

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held July 24, 2023, 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, Assistant City Attorney Seth Claytor, 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 Sheri Downs, Champions Church, and a salute to the flag.

Motion by Commissioner Cowie, seconded by Commissioner Hamann, to approve Minutes of the City Commission Meeting of July 10, 2023. Upon vote, all ayes.

City Manager Jeffrey Tillman reminded the Commission that we have the Back to School Bash at the Community Center Gym this weekend.

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

She asked if there was public comment on any item not on the agenda. There was no public comment.

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

1. PUBLIC HEARING – LAND DEVELOPMENT REGULATIONS TEXT AMENDMENT – OUTDOOR STORAGE

Community Development Director Julie Womble said City staff is proposing an amendment to the Land Development Regulations (LDRs) clarifying permitted and prohibited storage on residentially zoned properties and define the regulations for storage uses within a Home Occupation. The suggested text amendment includes language intended to preserve the residential character of neighborhoods and prohibit commercial and trade storage in those residential zoning areas.

She said we are clarifying permitted and prohibited storage on residentially zoned properties, defining requirements for storage uses within a Home Occupation, and preserving the residential character of neighborhoods.

Community Development Director Womble said we are in compliance with Section 14 of Chapter 2023-304, Laws of Florida. She explained Section 14 of Chapter 2023-304, Laws of Florida, and its relation to the proposed amendment, and she further explained that the proposed amendment(s) are no more restrictive or burdensome than the regulations in effect on September 27, 2022.

The Planning Commission recommended approval of the proposed Land Development Regulation Text Amendment (4-0, 07/11/2023).

City Manager Tillman said staff recommends approval of proposed Ordinance #1746 amending Land Development Regulations, Chapter 5, Zoning – Outdoor Storage.

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 #1746 AMENDING LAND DEVELOPMENT REGULATIONS TEXT – OUTDOOR STORAGE

City Manager Tillman said staff recommends approval of proposed Ordinance #1746 amending Land Development Regulations, Chapter 5, Zoning – Outdoor Storage.

Assistant City Attorney Seth Claytor read Ordinance No. 1746 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 LAND DEVELOPMENT REGULATIONS CHAPTER 5, ZONING, AMENDING PROHIBITED USES AND STRUCTURES IN RESIDENTIAL DISTRICTS; AND PROVIDING AN EFFECTIVE DATE**, by title only.

Motion by Commissioner Hamann, seconded by Commissioner Sterling, to approve Ordinance #1746 amending Land Development Regulations, Chapter 5, Zoning – Outdoor Storage, as read on first reading by title only. Upon vote, all ayes.

3. CONSIDER DEVELOPER'S AGREEMENT WITH INTERSECT DEVELOPMENT GROUP – INTERSECT PROPERTIES

City Manager Tillman said these agreements go back prior to the Regional Wastewater Treatment Plant System Study recently completed. These agreements were waiting on that study to be done, so that we could identify the sewer issues that needed to be resolved prior to any development moving forward. We have the attorney from Peterson and Myers with the Intersect Group present tonight, who was very instrumental in crafting these agreements. The Developer's Agreement before the City Commission with Intersect is the only with a developer of the three major projects that we are working toward that we would partner with the developer. It has been some time and we appreciate the development community's patience, but now that we have the Sewer Study done, the Commission will start to see these agreements to lay the framework of how each development will move forward based on where we are at with sewer improvements. Mr. Tillman complimented our Community Development Director, Public Utilities Director, City Attorney, and Finance Director on the work it took to get to the point of having these agreements, which will allow development to move forward.

Community Development Director Womble said in 2021, Intersect Development Group, LLC (Intersect), annexed property into the City limits to obtain potable water and sanitary sewer service. Fifteen properties were annexed and designated for a mixed use industrial/commercial development through an Industrial Planned Unit Development ("IPUD"). Phase 1, located adjacent to Pace Road, was approved by the City Commission for Regional Activity Center Future Land Use designation and an Industrial Planned Unit Development Zoning classification. Phase 2 of the project will come before the Planning Commission and City Commission, at a later date, to establish Future Land Use and Zoning designations.

