

City of Auburndale Commission Minutes October 17, 2022

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held October 17, 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 Deputy Police Chief Carin Ketcham.

Mayor Dorothea Taylor Bogert declared a quorum present, and the Meeting was opened with prayer by Pastor Forest Antemesaris, Orange Street Church of Christ, and a salute to the flag.

Motion by Commissioner Cowie, seconded by Commissioner Hamann, to approve Minutes of the City Commission Meeting of October 3, 2022. Upon vote, all ayes.

City Manager Jeffrey Tillman announced that the Halloween Trail sponsored by the Greater Auburndale Chamber of Commerce is scheduled for October 27th. It is the former Halloween Harvest event. It will be a drive-through again this year, starting at 6:30 p.m. The Bloodhound Bash was rescheduled to Thursday, November 3rd, at 6:30 p.m. It will end at the band stage with the formal program.

City Manager Tillman requested a sixth item be added to the agenda, to consider purchase of property at 0 Polk County Parkway.

Motion by Commissioner Myers, seconded by Commissioner Cowie, to approve the additional agenda item as requested. Upon vote, all ayes.

Mayor Taylor Bogert 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.

William Voigt, 2406 Lake Lena Boulevard, thanked City staff for the rapid recovery of the City. He said he has an issue with the lift station at the base of PK and Lake Lena Boulevard. There is a diesel pump running 24/7. He understands that whenever there is a deluge of rain, that we have problems with stormwater entering the sewer system. People to the south of him on Lake Lena Boulevard are unable to flush their toilets. He is hoping the City can address it in a future budget, perhaps fiscal year 25/26 to see if we can rectify the problems. We must have sewage going into Lake Lena because of the posting of the note. His concern is that we must be aware of this infrastructure failure in the sewer system. Now that we are aware of it, are we open to liability like the situation in Haines City?

City Manager Tillman said Public Utilities Director John Dickson is not in attendance this evening, but we did have conversations following the storm. This past year, we added additional funding to our Utilities Department to do water and sewer system repairs totaling about a half-million dollars. When we get storms like this, the water table rises, leading to water intrusion into our sewer system due to its age. I.e., leaky pipes. Something we can look at doing is lining the pipes. We are looking to possibly get that in as soon as we can as a part of the utility upgrade.

Mr. Voigt asked if those are the same repairs that were made at the same location going eastbound up PK?

City Manager Tillman answered no, that was a stormwater project. This is a sewer issue, where there is stormwater entering a sewer. The project referenced just addresses stormwater.

Mr. Voigt asked if it could be addressed in the future?

City Manager Tillman said it is something he has discussed with the Utilities Director.

Mr. Voigt said when he says "addressed", he means a permanent repair, not a temporary repair.

City Manager Tillman said it would be putting a sleeve in the old pipe. Almost putting a new pipe into the ground.

Mr. Voigt asked how long can we anticipate the pump running? His neighbors say it is like having a truck parked next to their bedroom window.

City Manager Tillman said he will get with the Utilities Director. The pump will run until the groundwater subsides. The pump is helping the sewer not backup into houses.

Mr. Voigt said he understands, but it is also a diesel pump running 24/7.

William Leonard, 414 Preston Street, said he and City Manager Tillman just spoke concerning an issue that came about through the last hurricane. He has pictures of what happened in 2004 – this storm was three times worse. He drove from 3rd Street to Preston Street through water that was over halfway up his truck tire. Vehicles were stalling out on citizens' yards. It was a breeding area for mosquitos, and with mosquitos come diseases. We also have a problem with the pumping station. This has been an ongoing problem, but we still have not gotten anything done to minimize or eliminate the problem. This was a swampy area, from 3rd Street to past Preston Street. We know what the problem is, but how and when are we going to correct it? He said we went through the same thing with the last storm, and that he does not think there was any other area in the City that fared worse. We need to look at it, and people are beginning to complain. Children get excited when they see water, but we do not know what is in the water. We want to bring it to your attention, and maybe we can meet periodically so that the citizenry can understand what is going on, and not be disillusioned with the City and the actions seemingly not being taken.

