

City of Auburndale Commission Minutes March 18, 2024

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held March 18, 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 Elder Gene Huckabay, First Presbyterian Church, and a salute to the flag.

Motion by Commissioner Cowie, seconded by Commissioner Helms, to approve Minutes of the City Commission Meeting of March 4, 2024. Upon vote, all ayes.

City Manager Jeffrey Tillman announced that this Wednesday at 10 a.m. at the Rotary Butterfly Garden, we will be recognized by the University of Florida's Institute of Food and Agricultural Sciences (IFAS) for the Butterfly Garden and the PK Avenue project as it relates to their Florida Friendly Landscaping. The Citizen's Academy had 11 applications and all 11 will take part in the program, it starts April 2nd. Staff will reach out to the Commission regarding RSVPs for several other events.

Police Chief Terry Storie presented Lieutenant John Cruz with his longevity plaque for 20 years of service.

City Manager Tillman recognized Wastewater Treatment Plant Operator Mitch Meadows for 35 years of service, who was not able to attend tonight.

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

Roy Gaither, 45 Moss Road, thanked the Commission for the opportunity to bring this to their attention. He does not know how familiar the Commission is with the situation, he knows Public Works / Public Utilities Director John Dickson is. We have a flood situation that has been going on for the past year. He contacted multiple people at the County, they came and looked at these problems. He contacted a couple of people at the City, including Mr. Dickson – and they came out and looked at the situation. We still have a situation. The water situation is probably a foot or 18-inches deep, covering at least 150 to 200 feet of his property. He does not know where it came from. He would like to know where it came from. It came about after the drainage ditches were installed across the road from Denton Avenue. Mr. Dickson showed us the permit pulled to begin this project. It was back in January, and he informed us that this would be started within two weeks, but as you can see it is March 18th. We have had this for over a year, but it has continually gotten worse. The water used to flow north, but now it is not flowing at all. It is coming back south over his property. How, he does not know. He would like somebody to find out. It covers his and his neighbor's property. It is a breeding ground for mosquitos and all kinds of birds. He would just like to know where the water is coming from, and if the City and County are going to do something about it.

City Manager Tillman said the project he believes Mr. Gaither is referring to is the Lake Myrtle Ski Lake project. That is something that was permitted by the Southwest Florida Water Management District, but we have been listening to the residents' concerns that they have regarding their properties. He yields to Public Works / Public Utilities Director Dickson about what the City is going to do.

Public Works / Public Utilities Director Dickson said there is a County stormwater ditch that runs approximately behind Mr. Gaither's property, and discharges underneath Denton Avenue to Lake Myrtle property. It originally flowed to Lake Myrtle. When we created the event lake, that water now discharges into the event lake – there is a spillway that leaves the lake and goes to Lake Myrtle. We think some of it could be the County needing to clean the ditch, and we have coordinated with them. It is built to Southwest Florida Water Management District standards. We got together with the Southwest Florida Water Management District and looked at it to see if we

can modify it. They did say we can lower the level of the weir by eight inches. It does not sound like a lot, but eight inches over surface water is a lot. We did get a permit from the Southwest Florida Water Management District sometime in January for that change, and we got those plans back to the contractor to get pricing. We just recently issued a purchase order within the last week or so, and they suggested they would be on site within a week and a half. He does not know if there will be immediate results, but we have coordinated with the County that as soon as it is done, that the County will clean the ditches behind Mr. Gaither's property. We will have a better gauge in about a month on whether it helped the situation.

Commissioner Sterling recognized Elder Gene Huckabay of the First Presbyterian Church and thanked him for all his work.

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

1. TRANSMITTAL PUBLIC HEARING – FUTURE LAND USE MAP AMENDMENT – INTERSECT PROPERTIES

Community Development Director Julie Womble said on October 16, 2023, the City Commission approved a Future Land Use Map Amendment requested by Peterson & Myers, P.A. on behalf of Intersect Development Group. The Amendment was as a result of annexation and amended the Future Land Use on +/- 66.3 acres from a Polk County Future Land Use of Business Park Center-1X (BPC-1X) to a City of Auburndale Future Land Use of Regional Activity Center (RAC).

In March 2024, the City of Auburndale received a "Failure to Adopt" determination letter from the Florida Department of Commerce (Department). State Statutes require a second public hearing for a Future Land Use Amendment be held within 180-days after receipt of agency comments unless extended by agreement with notice to the state land planning agency. The Department did not feel the City gave sufficient notice to the Department of the agreed upon extension between the Developer and the City and deemed the Amendment withdrawn. The Department has requested the Future Land Use be readopted and has given written confirmation that the State will offer an expedited review for the proposed amendments.

The properties were originally annexed into the City in February and December of 2022. The Future Land Use request of Regional Activity Center (RAC) would accommodate a mixture of high density residential, commercial, and light industrial uses and is the second phase of the applicant's project. The first phase was approved by the City in November 2021. The request is consistent with the City of Auburndale Comprehensive Plan and the Joint Planning Agreement with Polk County and is located in the Central Florida Innovation District.

Community Development Director Womble presented a slide depicting the proposal. The action before the City Commission is to take public comment, consider the proposed Future Land Use Amendment, and authorize transmittal to the Florida Department of Commerce for a compliance review. Upon receipt of the State Review, the City Commission will hold a second reading of Ordinance #1747 considering adoption of the proposed Future Land Use.