In May 2022, the City notified Intersect that the sewer collection system needed to be studied and possibly upgraded to support new development, including Intersect's development. The City requested Chastain Skillman, the City's consulting engineer, to conduct a comprehensive evaluation of the existing Regional Wastewater Treatment Plant Service Area including the entire sanitary sewer collection system and wastewater treatment plant, which identified certain improvements required to serve new development.

The proposed Utility Infrastructure and Developer's Agreement is between Intersect Development Group, LLC, and the City of Auburndale to address the needed infrastructure improvements that will serve the Intersect Project and other future developments in the area. Intersect has provided notice to the City of its intent to design, permit, construct and install two (2) new sixteen-inch (16") force main (the "Pace Road Force Main Extensions") and a new twelve-foot (12') diameter master lift station (the "PR Master Lift Station"), (collectively the "PR Utility Improvements"). Intersect estimates the total cost to design, permit, construct, and install the PR Utility Improvements will be approximately \$7,822,387.00. The Developer's Agreements states Intersect's contractor will construct and Intersect shall notify the City of the final cost to complete the PR Utility Improvements. The City agrees to reimburse Intersect for certain portions of the PR Utility Improvements not to exceed 60.6 percent (60.6%), or \$4,737,869.00, of the \$7,822,387.00 estimated cost of construction for future development. The City's obligation to reimburse for the PR Utility Improvements shall not exceed \$4,737,869.00 without a written

amendment to the Developer's Agreement. The City also agrees to obtaining a twenty-foot (20') utility easement from the Florida Department of Transportation ("FDOT"), across the northern boundary line of FDOT's property, in order to allow for the construction of the PR Utility Improvements.

The proposed Developer's Agreement allows the City to complete the review of all development plans, construction plan documents, and establish Future Land Use and Zoning designations for the entire Intersect project. However, the agreement states that any development or construction, on the Intersect Properties, cannot discharge into the City's sewer collection system until all PR Utility Improvements, as outlined in the Agreement, have been permitted, completed and are operational. The current capacity of the Regional Wastewater Treatment Plant requires necessary expansion of the treatment plant and effluent disposal options. Planning and design of the expansion must run concurrently with the PR Utility Improvements.

Community Development Director Womble presented a slide depicting the location of the project and summarizing the agreement. Staff recommends approval of the proposed Utility Infrastructure and Developer's Agreement between Intersect Development Group, LLC, and the City of Auburndale.

City Manager Tillman said Chastain Skillman has been involved and working with the Developer's engineer as they design the Pace Road Master Lift Station. The portion that the City is responsible for is for the upsizing above what the developer would already have been required to install. So their engineer and the City's engineer have been in communication and are currently in the design phase of the Pace Road Master Lift Station. We appreciate the partnership with the developer on this. Staff recommends approval of the proposed Utility Infrastructure and Developer's Agreement between Intersect Development Group, LLC, and the City of Auburndale.

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

Motion by Commissioner Cowie, seconded by Commissioner Hamann, to approve the proposed Utility Infrastructure and Developer's Agreement between Intersect Development Group, LLC, and the City of Auburndale. Upon vote, all ayes.

4. CONSIDER DEVELOPER'S AGREEMENT WITH CLAYTON PROPERTIES GROUP, INC – WATERSIDE SHORES

City Manager Tillman said this agreement does not deal with infrastructure improvements, it just deals with the framework in which the development would move forward – and some of the necessary sewer infrastructure projects that would need to be completed before they can tie into our system.

Community Development Director Womble said in July 2022, Clayton Properties Group, Inc. (Clayton Properties), established Lakes District Mixed Use (LDMU) Future Land Use and Residential Neighborhood (RN) Zoning on +/- 118.69 acres, formerly identified as Wheeler Farms, now known as the Waterside Shores, located north of Lake Mattie Road. The property is within the Lakes District Master Planned Community and intends to develop approximately 417 dwelling units. The planned development will contain a mix of single-family and townhome residences consistent with the City's Lakes District Mixed Use Future Land Use, the Lakes District Residential Neighborhood Zoning District, and all other required City development standards.