City Manager Tillman said the ditch between Cleveland and Preston Streets is where the bulk of the water has collected, which funnels down to a stormwater lift station that requires power. When the power went out, it did not pump from that lift station into Lake Dickey. Something we have looked at in the past was putting a generator on that lift station – but the City does not own enough property to install it, so the City would have to get an easement. We were not successful in working with property owners in the past to get this easement. We will most certainly go through those efforts again. As FEMA funding becomes available, maybe our priority number one project for next year in our Community Development Block Grant funds, can be getting a lift station generator there. The power outage is why water collected like it did. We will do everything in our power to make sure that does not happen again.

Commissioner Myers asked if the property adjacent to the lift station is a homesteaded property or a land lorded property?

City Manager Tillman answered the lift station is in front of the mini-storage units, so it is a commercial property.

Mayor Taylor Bogert thanked Mr. Leonard. She said she drove down there after the storm and today to look at the area.

Commissioner Myers said he also drove out there. He agrees that it was the worst flooding in town, among the areas that did flood.

City Manager Tillman said that once staff was able to go back out after the storm, we hooked a portable generator up to the lift station, to begin pumping it down. But it only addresses Reverend Earl Wright Park to Cleveland Street. 1st Street and 3rd Street are County maintained roads that appear to be on another stormwater system maintained by the County. We would look to try and help that. Once Cleveland, Preston, and Lena Streets got pumped down, 1st Street still had a lot of water in it – but that is in a separate system outside of the City. But we would be glad to reach out to the County to try and address it.

Commissioner Myers said the area is in the City limits, but the streets are in the County.

City Manager Tillman said we would have to work with the County. It looks like there is some type of drain at the corner of the ballfields. We would be glad to work with the County on that one as well. It is two separate issues.

Mayor Taylor Bogert thanked everybody again.

Corey Lisbon, 216 Lincoln Court, said he grew up in the Lincoln Court area and behind them used to be orange groves. But over time, things grow. He is not sure if it is Cutrale or Coca Cola, but through the years – they have expanded. But through their expansion, they have created a nuisance in our area. We have a lot of elderly people who first owned homes in the area. All night long there are trucks slamming doors. Before the sun comes up, there is a new construction project going on in the back. So there is industrial and commercial uses right alongside a residential neighborhood. We are at a loss on how to address that issue. It is really getting out of hand. We have been dealing with slamming doors for years, and now they have construction going on. It is almost unbearable and out of hand. We wanted to bring it to the City's attention. He is not sure if the City can point them in the right direction or if the City can assist us.

City Manager Tillman told Mr. Lisbon he will connect him to Community Development Director Julie Womble. She can sit down with you and listen to your issues and maybe work with Coca Cola to address them. If she can get your number today, she will reach out to you tomorrow.

Mayor Taylor Bogert thanked Mr. Lisbon.

Mayor Taylor Bogert presented a Proclamation recognizing October 17 - 25, 2022 as "Florida City Government Week". City Attorney Murphy read the Proclamation.

City Manager Tillman said in recognition of Florida City Government Week, the Mayor is going to be very active this week with several programs. Tomorrow, we will be at Auburndale High School from 10 a.m. to 2 p.m. to speak to four government classes, to let students know what we do in the City as far as providing services. On Wednesday, the Mayor will be reading to a group of preschool children at the Auburndale Public Library. The Florida League of Cities has a book they created to talk about public service. Later in the month, the City of Auburndale and the City of Winter Haven are partnering for a "city swap", where we swap resources. We will be tackling the Havendale Boulevard corridor at the end of the month, which will also help it get ready for the Havendale Christmas Parade in December. A lot of the sprucing up, such as picking weeds, that will be done later this month will carry over to the Christmas Parade. It is a good partnership between the two cities as they share Havendale Boulevard.

