

City of Auburndale Commission Minutes February 19, 2024

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held February 19, 2024, 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, Alex Cam, Jordan Helms, 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 Reverend Stephen Stover, Central Assembly of God, and a salute to the flag.

Motion by Commissioner Cowie, seconded by Commissioner Cam, to approve Minutes of the City Commission Meeting of February 5, 2024. Upon vote, all ayes.

City Manager Jeffrey Tillman announced that the Ms. Auburndale Softball opening will be at 9:00 a.m. Saturday. The City is starting a new Citizens Academy where residents will have an opportunity to get a detailed look at each City department. Applications will be posted on the City's website tomorrow and due by March 8th, with the program starting in April. Starting tomorrow, the Florida High School Athletic Association will be starting their boys and girls 2A, 3A, and 4A State Championship tournament at Lake Myrtle. We have our new soccer stadium at Lake Myrtle, so it is the first big event that we have had that shows why we built the stadium. It will pack the stands with people from all over Florida. It runs from tomorrow through Saturday. This Thursday, the ad hoc committee that the City Commission appointed for the YMCA is meeting in Lakeland. The School Board appointed Finance Director Jason Pitts for the ad hoc committee.

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

Carrie Griner, 1054 Lake Ariana Boulevard, passed out photographs and written comments to the Commission and audience (attached). We took some pictures of the adjacent land development of which most of the Commission is aware of. Ground grubbing started in July. Terrain alterations occurred in August where 6.5 inches of clay was brought in and slanted towards our land and easement. We have had notable flooding impacts, and she listed dates on the handout. We have issued a demand letter through legal counsel to the current owners of the site because the plans given to the City and approved have construction in our deeded restricted access easement, which is not open for us to permit – so we are now in a legal battle. Her questions tonight are about whether the City's Land Development Regulations and ordinances are applied objectively and effectively across all platforms. If not, who makes the decisions to alter the Land Development Regulations and are they recorded? This particular entity is not being required to tie into City sanitary. It is across the road from where we are at, and should we add additional septic systems – risks associated with contamination, well water, and water bodies, and additional nitrogen in areas deemed to be an impaired water body continue to mount. She lives between two beautiful lakes, Lake Hart and Lake Ariana. She stands before the Commission committed to preserving those water bodies. She has already had impacts. Her neighbor, who is also named in the suit, has been flooded. Those being set aside, because we are dealing with it from a civil standpoint – she is standing here today to talk about septic versus sanitary, and the need to hold developers in that pathway, because she knew she would run out of time. She listed the other bullets to be read in the handout, and she hopes the audience and the Commission will take the time to read it. She appreciates everybody listening, and hopes we will take to heart that we need to preserve our water bodies. If it is going to be a great place to live, work and play – without the lakes being preserved, we have nothing.

Ken Griner, 1054 Lake Ariana Boulevard, said he has tons of documentation that goes on deaf ears with the City. He is requesting a City Commission representative to discuss all our concerns, since he only has three minutes. He requests Public Works/Public Utilities Director John Dickson and the City require sanitary sewer connection for Hulbert Homes (Mark Hulbert and Matthew Johnson). John Dickson is not meeting Florida Department of Environmental Protection rules and City Rules Section 23. Section 23-18 (d) reads that all occupied premises

