

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held August 21, 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, 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 Terry Storie.

Mayor Dorothea Taylor Bogert declared a quorum present, and the Meeting was opened with prayer by Commissioner Sterling, and a salute to the flag.

Motion by Commissioner Cowie, seconded by Commissioner Hamann, to approve Minutes of the City Commission Meeting of August 7, 2023. Upon vote, all ayes.

City Manager Jeffrey Tillman announced that Ordinance No. 1747 has been continued. He announced that the Downtown City Park is closed for its annual maintenance.

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. There was no public comment.

1. ORDINANCE #1746 AMENDING LAND DEVELOPMENT REGULATIONS TEXT – OUTDOOR STORAGE

City Manager Tillman said that the first five items are coming before the Commission on second reading. He said that 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.

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 July 24, 2023, and is being presented for second and final reading.

The Planning Commission recommended approval of the proposed Land Development Regulation Text Amendment (4-0, 07/11/2023). Staff recommends approval of proposed Ordinance #1746 amending Land Development Regulations, Chapter 5, Zoning – Outdoor Storage.

City Attorney Frederick J. Murphy Jr. said that Community Development Director Julie Womble said at the July 24th City Commission meeting that we are in compliance with Section 14 of Chapter 2023-304, Laws of Florida. He concurs with this. He said that at that meeting, Ms. Womble explained Section 14 of Chapter 2023-304, Laws of Florida, and its relation to the proposed amendment, and that she further explained that the proposed amendment(s) are no more restrictive or burdensome than the regulations in effect on September 27, 2022.

City Attorney Frederick J. Murphy Jr. 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.

Mayor Taylor Bogert asked for public comment.

Carrie Griner, 1054 Lake Ariana Boulevard, said she is trying to better understand this. We have a plant business behind her home. It is small and tiny. We bought the land back there to be cohesive to their house. We live on

Lake Ariana and is well maintained. But the fact of the matter is that we have a small plant business. We are trying to comprehend, as it may differ from the examples presented. No one wants to make the City look less than perfect, but how does this impact those of us with home occupied businesses. Her question is to better understand what the definition of trade storage is, and how does this impact those who are grandfathered in?

City Manager Tillman said it is not more burdensome, but clarifies and defines the intended purpose of the code. Permitted uses are not taken away, but defines the number of greenhouses. The intent of this is to get into the more intensive commercial trades that take place on commercial lots. It further defines what is prohibited on a residential site to include construction materials. From the plant nursery side, it was already an allowed use.

Mitchell Griner, 1054 Lake Ariana Boulevard, said he worries this direction might impact those of us that are the most enterprising and entrepreneurial among the residents. He thinks 10 years ago, we were more focused on being a small town with a huge amount of people doing their own thing. With the price of land being so high, some people probably cannot afford to buy space to store their commercial equipment. He is worried for their sake.

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

2. ORDINANCE #1750 AMENDING POLICE OFFICERS PENSION TRUST PLAN

City Manager Tillman said the next three items come under one analysis and are on second reading.

He said the proposed Ordinances are housekeeping in nature and amends the Police Officers' Pension Trust Fund, the Firefighters' Pension Trust Fund, and the General Employees' Pension Trust Fund to be compliant with recent changes to the Internal Revenue Code (IRC) as permitted by recently adopted Secure Act 2.0, as well as clarifying and confirming Florida State Statutes.

In addition, the proposed Ordinances amend all three plans to provide for an option for members to pay for purchased credited service over a period of time not to exceed 5 years, by payroll deduction, rather than making one lump sum payment.

The actuary of the three plans, Foster & Foster, issued letters indicating that there are no costs associated with the adoption of the proposed Ordinances. The proposed Ordinances were prepared by the Pension Plan Attorney for the three plans, Christiansen & Dehner, P.A., and reviewed by the Finance Director, City Manager and City Attorney. The proposed Ordinances were approved on first reading August 7, 2023, and are being presented for second and final reading.

All three boards of the respective pension plans recommended approval at their meetings of July 25th, 2023. Staff recommends approval of the proposed Ordinances amending the Police Officers' Pension Plan, Firefighters' Pension Plan, and the General Employees' Pension Plan.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1750 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE FURTHER AMENDING THE CITY OF AUBURNDALE MUNICIPAL POLICE OFFICERS' PENSION TRUST FUND, ADOPTED AND RESTATED PURSUANT TO ORDINANCE NO. 1653, AS SUBSEQUENTLY AMENDED, AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 7, PRE - RETIREMENT DEATH; AMENDING SECTION 16, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 26, PRIOR POLICE OFFICER SERVICE; AMENDING SECTION 28, MILITARY SERVICE PRIOR TO EMPLOYMENT; AMENDING SECTION 30, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS, CHAPTER 185 SHARE ACCOUNTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF**

PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE, 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 #1750 amending Police Officers Pension Trust Plan, as read on second and final reading by title only. Upon vote, all ayes.