Mayor Taylor Bogert said the book that she will be reading to the preschoolers on Wednesday was written by Issac Salver, former Florida League of Cities President. It was his project for the year he was President, and it is geared towards younger students to teach them about municipal government. She is excited for the opportunity.

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

1. PUBLIC HEARING – OFFICIAL ZONING MAP AMENDMENT – FERNANDEZ PROPERTY

Community Development Director Julie Womble said property owner Miller Fernandez is requesting a Zoning classification change from Commercial Highway (CH) to Single-Family Residential-3 (RS-3) on 0.19 acres. The property is currently vacant and located at 0 Bennett Street, south of Magnolia Avenue, and has a Future Land Use of Low Density Residential.

The requested Single-Family Residential-3 (RS-3) Zoning classification is intended for low density single-family residential developments and requires a minimum lot size of 8,400 sq. ft. with a minimum lot width of 65' and setbacks of 25' front, 7' side, and 10' rear. The applicant is proposing a single-family home for the site.

The existing Low Density Residential Future Land Use only allows for residential development. The proposed Zoning Map Amendment is consistent with the established Future Land Use designation on the property and is compatible to existing Zoning classifications and uses to the south and west of the property. The requested Zoning Map Amendment is consistent with the City's Comprehensive Plan and Land Development Regulations.

The Planning Commission recommended approval of the proposed Zoning classification of Single Family Residential-3 (RS-3) (4-0, 10/04/2022)

City Manager Tillman said the proposed Ordinance was prepared by the Community Development Director 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 November 7, 2022. Staff recommends approval of Ordinance #1719 amending the Official Zoning Map – Fernandez Property.

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 #1719 AMENDING THE OFFICIAL ZONING MAP – FERNANDEZ PROPERTY

City Manager Tillman said staff recommends approval of Ordinance #1719 amending the Official Zoning Map – Fernandez Property.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1719 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 RECLASSIFYING AN AUBURNDALE ZONING MAP CLASSIFICATION ON A PARCEL OF LAND TOTALING +/- 0.19 ACRES FROM CITY OF AUBURNDALE ZONING CLASSIFICATION COMMERCIAL HIGHWAY (CH) TO SINGLE FAMILY RESIDENTIAL-3 (RS-3); AND PROVIDING AN EFFECTIVE DATE. (General Location: Bennett St. and Magnolia Ave.),** by title only.

Motion by Commissioner Cowie, seconded by Commissioner Hamann, to approve Ordinance #1719 amending the Official Zoning Map – Fernandez Property, as read on first reading by title only.

Commissioner Myers said his real estate office had this lot listed and sold by one of his agents, and has since closed – so he has no gain in the future, but he did have gain in the past. He asked City Attorney Murphy if he should abstain from this vote.

City Attorney Murphy said if the sale has already concluded and the sale was not contingent on this legislative/quasi-judicial action, you should be fine to vote at this juncture – given the fact that the closing has already occurred and thus is not contingent on the vote. It might be different if it happened before the closing. He thanked Commissioner Myers for letting him know.

Commissioner Sterling asked for clarification on the location of the lot.

Community Development Director Womble confirmed the location of the lot.

Commissioner Sterling said when he drives by, the lot appears lower than the lots to the north and south.

Community Development Director Womble said whenever the property owner goes to construct the building, he will be working with a construction company and they will consider the elevation of the property.

Commissioner Sterling said he is concerned since we have been talking about flooding in other areas of the City. It seems like if they do not add fill to it, there will be water intrusion. Since the site is vacant now, people may not be aware of water on the site. He would hate for them to build a house, then someone to buy it and have it flood after the first good rainstorm.

Community Development Director Womble said the City's Building Official is also a Floodplain Manager. When he looks at the site plans for something like this, he also looks at the elevations.