The Planning Commission unanimously recommended approval at their 3/18/2024 meeting. Staff recommends approval of Ordinance #1747 upon first reading and transmitting the Future Land Use Map Amendment to the State for an expedited compliance review.

City Manager Tillman said the proposed Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. Staff recommends approval of Ordinance #1747 upon first reading and transmitting the Future Land Use Map Amendment to the State for an expedited compliance review.

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 said staff recommends approval of Ordinance #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 Sterling, seconded by Commissioner Helms, to approve Ordinance #1747 upon first reading and transmitting the Future Land Use Map Amendment to the State for an expedited compliance review, as read on first reading by title only. Upon vote, all ayes.

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

3. TRANSMITTAL PUBLIC HEARING – FUTURE LAND USE MAP AMENDMENT – LINCOLN GROUP PROPERTY

City Manager Tillman said the next two items are similar in nature to the previous two items.

Community Development Director Womble said on December 18, 2023, the City Commission approved a Future Land Use Map Amendment requested by Knights PC Holdings, LLC. The Amendment was as a result of annexation and amended the Future Land Use on +/- 75.70 acres from a Polk County Future Land Use of Interchange Activity Center-X (IAC-X) to a City of Auburndale Future Land Use of Regional Activity Center (RAC).

In January 2024, the City of Auburndale received a “Failure to Adopt” determination letter from the Florida Department of Commerce (Department). State Statutes require a second public hearing for a Future Land Use Amendment be held within 180-days after receipt of agency comments unless extended by agreement with notice to the state land planning agency. The Department did not feel the City gave sufficient notice to the Department of the agreed upon extension between the Developer and the City and deemed the Amendment withdrawn. The Department has requested the Future Land Use be readopted and has given written confirmation that the State will offer an expedited review for the proposed amendments.

The property was originally annexed into the City in December of 2022. The Future Land Use request of Regional Activity Center (RAC) would accommodate a mixture of commercial and light industrial uses. The request is consistent with the City of Auburndale Comprehensive Plan and the Joint Planning Agreement with Polk County and is located in the Central Florida Innovation District.

The action before the City Commission is to take public comment, consider the proposed Future Land Use Amendment, and authorize transmittal to the Florida Department of Commerce for a compliance review. Upon receipt of the State Review, the City Commission will hold a second reading of Ordinance #1761 considering adoption of the proposed Future Land Use.

The Planning Commission unanimously recommended approval at their 3/18/2024 meeting. Staff recommends approval of Ordinance #1761 upon first reading and transmitting the Future Land Use Map Amendment to the State for an expedited compliance review. Community Development Director Womble presented a slide depicting the proposal.

City Manager Tillman said the proposed Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. Staff recommends approval of Ordinance #1761 upon first reading and transmitting the Future Land Use Map Amendment to the State for an expedited compliance review.

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.

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

City Manager Tillman said staff recommends approval of 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 OF 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 Cam, seconded by Commissioner Cowie, to approve Ordinance #1761 upon first reading and transmitting the Future Land Use Map Amendment to the State for an expedited compliance review, as read on first reading by title only. Upon vote, all ayes.

5. JOINT PLANNING AREA AND INTERLOCAL AGREEMENT WITH POLK COUNTY – AMENDMENT #3

City Manager Tillman said in 2009, the City of Auburndale and the Polk County Board of County Commissioners (BOCC) entered into a Joint Planning Area Interlocal Agreement. The adoption of the Agreement followed several years of discussion with Polk County, the Central Florida Regional Planning Council (CFRPC) and the Florida Department of Community Affairs regarding the City's goal to establish a unified approach to planning for coordinated growth in the north Auburndale area and west toward the Polk Parkway.

The Interlocal Agreement established a Joint Planning Area (JPA) with Polk County that serves as a guide to the City and County regarding policies for future growth within the boundaries of the Joint Planning Area. The Interlocal Agreement assists both governments to better identify areas proposed for future municipal services, and to better coordinate government services by avoiding the creation of incompatible land uses near common boundaries.

The Interlocal Agreement expired in 2014 and was renewed and updated by both parties in March 2019, and amended in March 2020 (Amendment #1) for succeeding periods of one (1) year by mutual written agreement of the parties. The City and County renewed the Joint Planning Area Agreement for a subsequent three (3) year period commencing on March 18, 2021 by adopting Amendment #2 of the Interlocal Agreement.

The proposed Amendment #3 constitutes the City's and County's desire to renew the Joint Planning Area Agreement for a subsequent three (3) year period commencing on March 18, 2024. The Polk County Board of County Commissioners will consider renewal of the Joint Planning Area Agreement at their scheduled meeting on Tuesday, March 19, 2024. Staff recommends approval of Amendment #3 to the Interlocal Agreement extending the term of the Joint Planning Area with Polk County.

City Manager Tillman said it is a good partnership we have with Polk County. It allows for coordination with staff. We appreciate the County's partnership and cooperation.

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

Motion by Commissioner Cowie, seconded by Commissioner Helms, to approve Amendment #3 to the Interlocal Agreement extending the term of the Joint Planning Area with Polk County. Upon vote, all ayes.

The Meeting was adjourned at 7:26:45 p.m.

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



Brandon Henry, City Clerk