

## City of Auburndale Commission Minutes August 7, 2023

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Minutes of the Regular Meeting of the City Commission of the City of Auburndale held August 7, 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, 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 Gene Bassham, New Hope Fellowship 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 24, 2023. Upon vote, all ayes.

City Manager Jeffrey Tillman announced that on August 8<sup>th</sup>, Auburndale High School and Stambaugh Middle School will both hold their student orientations. About 3,000 students will be attending these. Our police will have presence in the area, but we are asking everybody to avoid the area if possible. We appreciate Kersey Funeral Home, First United Methodist Church, and Auburndale Community Church – who are serving as overflow parking at the City’s request, as well as Stadium Road. He appreciates Police Chief Terry Storie’s efforts with his communication with the schools. City Manager Tillman introduced Executive Director Sandra Hall, of the Greater Auburndale Chamber of Commerce.

Sandra Hall introduced the 2023 Ms. Auburndale and her court.

City Manager Tillman thanked Executive Director Hall.

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.

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

## **1. PUBLIC HEARING – FUTURE LAND USE AND OFFICIAL ZONING MAP AMENDMENTS – INTERSECT**

Community Development Director Julie Womble said on November 1, 2021, the Intersect Development Group (Intersect) received a Future Land Use designation of Regional Activity Center (RAC) and Zoning classification of Industrial Planned Unit Development (IPUD) on +/-72.5 acres. The binding site plan accompanying the Industrial Planned Unit Development allowed Intersect Development Group to construct a 464,000 square foot E-commerce and logistics building, two research and development buildings, and ten mixed-use commercial outparcels.

Peterson and Myers, on behalf of Intersect Development Group, has requested to establish a Future Land Use designation of Regional Activity Center (RAC) on an additional +/- 69.3 acres. Community Development Director Womble presented a graphic depicting the proposal. In 2022, the additional property was annexed into the City and the City Commission held a Transmittal Public Hearing prior to sending the proposed Future Land Use Map amendment to the State. The State responded with no objections to the map amendment.

Community Development Director Womble presented a slide outlining Policy 1.14 of the City’s Comprehensive Plan.

Intersect is requesting to modify and expand the established Zoning classification of Industrial Planned Unit Development (IPUD). The modification request of the existing Industrial Planned Unit Development allows Intersect to remain consistent with the prior entitlements and provide subtle modifications to facilitate desired

changes in the development. Conditions were previously placed on the binding site plan regarding the two research and development buildings being reserved solely for research and development. The applicant is requesting to modify the allowed uses to include light manufacturing, health technology, financial institutions and/or information sciences. She read definitions from the City's Land Development Regulations. The applicant is also requesting to modify the overall size of the two previously approved research and development buildings.

Community Development Director Womble presented a slide outlining Section 6.1.8 and Section 6.7.8.1 of the City's Land Development Regulations. She presented an additional graphic depicting the proposal.

The request from Intersect would expand the Industrial Planned Unit Development (IPUD) onto +/-45.3 acres of the additional +/-69.3 acres of property for the project. Intersect is proposing four industrial mixed-use buildings on the southern portion of the subject site. These buildings would allow for research and development, light manufacturing, health technology, office space, vocational institutions, and distribution. The mixed use would provide an opportunity for different operators to have flex space and bring in uses that would complement the Central Florida Innovation District. Outdoor storage is prohibited. She presented additional graphics depicting the proposal and allowed uses.

Intersect is requesting Planned Development-H2 (PD-H2) for multi-family on the northeast portion of the development to allow for apartments and possible student housing for the nearby university. Planned Development-H2 allows for a density of up to 15 units per acre, which would allow approximately 360 units on the remaining +/-24 acres of property. The binding site plan shows a clubhouse, additional amenities, and will be required to meet all active open space and landscaping requirements per the Land Development Regulations.

As required by the Land Development Regulations for Planned Developments, the requests are accompanied by binding site plans. The requested Zoning classification of Industrial Planned Unit Development and Planned Development-H2 are compatible with the requested Future Land Use of Regional Activity Center (RAC) and is consistent with the City of Auburndale Comprehensive Plan, all Land Development Regulations, the Central Florida Innovation District, and the Joint Planning Agreement with Polk County.

The Planning Commission recommended approval of the proposed Future Land Use Map amendment – (5-0, 12/06/2022), and recommended approval of the proposed Zoning classification of Industrial Planned Unit Development (IPUD) and Planned Development-H2 (PD-H2) – (5-0, 08/02/2023).

Bart Allen, of Peterson and Myers, 225 E Lemon Street, Lakeland – representing the applicant, presented slides depicting the proposal and its location. He presented a history of the project. Many stakeholders including the applicant, community stakeholders, and the City met prior to an application submittal. After positive conversations, we underwent annexation, zoning, and Future Land Use applications. The applicant secured Hyundai as a tenant, a national brand which is a great accomplishment for the City. During this development phase was when the sewer constraints started coming to light. That is why you see the long lag between the transmittal hearing in December of last year and now. Mr. Allen commended staff for their communication. That resulted in a cost sharing agreement in which Intersect partnered with the City to facilitate utility improvements. This is a critical partnership. Mr. Allen presented slides outlining a previous proposal and the current proposal. He presented a slide summarizing the current request.

