

City of Auburndale Commission Minutes November 7, 2022

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held November 7, 2022, at 7:00 p.m. in the Commission Room of City Hall, after having been properly advertised, with the following members present: Mayor Dorothea Taylor Bogert, Commissioners: Keith Cowie, Richard Hamann, and Bill Sterling. Commissioner Jack Myers was absent. Also, present were: City Manager Jeffrey Tillman, City Attorney Frederick J. Murphy Jr., City Clerk Brandon Henry, and Police Chief Terry Storie.

Mayor Dorothea Taylor Bogert declared a quorum present, and the Meeting was opened with prayer by Pastor Conner Hill, First United Methodist Church, and a salute to the flag.

Motion by Commissioner Cowie, seconded by Commissioner Hamann, to approve Minutes of the City Commission Meeting of October 17, 2022. Upon vote, all ayes.

City Manager Jeffrey Tillman announced we have had several successful events. The Halloween Trail sponsored by the Chamber was very successful. We had good attendance at the Bloodhound Bash. This past Saturday we had a Fall Fest in our Downtown Park with a number of vendors and rides for the kids. It has been an exciting time. He thanked staff for their help with the events. This Friday, we have the Veteran's Day program that starts at 11:00 AM. There is a storm out there that we are monitoring. Everything is scheduled as planned.

He provided an update regarding the purchase of the SunTrust building. During our due diligence period, we have been looking at a number of potential improvements and needs – knowing going into it that it is an older building that needs some updates. We are in our due diligence period looking at the electric, elevators, surveys, air conditioning, roofs, gutters, exterior woodwork or façade improvements, painting, and asbestos. Our due diligence period closes on the 16th, before our next City Commission meeting. So we will need to make a decision as to how we want to move forward. We are still putting together some of the numbers, but he will keep the City Commission updated as far as the status of that, and if we decide to move forward or not. At the last meeting, the Commission approved the Purchase and Sale Agreement. We are looking to close sometime around Thanksgiving.

Mayor Taylor Bogert asked if we need a consensus from the City Commission for the City Manager to continue, and to make those decisions to move forward.

City Attorney Frederick J. Murphy Jr. answered yes. He added that he has examined the title and issued a title commitment. It looks clean, he does not see any title issues. There were a number of easements and well agreements that we were aware of, but nothing appears to be out of the ordinary. The survey that was furnished and that we are having updated does not appear to reveal any encroachments or anything that would be problematic from a survey perspective. The environmental Phase I report that was done by the current property owner did not reveal anything, despite not being updated to us. It is our view is that we do not need to go any further than that. We are still evaluating costs relating to the building.

City Manager Tillman said Finance Director Christopher Reeder has been the point person on coordinating all the different types of inspections. We had our Building Official walk through the building. He did not see anything. The air conditioners were good, the roof was good, and nothing structurally wrong with the building. There are things that need to be updated, which we are getting our hands around. But it appears to be nothing significant to the building.

Commissioner Hamann asked if we do come across something that is significant, we could always call a special meeting?

City Manager Tillman answered we have the ability to call a special meeting if we need to address it in any other manner.

Mayor Taylor Bogert asked if it is the consensus of the Commission for the City Manager to continue to move forward, with the exception of something that he finds would be a significant impediment.

There was consensus.

Mayor Taylor Bogert asked if there was public comment on any item not on the agenda.

William Voigt, 2406 Lake Lena Boulevard, said he is interested in the chain of events that occurred with regards to the acquisition of the SunTrust building. On May 16 during a budget meeting, City Manager Tillman made mention of acquiring the facility. Mr. Voigt said he believes we were in negotiations with SunTrust, and that he recalls SunTrust asking \$1.5 million for the building.

City Manager Tillman said SunTrust did own the building, and they were merging with BB&T Bank – to become Truist Bank. With this consolidation, they now had two locations within the City. They chose to maintain the location on Havendale Boulevard, next to Publix. With them vacating this building, we tried to see if they would negotiate with us. They would not. But we knew there was a potential for a sale, so we budgeted for it. We were not able to negotiate with SunTrust as they became Truist, and Truist sold the property.

Mr. Voigt asked if Holland and Knight purchased the property, or are they representing a client? How did the building get purchased before the City?

Mr. Tillman said he would be glad to sit down with Mr. Voigt and discuss the details of the purchase.

Mr. Voigt said he is just curious of how the building got purchased before the City.

Mayor Taylor Bogert said a quick synopsis is that Truist had a lot of buildings around the country, approximately 140. Truist put them all into one package and sold it to the people who now own it. At that point, they were not willing to negotiate or talk to us about it at all.

City Manager Tillman said we had to go through a real estate agent.

Mr. Voigt expressed that he was upset that someone purchased the property before the City.

City Manager Tillman said we tried, but Truist had 145 properties that they had to pull together in 145 different communities.

Commissioner Hamann said they did not want to get into the real estate business, they just wanted to dump them all.

City Manager Tillman said he would love to sit down with Mr. Voigt outside of the meeting to go through more of the details.

Mr. Voigt said he wished Commissioner Myers was in attendance. At the May 16 meeting, four of the five Commissioners had a positive thought of purchasing the building – except for Commissioner Myers. Why did he change from a negative view of the purchase to a positive view? Mr. Voigt recalled that Commissioner Myers had a concern that the City would be owning all of the property around the park.

Mayor Taylor Bogert said she is sure Commissioner Myers would be happy to talk to Mr. Voigt about it.

Mayor Taylor Bogert recognized Greater Auburndale Chamber of Commerce President Alex Cam, who was in attendance.

1. ORDINANCE #1719 AMENDING THE OFFICIAL ZONING MAP - FERNANDEZ

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.

Staff recommends approval of Ordinance #1719 amending the Official Zoning Map – Fernandez Property. The Planning Commission also 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. The proposed Ordinance was approved on first reading October 17, 2022, and is being considered for second and final reading.

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.

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

Motion by Commissioner Hamann, seconded by Commissioner Sterling, to approve Ordinance #1719 amending the Official Zoning Map – Fernandez Property, as read on second and final reading by title only. Upon vote, all ayes.

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

Community Development Director Julie 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.

Community Development Director Womble referred to a graphic depicting the proposal.

The proposed Ordinance was prepared by the Community Development Director and reviewed by the City Manager and City Attorney. The proposed Ordinance was approved on first reading October 17, 2022 and is being considered for second and final reading.

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 Sterling, seconded by Commissioner Cowie, to approve Ordinance #1720 annexing property into City limits – Intersect Properties, as read on second and final reading by title only. Upon vote, all ayes.

3. ORDINANCE #1721 ANNEXING PROPERTY INTO CITY LIMITS – NORTH PACE ROAD PROPERTY

Community Development Director Julie Womble said the City has received a petition from Lincoln Property Company of Florida, Inc., on behalf of property owner Knights PC Holdings, LLC, 12161 Ken Adams Way, Wellington, FL, to annex +/-75.89 acres of property into the City limits. The property is located north of Pace Road and east of the Polk Parkway. The subject property is adjacent to property to the south which is 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 #1721 annexing the North Pace Road property into the City limits.

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 21, 2022.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1721 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)**, 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 #1721 annexing property into City limits – North Pace Road Property, as read on first reading by title only. Upon vote, all ayes.

The Meeting was adjourned at 7:18:42 PM.

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



Brandon Henry, City Clerk