In May 2022, the City notified Clayton Properties that the sewer collection system needed to be studied and possibly upgraded to support new development, including Clayton's development. The City requested Chastain Skillman, the City's consulting engineer, to conduct a comprehensive evaluation of the existing Regional Wastewater Treatment Plant Service Area including the entire sanitary sewer collection system and wastewater treatment plant, which identified certain improvements required to serve new development.

The proposed Developer's Agreement is between Clayton Properties Group, Inc., and the City of Auburndale. The Developer's Agreement states that construction of the Clayton Properties project cannot go vertical and/or

discharge into the City's sewer collection system until the Pace Road Utility Improvements, Southern Force Main Re-route, and Gapway Force Main projects (collectively referred to as the "Utility Improvements") have been completed, permitted, and operational. In addition, the current capacity of the Regional Wastewater Treatment Plant requires necessary expansion of the treatment plant and effluent disposal options. Planning and design of the expansion must run concurrently with the Utility Improvements. The Agreement acknowledges that the City makes no representation or warranty as to when it will commence or complete the Utility Improvements. The proposed agreement allows the City to complete the review of the plat, subdivision development plans, and construction plan documents. The Parties agree this limitation is subject to further evaluation of the City's Collection System as the Utility Improvements are completed. If anything changed, they would have to come back for a new agreement.

The City and Clayton Properties Group, Inc., desire to enter into the Developer's Agreement to establish the respective rights and obligations between the developer and the City, in accordance with the terms and conditions of the proposed Developer's Agreement.

Community Development Director Womble presented a slide depicting the location of the project and summarizing the agreement. Staff recommends approval of the proposed Developer's Agreement with Clayton Properties Group, Inc., and the City of Auburndale.

City Manager Tillman said the proposed Developer's Agreement was prepared by Clayton Properties Group, Inc. and was reviewed by the Community Development Director, the Public Utilities Director, City Manager's Office, and the City Attorney. Staff recommends approval of the proposed Developer's Agreement with Clayton Properties Group, Inc., and the City of Auburndale.

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

Motion by Commissioner Sterling, seconded by Commissioner Hamann, to approve the proposed Developer's Agreement with Clayton Properties Group, Inc., and the City of Auburndale. Upon vote, all ayes.

5. CONSIDER DEVELOPER'S AGREEMENT WITH AUBURN LAKES, LLC – AUBURN LAKES PRESERVE

Community Development Director Womble said in March 2022, Auburn Lakes, LLC (Auburn Lakes), established Low Density Residential and Medium Density Residential Future Land Uses and General Residential-1 (RG-1) and General Residential-2 (RG-2) Zoning on +/-255.05 acres south of Old Dixie Highway and west of the Polk Parkway. Auburn Lakes intends to develop a residential project on the Property in Phase 1, consisting of a total of approximately 516 dwelling units, a combination of 250 single-family units and 266 Townhouse units. Any additional development will come before the Planning Commission and City Commission, at a later date.

In May 2022, the City notified Auburn Lakes that the sewer collection system needed to be studied and possibly upgraded to support new development, including this development. The City requested Chastain Skillman, the City's consulting engineer, to conduct a comprehensive evaluation of the existing Regional Wastewater Treatment Plant Service Area including the entire sanitary sewer collection system and wastewater treatment plant, which identified certain improvements required to serve new development.

The proposed Developer's Agreement is between Auburn Lakes, LLC, and the City of Auburndale. The Developer's Agreement states that construction of the Auburn Lakes project cannot go vertical and/or discharge into the City's wastewater system until the Pace Road Master Lift Station Utility Improvements and Southern Force Main re-route projects have been completed, permitted, and operational. The current capacity of the Regional Wastewater Treatment Plant requires necessary expansion of the treatment plant and effluent disposal options. Planning and design of the expansion must run concurrently with the Utility Improvements. The Agreement acknowledges that the City makes no representation or warranty as to when it will commence or complete the

Utility Improvements. The proposed agreement allows the City to complete the review of the plat, subdivision development plans, and construction plan documents.

The City and Auburn Lakes, LLC, desire to enter into the Developer's Agreement to establish the respective rights and obligations between Auburn Lakes, LLC, and the City, in accordance with the terms and conditions of the proposed Developer's Agreement. The improvements listed in the Auburn Lakes Development Agreement plan for current and future development. Staff recommends approval of the proposed Developer's Agreement between Auburn Lakes, LLC, and the City of Auburndale.