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 #1747 AMENDING THE FUTURE LAND USE MAP – INTERSECT PROPERTIES**

City Manager Tillman introduced Ordinance No. 1747.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1747 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 752, THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING THE FUTURE LAND USE MAP BY RECLASSIFYING PARCELS OF LAND TOTALING +/- 69.3 ACRES FROM POLK COUNTY FUTURE LAND USE MAP CLASSIFICATION BUSINESS PARK CENTER-1X (BPC-1X) TO CITY OF AUBURNDALE REGIONAL ACTIVITY CENTER (RAC); AND PROVIDING AN EFFECTIVE DATE (General Location Pace Road and Bryan Lane)**, by title only.

**Motion** by Commissioner Hamann, seconded by Commissioner Cowie, to approve Ordinance #1747 amending the Future land Use Map – Intersect Properties, as read on first reading by title only.

Commissioner Sterling asked for clarification on the scope of Ordinance No. 1747.

Community Development Director Womble clarified that Ordinance No. 1747 is for the Future Land Use.

Upon vote, all ayes.

### **3. ORDINANCE #1748 AMENDING THE OFFICIAL ZONING MAP – INTERSECT PROPERTIES – INDUSTRIAL PLANNED UNIT DEVELOPMENT**

City Manager Tillman introduced Ordinance No. 1748.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1748 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 764, THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AUBURNDALE, FLORIDA, BY AN AMENDMENT TO THE OFFICIAL ZONING MAP ESTABLISHING A CITY OF AUBURNDALE ZONING MAP CLASSIFICATION OF INDUSTRIAL PLANNED UNIT DEVELOPMENT (IPUD) ON PARCELS OF LAND TOTALING +/- 45.3 ACRES; AND PROVIDING AN EFFECTIVE DATE (General Location Pace Road and Bryan Lane)**, by title only.

**Motion** by Commissioner Cowie, seconded by Commissioner Hamann, to approve Ordinance #1748 amending the Official Zoning Map– Intersect Properties - Industrial Planned Unit Development, as read on first reading by title only.

Commissioner Cowie asked if this will be less research and development?

Community Development Director Womble said they are changing the shallowness of the building.

Commissioner Cowie asked if she said it would be less research and development?

Community Development Director Womble said yes as it relates to the overall square footage.

Commissioner Cowie asked so less research and development.

Community Development Director Womble answered yes.

Commissioner Cowie asked why we have distribution on the other buildings?

Community Development Director Womble said she will let the applicant discuss that, but there is distribution allowed within research and development, but it is secondary to the primary use.

Commissioner Cowie asked if it is a different type of distribution. Staff's presentation noted restrictions.

Community Development Director Womble answered yes. She clarified the restrictions. She clarified the definition of distribution.

Commissioner Cowie said his concern about this is it is turning into an entire distribution center, minus the research and development. He knows we have the outparcels along the front, but it is roughly 800,000 square

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feet of possible distribution there. We are trying to limit that, he knows that is why we built a 464,000 square foot distribution center there to begin with. He has concerns about the extra ask for distribution, when it is an innovation district – it is supposed to be research and development type scenarios. We already have a pretty big distribution center on that site, and we are asking for additional distribution.

Commissioner Hamann said he has a lot of the same concerns as Commissioner Cowie. A mixed-use is not in his innovation vision. He would like to see the other buildings put into research and development. He knows times get tough and tenants are tough to get. He does not want to see it turning into a storage facility.

Community Development Director Womble clarified the definition of warehouse in the Land Development Regulations. Distribution is supposed to be an in-and-out product.

Commissioner Hamann asked if you are allowed to have warehouse in mixed-use?

Community Development Director Womble answered no.

Commissioner Sterling contemplated the layout of the proposed buildings and their uses. As proposed, he said he would not vote to approve. There should be compromise as far as uses go.

Commissioner Hamann asked Commissioner Sterling to clarify what we would like to see regarding the proposed buildings, proposed layout, and uses.

Commissioner Sterling offered clarification.

Mayor Taylor Bogert said she concurs. Research and development is a huge pull. She thinks there can be a compromise, she agrees with Commissioner Sterling in that respect. She contemplated the proposed buildings, proposed layout, and uses. She asked for clarification regarding industrial mixed-use.

Community Development Director Womble read the definition of industrial mixed-use and provided examples.

Commissioner Cowie asked if it allows for distribution?

Community Development Director Womble answered yes. She clarified the definition of distribution versus warehouse.

Mayor Taylor Bogert said her concern is that industrial mixed-use allows for distribution. She contemplated the uses proposed.

Community Development Director Womble clarified the definition of research and development.

Mayor Taylor Bogert asked for clarification of the proposed buildings and their proposed uses.

Community Development Director Womble clarified the proposed uses for the proposed buildings. She said we have a Memorandum of Understanding for the Innovation District, but we do not have code in place for the Innovation District.