3. ORDINANCE #1751 AMENDING FIREFIGHTERS PENSION TRUST PLAN

City Manager Tillman introduced Ordinance No. 1751.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1751 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE FURTHER AMENDING THE CITY OF AUBURNDALE MUNICIPAL FIREFIGHTERS' PENSION TRUST FUND, ADOPTED AND RESTATED PURSUANT TO ORDINANCE NO 1654, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 7, PRE-RETIREMENT DEATH; AMENDING SECTION 16, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 26 PRIOR FIREFIGHTER SERVICE; AMENDING SECTION 29, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS, CHAPTER 175 SHARE ACCOUNTS; AMENDING SECTION 31, MILITARY SERVICE PRIOR TO EMPLOYMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING 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 Cowie, to approve Ordinance #1751 amending Firefighters Pension Trust Plan, as read on second and final reading by title only. Upon vote, all ayes.

4. ORDINANCE #1752 AMENDING GENERAL EMPLOYEES PENSION TRUST PLAN

City Manager Tillman introduced Ordinance No. 1752.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1752 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE AMENDING THE RESTATED DEFINED BENEFIT RETIREMENT INCOME PLAN FOR EMPLOYEES OF CITY OF AUBURNDALE, FLORIDA, ADOPTED AND RESTATED PURSUANT TO ORDINANCE NO. 1640, AMENDING SECTION 1, DEFINITIONS; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 15, MINIMUM DISTRIBUTION OF BENEFITS, AMENDING SECTION 24, MILITARY SERVICE PRIOR TO EMPLOYMENT; AMENDING SECTION 25, PRIOR GOVERNMENT SERVICE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS, REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING 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 #1752 amending General Employees Pension Trust Plan, as read on second and final reading by title only. Upon vote, all ayes.

5. ORDINANCE #1753 ANNEXING PROPERTY INTO CITY LIMITS – CLINGERMAN PROPERTY

City Manager Tillman said the City has received a petition from Kevin Clingerman to annex +/-4.28 acres of property into the City limits. The property consists of one vacant parcel located south of US Highway 92 and west of the Polk County Parkway. The property is adjacent to City limits to the north, south, and west. The annexation does not create an enclave. The proposed annexation is as a result of the owner's request for city utilities and proposed office redevelopment.

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.

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 August 7, 2023, and is being presented for second and final reading. Staff recommends approval of Ordinance #1753 annexing the Clingerman property into the City. Mr. Tillman presented a slide depicting a graphic of the proposal.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1753 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: US Hwy 92 and Polk Pkwy)**, 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 #1753 annexing the Clingerman property into the City, as read on second and final reading by title only. Upon vote, all ayes.

6. PRESENTATION AND DISCUSSION OF RECYCLING SERVICES

City Manager Tillman presented a slide outlining the history of curbside recycling contracts and associated rates. He presented a graphic depicting Sanitation revenue and expenses from 2012 to 2022.

Finance Director Christopher Reeder explained the current status of recycling and its future. He presented a slide outlining the first option, entering into a 1-year recycling collection agreement with Waste Management. He presented a slide outlining the second option, having the City undertake curbside collection. He presented a slide depicting the third option, expanding the central collection site. He presented a graphic comparing the proposed rates of the three options as compared to neighboring and comparable municipalities.

City Manager Tillman stated that staff recommends the lowest cost option of expanding the central collection site.

Public Works / Public Utilities Director John Dickson presented a slide outlining the various operational changes should the central collection site be expanded.

City Manager Tillman summarized the three options.

Commissioner Sterling asked who would be picking up from the central collection site?

City Manager Tillman said it would be the same vendor – Republic Services.

Commissioner Sterling asked what would we pay them?

Sanitation Superintendent Steve Lawson answered we currently pay them \$15,000 a year. We would increase that as needed.

Commissioner Sterling said his concern is that we pay for them to take it to the recycling facility but they take it to the dump, we would be better off not being in the recycling business.

Public Works / Public Utilities Director John Dickson answered they will process it at the recycling facility, unless it is contaminated. We have run into contaminated loads with curbside, that is part of the problem. We have to pay a cleanup fee. We will have an eye on the collection site so there will be less of a chance of contamination.

Commissioner Sterling said regardless of what we do, we need to educate the residents on what is recyclable.

Mr. Dickson said this will clean up a lot of the contamination, because people who utilize a central collection site are more concerned with recycling. With curbside recycling, people may see the recycling can as another can.

Mayor Taylor Bogert concurs.

Commissioner Hamann said the market for recycling is not good. It is getting worse.

Mayor Taylor Bogert said it is just going to increase in cost.

City Manager Tillman said the proposed agreement with Waste Management is only for a year. There is a possibility for even further increases.

Commissioner Cowie asked if someone wants a second container, do they pay another monthly fee?

Mr. Dickson answered no, it is the same recurring monthly fee – they just pay the one-time purchase fee.

Commissioner Cowie said so theoretically the recycling container would become a second garbage can and they would not pay additional for that.

Mr. Dickson concurred, until the can breaks – we do not intend to replace the second can.

