

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held November 20, 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 Deacon Bruce Clay, Spirit Life Ministries, and a salute to the flag.

Motion by Commissioner Cowie, seconded by Commissioner Hamann, to approve Minutes of the City Commission Special Workshop and City Commission Regular Meeting of November 6, 2023. Upon vote, all ayes.

City Manager Jeffrey Tillman announced that we have Thanksgiving coming up and City staff are out decorating for the season, and he appreciates their work. Offices will be closed and sanitation will have an adjusted schedule. He hopes everybody has a Happy Thanksgiving. Marsha Johnson will be reaching out to the Commission regarding RSVPs to Family Night at the next Commission meeting of December 4th and for the Ridge League of Cities dinner.

Attorney Frederick J. Murphy Jr. wished everybody a Happy Thanksgiving.

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.

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

1. PUBLIC HEARING – AMENDING FUTURE LAND USE AND OFFICIAL ZONING MAPS - LINCOLN

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 20, 2023, at 7:00 p.m. in the City Commission Room, City Hall, to hear and consider the first reading of a proposed Ordinance amending Ordinance No. 764, the City's Land Development Regulations and Official Zoning Map.

Community Development Director Julie Womble said the Lincoln Group, LLC (Lincoln) has requested to establish a Future Land Use designation of Regional Activity Center (RAC) on +/- 75.89 acres located north of Pace Road and east of the Polk Parkway. In 2022, the property was annexed into City limits and the City Commission held a Transmittal Public Hearing prior to sending the proposed Future Land Use Map amendment to the Department of Economic Opportunity (DEO) now known as the Department of Commerce for an expedited State review. The State reviewed the requested land use change and had no comments or objections. The Planning Commission recommended Approval of the Future Land Use Map amendment (5-0, 12/06/2022).

On September 19th, 2023, a Developer's Agreement, regarding sewer capacity improvements, was signed between the City and the Property Company of Florida (Lincoln).

She presented a slide outlining the Regional Activity Center Future Land Use category. She presented a slide outlining the Industrial Planned Unit Development zoning category.

Community Development Director Womble said the Planning Commission heard the zoning amendment on October 3rd, and based on the site plan provided to them at that time, they recommended denial with a 3-2 vote. The request was originally scheduled to be considered by the City Commission on October 16, 2023, and was continued by the developer for further discussion of the project. Since the Planning Commission, the

developer has met with Staff and outside agencies and community partners to discuss the project. She explained the discussions that took place.

Lincoln has requested to establish the Zoning classification of Industrial Planned Unit Development (IPUD) on the property. The Zoning classification would allow the applicant to construct two research and development buildings (Building #1 and #2), approximately 462,840 square feet. The site plan also shows two mixed-use buildings (Building #3 and #4) which would allow for an e-commerce and logistics building, and research and development – which is approximately 494,000 square feet in total. The site plan also shows 7.92 +/- acres reserved along Pace Road for commercial outparcels.

Community Development Director Womble said due to the size of this project, she is going to break it down into sections for explanation. As required by the Land Development Regulations (LDR's) for Planned Developments, this request is accompanied by a binding site plan. Conditions have been placed on the binding site plan regarding allowable and prohibited uses. Buildings #1 and #2 are reserved for research and development, light manufacturing, health technology, financial institutions and/or information sciences. Building #1 and #2 would prohibit distribution as the primary use or any outdoor storage.

The outparcels allow a variety of commercial uses. The southwest outparcel would allow for a 16-pump, 4-island gas station accompanied by an up-to 10,000 square foot convenience store use. Specific prohibited uses on the outparcels include truck stops and truck terminals, public or private schools, junk yards, childcare facilities, single-family residential development, mining operations and fire stations.

Building #3 and #4 allows for e-Commerce, distribution, industrial mixed-use, research and development, light manufacturing, health technology, office space and vocational institutions. Building #3 and #4 prohibit outdoor storage, car lots, and gas stations. Changes to the site plan from the large e-commerce building include two smaller buildings, removing the cross docks, Type-C buffering, setbacks, solid masonry walls and landscaping around stormwater ponds- all based on comments from the Planning Commission , meeting with City Staff and outside community partners.