Commissioner Hamann said this is a one time shot regarding this property. He is looking into the future. He does not think the vision of the Innovation District is to open it up and open Pandora's Box.

Mayor Taylor Bogert agreed. She asked what of the allowed uses would not be allowed in research and development? Is it the industrial mixed-use and distribution that would not be permitted in research and development? Because those are the two she has concerns with.

Community Development Director Womble provided clarification of allowed uses in research and development and industrial mixed-use.

Bart Allen said the reality is that there is only so much research and development coming into this community. We have to provide for a diverse economy, otherwise this property will not develop – none of it will. If we do not allow for a broader range of uses, the property will sit. Hearing these comments, there is additional considerations we need to take back to the applicant. This is fairly new, we have not heard these concerns until tonight. This is concerning to him, so he requests that we table it for tonight.

Attorney Frederick J. Murphy Jr. said there is a motion on the table, so you have the option to approve the ordinance on first reading – so the Commission has that option to move forward on first reading. However, given concerns expressed by the Commission, he concurs with Mr. Allen regarding a motion to table this matter to give staff and the applicant an opportunity to meet. From a matter of a legal standpoint, if you deny an application, the Commission under Florida Statute Section 166.033 has to give reason(s) for the denial, and the reason(s) have to be legitimate and supportable. While he understands we have a Memorandum of Understanding with regard to the Innovation District, there is not anything in our code that deals with the Innovation District. That is concerning to him. We need to be careful. It is something he is compelled to advise at this time. The two things the Commission should look at is whether the proposed zoning is consistent with the Comprehensive Plan and if it is compatible with the Land Development Regulations and surrounding properties. The best thing to do would be to table this, if it is the will of the Commission in order to allow the applicant and City staff time to further discuss.

**Motion** by Commissioner Cowie, seconded by Commissioner Hamann, to table Agenda Item 3 Ordinance #1748 Amending the Official Zoning Map – Intersect Properties – Industrial Planned Unit Development, and Agenda Item 4 Ordinance #1749 Amending the Official Zoning Map – Intersect Properties – Planned Development-H2. Upon vote, all ayes.

Commissioner Sterling asked Mr. Allen if one of the buildings had a tenant being a Fortune 500 company.

Mr. Allen answered a Fortune 50 company was looking at it. There are no signed leases but heavy negotiations.

City Manager Tillman said staff will be glad to work with the applicant. Through the Developer's Agreements and getting to this point has been a cooperative relationship and we appreciate Mr. Allen and his group, they have been wonderful to work with. He is looking forward to working with him in resolving some of these issues.

## **5. ORDINANCE #1750 AMENDING POLICE OFFICERS PENSION TRUST PLAN**

City Manager Tillman 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. If approved on first reading, the proposed Ordinances will be presented for second and final reading on August 21, 2023.

All three Pension Boards recommended approval of the respective ordinances at their meeting of July 25, 2023. Staff recommends approval of the proposed Ordinances amending the Police Officers' Pension Plan, Firefighters' Pension Plan, and the General Employees' Pension Plan.

City Manager Tillman introduced Ordinance No. 1750.

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 Sterling, seconded by Commissioner Cowie, to approve Ordinance #1750 amending Police Officers Pension Trust Plan, as read on first reading by title only.

City Attorney Murphy said there are some scrivener's adjustments that he will make prior to second reading.

City Manager Tillman said this will come back at the next meeting.

Upon vote, all ayes.

## **6. ORDINANCE #1751 AMENDING FIREFIGHTERS PENSION TRUST PLAN**

City Manager Tillman said staff recommends approval of Ordinance No. 1751, amending Firefighters Pension Trust Plan.

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 Cowie, seconded by Commissioner Sterling, to approve Ordinance #1751 amending Firefighters Pension Trust Plan, as read on first reading by title only. Upon vote, all ayes.

## **7. ORDINANCE #1752 AMENDING GENERAL EMPLOYEES PENSION TRUST PLAN**

City Manager Tillman said staff recommends approval of Ordinance No. 1752, amending General Employees Pension Trust Plan.

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 Hamann, seconded by Commissioner Sterling, to approve Ordinance #1752 amending General Employees Pension Trust Plan, as read on first reading by title only. Upon vote, all ayes.

### **8. 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. He presented a graphic depicting the proposal. 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. If approved on first reading, the proposed Ordinance will be presented for second and final reading on August 21, 2023. Staff recommends approval of Ordinance #1753 annexing the Clingerman property into the City.

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 Cowie, seconded by Commissioner Sterling, to approve Ordinance #1753 annexing the Clingerman property into the City, as read on first reading by title only. Upon vote, all ayes.

### **9. PRELIMINARY PLAT – WATERSIDE SHORES**

Community Development Director Womble said the City has received a preliminary plat from Bryan Hunter, P.E. from Hunter Engineering, Inc, on behalf of Clayton Property Group, for the Waterside Shores Subdivision. In July of 2022, the City Commission recommended approval of the Lakes District Master Planned Community. The property is in the Lakes District Master Planned Community. The preliminary plat has been reviewed by all City Departments and meets all City Codes and Land Development Regulations.

