

## City of Auburndale Commission Minutes November 6, 2023

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Minutes of the Regular Meeting of the City Commission of the City of Auburndale held November 6, 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 Bonnie O'Malley, Spirit Life Church, and a salute to the flag.

**Motion** by Commissioner Cowie, seconded by Commissioner Hamann, to approve Minutes of the City Commission Meeting of October 16, 2023. Upon vote, all ayes.

City Manager Jeffrey Tillman announced that we had a great Fall Festival this past Saturday. He introduced Parks and Recreation Director Cody McGhee to present visitor statistics for the Lake Myrtle Sports Park.

Parks and Recreation Director McGhee presented slides depicting visitor statistics for the Lake Myrtle Sports Park.

City Manager Tillman introduced Auburndale High School student Kamarion Cole to share his experience with the American Legion's Florida Boys State program.

Mr. Cole shared his experience with the Florida Boys State program.

City Manager Tillman introduced University of South Florida Master of Public Administration students Nicholas Odame and Tyler Williams to present the City's annual donation to the International City/County Management Association Student Chapter at the University of South Florida.

Mr. Odame expressed their gratitude and shared his experience as a graduate student in Public Administration.

City Manager Tillman announced that the City's municipal election is tomorrow, November 7<sup>th</sup>, at the Civic Center. City offices will be closed on Friday, November 10<sup>th</sup>, in observance of Veteran's Day. Saturday, November 11<sup>th</sup> will be the City's annual Veteran's Day program in partnership with the City of Lake Alfred.

City Attorney Frederick J. Murphy Jr. announced that this Thursday, November 9<sup>th</sup>, is the Canvassing Board's meeting to certify the election to be held November 7<sup>th</sup>.

City Manager Tillman requested we add a seventh agenda item to discuss a letter from the City to the Polk County Board of County Commissioners as to putting on the November 2024 ballot a half-cent transportation surtax in order to allow the voters to decide the issue.

**Motion** by Commissioner Cowie, seconded by Commissioner Hamann, to add the seventh agenda item. Upon vote, all ayes.

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

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

Kathy Andrews, 134 McNichols Avenue, said she drives past Lake Stella several times a day. There is a pipe that comes out of the northern end of the lake and there are turtles basking on it. She noticed there were no turtles there lately. There has been a lot of rain that submerges the pipe. It made her think that something a little more substantial would be good for the turtles to climb and bask. They need to be able to get down to it easy, off of it easy, and be able to be free from predators. She has information from YouTube. It seems like there will be several different levels of government involved, including City, County, and the Southwest Florida Water Management District. We should ask the Southwest Florida Water Management District what their directions are

for turtle basking. Turtles, waterfowl, and fish will benefit. She loves driving by the lake and seeing and counting them. Turtles are reptiles and are cold-blooded, and need the sun to thermoregulate. Before humans, there would have been trees in the lake, such as at Blue Springs. Aesthetically, it would not look good to have dead trees in the lake, and not good for safety. She has some information about it and would like the City to look into it.

Wes Sullivan, 109 Palencia Road, asked why does it cost so much for sewer service? It only goes down Recker Highway or Berkley Road.

City Manager Tillman answered it is a system with master lift stations and piping.

Mr. Sullivan asked how many people are in Auburndale?

City Manager Tillman answered 19,298 people plus utility service to Unincorporated County residents.

Mr. Sullivan asked what do we get for it? He was after the previous City Manager about this. He said he would say the City does not have the money, but the City had the money for PK Avenue – and it still floods.

City Manager Tillman said the Public Utilities Director would be glad to get with Mr. Sullivan to discuss sewer.

Mr. Sullivan said he can tell the City what needs to be done. All the roads in his neighborhood need to be dug up and the pipes replaced. They have been there for a long time and do not work.

City Manager Tillman said the Public Utilities Director can get with Mr. Sullivan to update him on the project. We have discussed that issue as a part of the Street Resurfacing Plan, including what needs to be done with utilities. He encourages Mr. Sullivan to get with Public Utilities Director John Dickson to discuss.

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

## **1. PUBLIC HEARING – AMENDING LAND DEVELOPMENT REGULATIONS TEXT – 2ND FLOOR RESIDENTIAL**

City Manager Tillman said notice is hereby given that the City Commission of the City of Auburndale, Florida will hold a Public Hearing on Monday, November 6, 2023, at 7:00 p.m. in the City Commission Room, City Hall, One Bobby Green Plaza, to hear and consider the second reading of a proposed Ordinance amending Ordinance No. 764, the City's Land Development Regulations. City Staff is proposing an amendment to the Land Development Regulations (LDRs) policies regulating second floor residential in selected commercial Zoning classifications for the downtown area only. He presented a slide depicting graphics of the proposal.