The binding site plan depicts a solid six-foot masonry wall along the north property line to separate the use from the residential to the north. A solid six-foot wall is depicted behind each commercial outparcel and stormwater pond to help as a visual barrier to heavier industrial uses. The applicant has also placed a Type-C landscape buffer along Pearce Road and behind all the commercial outparcels to assist as a visual barrier and provide higher landscaping requirements.

The only public comments received regarding the site plan before you came from the City of Lakeland. They noted that a major traffic study will be required, enhanced landscaping should be constructed, asking if access points would be signalized, and about sidewalks along road frontage. Staff addressed all their comments regarding Type-C buffering and landscaping - as the applicant provides in the binding site plan. Staff also explained sidewalks per the City's Land Development Regulations, a lighted intersection at the first roadway - which would be triggered by the traffic counts, and the developer changing the orientation of the large building by splitting it up and removing cross docks.

The City of Lakeland also mentioned a connection between the property and the Williams property to the west per an agreement done in 2008 with the City of Lakeland and the County for the Polk Parkway intersection on Pace Road.

The document from 2008 was discussed with the City Attorney and City staff in length and does not depict the property we are discussing tonight. We do understand and have relayed to the developer that all right-of-way and driveway permits will need to be obtained through the City of Lakeland and Polk County as they share the

ownership of Pace Road in front of the project. The City of Lakeland did note that the proposed development could have significant impacts to the City of Lakeland's maintenance responsibilities at Pace Road.

The Developer may have requirements per Lakeland and County Comprehensive Plans or Land Use Regulations and will have to abide by those regulations for their access permits. Per the Joint Planning Agreement between the Florida Department of Transportation, Polk County and the City of Lakeland, the City of Lakeland has responsibilities for all maintenance of Pace Road between the interchange boundaries and associated improvements, including but not limited to sidewalks, traffic signals and landscaping.

The proposed binding site plan meets all requirements for parking, landscape buffers and building setbacks per the City of Auburndale's Land Development Regulations. The requested Zoning District of Industrial Planned Unit Development (IPUD) is consistent with the requested Future Land Use of Regional Activity Center, City of Auburndale's Comprehensive Plan and all Land Development Regulations within the City.

Community Development Director Womble presented a slide depicting a graphic of the "Planning and Development Road Map".

The proposed Ordinances were prepared by the Community Development Department and reviewed by the City Manager and City Attorney. If approved on first reading, the proposed Ordinances will be presented for second and final reading in December 2023. Staff does recommend approval of the proposed Ordinances amending the Future Land Use and Official Zoning Maps. The Developer has prepared a presentation for the Commission. A supermajority vote is required from the Commission, which the City Manager will explain.

City Manager Tillman said a supermajority vote is required for Ordinance #1762. The Future Land Use amendment, Ordinance 1761 was received favorably by the Planning Commission in a 5 to 0 vote back in December 2022. The zoning ordinance received a recommendation of denial by the Planning Commission on a 3 to 2 vote, which needs a supermajority vote from the Commission to now approve pursuant to applicable City of Auburndale Land Development Regulation requirements. The comments from the City of Lakeland are likely as a result of our Memorandum of Understanding for the Central Florida Innovation District. It is a good partnership with them and Polk County. The proposed Ordinances were prepared by the Community Development Department and reviewed by the City Manager and City Attorney. If approved on first reading, the proposed Ordinances will be presented for second and final reading on December 18, 2023. Staff recommends approval of the proposed Ordinances amending the Future Land Use and Official Zoning Maps.