Community Development Director Womble presented a slide outlining the proposal.

The proposal is for 78 single-family single family lots with alley access, 269 single family standard lots with front access, 64 townhome units with rear access for a total of 411 total units on +/- 116.0 acres. The property is located east of County Road 559, north of Lake Mattie Road. The property has a Future Land Use of Lakes District Mixed Use (LDMU) and a Zoning classification of Residential Neighborhood (RN), which allows for a mixture of various lot sizes with single-family and multi-family residential uses. Access will be on Lake Mattie Road and the

subdivision will also have a solid masonry six (6) foot wall along Lake Mattie Road with fencing along the eastern and western property lines per the Land Development Regulations. All retention areas, roads, and open spaces will be dedicated to and maintained by the Homeowner's Association.

She presented a slide further depicting the proposal.

The proposed site has a signed Developer's Agreement that was approved by the City Commission on July 24, 2023 for wastewater usage and construction timing due to wastewater upgrades needed to support the development. Preliminary plat approval by the City Commission allows the developer to proceed with construction of infrastructure including roads and onsite utility improvements. Final plat approval will be considered by the City Commission at a later date.

The Planning Commission recommends approval of the Preliminary Plat (5-0) – 08/02/2023.

City Manager Tillman said staff recommends approval of the Preliminary Plat for the Waterside Shores Subdivision.

City Attorney Murphy said this action would be consistent with the Developer's Agreement approved at the July 24<sup>th</sup> meeting.

Mayor Taylor Bogert asked for public comment.

Bryan Hunter of Hunter Engineering, 4900 Dundee Road, Winter Haven, said he is the engineer of record for this project. He is available for questions.

**Motion** by Commissioner Cowie, seconded by Commissioner Hamann, to approve the Preliminary Plat for the Waterside Shores Subdivision.

Commissioner Hamann asked if this community will be gated?

Community Development Director Womble answered no, we do not allow gated communities within the Lakes District.

Mayor Taylor Bogert asked about the park requirement.

Community Development Director Womble answered they meet the requirements because they included little neighborhood parks.

Mayor Taylor Bogert said they cannot walk across.

Community Development Director Womble said there is a path.

Upon vote, all ayes.

## **10. PRELIMINARY PLAT – AUBURN LAKES PRESERVE**

Community Development Director Womble said the City has received a preliminary plat from Dan Lewis of Ridge Project Management, LLC, on behalf of Lee Saunders of Auburn Lakes, LLC, for a 250-lot single-family dwelling and 266-lot townhome dwelling development on +/- 255.05 acres located south of Old Dixie Hwy, north of US Highway 92 W. and west of Polk Parkway. The preliminary plat has been reviewed by all City Departments and meets all City Codes and Land Development Regulations. This is not in the Lakes District.

The property is zoned General Residential-1 (RG-1) and General Residential-2 (RG-2) and meets or exceeds all Land Development Regulations, including minimum lot size, minimum setbacks, and minimum unit size. The Zoning classifications both require 25' front yard setbacks, 10' side yard setbacks, and 10' rear setbacks. Access



to the subdivision will be from Old Dixie Highway, a County maintained road. Five-foot sidewalks will be provided on both sides of the street. The subdivision will also have a solid masonry six (6) foot wall along Old Dixie Highway and fencing around the east side of the property per the Land Development Regulations. All retention areas, roads, sidewalks, and open spaces will be dedicated to and maintained by the Homeowner's Association.

She presented a slide regarding zoning requirements. She presented a slide depicting the proposal.

The proposed site has a signed Developer's Agreement that was approved by the City Commission on July 24, 2023 for wastewater usage and construction timing due to wastewater upgrades needed to support the development. Preliminary plat approval by the City Commission allows the developer to proceed with construction of infrastructure including roads and onsite utility improvements. Final plat approval will be considered by the City Commission at a later date.

The Planning Commission recommended approval of the Preliminary Plat (5-0) – 08/02/2023.

City Manager Tillman said staff recommends approval of the Preliminary Plat for the Auburn Lakes Preserve Subdivision.

Mayor Taylor Bogert asked for public comment.

Lee Saunders, 5529 US Highway 92, Lakeland, representing the applicant, thanked staff. He is available for questions.

Dan Lewis, 600 Lake Jesse Drive, Winter Haven, representing the applicant, said he is available for questions.

**Motion** by Commissioner Sterling, seconded by Commissioner Hamann, to approve the Preliminary Plat for the Auburn Lakes Preserve Subdivision.

Mayor Taylor Bogert asked if ponds are considered park space.

Community Development Director Womble answered if they are using it for active recreation, they can use a portion of it. 25% of stormwater and drainage can be used as well.

Upon vote, all ayes.