Currently, the commercial Zoning classifications of General Commercial (CG), General Commercial-1 (CG-1) and Commercial Highway (CH) allow residential dwelling units as an accessory use on the second floor or rear one-half of the ground floor, for owners and employees only. The amendment would allow for no restrictions on owner/employee occupancy for residential dwelling units within these zoning districts if the property is located on Main Street, between US Highway 92 and East Park Street.

This could provide more economic development in the downtown area and rental opportunities. The suggested text amendment includes language intended to allow for greater mixed-use opportunities in a designated portion of downtown, but also preserve the residential character of adjacent neighborhoods. The Central Business District (CBD) Zoning in the downtown area already allows for residential on the second floor as a permitted use by right (not accessory use), and no restrictions on occupancy by either owner, or for lease or rent. City Manager Tillman presented additional slides depicting graphics of the proposal.

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 October 16, 2023 and is being presented for second and final reading.

The Planning Commission recommended approval of amending the Land Development Regulations, Chapter 5, Zoning. (5-0 vote, 10/03/2023) Staff recommends approval of Ordinance #1763 amending Land Development Regulations text.

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 #1763 – AMENDING LAND DEVELOPMENT REGULATIONS TEXT – 2ND FLOOR RESIDENTIAL**

City Manager Tillman introduced Ordinance #1763.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1763 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 CHAPTER 5, ZONING TO ESTABLISH POLICIES REGULATING SECOND FLOOR RESIDENTIAL IN SELECTED COMMERCIAL ZONING CLASSIFICATIONS; AND PROVIDING AN EFFECTIVE DATE**, by title only.

**Motion** by Commissioner Hamann, seconded by Commissioner Sterling, to approve Ordinance #1763 amending Land Development Regulations Text – 2<sup>nd</sup> Floor Residential, as read on second and final reading by title only. Upon vote, all ayes.

## **3. ORDINANCE #1764 AMENDING UTILITY USER RATES / 2023 RATE UPDATE**

City Manager Tillman said this was something that was presented during the workshop preceding this meeting. In May 2023, the City Commission authorized Raftelis Financial Consultants, Inc. to update the 2021 Water and Wastewater Rate Study to determine the adequacy of the user rates, fees and charges taking into consideration the significant growth and cost increases to provide the necessary wastewater treatment and collection facilities. Raftelis also conducted an update to the water and wastewater connection fees to ensure they are based on recent and local data, as well as put the City in a position to collect adequate fees from growth that reflect the current cost of providing utility service.

The 2023 Utility Rate and Connection Fee Study (Study) completed by Raftelis provides a thorough review of projected water and wastewater revenues compared to the City's Two-Year Budget, Five-Year Capital Improvement Plan, Polk Regional Water Cooperative projects and expenses, operational expenses, transfers, estimated inflation, and debt service requirements. The proposed Ordinances adjust utility rates and connection fees based on the findings and recommendations of the Study.

Finance Director Christopher Reeder presented slides summarizing the scope of the project. He presented a slide outlining key forecast assumptions and notes. He presented a table of the Capital Improvement Program over the next five years. He presented the recommended rate adjustments, and percentage change from various typical bills from a variety of residential customer types. He presented a chart depicting a local comparison with other neighboring municipalities as it relates to a customer with a 6,000-gallon consumption.

Finance Director Reeder presented details regarding the Utility Connection Fee Update. He presented a discussion of primary factors of both water and wastewater. He presented existing and calculated connection fees. He presented a chart depicting a local comparison with other neighboring municipalities as it relates to connection fees. He presented a chart depicting a local comparison with other neighboring municipalities as it relates to the total impact and connection fees.

City Manager Tillman thanked Finance Director Reeder and Public Utilities Director John Dickson for their work into this. Ordinance #1764 implementing the proposed water and wastewater rate structure has an effective date

of October 1, 2024 and Ordinance #1765 implementing the proposed water and wastewater connection fee structure has an effective date of March 1, 2023. This will allow any development currently in the works to take advantage of the current rates.

The proposed Ordinances were prepared by the Finance Director and reviewed by the City Manager, Public Utilities Director, and City Attorney. If approved on first reading, the proposed Ordinance will be presented for second and final reading on November 20, 2023. We will also prior to that meeting have a special City Commission workshop for a second presentation of the study. Staff recommends approval of the proposed Ordinances.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1764 entitled: **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AUBURNDALE, FLORIDA AMENDING SECTION 23-47 OF THE CODE OF ORDINANCES OF THE CITY OF AUBURNDALE BY ESTABLISHING NEW AND UPDATED WATER AND SEWER USE RATES AND RELATED PROVISIONS; PROVIDING FOR SEVERABILITY; A REPEALING CLAUSE, AND THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR 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 #1764 amending Utility User Rates / 2023 Rate Update, as read on first reading by title only. Upon vote, all ayes.