Tim Campbell with the Law Firm of Clark, Campbell, Lancaster, Workman, & Airth, 500 S Florida Avenue, Lakeland, representing the applicant, said he is joined tonight by representatives of the Lincoln Property Group. We are appreciative to be here tonight. The lead into this was that the Planning Commission did not recommend favorably on the Planned Unit Development Ordinance 1762. We had some community partners who attended that hearing and had some objections – the objections basically being the cross dock. We talked with the community partners who previously objected and the Lincoln Group agreed to change the configuration of the binding site plan. You see it change from a bigger cross dock to the two single-load buildings now shown on the binding site plan. We are very pleased that neither of those community partners are here to object tonight to Ordinance 1762.

Mr. Campbell explained the location and size of the site. He explained the history of the Lincoln Property Company. He presented slides depicting graphics of the original and updated binding site plan. The Lincoln Group has talked to a lot of prospective tenants. He presented graphics and renderings depicting the project. We can accommodate research and development or office – the market will drive that to some degree. But it has been designed consistent with the ideas of the Innovation District, to try and attract those type of uses. The Lincoln Group has done a good job, they have been reactive and responsive in working with the City, and working closely with the Central Florida Development Council and Florida Polytechnic University on their concerns. It is

the Lincoln Group's goal, much like the City's, to have a very high-class business park development while providing some commercial retail along the front or office uses. Regarding the comments from the City of Lakeland – we understand the maintenance jurisdiction related to Pace Road, we are comfortable with that. We have already performed in our due diligence some traffic study work on this project. We are comfortable in having to do access management and permits through the City of Lakeland and Polk County. There is a positive staff report recommending approval of our Land Use and Zoning – that adopt our proposed use and binding site plan. Staff found that the binding site plan meets all the City's Land Development Regulations; and that the requested Industrial Planned Unit Development is consistent with the Regional Activity Center Future Land Use, the Comprehensive Plan, and all Land Development Regulations.

Mayor Taylor Bogert asked for public comment.

Stephanie Madden, 1819 Cherokee Trail, Lakeland – Lakeland City Commissioner, said she wanted to make sure that notes from the City of Lakeland staff were presented, and it was presented. She said she will say that it was not presented in the same voice that we would voice it in Lakeland. She knows with Florida Polytechnic University that they came to the last meeting (of the Auburndale Planning Commission) when it was denied, and they were very excited when it was denied. We do see that in this industrial park, it is as pretty as industrial parks can be. But in Lakeland, we are very familiar with industrial parks and how intense they are, and how that intensity of use often eclipses other uses. So it was very surprising when we saw a regional activity center – and even in Auburndale's own staff's presentation of what is in a regional activity center, it says it is going to be shopping malls; regionally a place where people go so they can find large box retail uses or other regional attractors like commercial and often complement and take advantage of the regional nature of the center. So we would say in Lakeland, ours is Downtown Lakeland, Lakeside Village, Oakridge Shopping Center, and Lakeland Square Mall. Can all of that fit at that Pace Road interchange now if these 78 acres are filled with 250,000 square foot warehouses? I came in from US 92, and you see Chilis and the retail and the commercial part – and you go into the highly industrial part. It is a totally different night and day picture of where you are in Auburndale and what can happen after that. When you have large intense uses, it is like having a port – you have a beautiful City on the bay and you hope to maybe have restaurants and cool spaces, and you see a large cargo boat full of containers. All of a sudden you can never be anything else but a cargo port. And so as we see one industrial use approved, it does not mean more should be approved. It actually means no, let us stop the industrial use because then we do not have a regional activity center or any room for retail or a hotel. Where are those kids' parents going to come and stay and shop when they are bringing their kids to Florida Polytechnic University? Where are the research and developers and the people who want to be in the cool livable walk space when you go to the commercial part? It might not have sidewalks and look pretty, but we have a lot of those that look pretty on County Line Road and on Combee and 33. It is not what we want for that interchange and is not why we invested 54 million dollars for that road and interchange. It is not why we have been planning 20 years to have something better for our economic future. There are so many other places we can put this industrial. We are not against it at large, but we have certain acreage. We convinced the Williams to please work with us to pair with the University and build an innovation district. It is hard to deny something when they make it look good, but you do not have to have Industrial Planned Unit Developments inside every Regional Activity Center, it was not even named in the list of things that go in a Regional Activity Center in Auburndale's own staff report. It is something they are asking for, and are saying the City is legally bound. We have had that happen before in the City of Lakeland, saying to not vote on this or you will be sued. It is not the truth. You are the leaders. You have to preserve the economic flourishing of our community and our region. It is up to us to preserve that interchange at Pace Road. You already have Medline at the other interchange at Old Dixie Highway. You already have big industrial intense uses in other places in Auburndale. Can we not just preserve this one area? They can call it research and development, but it is not a regional activity center at this point.