## **11. PRESENTATION OF PROPOSAL FOR STREET RESURFACING PROJECT**

City Manager Tillman said for several years the City has budgeted \$500,000 in the City's 5-Year Capital Improvement Program (CIP) for street resurfacing. The current Fiscal Year 2022-2023 Budget allocates \$500,000 toward the City's resurfacing project and an additional \$310,000 to resurfacing the Auburndale Memorial Park Cemetery. The proposed Fiscal Year 2023-2024 Budget allocates an additional \$500,000 towards street resurfacing for a total of \$1,310,000 between the three (3) projects. To expedite, save the costs of additional mobilization, and take advantage of the timing of the City's street resurfacing project, City Staff is proposing the piggy-backing of a City of Winter Haven Street Resurfacing Bid awarded to Hubbard Construction Company of Tampa. Hubbard has provided a proposal per City specifications for milling and resurfacing the following streets, including painted stop bars, for a total of \$1,297,279.05:

- Diamond Ridge Boulevard
- Mohawk Circle
- Cherokee Drive
- Eagle Point Boulevard
- Carla Ann Court
- Debbie Ann Court

- Bolender Court
- E. & W. Lawson Drive
- Macon Street
- Ariana Woods Circle
- Caroline Avenue
- Martha Street
- Margaret Street
- Main Street (South of Recker Highway Bridge)
- Auburndale Memorial Park Cemetery
- Blake Avenue
- Public Works Recycling Pad

Staff recommends accepting the proposal for milling and resurfacing from Hubbard Construction Company of Tampa for the Fiscal Year 2023 & Fiscal Year 2024 Street Resurfacing Projects and resurfacing of the Auburndale Memorial Park Cemetery.

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

**Motion** by Commissioner Hamann, seconded by Commissioner Sterling, to accept the proposal for milling and resurfacing from Hubbard Construction Company of Tampa for the Fiscal Year 2023 & Fiscal Year 2024 Street Resurfacing Projects and resurfacing of the Auburndale Memorial Park Cemetery. Upon vote, all ayes.

## **12. LAKE MYRTLE SPORTS COMPLEX MARKETING AGREEMENT FOR BASEBALL, CHAMPIONSHIP STADIUM, EVENT LAKE FACILITY, AND NON-ADVERTISING REVENUE**

City Manager Tillman said the City of Auburndale and Polk County entered into the Lake Myrtle Sports Complex Baseball Revenue Sharing Agreement on July 8, 2009. The Agreement provided for the recruitment of corporate sponsorships on the baseball fields located within the Sports Complex. In February 2022, the City Commission exercised an available 5-year renewal of the Agreement extending the term through February 6, 2027.

In July 2023, construction was completed on the Championship Soccer Stadium and Event Lake facility at the Lake Myrtle Sports Complex. The proposed new Agreement recognizes and includes the Championship Stadium and Event Lake facility. The proposed Lake Myrtle Sports Complex Marketing Agreement for Baseball, Championship Stadium, Event Lake Facility, and Non-Advertising Revenue is a new agreement and has an initial term of ten (10) years, with the option to renew for up to two (2) additional five (5) year terms.

All other provisions and conditions of the proposed Agreement are consistent with the previous Baseball Revenue Sharing Agreement. However, the County will receive 100 percent of all Championship Soccer Stadium sponsorship revenues, not including funds related to sponsorship expenses, until the County has received \$311,000 per the amended Interlocal Agreement with Polk County, which provided the funding of additional locker rooms at the Soccer Stadium by the County. The City and County will divide the sponsorship revenues for the Soccer Stadium per the Agreement thereafter.

The proposed Agreement was prepared by the Parks and Recreation Director and reviewed by the City Manager, City Attorney, and County Attorney's Office. Staff recommends approval of the proposed Lake Myrtle Sports Complex Marketing Agreement for Baseball, Championship Stadium, Event Lake Facility, and Non-Advertising Revenue.

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

**Motion** by Commissioner Cowie, seconded by Commissioner Hamann, to approve the proposed Lake Myrtle Sports Complex Marketing Agreement for Baseball, Championship Stadium, Event Lake Facility, and Non-Advertising Revenue.

City Attorney Murphy said he had discussions with the City Manager earlier today to add a clause to the agreement to make it consistent with the next agreement.

City Manager Tillman said we are trying to keep these agreements as consistent as possible.

Upon vote, all ayes.

### **13. LAKE MYRTLE SPORTS COMPLEX MARKETING AGREEMENT FOR SOCCER ADVERTISING REVENUE**

City Manager Tillman said the City of Auburndale, Polk County and the Florida Youth Soccer Association (FYSA), entered into the Lake Myrtle Sports Complex Marketing Agreement for Soccer Advertising Revenue on February 7, 2012. The Agreement provided for the recruitment of corporate sponsorships on the soccer fields located within the Sports Complex. In February 2022, the City Commission exercised an available 5-year renewal of the Agreement extending the term through February 6, 2027.

As a result of the need to amend the Baseball Revenue Sharing Agreement to include the Championship Soccer Stadium and Event Lake Facility and to keep the two agreements on the same timeframe, staff is recommending the proposed Lake Myrtle Sport Complex Marketing Agreement for Soccer Advertising Revenue. The proposed Agreement has an initial term of ten (10) years, with the option to renew for up to two (2) additional five (5) year terms.

The proposed Agreement was prepared by the Parks and Recreation Director and reviewed by the City Manager, City Attorney, and County Attorney's Office. Staff recommends approval of the proposed Lake Myrtle Sports Complex Marketing Agreement for Soccer Advertising Revenue.