Commissioner Sterling asked if we would recommend that maybe they need to put another foot of dirt on the site?

Community Development Director Womble said we always recommend that they work with an engineer.

Mayor Taylor Bogert said that is an engineering determination. If the owner chose to do that, they would have to meet all the requirements that an engineer determines for them to be approved for proper permitting.

Community Development Director Womble said that is correct.

Commissioner Sterling said he just does not want the owner to come back in a year or two and say the house should not have been built or built differently.

Upon vote, all ayes.

3. ORDINANCE #1720 ANNEXING PROPERTY INTO CITY LIMITS – INTERSECT PROPERTIES

Community Development Director Womble said the City has received a petition from Scott Brown, 1266 W. Paces Ferry Road NW, Atlanta, GA, on behalf of property owners, to annex 12.44 acres of property into the City limits. The properties are located south of Pace Rd. and west of Bryan Lane. The subject properties are adjacent to property to the west which are in City limits. The annexation does not create an enclave. The proposed annexation is as a result of the owner's request for city utilities and proposed mixed use development.

Establishing a Future Land Use and Zoning classification on the property will be considered at Public Hearings before the Planning Commission and City Commission at later dates. The action currently before the City Commission is only on the annexation of the property into the City.

Staff recommends approval of proposed Ordinance #1720 annexing the Intersect Properties into the City limits.

Community Development Director Womble referred to a graphic depicting the location of the site.

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 presented for second and final reading on November 7, 2022. Staff recommends approval of proposed Ordinance #1720 annexing the Intersect Properties into the City limits.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1720 entitled: **AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF AUBURNDALE, FLORIDA, SO AS TO INCLUDE THEREIN ADDITIONAL TERRITORY LYING CONTIGUOUS AND ADJACENT TO THE PRESENT BOUNDARIES OF THE CITY; DESCRIBING SAID ADDITIONAL TERRITORY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE (General Location: Pace Road and Bryan Lane).**, 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 #1720 annexing property into City limits – Intersect Properties, as read on first reading by title only. Upon vote, all ayes.

4. CONSIDER PURCHASE OF PROPERTY – 6 BOBBY GREEN PLAZA

City Manager Tillman said for several years, the City has discussed with management of SunTrust Bank, now Truist Bank, the opportunity of selling the property located at 6 Bobby Green Plaza to the City should they no

longer have a need for the building. The proposed site for acquisition is two parcels totaling 1.85-acres with a 12,978 sq. ft. building currently owned by Lemonade MM Auburndale, LLC. of Washington, D.C.

The City's interest in the property is to consolidate several City operations into the building including Utility Billing, Community Development, and Parks & Recreation Administration. Consolidating the various operations into one location will create efficiencies in services resulting in cost savings and accommodates future growth of the departments. The parking lot also serves as overflow parking for several events held in the Downtown.

The contract price of the Purchase and Sale Agreement is \$1,850,000.00 to acquire the property, which is also the recommended market value of both parcels as determined by the property appraisal. The property was originally listed by the seller for \$1,950,000.00.

The project is budgeted in the FY 2022/2023 Budget in the various departments at \$1,240,000.00. The additional funding necessary to purchase the property is available utilizing unrestricted reserve funding in the Utility Fund and General Fund.

The Purchase and Sale Agreement was prepared by the seller's attorney, Holland & Knight LLP, and reviewed by the Finance Director, City Manager and City Attorney.

Staff recommends approval of the Purchase and Sale Agreement for 6 Bobby Green Plaza in the amount of \$1,850,000.00.

Mayor Taylor Bogert asked for public comment.

William Voigt, 2406 Lake Lena Boulevard, asked if the City has taken into account how much money it will take to refurbish the building to meet requirements. Have we looked at the rot? Has this all been considered?

City Manager Tillman said we have a due diligence period to evaluate the building once we get into those steps. This is the purchase and sale agreement that would allow us to do some of those evaluations.