Commissioner Myers asked Stephanie Madden if she is speaking on behalf of the Lakeland City Commission or if she is speaking as a citizen.

Ms. Madden said she is not allowed to speak on behalf of her Commission because they are not here and due to Sunshine Laws.

Commissioner Myers said so you have not voted on anything.

Ms. Madden said no. But she has been with City of Lakeland staff all day and Dr. Avent and Maggie. They do not want to be rude – they know what constraints the Auburndale City Commission is under. They want to be a partner and a neighbor, and so does the City of Lakeland. Do not pretend their silence means they think this is a great idea. You have one across the street, we denied it, we reduced it, we pushed it back as far as we can. But to keep adding more, we are going to look back one day and say that we eclipsed our dreams for an innovation district, and we are all going to be sad.

Mayor Taylor Bogert closed the Public Hearing and reopened the Regular Commission Meeting.

2. ORDINANCE #1761 – AMENDING THE FUTURE LAND USE MAP – LINCOLN GROUP PROPERTY

City Manager Tillman introduced Ordinance #1761.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1761 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 +/- 75.89 ACRES FROM POLK COUNTY FUTURE LAND USE MAP CLASSIFICATION INTERCHANGE ACTIVITY CENTER-X (IAC-X) TO CITY OF AUBURNDALE FUTURE LAND USE CLASSIFICATION REGIONAL ACTIVITY CENTER (RAC); AND PROVIDING AN EFFECTIVE DATE (General Location: North Pace Road and Polk County Parkway),** by title only.

Motion by Commissioner Myers, seconded by Commissioner Hamann, to approve Ordinance #1761 amending the Future Land Use Map – Lincoln Group Property, as read on first reading by title only. Upon vote, all ayes.

3. ORDINANCE #1762 – AMENDING THE OFFICIAL ZONING MAP – LINCOLN GROUP PROPERTY

City Manager Tillman introduced Ordinance #1762.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1762 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 +/- 75.89 ACRES; AND PROVIDING AN EFFECTIVE DATE (General Location: North Pace Road and Polk Parkway),** by title only.

Motion by Commissioner Hamann, seconded by Commissioner Cowie, to approve Ordinance #1762 amending the Official Zoning Map – Lincoln Group Property, as read on first reading by title only.

Mayor Taylor Bogert asked if Tim Campbell would like to make any additional comment.

Mr. Campbell said we did work with Florida Polytechnic University and the Central Florida Development Council. He said he never suggested that they liked the plan, their request was to remove the cross docks – and we did that and worked with them. They are not here to object which they were at the Planning Commission.

Commissioner Sterling asked if this requires a supermajority.

Mayor Taylor Bogert and City Attorney Murphy answered yes.

Commissioner Sterling asked if that means four out of five.

Mayor Taylor Bogert and City Attorney Murphy answered yes.

Commissioner Cowie asked if the entrances and exits for this project are to Pace Road?

Community Development Director Womble answered yes. The County has already worked with the developer and they let them know they are not allowed to have an entrance off of Pearce Road, because it is residential in nature even though the Future Land Use for the County is not residential in that area, they understand the district is currently residential.

Commissioner Cowie said so some of the concerns that were raised about roads and similar items go through the permitting process before anybody can get a building permit?

Community Development Director Womble confirmed this. We would not issue a building permit unless we knew they had access to the property – and they have to go through the two entities discussed this evening.

