second reading on September 8, 2022 and public hearing of the Ordinance.

City Manager Tillman said the proposed Ordinance was approved on first reading on August 1, 2022, and is being presented for second and final reading. 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.

## **2. ORDINANCE #1711 ESTABLISHING COMMUNITY DEVELOPMENT DISTRICT – LAKE MATTIE PRESERVE**

City Manager Tillman said staff recommends approval of Ordinance #1711 establishing the Community Development District for Lake Mattie Preserve.

City Attorney Murphy asked staff if written testimony in support of the petition has been filed with the City?

Community Development Director Womble answered yes.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1711 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE FLORIDA, ESTABLISHING THE LAKE MATTIE PRESERVE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING NOTICE OF REQUIREMENTS; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (General Location: The area covered by this request is generally located north of Lake Mattie Road and east of County Road 559 in Auburndale, Florida. The area covered by this request is 234.157± acres.),** by title only.

**Motion** by Commissioner Cowie, seconded by Commissioner Hamann, to approve Ordinance #1711 establishing Community Development District – Lake Mattie Preserve, as read on second and final reading by title only.

Commissioner Myers asked if the City Attorney reviewed this ordinance?

Community Development Director Womble answered yes.

Upon vote, all ayes.

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

City Manager Tillman said the next few items are coming before the Commission for second reading.

Community Development Director Womble 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.

City Manager Tillman said the Ordinances were prepared by the Community Development Director and reviewed by the City Manager and City Attorney. The proposed Ordinances were approved on first reading on August 15, 2022 and are being presented for second and final reading. Staff recommends approval of Ordinance #1712

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.

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

Motion by Commissioner Hamann, seconded by Commissioner Sterling, to approve Ordinance #1712 amending the Future Land Use Map – Auburn Village, as read on second and final reading by title only. Upon vote, all ayes.

#### **4. 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 OFFICIAL ZONING MAP ESTABLISHING AN AUBURNDALE ZONING MAP CLASSIFICATION ON A PARCEL OF LAND TOTALING +/- 9.54 ACRES OF GENERAL RESIDENTIAL-2 (RG-2); 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 #1713 amending the Official Zoning Map – Auburn Village, as read on second and final reading by title only. Upon vote, all ayes.

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

Community Development Director Womble 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 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 on August 15, 2022 and is being presented for second and final reading.

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.

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.

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

**Motion** by Commissioner Cowie, seconded by Commissioner Hamann, to approve Ordinance #1714 amending the Land Development Regulations – The Lakes District, as read on second and final reading by title only. Upon vote, all ayes.

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

City Manager Tillman said on August 15, 2022, City staff presented proposed Ordinance #1715 on first reading. The proposed Ordinance amended the Land Development Regulations to allow for food trucks with regulations.

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Based on discussion during the August 15, 2022 City Commission meeting, City staff recommends tabling the item to allow staff to further research other jurisdictions and laws pertaining to food trucks.

**Motion** by Commissioner Myers, seconded by Commissioner Sterling, to table Ordinance #1715 amending the Land Development Regulations – Food Trucks.

Commissioner Myers said the reason we brought it forward was to allow them. We are not going to be any more restrictive than we were in the beginning?

Mayor Taylor Bogert said correct, and it has to be up to speed with Florida Statutes so it is done properly.

Commissioner Hamann said we also want to find out what we do not want.

Mayor Taylor Bogert said and to find out what we can and cannot prohibit.

Upon vote, all ayes.

## **7. PUBLIC HEARING – FY 2023 TAX MILLAGE LEVY & ANNUAL BUDGET**

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

City Manager Tillman said the Public Hearing has been advertised in accordance with the Florida Statutes regarding the method of fixing tax millage. This Public Hearing is the first of two (2) required Public Hearings with the second scheduled for September 20, 2022.

The proposed Budget for FY 2023 is balanced with Total Revenue and Total Expenditures of \$70,241,020 before interfund transfers. Expenditures include general operating expenses of \$44,355,409. Capital Improvements of \$25,683,740 and Contingency Reserve of \$201,871. The Proposed FY 2023 and 2024 Budgets includes all changes made during the Regular City Commission meetings of April 18, 2022 (Payroll), May 16, 2022 (Capital Outlay), June 20, 2022 (Expenditures), and July 18, 2022 (Revenues). City Manager Tillman presented changes and adjusted Contingency figures.