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

**Motion** by Commissioner Sterling, seconded by Commissioner Hamann, to approve the proposed Lake Myrtle Sports Complex Marketing Agreement for Soccer Advertising Revenue. Upon vote, all ayes.

### **14. PRESENTATION OF FISCAL YEAR 2024 AND FISCAL YEAR 2025 ANNUAL BUDGETS**

City Manager Tillman said Section 23.5 of the Charter of the City Auburndale authorizes the City Manager to prepare and submit to the City Commission the annual budget and budget message. Approval of the annual budget is the most important responsibility of the City Commission. In accordance with the City Charter, it is with great honor to present for your review and consideration the Fiscal Year (FY) 2023-2024 and Fiscal Year 2024-2025 Proposed Biennial Budgets.

During this recent period of historic growth, the City of Auburndale has continued to strive to meet the needs of our citizens with a focus on core services including public safety, infrastructure investment, and community and economic development. Significant additions to personnel, utility infrastructure capital improvements and community amenities highlight the proposed budgets to keep pace with the development of new housing and industry within the City. Quality of life for residents and businesses remains at the forefront in budget planning and preparation. This document represents months of work by dedicated staff and reflects revenue estimates and proposed expenditures based upon an ongoing review of operations.

He said he hopes the following information is helpful and explanatory as we continue the process of meeting our City's goals, and the statutory obligation of adopting a balanced budget.

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Since 2005, the City of Auburndale has operated with a two-year budget process. The benefit of preparing a biennial budget provides the readers with additional information and understanding of the budget process and enables a blending of the City's planning and budgeting processes. As part of the process, two separate twelve-month budgets are prepared and approved by the City Commission. In September 2022, the City Commission adopted the current Fiscal Year 2023 Annual Budget, as required by State Statutes. At the same time, the Commission also approved a budget for the second year, the planned Fiscal Year 2024 Budget.

Now, the planned Fiscal Year 2024 Budget has been reviewed and updated with necessary adjustments to revenues and expenditures in order to accommodate needs that have arisen, since the planned budget was prepared. At the same time and through numerous presentations before the City Commission, a new second-year budget has been prepared and is presented as the planned Fiscal Year 2025 Budget.

Since 2010, City Staff started presenting the various sections of the proposed budgets at Regular Meetings before the City Commission in April or May. This initiative allows the elected officials and the general public greater opportunities to be informed and participate in the budget process, and in a timelier manner. This year the City Commission was presented the Payroll Sections on May 1, 2023; Capital Outlay on May 15, 2023; the Expense Section on June 19, 2023; and the Revenue Section on July 24, 2023.

Any changes to the proposed budget will be presented to the City Commission on August 21, 2023. Public Hearings on the proposed Budget and millage rate will be held on Thursday, September 7, 2023 and prior to final adoption on Tuesday, September 19, 2023.

City Manager Tillman presented a slide outlining the budget schedule.

The Proposed Biennial Budget recommends a total spending level of \$89,013,352 in Fiscal Year 2023-2024 (Fiscal Year 2024) and \$69,730,938 in Fiscal Year 2024-2025 (Fiscal Year 2025). Due to outside funding sources including American Rescue Plan Act (ARPA) funding, General Fund debt for capital projects, and the need to utilize water and sewer impact fees for various capital projects to accommodate commercial and residential growth development, the total Fiscal Year 2023-2024 City Budget represents a 20.91% increase compared to the current fiscal year Adopted Budget. Examples include the Berkley Road Water Plant Expansion, Pace Road Master Lift Station, Gapway Force Main, Northern Force Main, Southern Force Main Reroute and Hickory Road Sprayfield Construction in the Public Utilities Fund to provide reliability and capacity in the water and wastewater utilities in preparation of future development. The relocation of the Civic Center to Lake Ariana Park is also funded in the proposed Fiscal Year 2024 Budget with offsetting revenue utilizing Community Redevelopment Agency funding, General Fund reserve funding, and debt service. These projects alone total an estimated \$27,360,000 in capital projects in the Fiscal Year 2024 Budget.

The City of Auburndale functions with five (5) funds to support the day-to-day operations of the City. The five (5) categories of Funds include the General Fund, the Community Redevelopment Agency Fund, the Public Utilities Fund, the General Impact Fee Fund, and the Public Utility Impact Fee Fund. In addition to the Proposed Biennial Budget being balanced, each individual fund is also balanced.

General Fund revenue sources include Taxes (including Franchise Fees), Licenses and Permits, Intergovernmental Revenue, Charges for Services, Fines and Miscellaneous Revenue. The General Fund proposed budget is \$29,724,580 for Fiscal Year 2024 and \$35,753,717 for Fiscal Year 2025, before the interfund transfer.

Recent numbers from the Polk County Property Appraiser's Office suggest that the gross taxable value of all property within the City limits increased 16.55% over the July 2022 estimate. This information allowed City Staff to recommend, and the City Commission approve 4.2515 as the proposed operating millage rate for the sixth straight year.