Commissioner Cowie said he just wanted to confirm. He thanked Ms. Womble.

Mayor Taylor Bogert asked what is the maximum height for the buildings?

Community Development Director Womble answered she does not have the answer in front of her. She said she knows that in looking at their binding site plan, they are not any more intense to the south. She knows they have to have varying heights, and has to be set back further in height. She thinks it is more than 50.

Commissioner Myers said this Commission in the past made spatial requirements for development in this area, such as architectural standards, height restrictions, and greater setbacks.

Community Development Director Womble said that is correct. It is per our Joint Planning Area, which we have already worked through in the binding site plan.

Commissioner Hamann asked to confirm that it is a planned unit development.

Community Development Director Womble confirmed. They still have to abide by our standards for all development, and that staff would be going over it with a fine-toothed comb before any permits would be issued.

Mayor Taylor Bogert asked if a berm is a viable option to shield the property along the frontage? Her concern is the big buildings in the back. She appreciates that they got rid of the cross docks. She realizes long term there is potential for things, but we have been strong in how we handle research and development. It is the industrial mixed-use that gives her pause. She hopes it is more research and development, but it provides flexibility. Is it set up where it could be divided? She knows the one across can be dividable.

Tim Campbell clarified the layout of the buildings.

Community Development Director Womble said to answer the question about the berm – the site is very unique. It has a huge clay tract that runs through the middle. There is a lot of stormwater retention on this site. That is why they allowed the solid wall behind the outparcels. All the stormwater tracts have to be landscaped per the City's regulations, so there will be landscaping all around the stormwater tracts and in front of the solid six-foot masonry walls. She thinks that will provide the best visual. She is not sure berms would be helpful here because of all the clay issues they are working on the site. She emphasized she is not an engineer.

Upon vote, all ayes.

4. 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 and extraordinary circumstances 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. 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, 2024. 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. The proposed Ordinances were approved on first reading November 6, 2023, and are being presented for second and final reading. 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.

City Attorney Murphy said the Commission has a copy of the Study that was furnished and discussed at the Special Workshop and presented by Finance Director Reeder.

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

Motion by Commissioner Cowie, seconded by Commissioner Hamann, to approve Ordinance #1764 amending Utility User Rates / 2023 Rate Update, as read on second and final reading by title only. Upon vote, all ayes.

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

City Manager Tillman introduced Ordinance #1765. Staff recommends approval.

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 second and final reading by title only. Upon vote, all ayes.

6. ORDINANCE #1766 AMENDING UTILITY DEPOSIT AND TAP FEES

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

The proposed Ordinance raises both the residential deposit and the non-residential (commercial) base deposit to \$220. Commercial deposits are multiplied by the meter size. For example, a 2-inch meter would result in a \$440 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 was prepared by the City Manager's Office and reviewed by the Public Utility Director, Utility Billing Superintendent, Finance Director and City Attorney. The proposed Ordinance was approved on first reading November 6, 2023 and is being presented for second and final reading.

The effective date of the new deposit rate schedule will be January 1, 2024. Staff recommends approval of the Ordinance.

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 Hamann, to approve Ordinance #1766 amending City Code – Utility Deposits and Tap Fees, as read on second and final reading by title only. Upon vote, all ayes.

7. ORDINANCE #1767 AMENDING FISCAL YEAR 2022-2023 ANNUAL BUDGET

City Manager Tillman said in accordance with Florida Statutes, adopted auditing practices, and on the recommendation of the City's Auditor, the City needs to amend by Ordinance the Fiscal Year 2022-2023 Annual Budget to properly appropriate for revenue and expenditures that may exceed budgeted amounts. As provided by Ordinance No. 1026, the level of budgetary control for the City's Annual Budget is at the Fund Level. Events occur during each fiscal year, which were not anticipated at the time of budget approval. The proposed

Ordinance amends the Fiscal Year 2022-2023 Budget to reflect the collection of unanticipated revenue and appropriation for unanticipated expenditures. He presented a slide depicting a table of the amended budget.