Revenues from ad-valorem taxes for FY 2023 and FY 2024 are estimated at \$7,740,000 and based upon the operating millage rate of 4.2515.

The FY 2023 Budget also includes the proposed Five-Year Schedule of Capital Improvements (CIP) for the City's Public Safety, Parks and Recreation and Public Works Departments. This schedule, which is a requirement of the City's Comprehensive Plan, assists the City Commission in prioritizing future capital needs throughout the City and is updated annually during the budget process to include a "new fifth year".

A balanced FY 2024 Budget (2nd Year Budget) is also being presented for the Commission's conceptual approval. The FY 2024 Budget will be reviewed by City Staff and the City Commission during the next Budget update process in order to accommodate needs that have arisen since the planned budget was prepared.

Changes to the proposed Biennial Budget will be presented by staff during the Public Hearing and before Commission action.

City Manager Tillman presented a slide comparing the City's millage rate compared to millage rates in neighboring municipalities. He presented additional tax exemptions adopted by the City.

Commissioner Myers thanked staff regarding the additional exemptions.

The proposed Ordinances were prepared by the Finance Director and reviewed by the City Manager and City Attorney. If approved on first reading, the proposed Ordinances will be presented for second and final reading on September 20, 2022. 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.

#### **8. ORDINANCE #1716 ADOPTING FY 2023 TAX MILLAGE LEVY**

City Manager Tillman said staff recommends approval of Ordinance #1716 – Adopting FY 2023 Tax Millage Levy.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1716 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, ESTABLISHING THE TAX LEVY FOR THE YEAR 2022 ON ALL PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF AUBURNDALE AS SHOWN BY THE 2022 ASSESSMENT ROLL: ESTABLISHING THE MILLAGE RATE AT 4.2515, WHICH IS A 12.6% INCREASE OVER THE ROLLED BACK RATE OF 3.7761, AND PROVIDING FOR THE APPLICATION THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE**, by title only.

**Motion** by Commissioner Hamann, seconded by Commissioner Sterling, to approve Ordinance #1716 adopting FY 2023 Tax Millage Levy, as read on first reading by title only. Upon vote, all ayes.

#### **9. ORDINANCE #1717 ADOPTING FY 2023 & FY 2024 ANNUAL BUDGETS**

City Manager Tillman said staff recommends approval of Ordinance #1717 – Adopting FY 2023 and FY 2024 Annual Budgets.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1717 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, ADOPTING THE FISCAL YEAR 2022-2023 ANNUAL BUDGET; CONCEPTUALLY APPROVING THE FISCAL YEAR 2023-2024 ANNUAL BUDGET; ADOPTING THE FIVE (5) YEAR SCHEDULE OF CAPITAL IMPROVEMENTS (CIP); AND PROVIDING FOR AN EFFECTIVE DATE**, by title only.

**Motion** by Commissioner Sterling, seconded by Commissioner Cowie, to approve Ordinance #1717 adopting FY 2023 & FY 2024 Annual Budgets, as read on first reading by title only. Upon vote, all ayes.

#### **10. ORDINANCE #1718 AMENDING MUNICIPAL (POLICE, FIRE, PARKS & RECREATION) IMPACT FEES**

Finance Director Christopher Reeder said in April 2022, the City Commission authorized Raftelis Financial Consultants, Inc. to conduct a comprehensive study of the City's municipal impact fees which include Police, Fire and Parks & Recreation impact fees. The last comprehensive review of the City's Municipal impact fees was completed 16 years ago in December 2005 and provided 3% adjustments through 2009. Since the previous study was completed, the City has experienced tremendous growth requiring the need for additional public facilities to service new residents - including a park in north Auburndale, an additional fire station, and additional police officers.