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Auburndale has historically levied a low tax millage, or property tax, to help fund general government expenditures including Public Safety, Public Works, Parks and Recreation, the Public Library, Community Development and other General Fund activities. The current and proposed tax rate of 4.2515 mills represents the lowest municipal tax levy in Polk County and generates \$9,030,000, an increase of \$1,290,000 over the current year total ad valorem proceeds. The significant increase in ad valorem proceeds is as a result of the inflation in property values, annexations, and the continued growth in new commercial and residential construction within the incorporated City limits.

To continue to meet the City's standard of delivering high-quality service as new businesses and residents move into the City, significant investments in personnel, infrastructure and park space investments are needed and have been programmed into the City's aggressive Five-Year Capital Improvements Plan (5-Year CIP). To accomplish those planned future capital expenditures, the budget maintains the City's conservative approach of setting aside reserve funds to be utilized as a future offset. The additional revenues generated by the increased ad valorem base will allow the City of Auburndale to maintain the lowest operating millage rate in Polk County, while at the same time continuing a high level of customer service and quality of life for our citizens and businesses.

The General Fund proposed budget for Fiscal Year 2024 includes \$128,211 of reserve funding as revenue coming into the budget from monies set aside in previous budget years to complete various projects. In addition, \$1,220,000 of reserve funding is allocated as an expense, or reserve funding to complete various projects in the future. A large portion of the reserve funding being set aside are for future park improvements, a new Public Works Building, and a future fire apparatus.

The largest General Fund expenditures within the various departments in Fiscal Year 2024 include renovation of the Municipal Services Building at 6 Bobby Green Plaza for \$850,000, street resurfacing totaling \$500,000, the purchase of eight (8) new vehicles in the Police Department at \$431,641, and a new claw truck at \$200,000 to accommodate the growth in residential brush/debris collection.

Planned across Fiscal Year 2024 & Fiscal Year 2025 is the redevelopment of Lake Ariana Park, including the construction of a new Civic Center estimated at a total cost of approximately \$17,000,000 with \$3,500,000 in funding from the Community Redevelopment Agency (CRA) and \$2,000,000 in General Fund monies.

The Auburndale Community Redevelopment Agency (CRA) was created in February, 1992. The Community Redevelopment Agency was created to develop and implement a Community Redevelopment Plan to redevelop, rehabilitate, and conserve its Community Redevelopment Agency district. The time certain for completing the planned projects of the Community Redevelopment Agency Plan was twenty (20) years, or through 2012. Florida Statutes were amended in 2002 to allow extension of the term. The Auburndale Community Redevelopment Agency Board voted in May 2005 to amend the Plan to extend the time certain to complete all redevelopment financed by increment revenues to thirty (30) years from adoption of the amendment, or through 2035.

The Community Redevelopment Agency Fund also benefits from increased activities and increased property values within the Community Redevelopment Agency District. The Community Redevelopment Agency Fund proposed budget is balanced at \$4,409,611. The proposed budgets allocate \$1,184,185 in new increment funding from Polk County and \$725,326 from the City of Auburndale.

The Proposed Biennial Budget provides \$2,500,000 in Fiscal Year 2024 for the design and construction of a new Civic Center at Lake Ariana Park and \$500,000 in reserve funding for the design of new streetscaping on Main Street in Fiscal Year 2025.

The Community Redevelopment Agency Board gave approval to the proposed Community Redevelopment Agency Budget on May 15, 2023.

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The Public Utilities Fund accounts for the activities associated with providing potable water and sewer collection, treatment, and disposal services to area residents and businesses. The Public Utilities Fund derives its revenue from fees collected to address the operating and capital needs of our municipal utility services and to maintain the financial stability of the system.

The Public Utilities Fund proposed budget is \$36,715,171 not including the inter-fund transfer to the City's General Fund, needed for balancing. The inter-fund transfer proposed in the Fiscal Year 2024 Budget is \$3,507,945.

In May 2023, the City completed the Regional Wastewater Treatment Plant Service Area Evaluation. Several large-scale capital sewer system improvements were identified to allow for future development in Auburndale and have been included in the City's Five-Year Public Utilities Capital Improvement Plan. The largest expenditures within the Public Utilities Department in Fiscal Year 2024 are \$5,525,000 for the design and construction of the Gapway Force Main, \$5,000,000 for the design and construction of the Pace Road Master Lift Station, \$2,800,000 for the design and construction of the Southern Force Main, \$2,800,000 for the design and construction of the Northern Force Main, \$2,210,000 remaining to complete the Berkley Road Water Plant Expansion, and \$1,800,000 to begin construction of the Hickory Road Sprayfield to add additional discharge capacity of effluent wastewater.

The General Fund Impact Fee Fund is projected in Fiscal Year 2024 to generate \$321,750 in Fire Impact Fees, \$174,600 in Police Impact Fees, and \$398,475 in Recreation Impact Fees. These dollars are used to offset eligible expenses in each of these departments, or placed in reserves for future expenses.