The proposed Ordinance was prepared by the Finance Director 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 December 18, 2023. Staff recommends approval of Ordinance #1767 amending the budget. He thanked Finance Director Reeder.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1767 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE AMENDING ORDINANCE NO. 1717 AMENDING APPROPRIATIONS OF FUNDS FOR THE FISCAL YEAR 2022 - 2023 BUDGET**, 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 #1767 amending the budget, as read on first reading by title only. Upon vote, all ayes.

8. RESOLUTION #2023-04 SUPPORTING THE SUN TRAIL GRANT APPLICATION

City Manager Tillman said on September 21, 2021, the City Commission of Auburndale approved Resolution #2021-09 supporting the selection of Alternative 1 for the Old Dixie Trail to provide regional trail connectivity through the cities of Lake Alfred, Auburndale, and Haines City. In 2023, the Florida Legislature passed Senate Bill 106 to amend the Shared Use Non-Motorized (SUN) Trail System to appropriate additional trail funding, prioritize regionally significant trails, critical linkages and trail connectedness, and provide public access to the Florida Wildlife Corridor.

In Polk County, SUN Trail network contains 119 miles of existing and planned trails including the Van Fleet State Trail, Auburndale TECO Trail, Old Dixie Trail, Lake Alfred Trail, Chain of Lakes Trail, Ridge Scenic Highway Trail, portions of Lakeland's Lake-to-Lake Bikeway, Tenoroc Trail and the Fort Fraser Trail. The Polk Transportation Planning Organization's (TPO) Trails Master Plan and Florida's SUN Trail Plan have identified the Old Dixie Trail between Auburndale and Haines City as an important priority trail corridor that will connect the existing trails in these communities.

In response to the Transportation Planning Organization's prioritization of the Old Dixie Trail, the Florida Department of Transportation (FDOT) has funded and prepared a Project Development and Environmental (PD&E) Study for the Old Dixie Trail. The jurisdictions of Auburndale, Lake Alfred, Polk County and Winter Haven wish to apply for SUN Funds for the Old Dixie Trail between Auburndale and Lake Alfred segments one through six as depicted in Exhibit "A." This would provide a valuable linkage between the Chain of Lakes/Lake Alfred Veterans Memorial Trail and the Auburndale Trail, ultimately providing a direct connection to the State's Coast to Coast Connector System.

Should the City endorse Resolution #2023-04, the City will assist with the development of the SUN Trail grant application and if awarded, enter into any necessary mutually agreed upon agreement between the City, the County, and the Florida Department of Transportation for segments of the Trail falling within their jurisdiction. The Polk County Board of County Commissioners has agreed to submit the SUN Trail Grant Application and manage the project in various phases pending project funds awarded from the Florida Department of Transportation.

The Resolution was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. Staff recommends approval of Resolution #2023-04 in support of the SUN Trail Grant Application.

City Attorney Frederick J. Murphy Jr. read Resolution No. 2023-04 entitled: **A RESOLUTION OF THE CITY OF AUBURNDALE, FLORIDA; ENDORSING A JOINT APPLICATION FOR A SHARED USE NON-MOTORIZED (SUN) TRAIL GRANT APPLICATION FOR A PORTION OF THE OLD DIXIE TRAIL PROJECT; PROVIDING FOR SEVERABILITY; 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 Resolution #2023-04 in support of the SUN Trail Grant Application.

Mayor Taylor Bogert said this will be great for the City of Auburndale.

Upon vote, all ayes.

9. CONSIDER DEVELOPER'S AGREEMENT WITH F3 MT OLIVE RD OWNER LLC

Community Development Director Womble said F3 Mt Olive Rd Owner LLC, owns 35.27+/- acres on Mt. Olive Road, south of I-4 and west of Berkley Road. The property has established an established Future Land Use designation of Business Park Center and Zoning classification of Light Industrial. The developer intends to build a 375,000 square feet cold storage facility and potentially, at F3's discretion in the future, an additional building of approximately 115,000 square feet to be used for either cold storage or distribution which are consistent with the Future Land Use and Zoning.