Mr. Voigt said he just did not want to see us opening Pandora's box. He referred to the photograph of the building on the screen and pointed out rot and cracks. It is just something to be aware of, to ensure we have the funds to correct anything that would need to be corrected.

City Manager Tillman said we have a 30-day due diligence period as stated in the contract to address these types of issues. We will have our Building Official go through the building to document every item, and to work with the Finance Director and the City Manager's Office to put together estimated expenses in renovating the building – as well as necessary expenses to remodel the building. We are not in a rush to make any specific improvements. The departments that we would be relocating there are good where they are at for a while, until we have the time and budget to make necessary repairs. If we do find something that is so extensive that the building does not make sense anymore, we would not move forward with the purchase.

City Attorney Murphy said there is a \$50,000 deposit, of which \$49,900 would be returned should we not move forward. During that 30-day period, as the City Manager noted, we would have the opportunity to evaluate title and to make sure there are appropriate authorizations and authority.

Melissa Braverman, 1918 Lake Ariana Boulevard, asked what would happen to the existing buildings of which the proposed City departments would be relocated out of. Would they be put up for sale to offset the costs, instead of dipping into City funds – or would they be rented out?

City Manager Tillman answered the Civic Center is currently being planned to be relocated to Lake Ariana Park, so that its current site can be redeveloped - including the existing Parks and Recreation building. The whole area the City owns on the other side of City Park is being looked at for redevelopment. There is the need to move

Parks and Recreation anyway, and this building accommodates that. The Utility Billing Department and Key Building are also buildings that could come before the Commission for a recommendation to sell. There are no formal plans. There is a historic museum at Parks and Recreation that would not fit at a municipal service building, and may fit in one of the existing buildings. He said he would work with the City Commission to finalize any plans, as well as any plans for what operations are finally relocated to 6 Bobby Green Plaza. We would need to evaluate how much space is available there and how much we need for operations. There are three buildings that we have options for, and that need to be moved at some point.

Commissioner Myers said when City Manager Tillman says "redevelopment", he means the City is liquidating property to private entities to redevelop. There will be sales of some properties.

Mayor Taylor Bogert said if agreed upon by the Commission.

City Manager Tillman said if it gets the Commission's blessing.

Commissioner Sterling asked if it is possible to extend the due diligence period beyond 30 days?

City Attorney Murphy answered no, that is not something he understands to be available to us - but he defers to City Manager Tillman or Finance Director Christopher Reeder.

Commissioner Myers said he was going to ask the same thing. He asked if there was a motion and second on the floor.

Motion by Commissioner Cowie, seconded by Commissioner Hamann, to approve the Purchase and Sale Agreement for 6 Bobby Green Plaza, in the amount of \$1,850,000.00.

Commissioner Myers asked if the 30-day due diligence period was negotiated. 30 days is very short for a commercial property.

City Manager Tillman said it was something he and Finance Director Reeder discussed with the real estate agent. There is a want from the property seller to expedite the process. With the property having been recently sold, they have environmental surveys and studies already completed that we would need to certify to help with expediting. The title is what may have an issue with the timeframe.

Commissioner Myers said he thinks you are going to find out you might need a structural engineer to do a study, based on what has been presented tonight. If there is cracking and it is evident to the eye, we probably need to get a structural engineer's opinion. If we get to the end of the 30 days and everything is not tied up, he will not vote to close on the property.

City Attorney Murphy said that is the key. If we are not prepared, we need to give notice and cancel the contract before the 30 days.

Commissioner Myers said or give notice and ask for an extension.

City Attorney Murphy said if they will not do that, then we need to cancel.

Commissioner Myers said the City departments would stay where they are at now, those locations are still working. Maybe just not working as well as we would like.

Commissioner Hamann said if we send our Building Official over there, he should be able to recognize anything that needs attention. He is confident in our Building Official to do that.