City Manager Tillman said education is a big component, anything we do will require education. We have had discussions about this internally. Whichever direction the Commission goes, there will be an education campaign.

Commissioner Sterling recalled an earlier education campaign. We should do this at least once or twice a year.

Commissioner Myers asked how many dumpsters did we have at the central collection site prior to recycling? Have the four dumpsters been there the entire time?

Mr. Dickson said he believed so.

Commissioner Myers said so there is no guarantee that there will be more people coming down to the collection site and thus needing the seven total dumpsters.

City Manager Tillman said it is something we would monitor.

Commissioner Myers said adding more trucks on the routes is probably more to do with population growth. He does not believe we took any trucks off routes when we started recycling.

Mr. Dickson confirmed.

Commissioner Myers said so no less trucks on the road. As far as Waste Management goes, they will not be here in a year anyways. They probably do not want the contract. He asked where are we at on the tipping fees at the County landfill, when was their last increase and are we expecting an increase?

Mr. Dickson said we are currently at 36. He is not sure if they are proposing an increase.

Sanitation Superintendent Lawson said they are studying that now.

Mr. Dickson said the tipping fee for recycling is \$145.

Mayor Taylor Bogert said they used to do it for free because they made so much money. It is a noble cause. We want to be good stewards, but the reason there is recycling is because there is profit. The recycling companies do this to make money. That is the reason some recycling materials went away, because there is no aftermarket for it. The aftermarket was decimated when China stopped accepting those materials. She would want to take

consideration of the impacts on the citizen as a whole. She agreed that those who are vested in recycling will continue to do so at the central collection site. We are fortunate to have that ability.

Commissioner Myers said you also have the other side of the spectrum, of those who never recycled until they had the convenience of the curbside can.

Commissioner Hamann said the companies that are driving the cost up of recycling do not want to be in recycling.

Commissioner Myers asked if we can keep it at the same rate and see how the reaction is going forward? Are we definitely going to need another truck?

Mr. Dickson said we looked at the amount of tonnage that we would be hauling additionally. We figured we do need another truck and route.

Commissioner Myers said they do an excellent job. Especially after what the County went through, he would never suggest bidding this out to a third party. He commended City employees.

City Manager Tillman said from the cost increase standpoint, Finance Director Reeder did a good job in understanding the financial analysis and what the cost increase would be. We did everything to limit the increase to residents. We do feel we would not be able to pick it all up with the extra materials taking up room in the trucks. Also, if we get an increase of the tipping fee at the landfill, it is something we need to look at because we do not want to run the Sanitation Division at a loss. It would also allow us to grow with population growth.

Commissioner Hamann said back in the day, the Sanitation Division made a bit of money which kept taxes down, which is why we have the lowest millage rate in the County. Our people do a lot better job, so he would not want to outsource it.

Mayor Taylor Bogert said she has had a number of citizens that complimented Public Works to her.

Mr. Dickson said he would pass that on.

Commissioner Sterling asked what would be the turnaround time on the new truck?

Mr. Dickson said we found a vendor with availability of a truck in Tampa.

City Manager Tillman said we would come back in the future with capital and staffing requests relating to what is decided tonight.

7. ORDINANCE #1754 AMENDING CITY CODE – GARBAGE & REFUSE RATES

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1754 entitled: **AN ORDINANCE AMENDING SECTION 11-5 OF THE CODE OF ORDINANCES OF THE CITY OF AUBURNDALE (ESTABLISHING FEES FOR GARBAGE AND TRASH REMOVAL AND CHARGES FOR COMMERCIAL GARBAGE AND REFUSE COLLECTION); AND SETTING AN EFFECTIVE DATE**, 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 #1754 amending City Code – Garbage & Refuse Rates, as read on first reading by title only.

Commissioner Hamann asked if the Commission is in favor of Option 3?

Mayor Taylor Bogert said that is what this ordinance is.

Commissioner Myers expressed concern regarding the timing.

Mayor Taylor Bogert said this is for October 31st. It is a minimal amount compared to some of the other ones. She thinks recycling is going to start going up significantly.

Upon vote, all ayes.

8. RESOLUTION #2023-01 NAMING NEW AUBURNDALE CIVIC CENTER HALL – RICHARD HAMANN HALL

City Manager Tillman said on August 14, 2023, the City Commission recognized Richard Hamann for his 28-years of dedicated service to the City of Auburndale. He read Resolution 2023-01, officially naming the main hall of the new Auburndale Civic Center to be located at Lake Ariana Park "Richard Hamann Hall" in his honor.

Motion by Commissioner Cowie, seconded by Commissioner Sterling, to approve Resolution 2023-01, officially naming the main hall of the new Auburndale Civic Center to be located at Lake Ariana Park "Richard Hamann Hall" in his honor. Upon vote, all ayes.

Commissioner Hamann expressed gratitude.

The Commission reminisced about Commissioner Hamann and his service to the City.

The Meeting was adjourned at 8:06:24 p.m.

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



Brandon Henry, City Clerk