In 2023 at the time of F3 Mt Olive Rd Owner LLC (F3) application, the City notified F3 that the City's wastewater collection system needed upgrades to support development. In 2022, the City initiated a comprehensive, city-wide review of its existing sanitary sewer system, which was completed by Chastain-Skillman. The City's Regional Wastewater Treatment Plant Service Area Evaluation identified certain necessary improvements to allow any future development in the area. The Evaluation shows that development of the Mt. Olive property cannot discharge into the City's wastewater system until the Pace Road Master Lift Station Utility Improvements are permitted, completed, and operational, along with the planning and design phase of the Regional Wastewater Treatment Plant expansion.

The Developer's Agreement between F3 and the City states that development and construction on the Mt. Olive property shall be permitted to go vertical, so long as F3 at its sole expense develops and constructs a private wastewater disposal system on the property, which includes but is not limited to a septic tank. The Developer's Agreement states that F3 agrees to connect to the City's Collection System when it becomes available within the timelines provided. The Agreement further provides that any decommissioning and/or closure expenses of the private wastewater disposal system on the Property shall be borne solely by the developer. The Agreement acknowledges that the City makes no representation or warranty as to when it will commence or complete the Utility Improvements.

The City and F3 Mt Olive Rd Owner, LLC., desire to enter into the Agreement to establish the respective rights and obligations between F3 Mt Olive Rd Owner LLC and the City, in accordance with the terms and conditions of the proposed Developer's Agreement. The improvements listed in the Developer's Agreement plan for current and future development.

The proposed Developer's Agreement was prepared by F3 Mt Olive Rd Owner LLC and reviewed by the Community Development Director, City Manager's Office, City Public Works Director and the City Attorney. Staff recommends approval of the proposed Developer's Agreement with F3 Mt Olive Rd Owner LLC and the City of Auburndale.

Mayor Taylor Bogert asked for public comment.

Shelton Rice, with the law firm of Peterson and Myers, 225 E Lemon Street, Lakeland, representing F3 Mt Olive Rd Owner LLC, thanked the City.

Motion by Commissioner Cowie, seconded by Commissioner Hamann, to approve the proposed Developer's Agreement with F3 Mt Olive Rd Owner LLC and the City of Auburndale.

Commissioner Cowie asked who permits the possible septic tank?

Community Development Director Womble answered the Health Department.

Upon vote, all ayes.

10. FINAL PLAT APPROVAL – RESERVE AT VAN OAKS PHASE 2

Community Development Director Womble said the City has received a request to plat Phase 2 of the Reserve at Van Oaks Subdivision, formerly the CG Jeans Road property. The property is located between Adams Road and Lake Van Road, adjacent to Jeans Road.

The City Commission approved the Zoning and binding site plan for the +/- 120.56-acre Reserve at Van Oaks Subdivision on June 3, 2019. The Planned Development was approved for a total of 259 single-family lots. Phase 1 of the development was 139 single-family units and received final plat approval on December 20, 2021. Phase 2 of the subdivision is 120 single-family lots. The Reserve at Van Oaks Phase 2 is consistent with Phase 1 with a minimum lot size of 7,500 square feet, front setbacks of 25 feet, side setbacks of 7 feet, and rear setbacks of 15 feet.

As provided for in the Land Development Regulations (LDR's), the developer is requesting Final Plat approval before all infrastructure improvements are made. The Land Development Regulations allow a developer to execute a surety bond, which is available to the City, in an amount 120% of the estimated completed construction cost as determined by the engineer. The Bond paperwork includes the list of improvements that need to be made, which will be covered by the bond, and a timeframe of August 20th, 2024, to complete the work. The bond ensures that the City can complete improvements if the developer does not.