City Manager Tillman said the proposed Developer's Agreement was prepared by Auburn Lakes, LLC and reviewed by the Community Development Director, the Public Utilities Director, City Manager's Office, and the City Attorney. Staff recommends approval of the proposed Developer's Agreement between Auburn Lakes, LLC, and the City of Auburndale.

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

Motion by Commissioner Cowie, seconded by Commissioner Sterling, to approve the proposed Developer's Agreement between Auburn Lakes, LLC, and the City of Auburndale.

Commissioner Hamann asked if this is the old Ebersbach Property?

City Manager Tillman answered yes. He clarified the location.

Upon vote, all ayes.

6. PRESENTATION OF CITY MANAGER & CITY ATTORNEY EVALUATIONS

Mayor Taylor Bogert said the 2023 City Manager Evaluation had eight items evaluated, with five Commissioners responding with a total 40 responses. There were no "Below Expectations" ratings, nine "Meets Expectations" ratings, and 31 "Exceeds Expectations" ratings.

She said the 2023 City Attorney Evaluation had four items evaluated and five Commissioners responding, with a total 20 responses. There were no "Below Expectations" ratings, three "Meets Expectations" ratings, and 17 "Exceeds Expectations" ratings.

City Manager Tillman thanked the Commission for their support and hiring him as City Manager. He appreciates the opportunity.

7. PRESENTATION OF PROPOSED FISCAL YEAR 2024 AND FISCAL YEAR 2025 REVENUES

City Manager Tillman said the City Commission was previously presented various sections of the proposed Fiscal Year 2024 and Fiscal Year 2025 Annual Budgets for tentative approval. The Payroll sections were presented on May 1, 2023, Capital Outlay was presented on May 15, 2023 and Expenditures were presented on June 19, 2023. Presentation of the Revenue section completes the City Commission's budget review process. Tonight, we are presenting a balanced budget for the Fiscal Year 2024 and Fiscal Year 2025 Annual Budget. All funds within the budget are balanced.

Finance Director Christopher Reeder started the presentation regarding the Revenue Section of the Fiscal Year 2024 and Fiscal Year 2025 Annual Budget, highlighting individual line-items that were increased or decreased from the current year budget by at least \$25,000.

He presented General Fund revenue line-items, including Ad Valorem Taxes (Real Estate/Personal Taxes), Franchise Fees (Tampa Electric Company), Utility Taxes (Tampa Electric Company), Intergovernmental Revenues (State Sales Tax, Police State Pension Contribution), County Shared Revenues (School Board Reimbursement,

Library Cooperative), Physical Environment (Sanitation Charges, Sanitation Surcharge), Culture – Recreation (Lake Myrtle Baseball Field Rental/Maintenance, Soccer Sponsorships), Interest Earnings (Interest General Fund, Interest General Fund Reserve, Interest Emergency Reserve), Sale of Fixed Assets (Cemetery Lot Sales), Miscellaneous Reimbursements (Credit Card Fees, Board of County Commissioners Road Improvement Reimbursement, Lake Myrtle Improvements), Other Financing Sources (Fire Department Reserve, General Fund Reserve, Public Works Reserve, Stormwater Reserve, Building Department Reserve, Debt Proceeds, Contribution from General Fund Impact Fee Fund), and Interfund Transfers (Water and Sewer Utilities).

He presented Community Redevelopment Agency revenue line-items, including Tax Increment County, Reimbursement Tax Increment, and Carry Over Prior Year.

He presented General Fund Impact Fee Fund revenue line-items, including Impact Fees (Fire Impact Fees, Police Impact Fees, Recreation Impact Fees), and Interfund Transfers (Impact Fee Reserves).

He presented Water and Sewer Impact/Connection Fee Fund revenue line-items, including Interest (Impact/Connection Fees Interest), Impact/Connection Fees (Water Impact/Connection Fees, Sewer Impact/Connection Fees), and Other Financing Sources (Impact/Connection Fee Reserves).