#### **4. ORDINANCE #1765 AMENDING UTILITY CONNECTION FEES / 2023 RATE UPDATE**

City Manager Tillman introduced Ordinance #1765.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1765 entitled: **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING THE SCHEDULE OF RATES FOR WATER AND WASTEWATER CONNECTION FEES COLLECTED BY THE CITY OF AUBURNDALE BY INCREASING THE SAID WATER AND WASTEWATER CONNECTION FEES, PROVIDING FOR SEVERABILITY; A REPEALING CLAUSE; AND THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR 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 #1765 amending Utility Connection Fees / 2023 Rate Update, as read on first reading by title only. Upon vote, all ayes.

#### **5. ORDINANCE #1766 AMENDING CITY CODE – UTILITY DEPOSITS & TAP FEES**

City Manager Tillman said Section 23-47 of the City Code provides for collection of utility deposits and tap fees based on the size of the water meter. The most recent adjustment to deposit fees was from \$100 to \$150 for residential customers in June 2012 (Ordinance 1382). Non-residential deposits were raised from \$130 x meter size to \$150 x meter size. The most recent adjustment to tap fees was in August 1990 (Ordinance 745).

The proposed Ordinance increases the residential deposit and the non-residential (commercial) base deposit to \$220. Commercial deposits are multiplied by the meter size. Example: 2" meter would result in a \$450 deposit (currently \$300). The proposed fee is consistent with a recent survey of the cities of Haines City, Lake Alfred, Lake Wales and Winter Haven. The proposed Ordinance also increases tap fees based on the type of connection and meter size as shown in the table of the proposed Ordinance and changes the term "connection" fee to "tap" fee.

The proposed Ordinance was prepared by the City Manager's Office and reviewed by the Public Utility Director, Utility Billing Superintendent, Finance Director and City Attorney. If approved on first reading, the proposed

Ordinance will be presented for second and final reading on November 20, 2023. The effective date of the new deposit rate and tap fee schedule will be January 1, 2024. Staff recommends approval of the Ordinance revising deposit fees and tap fees.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1766 entitled: **AN ORDINANCE AMENDING SECTION 23-47 OF THE CODE OF ORDINANCES OF THE CITY OF AUBURNDALE, FLORIDA BY REVISING DEPOSIT AND TAP FEES AND RELATED PROVISIONS; PROVIDING FOR SEVERABILITY; A REPEALING CLAUSE; AND THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR 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 #1766 amending City Code – Utility Deposits and Tap Fees, as read on first reading by title only. Upon vote, all ayes.

## **6. PRESENTATION BY CITRUS CONNECTION**

City Manager Tillman introduced Citrus Connection staff.

Kaley Raub, Government and Community Relations Coordinator for Citrus Connection said this presentation is just for informational purposes only. She presented a map of Citrus Connection routes that serve Auburndale. She presented ridership statistics for these routes – including boardings, riders, most popular bus stops, and transportation disadvantaged trips. She presented the fair share cost for Auburndale, which is \$81,529.51.

Commissioner Cowie asked if we expect service to serve Florida Polytechnic University.

Erin Killebrew, Director of External Affairs for Citrus Connection answered that we are in discussion with Florida Polytechnic University, but with the retirement of the University's president – it might be stalled.

Mayor Taylor Bogert said she was surprised with how many actually utilize transit service. She was not expecting these numbers.

Ms. Killebrew said we are still recovering ridership from COVID.

City Manager Tillman said he appreciates Ms. Killebrew and Ms. Raub. It is a great working relationship.

## **7. DISCUSSION OF LETTER TO BOARD OF COUNTY COMMISSIONERS TO ENCOURAGE ADDITION OF HALF-CENT TRANSPORTATION SURTAX ON NOVEMBER 2024 BALLOT FOR VOTERS TO DECIDE**

City Manager Tillman said if it is the pleasure of the Commission, he is looking to see if there is a will to have staff submit a letter to the Polk County Board of County Commissioners.

Commissioner Hamann asked if he is looking for a consensus.

Mayor Taylor Bogert said consensus to submit a letter to actually put the referendum on the ballot for the voters to decide – with no support one way or another – to allow the citizens to make the decision on whether or not they want a half-cent sales tax.

Commissioner Hamann said he does not have an issue with it.

Commissioner Cowie said he thinks citizens would appreciate the opportunity to vote on it.

Commissioner Myers said he is not going to vote for it. He did not vote for it at the Transportation Planning Organization meeting.

Commissioner Sterling said we need to send them a letter.

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Mayor Taylor Bogert said she is an advocate of the citizens making the decision.

There was consensus for strictly supporting it going on the ballot to let citizens decide.

The Meeting was adjourned at 7:53:06 p.m.

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



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Brandon Henry, City Clerk