within 100 feet of the mainline sewer are hereby required to connect. Section 23-19 (e) reads that at such time public sewer becomes available, property direct connects shall be made available to the public sewer and septic abandoned. Section 23-20 (b) reads that all costs and expenses to install and connect to sewer shall be borne by the owner and not by the City. The City is in direct violation of these rules. The connection can be very easily connected crossing the road, with a conflict box with the water main line, crossing Lake Ariana Boulevard, continuing along Lake Ariana Boulevard by the existing force main, and connecting to the Century Boulevard connection like John has mentioned that they can do. The lake is an impaired water body, with a 1510b impaired for total nitrogen. The final report was nutrient TNDLs for Lake Ariana. 4.1 of the report identifies discharge from septic as a pollutant source per nitrogen and requires a connection to sanitary sewer. 6.2 Load Allocations targets removal of septic, and not installing septic where sanitary is available is a major source of nitrogen. Your NPDES permit with the County basically states on Page 24 that each permit shall eliminate septic systems. Page 58 Eliminate Septic Systems - in direct violation of the permit. He will be notifying Polk County and the Department of Environmental Protection that the City is in direct violation by allowing septic to be going into these locations where sanitary is available. Florida Statute 2023 381.00655(1)(a) reads that the owner of the property must connect to sanitary. Steve Thompson with the Department of Environmental Protection has confirmed that. He wanted to mention that he has been lied to multiple times by Community Development Director Julie Womble – she said we would have a meeting prior to approval of the plans. She went ahead and approved the plans. There are many issues that he was not able to bring attention to the City. Even the consultant the City hired used several of his questions, but did not use all 27. He is a drainage engineer, which is good – but he does not know ERP review, so he did not use all the questions.

City Manager Tillman thanked Mr. and Mrs. Griner. He said we will take their comments under advisement and review their questions.

Maulissa Braverman, 1918 Lake Ariana Boulevard, said President John F. Kennedy wrote to the Audubon Society that the Founding Fathers made an appropriate choice when they selected the Bald Eagle as the emblem of the nation. The fierce beauty and proud independence of this great bird aptly symbolizes the strength and freedom of America. But as latter-day citizens, we shall fail our trust if we permit the eagle to disappear. The Bald Eagle is actually a sea eagle that commonly occurs inland along rivers and large lakes. The adult male is about 36 inches and has a wingspan of 6.6 feet. Females, which grow somewhat larger than males, may reach 43 inches in length and have a wingspan of eight feet. In St. Petersburg, Florida, record nests measured 9.5 feet and 20 feet deep, weighing in at around three tons.

Sherrie Johnston, 2102 Lake Ariana Boulevard, said she is the new Polk County coordinator of the National Audubon Society – and works very closely with U.S. Fish and Wildlife. She said this is not a pointing session, but basically to bring awareness to the City that when we approve developments, that we have to ensure proper protocol when it comes to the environment and eagles' nests – which is the Migratory Bird Treaty Act. She passed out to the Commission photographs of several Bald Eagles and their nests in the area (attached). The first is P0270, on Hunt Road. Hunt Road is the development started in August 2020 by a realtor/developer. The actual nest was vibrant. The nest was knocked down by the developer/realtor's personal tractor. At that time, she was not involved in the Audubon Society, but her sister is a U.S. Fish and Wildlife agent who will be in charge of Florida. Those eagles migrated to Denton Road, behind the dollar store. Everything went okay for about a year or two. The clearing started on November 14th. The eagles would not nest because the realtor/developer started clearing the right side only, 13 inches up to the nest - so now we have two occurrences. The third occurrence is a male eagle shot and found on Denton Road. That male belonged to P0270. The good news is that there is a new male – because they mate. We have two or three other occurrences that she will get to later.

City Manager Tillman said that Ms. Johnston has been in contact with Community Development Director Julie Womble to share some of this information. We will make sure that Community Development Director Womble looks into it.

Ms. Johnston said she appreciates the partnership.

1. LEASE AGREEMENT WITH POLK COUNTY – AUBURNDALE SOFTBALL COMPLEX

City Manager Tillman said in August 1993, the City of Auburndale approved a lease with Polk County in order to construct the existing five (5)-field Auburndale Softball Complex located on Florida Citrus Boulevard south of K-Ville Avenue. The original lease included 19.861-acres of property for a term of thirty (30) years.

The proposed Lease Agreement with Polk County includes the property originally leased from the County for the construction of the complex and adds the additional property the City leased from the County in November 2000 for the parking lot. City Manager Tillman presented an aerial of the complex. The initial term of the proposed Lease Agreement is for a period of twenty (20) years ending September 30, 2043 and may be extended for one (1) additional ten (10) year period to September 30, 2053.