Infrastructure required by City specifications and covered by the bond include: Onsite and offsite earthwork, roadways, stormwater utilities, sewer utilities, and water utilities. To accomplish the necessary improvements, the developer's engineers have estimated the cost at \$1,710,463.88. In accordance with the City's Land Development Regulations, the bond amount is \$2,052,556.66, or 120% of the cost of improvements. Approval of the Final Plat would acknowledge acceptance of the terms of the performance bond and allows the developer to sell the lots and begin building houses.

Community Development Director Womble noted the binding site plan was approved prior to regulations for reverse frontage lots. She presented a slide depicting the "Planning and Development Road Map". Staff recommends acceptance of the Final Plat for the Reserve at Van Oaks Phase 2 Subdivision.

City Manager Tillman said staff recommends approval.

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

Motion by Commissioner Hamann, seconded by Commissioner Myers, to accept the Final Plat for the Reserve at Van Oaks Phase 2 Subdivision.

Commissioner Myers asked how close is the traffic light to being operational?

City Manager Tillman answered that we are looking at after Thanksgiving that they would start construction of turn lanes, and start electrical construction to turn the light on. We are hoping the traffic light will be operational

by the first of the year. There is also a water line on Gapway that we are hoping will be operational by the end of the year. They are both exciting projects.

Mayor Taylor Bogert asked if there is another entrance/exit to Lake Van Road.

Community Development Director Womble and Commissioner Myers clarified access into the development.

Mayor Taylor Bogert said her concern is coming out. She knows they have to go through the process regarding roundabouts, hopefully sooner rather than later.

Commissioner Myers said that is the traffic study.

Community Development Director Womble said the Transportation Plan has been completed. We gave the final copy to the County for review. We are still reviewing it for information. There will be a presentation to the Commission soon. Remember that this subdivision goes all the way down to Adams, so there is another connection there. It is a long linear piece.

Commissioner Sterling asked about cut-through traffic.

Community Development Director Womble said usually subdivisions install traffic control, as the Homeowners Associations owns the road.

Mayor Taylor Bogert said that is why we are talking about the roundabout.

Commissioner Sterling asked if there is a timetable?

Community Development Director Womble answered no. In the Transportation Plan, which will be presented to the Commission soon, we are talking to engineers so we can prepare what the next steps are. We did not just look at the intersection of Gapway and 559 in the Transportation Plan, but all the intersections. We know we are not going to create new roads, but we need to address the safety and concerns of many of our intersections.

Commissioner Sterling said he knows the people who live on Van Lake have trouble getting out in the morning onto 559.

Community Development Director Womble said the County was very happy to receive the final report. Their roads and drainage director and the Deputy County Administrator are looking at the report now.

City Manager Tillman said we also had conversations with the Lanier who own all four corners of Gapway and 559 with their participation. There will be several parties that need to come together to make that happen, but we are all talking, which is a good thing.

Commissioner Hamann said he heard there may be a possibility of a traffic light at Lake Mattie Road too?

Community Development Director Womble said she knows that would be the next intersection that would need to be looked at further. We have all of the data now. We gave them all of the zoning and projection data. Those are all needed to create a traffic light. You need to have the traffic counts.

City Manager Tillman said there are two developments out on Lake Mattie Road, one of them would be the Lanier tract that abuts Lake Mattie. There is also the Wheeler Farms property. They would be required to complete transportation studies as part of those developments. There may be an opportunity similar to Adams Road to where there is a developer's agreement. It just happens that Adams Road and 559 is a City and a County road coming together. Lake Mattie Road and 559 are two County roads coming together. He does not know if we have any participation there, but we will most certainly do everything we can to encourage that to be aesthetically consistent to the one at Adams Road.

Upon vote, all ayes.

Mayor Taylor Bogert said this is the last full meeting for Commissioner Myers and Commissioner Hamann. She thanked them for all their incredible work and being a valuable and integral part of the Commission. She wished everyone a Happy Thanksgiving.

The Meeting was adjourned at 8:14:42 p.m.

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



Brandon Henry, City Clerk