The Public Utility Impact Fee Fund is projected in Fiscal Year 2024 to generate \$997,650 in Water Impact Fees, \$1,916,100 in Sewer Impact Fees, and \$23,000 in Fire Sprinkler Impact Fees. These dollars are all used to help offset and pay debt service.

One of the more important and underlying reasons for the two-year budget process is that City Staff and the City Commission can give more attention to future community needs and to look at how resources will be allocated to meet those needs. One of the tools used to meet this need is integrating the two-year budget process with the Five-Year Capital Improvement Plan (CIP). This allows for the blending of the City's more aggressive planning process with a more stable and consistent budget process.

In the same Ordinance that the City Commission will adopt the Biennial Budget, the Commission will also be adopting a revised Five-Year Capital Improvement Plan. The City of Auburndale maintains an aggressive capital improvement program targeted to improve aging or inadequate infrastructure, redevelopment needs, and for enhanced recreation facilities. Many of the projects in the City's Five-Year Capital Improvement Plan are multi-year programs that begin in one year and continue construction, or completion into future fiscal years.

All projects in the first two years of the Capital Improvement Plan are incorporated into the proposed Biennial Budget.

The Payroll Section of the Budget provides the necessary funding for staffing levels to adequately deliver an accepted level of service to our citizens. In addition to salaries, the Payroll Section provides incentive funding for certifications and education, longevity pay, and automatic adjustments for employees completing the one-year probationary period and completing four, six, and eight years of service. The proposed budgets provide a 3% cost of living adjustment (COLA) for all City employees in Fiscal Year 2024 and no cost of living adjustment in Fiscal Year 2025.

The proposed Fiscal Year 2024 Budget operates with a staffing level of 207 full and part-time employees, an increase of nine (9) full-time employees. The proposed positions include:

- 2 – Fire Department: Firefighters

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- 2 – Police Department: Police Officers
- 1 – Police Department: Support Services Clerk
- 1 – Public Works: Service Worker III (Sanitation – Claw Truck Driver)
- 1 – Parks & Recreation: Service Worker II (Event Lake – Lake Myrtle)
- 1 – Public Utilities: Service Worker III (Lift Station Technician)
- 1 – Public Utilities: Service Worker II (Regional Wastewater Treatment Plant)

The proposed Fiscal Year 2024 Budget reflects reclassifying a part-time Utility Billing Clerk and part-time Code Enforcement Officer to full-time and restructuring the Fire Department to include a Shift Commander position in the chain-of-command for each shift.

The 2023 Salary Study prepared by Creative Insights of Lutz and University of South Florida Professor John Daly identified several issues important to staying competitive with the local job market particular to certain positions within the City. Based on the Salary Study the proposed Fiscal Year 2024 Budget also reflects a pay adjustment for four (4) employees based on the Salary Study including the Assistant Director of Parks & Recreation, Librarian, Fire Marshal, and Recreation Supervisor at the Community Center as well as grade adjustments to the Code Enforcement Officer, Accreditation Manager, and Administrative Assistant positions.

The conceptual Fiscal Year 2025 Budget proposes an increase of seven (7) full-time employees. The proposed positions include:

- 2 – Fire Department: Firefighters
- 1 – Police Department: Sergeant (Detectives)
- 2 – Police Department: Police Officers
- 2 – Public Utilities: Service Worker II (Water Distribution & Lift Stations)

Total payroll including the Federal Insurance Contributions Act and miscellaneous certificate and education pay in Fiscal Year 2023-2024 equals \$12.36 million dollars.

During the planning process of the two-year budget, City Staff projects a 10% increase in health insurance premium costs for each year. The City was recently notified that due to claim history over the past year, a 4.9% increase will take effect in Fiscal Year 2024. Total health insurance costs in Fiscal Year 2024 are projected at \$1,963,459.

As noted in budget discussions, planning for future growth has taken precedence throughout all of the City Departments moving forward with the understanding that additional service demands will be required. However, the Budget is estimated conservatively as growth indicators have flattened year-over-year. The City has completed the Regional Wastewater Treatment Plant Service Area Evaluation identifying several large-scale capital sewer system improvements needed for future development in Auburndale. Those large-scale capital sewer projects as well as the Civic Center relocation to Lake Ariana Park have been included in the Budget. Future large capital improvements such as the construction of a North Auburndale Fire Station, the purchase of additional cemetery property, continued development of the facilities at Lake Myrtle, and the construction of a passive park on Lake Mattie are on the horizon to accommodate the additional demands as we continue to create improvements in providing services, amenities, and an exceptional quality of life for our residents and businesses.

It is my pleasure to present to you the City of Auburndale spending plan for the next two years. I would like to thank all the City employees for the outstanding job they do everyday. My special thanks to the Department Directors and Division Heads for maintaining and improving the level of service delivery year after year while holding total expenditures in check with projected revenues. I would also like to thank the City Commission for the honor of serving as the City Manager for the City of Auburndale.

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Commissioner Hamann and Commissioner Cowie expressed gratitude to staff.

Mayor Taylor Bogert concurred and thanked staff. We do it really well. She appreciates the conservative fiscal planning.

The Meeting was adjourned at 9:06:55 p.m.

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

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

Brandon Henry, City Clerk