Commissioner Sterling said he understood there to be some water intrusion into this building in the past, so he is concerned. He would like to know how much the dirt is worth, in case we need to push the building over and build another building.

City Manager Tillman and City Attorney Murphy said we would not move forward with the purchase in that scenario. Mayor Taylor Bogert agreed.

Commissioner Sterling said he just does not want us to get into a situation like Commissioner Myers previously said of opening Pandora's box. 30 days is a short time to get a structural engineer and other experts to evaluate the building. He is not against buying the property, so long as it is worth what we are getting.

Commissioner Myers said the appraisal came back as it being worth \$1.85 million as-is. That is the agreed upon price in the contract. He is fine with the price because it was a fair appraisal. Other similar properties in the area have similar prices. It is a fair price, and that is what due diligence is for – to make sure we know what we are getting.

City Manager Tillman said we will make sure staff is comfortable moving forward, as well as the City Attorney as it relates to title. We will certainly use our due diligence period, and if we do not feel comfortable – we can either cancel the contract and be out \$100, or ask for an extension.

Commissioner Myers asked how much time do we have to give notice to exceptions to the title?

City Attorney Murphy said he believes it to be 10 days. He has already started reviewing it and will order a title commitment tomorrow morning. This LLC acquired the property on August 2, 2022.

Commissioner Myers asked City Attorney Murphy if the LLC provided him their title.

City Attorney Murphy answered yes, from Fidelity – a nationally recognized title company. He will order it first thing tomorrow morning, he did not want to do it until it received the Commission's blessing.

Commissioner Hamann said no matter what we do with the building, it has to be a complement to the Downtown. The park is the number one draw. If we do not get the building, where do we go.

Mayor Taylor Bogert said there is also a potential with the vacant area where the drive-through is located. There are a lot of possibilities.

Upon vote, all ayes.

5. APPROVAL OF LAW ENFORCEMENT TRUST FUND EXPENDITURE – UTILITY VEHICLE

City Manager Tillman said the Police Chief has requested the funding of \$21,548.00 from the City's Law Enforcement Trust Fund to pay for a utility vehicle for use in the Department. The vehicle can be used during parades, the Bloodhound Bash, football games, Lake Myrtle and other community events. Additionally, it can be deployed for search and rescue cases including use in the aftermath of major storms.

The Trust Fund is made up of civil forfeitures related to criminal acts as established by Florida Statutes Chapter 932. Statutes require that requests to expend Trust Funds be initiated by the Chief of Police and approved by the governing body of the municipality. If approved, a Budget Amendment will be done at a later date to show the funding expended and the Trust Funds as offsetting revenue.

City Manager Tillman presented a photograph of a similar vehicle. He said the Fire Department also has one. Staff recommends approval of the request.

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

Motion by Commissioner Sterling, seconded by Commissioner Cowie, to approve Law Enforcement Trust Fund Expenditure – Utility Vehicle, in the amount of \$21,548.00.

Commissioner Hamann asked if there will be any more funding in this account after this expenditure?

City Manager Tillman answered there is about \$24,000 in this account. There will be some excess funds that have to be spent on crime prevention.

Deputy Police Chief Carin Ketcham said that when we utilize these funds, we have to use 15% towards crime prevention. After the purchase of the vehicle, and the amount put towards crime prevention/community awareness/education, it will pretty much deplete the fund.

Commissioner Myers said the fund has come from forfeitures of people committing criminal acts.

City Attorney Murphy indicated forfeitures are civil causes of action.

Upon vote, all ayes.

6. CONSIDER PURCHASE OF PROPERTY – 0 POLK COUNTY PARKWAY

City Manager Tillman said due to recent growth, the City needs to purchase additional property for effluent wastewater disposal to serve the additional development. The Regional Wastewater Treatment Plant (WWTP) has a treatment capacity of 4.0 million gallons per day (MGD). However, the Regional Wastewater Treatment Plant is only permitted for 2.783 million gallons per day because of effluent disposal capacity limitations.