The 2022 Municipal Impact Fee Study (Study) completed by Raftelis provides a thorough review of projected Police, Fire, and Parks & Recreation revenues compared to the City's Two-Year Budget, Five-Year Capital Improvement Plan, operational expenses, transfers, estimated inflation, and debt service requirements. The Study also provides an updated review of projected populations, land use designations and demand for services related to Police, Fire and Parks & Recreation services applied to new development and re-development to maintain existing service levels. The proposed Ordinance adjusts impact fees based on the findings and recommendations of the Study.

The City's current Police impact fee rate is recommended to increase to \$365 for a single-family unit on the effective date of January 1, 2023 and increases each year thereafter as recommended in the Study. The percent increase for the Police impact fee for a single-family per unit is greater than 25% but less than 50% and will follow Florida Statutes 4-year phased-in implementation of the rate change.

The Fire impact fee is proposed to increase to \$715.00 effective January 1, 2023 with no phase in for a single-family unit. This exceeds the maximum allowable percent increase (50%) for a phased-in increase of the rate in accordance with Florida Statutes, unless supported by extraordinary circumstances. The City's extraordinary circumstances are inflationary cost increases and the need for significant capital improvements such as a new fire station and support apparatus based on the significant increase in population growth. This supports increasing the fee to the maximum calculated amount as recommended in the Study on the effective date, proposed as January 1, 2023.

The Parks and Recreation impact fee is proposed to increase to \$1,771.00 effective January 1, 2023 with no phase in for a single-family unit on January 1, 2023. The percent increase exceeds the 50% maximum allowable for a phased-in increase of the rate in accordance with Florida Statutes, unless supported by extraordinary circumstances. The City's extraordinary circumstances are inflationary cost increases and significant capital improvements based on the significant increase in population growth. This supports increasing the fee to the maximum calculated amount as recommended in the Study on the effective date of January 1, 2023.

City Manager Tillman said City staff will also present the 2022 Municipal Impact Fee Study completed by Raftelis during a second Special City Commission Workshop on Tuesday, September 20, 2022 at 6:30 P.M. in the Commission Room at City Hall prior to the Regular City Commission Meeting and to discuss extraordinary circumstances necessitating the increases in the impact fee rates.

Ordinance #1718 implementing the proposed Police, Fire, and Parks & Recreation impact fee structure has an effective date of January 1, 2023. This will allow any development currently in the works to take advantage of the current rates and meet the statutory requirement of 90 days notice.

The proposed Ordinances were prepared by the Finance Director and reviewed by the City Manager, Police Chief, Fire Chief, Parks and Recreation Director, and City Attorney. If approved on first reading, the proposed Ordinance will be presented for second and final reading on September 20, 2022. Staff recommends approval of Ordinance #1718.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1718 entitled: **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AUBURNDALE, FLORIDA, MAKING FINDINGS AND AMENDING THE SCHEDULE OF RATES FOR POLICE, FIRE, AND PARKS AND RECREATION IMPACT FEES COLLECTED BY THE CITY OF AUBURNDALE, FLORIDA; PROVIDING FOR SEVERABILITY; A REPEALING CLAUSE; AND THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR 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 #1718 amending Municipal (Police, Fire, Parks & Recreation) Impact Fees, as read on first reading by title only.

Commissioner Myers said he will not support this. He felt it is an unfair tax increase. Especially for those who lived here and are looking to move to a new home within the City. Commissioners Myers said this is a wants list, not a needs list. If you must demonstrate extraordinary circumstances per State statute, it is way too much. They likely did the numbers based on the fastest growth we have had in Florida. Economists in the housing industry are saying we are going back to 2016-2017 growth rates. If we are going back to those growth rates, and you want your wish list – we would probably need to increase rates more to pay for it, since the growth will not be there.

Commissioner Cowie asked if we continued with the annual 3% increases as done between 2005 and 2009, where would we be today in comparison with the rates proposed tonight?

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Finance Director Reeder answered he has not done that math, but he can present that data at the next meeting of September 20, 2022.

Commissioner Myers said while you are analyzing the data as requested by Commissioner Cowie, if staff can look at the increase of ad valorem taxes from the growth we have had based upon the millage rate to date, and what that increase is.

Upon vote, four ayes and Commissioner Myers voting nay.

The Meeting was adjourned at 7:38:03 PM.

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



Brandon Henry, City Clerk