The proposed Lease Agreement was prepared by Polk County and reviewed by the Parks & Recreation Director, City Manager’s Office and City Attorney. Staff recommends approval of the Lease Agreement with Polk County for the Auburndale Softball Complex.

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

Motion by Commissioner Sterling, seconded by Commissioner Cowie, to approve the Lease Agreement with Polk County for the Auburndale Softball Complex. Upon vote, all ayes.

2. CONSIDER PROFESSIONAL SERVICES AGREEMENT FOR COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATIONS UPDATE

Community Development Director Julie Womble said on September 15, 2023, a Request for Qualifications was advertised for the Auburndale 2050 Comprehensive Plan and Land Development Regulations update. The update will evaluate the City’s current 2030 Comprehensive Plan, develop and update the City’s 2050 Comprehensive Plan, and update Auburndale’s Land Development Regulations. The entire project is expected to be completed within three (3) years in two (2) phases. The first phase will be the 2050 Comprehensive Plan update. The second phase will address the City’s Land Development Regulations update.

A Selection Committee, made up of City Staff, met to rank the proposals on November 17, 2023, at a publicly noticed meeting. Four (4) proposals were received with Inspire Placemaking Collective receiving the highest ranking. On December 18, 2023, the results of the rankings were approved by the City Commission and City staff commenced negotiations with the top ranked firm, Inspire Placemaking Collective.

The City has completed negotiations for services with Inspire Placemaking Collective. The proposed Master Continuing Professional Services Agreement compensates the consultant on a lump sum basis. The City will be billed monthly for the duration of the project. The project is anticipated to be completed by March 2027.

Phases	Phase Cost
Phase 1: Comprehensive Plan Update	\$231,980.00
Phase 2: Land Development Regulations Update	\$123,650.00
Total Cost:	\$355,630.00

Staff recommends approval of the Master Continuing Professional Service Agreement with Inspire Placemaking Collective for the 2050 Comprehensive Plan and Land Development Regulations update in the amount of \$355,630.00.

City Manager Tillman said several months ago, the City Commission approved the ranking of the consultants for the Comprehensive Plan and Land Development Regulations update. Inspire Placemaking did rank first among those. This is the contract that allows us to begin working with them for those updates. The proposed Master Continuing Professional Services Agreement with Inspire Placemaking Collective was prepared by the Community Development Director and reviewed by the City Manager's Office and City Attorney. Staff recommends approval of the Master Continuing Professional Service Agreement with Inspire Placemaking Collective for the 2050 Comprehensive Plan and Land Development Regulations update in the amount of \$355,630.00.

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

Motion by Commissioner Cam, seconded by Commissioner Helms, to approve the Master Continuing Professional Service Agreement with Inspire Placemaking Collective for the 2050 Comprehensive Plan and Land Development Regulations update in the amount of \$355,630.00. Upon vote, all ayes.

3. CONSIDER PURCHASE OF PROPERTY – 107 HOWARD STREET

City Manager Tillman said property assembly near the City's Skatepark on Bobby Green Plaza and Howard Street has been on the Community Redevelopment Agency's suggested project list for a number of years as a potential redevelopment site for uses such as recreation, retail/restaurant, or parking. The City owns a number of properties in the block where the skateboard park is located. We have been acquiring those properties over several years. This would be the last piece the City would look to obtain on that block.

The property owner of 107 Howard has approached the City to inquire about the City's interest in purchasing the property. The property is less than 0.1 acres and contains a 1,056 square foot single family residence. As contemplated in the Sale and Purchase Agreement, the purchase of this property would be funded by the Community Redevelopment Agency, but owned by the City of Auburndale. The City Commission would be required to approve the Purchase Agreement because the City of Auburndale will ultimately be the owner. The property purchase will allow the Community Redevelopment Agency to redevelop the area near the skatepark as stated on the suggested project list. The relocation of the skatepark is on the Capital Improvements Plan for the Community Redevelopment Agency.