He said we can only treat at our plant what we can spray. So we need additional property to spray additional effluent water out.

The proposed site for purchase is a former orange grove owned by J. Everett Allen & Sons, Inc. The 73.7-acre site is currently vacant and located at the end of Hickory Road, west of the Polk County Parkway. The site has been preliminarily reviewed by the City's consulting engineer, Chastain Skillman, who estimates the effluent disposal capacity of the property to be approximately 500,000 gallons per day. The estimate is based on the loading rate approved for the City's new sprayfield/rapid infiltration site located to the north of the subject property and adjacent to the Regional Wastewater Treatment Plant. It is a similar type of property compared to the property we swapped several years ago.

The contract price of the Purchase and Sale Agreement is \$5,000,000.00 to acquire the property. The property appraisal determined the market value of the Allen property to be \$4,750,000.00. Staff feels the proximity of the property to the Regional Wastewater Treatment Plant makes the site desirable reducing the infrastructure needed to tie-in to the plant.

City Manager Tillman said you would want to stay as close as you can to the treatment plant with effluent discharge, to maintain lower costs. We have infrastructure already nearby. There may be the need for additional easements to accommodate new piping. We did get exempted from a skink study. We would have to perform a gopher tortoise study once we get into the construction phase, but we would only have to relocate tortoises where there is disruption – i.e. where irrigation lines would be installed.

The property purchase is budgeted in the FY 2022/2023 Utility Department Budget at \$5,000,000.00. The expense of the purchase is being offset utilizing previously collected Wastewater Impact Fees.

The Agreement for Sale and Purchase of Real Property was prepared by the seller's attorney, Peterson & Myers P.A., and reviewed by the Public Utilities Director, City Manager and City Attorney.

Staff recommends approval of the Agreement for Sale and Purchase of Real Property for 0 Polk County Parkway in the amount of \$5,000,000.00.

City Manager Tillman presented a map of the site.

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

Motion by Commissioner Cowie, seconded by Commissioner Sterling, to approve the Agreement for Sale and Purchase of Real Property for 0 Polk County Parkway, in the amount of \$5,000,000.00.

Commissioner Myers asked if we have heard back from the County? Is the County-owned Bordeaux Landfill Site adjacent to this property?

City Manager Tillman said it would be to the west. He has not heard back from the County, but will continue those conversations.

Commissioner Myers said if the County allowed us to expand future effluent spray onto their Bordeaux site, it would make this purchase even more attractive.

City Attorney Murphy said we have a 90-day due diligence period.

City Manager Tillman said we still need to do some environmental studies and surveys on this site, so there is a need for the full 90 days. This is unlike 6 Bobby Green Plaza, which had these already prepared, hence the shorter due diligence period for that property.

Commissioner Hamann asked if Chastain Skillman will do the due-diligence?

City Manager Tillman said they will help us with the environmental studies and surveys.

Clarence Green, 125 Herbert Street, asked if the Polk Parkway is located near the site?

Mayor Taylor Bogert answered it is adjacent.

City Manager Tillman presented a map of the location.

Commissioner Myers said it abuts up to Tenoroc.

Mr. Green asked to confirm the proposed effluent spraying onto the site.

City Manager Tillman confirmed.

Mr. Green asked if it would be washed down into Lake Myrtle?

City Manager Tillman answered no.

Commissioner Myers asked if we are maximizing the effluent spray at Lake Myrtle Park?

City Manager Tillman answered we use as much as we can. We can only spray so much before fungus start to grow. It definitely reduces cost by spraying reclaimed water on the athletic fields. So we try to spray as much as we can. As we start to develop more of the park with more athletic fields, we will be able to spray more of it – which is a good thing.

Upon vote, all ayes.

The Meeting was adjourned at 7:53:12 PM.

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

A handwritten signature in black ink, appearing to read "Brandon Henry", is written over a horizontal line.

Brandon Henry, City Clerk