He presented Water and Sewer Fund revenue line-items, including Charges for Services/Water (Water Charges, Water Connection Fees), Charges for Services/Sewer (Sewer Charges, Sewer Connection Fees), Interest Earnings (Interest Water and Sewer, Interest Water and Sewer Fee), Miscellaneous Revenue (Heartland Grant, Florida Department of Transportation Utility Construction Reimbursement), Other Financing Sources (Public Utilities Reserve, Regional Facility Reserve, Utilities Distribution Reserve, American Recovery Act 2021), and Interfund Transfers (Transfer In for Water and Sewer Projects, Transfer In for Debt Service Water and Sewer).

City Manager Tillman thanked Mr. Reeder. He said it has been a great process working with Finance Director Reeder through this year's budget. He does a lot of work with the directors – Mr. Tillman thanked the directors.

Formal presentation of the Proposed Fiscal Year 2024 and Fiscal Year 2025 Budgets is scheduled for August 7, 2023. Public Hearings on the Proposed Budgets and Millage Rate are scheduled for Thursday, September 7, 2023 and Tuesday, September 19, 2023. Staff recommends tentative approval of the Revenue Section of the proposed Fiscal Year 2024 and Fiscal Year 2025 Budgets.

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

Motion by Commissioner Hamann, seconded by Commissioner Sterling, to approve the Revenue Section of the proposed Fiscal Year 2024 and Fiscal Year 2025 Budgets.

Commissioner Hamann thanked Finance Director Reeder for being conservative with the revenue estimates.

Upon vote, all ayes.

8. APPROVE PROPOSED FISCAL YEAR 2024 ROLLED-BACK RATE AND MILLAGE RATE

City Manager Tillman said Florida Statutes require the City to compute a proposed millage rate necessary to fund the proposed budget. The City must advise the Property Appraiser of its proposed millage rate, rolled-back rate and the date, time and place for a public hearing. The Property Appraiser utilizes this information in preparing the notices of proposed property taxes, which are mailed to property owners.

The City's existing millage rate is 4.2515. Using the current millage rate times our current year's gross taxable value; the ad valorem proceeds would represent an increase of \$1,349,895 over the prior year. The Rolled-back rate for Fiscal Year 2024 is 3.9317 and would provide the City with the same ad valorem as the prior year.

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The proposed Fiscal Year 2023-2024 Budget is balanced utilizing the current millage rate of 4.2515. If approved by the City Commission, the millage rate could be lowered, but not increased above the 4.2515 without the expense of re-advertising to all property owners.

Staff recommends approval of 3.9317 as the Rolled-back rate and 4.2515 as the proposed operating millage rate for the Certificate of Taxable Value Form for 2023 and Budget Year 2024.

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

Motion by Commissioner Cowie, seconded by Commissioner Hamann, to approve 3.9317 as the Rolled-back rate and 4.2515 as the proposed operating millage rate for the Certificate of Taxable Value Form for 2023 and Budget Year 2024. Upon vote, all ayes.

9. APPROVE PUBLIC HEARING DATES FOR PROPOSED FISCAL YEAR 2024 BUDGET

City Manager Tillman said staff recommends approval of Thursday, September 7, 2023 and Tuesday, September 19, 2023 at 7:00 p.m. at City Hall for the required Public Hearings on the proposed Fiscal Year 2024 Budget.

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

Motion by Commissioner Sterling, seconded by Commissioner Cowie, to approve Thursday, September 7, 2023 and Tuesday, September 19, 2023 at 7:00 p.m. at City Hall for the required Public Hearings on the proposed Fiscal Year 2024 Budget. Upon vote, all ayes.

10. SET BUDGET WORK SESSION DATE (08-14-23), COMMISSION DAY

City Manager Tillman said staff recommends setting Monday, August 14, 2023, for Commission Day activities and for a proposed budget work session, if needed.

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

Motion by Commissioner Cowie, seconded by Commissioner Sterling, to set Monday, August 14, 2023, for Commission Day activities and for a proposed budget work session, if needed. Upon vote, all ayes.

The Meeting was adjourned at 7:45:55 p.m.

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



Brandon Henry, City Clerk