The contract price of the Purchase Agreement is \$238,000, which would be an expenditure of the Community Redevelopment Agency. The Agreement states that the Buyer is the City of Auburndale and all closing documents and deeds will be in the City of Auburndale's name. If approved by the City Commission, the Sale and Purchase Agreement would become effective if the Community Redevelopment Agency authorizes the funding of the purchase. The Agreement for Sale and Purchase of Real Property was prepared by the City Attorney and reviewed by the City Manager's Office.

Staff recommends approval of the Sale and Purchase Agreement of Real Property for 107 Howard Street and authorize the City Manager to execute all closing documents.

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

Motion by Commissioner Helms, seconded by Commissioner Cam, to approve the Sale and Purchase Agreement of Real Property for 107 Howard Street and authorize the City Manager to execute all closing documents.

Commissioner Helms asked to confirm we had third-party appraisals executed to ensure the purchase price is fair.

City Manager Tillman answered we had two appraisals done to compare.

Upon vote, all ayes.

4. PRESENTATION OF FISCAL YEAR 2022-2023 AUDIT - MIKE BRYNJULFSON

City Manager Tillman said it is always a great time of year to have our auditor Mike Brynjulfson present to us.

Mike Brynjulfson said he was here tonight to go over the results of the audit for the fiscal year ending September 30, 2023. He said he wanted to go over the auditor's reports, tell the City any negative comments, what the reports mean, and why they are required. He will also go over the financial condition of the City.

Mr. Brynjulfson presented a slide outlining the summary of the audit results. He said the City has a "clean opinion", which is the highest level of assurance that an auditor can provide. The financial statements are a fair representation of what actually happened and there are no material errors. He said there are no material weaknesses in internal control identified, and no instances of noncompliance reported. There are no instances of noncompliance with Section 218.415, Florida Statutes – Local Government Investment Policies. He said there are no instances of noncompliance related to allowable activities or allowable cost/cost principles for the American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Fund Program (SLFRF). Regarding the management letter, there are no deteriorating financial conditions or financial emergencies reported and no additional findings. Regarding the governance letter, there were no disagreements with management or difficulties encountered while performing our audit, and no uncorrected misstatements. There were significant audit adjustments – which were detailed in Attachment A.

Mr. Brynjulfson presented a graphic depicting the overview of financial statement reporting units. He presented a slide depicting the balance sheet for governmental funds. He presented a slide depicting unassigned and assigned fund balance as a percentage of total expenditures, from the past six years. He presented slides depicting the statement of net position for proprietary funds. He presented a slide depicting the unrestricted net position as a percentage of revenue from the past six years. Mr. Brynjulfson presented a graphic depicting Polk County municipal millage rates from 2018 through 2023. He presented a slide detailing unrestricted cash on a constant dollar basis. He expressed his gratitude to City staff.

Commissioner Sterling asked about software.

Mr. Brynjulfson said he knows the City approved new software that went into effect this fiscal year, which he has not audited yet. He is looking forward to it when we come back for the audit next year, as there would be changes to access control and how items are processed – along with concurrent software systems, which affects reconciliation. If they are not happening, it will be a material weakness. He will report more next year, he has not used the new software yet.

Commissioner Sterling asked if Mr. Brynjulfson is seeing other cities transitioning away from their old software?

Mr. Brynjulfson said no. Auburndale and Lake Alfred are moving to the same system. Most Cities stay on their software for a long time.

Commissioner Sterling said he knows Mr. Brynjulfson has liked our system and that he encouraged other cities to move to it, but that Mr. Brynjulfson has raised red flags regarding problems he was seeing in its development and maintenance.

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Mr. Brynjulfson said he thinks there are a lot of people he works with that are staying on ADG because they do not have any desire to change. It would be nice to have an updated financial system.

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

Motion by Commissioner Cowie, seconded by Commissioner Sterling, to accept the Auditor's Report for the City's Fiscal Year ending September 30, 2023.

Mayor Taylor Bogert expressed gratitude to staff for their diligent work with the auditor.

Commissioner Cowie concurred.

Upon vote, all ayes.

The Meeting was adjourned at 8:05:29 p.m.

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

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

Brandon Henry, City Clerk