
Minutes of the Regular Meeting of the City Commission of the City of Auburndale held May 20, 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: Assistant City Manager Amy Palmer, Assistant City Attorney Drew Crawford, City Clerk Brandon Henry, and Police Chief Terry Storie.

Mayor Dorothea Taylor Bogert declared a quorum present, and the Meeting was opened with prayer by Pastor Forest Antemesaris, Orange Street Church of Christ, and a salute to the flag.

Motion by Commissioner Cowie, seconded by Commissioner Cam, to approve Minutes of the City Commission Meeting of May 6, 2024. Upon vote, all ayes.

Assistant City Manager Amy Palmer announced that the Commission was copied to an invitation to the Ridge League of Cities dinner in Davenport. The City and Auburndale High School's National Junior Reserve Officers' Training Corps battalion will be hosting a Memorial Day wreath laying ceremony on May 27th, at 9:00 a.m., at the Veterans' Garden.

Police Chief Terry Storie recognized Police Department staff and other City staff for their hard work over the past several months on multiple high-profile cases. He announced an update regarding the search for Tonya Whipp.

Mayor Taylor Bogert thanked City staff for all their hard work.

City Clerk Brandon Henry presented and recognized the inaugural class of the City of Auburndale's Citizens Academy.

Mayor Taylor Bogert thanked City staff. The Citizens Academy is something she has been wanting to bring to the City, because it is incredibly important to have engaged citizens. There is a lot of interest for the next class.

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

Donishia Yarde, 878 Lawrence Lane, said that she is up there on behalf of Kiwanis of Auburndale. They would like to announce their presence in Auburndale, and have an upcoming meeting on June 6th, 6:30 p.m., at the Brack Shack. They would love for everybody to come out to learn more about Kiwanis.

Mayor Taylor Bogert presented a Proclamation recognizing National Public Works Week. Assistant City Attorney Drew Crawford read the proclamation.

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

1. PUBLIC HEARING – ESTABLISHING COMMUNITY DEVELOPMENT DISTRICT – AUBURN LAKES

Assistant City Manager Palmer introduced the item.

Community Development Director Julie Womble said Auburn Lakes, LLC has filed a petition with the City of Auburndale pursuant to Section 190.005(2)(a), Florida Statutes to establish the Auburn Lakes Community Development District (CDD) for the Auburn Lakes Preserve Subdivision.

Chapter 190 of Florida Statutes allows a developer to petition to establish a Community Development District for the purpose of managing the provision of infrastructure improvements and public services including funding. The proposed Community Development District is comprised of approximately +/- 255.05 acres, generally located south of Old Dixie Highway and west of the Polk Parkway. The petitioner has proposed to establish the Community Development District to finance, construct, and install improvements and facilities to benefit the lands within the District in multiple phases over an estimated two (2) year period commencing in 2026. Costs not funded by bonds will be funded by the developer.

The Auburn Lakes Community Development District will consist of a five (5) member Board of Supervisors having the authority to oversee the installation of infrastructure improvements and secure financing within its boundaries.

Public notification is in accordance with Chapter 190 of Florida Statutes, the petitioner published public notice of this request in a local newspaper for four (4) consecutive weeks prior to the second reading on May 20, 2024 and public hearing of the Ordinance. There is no direct financial impact to the City as a result of this request; however, upon development of the Community Development District, the City will receive a budget and schedule of meetings annually. Staff recommends approval of Ordinance #1769 establishing the Community Development District for Auburn Lakes.

Assistant City Manager Palmer said the proposed Ordinance and Petition for the Community Development District were prepared by the attorney representing the development with extensive review by the Community Development Department, City Manager and the City Attorney. The proposed Ordinance was approved on first reading and is being considered for second and final reading. Staff recommends approval of Ordinance #1769 establishing the Community Development District for Auburn Lakes.

Mayor Taylor Bogert asked for public comment.

Savannah Hancock, 517 E. College Avenue, Tallahassee, on behalf of the petitioner, said if any Commissioners have any questions on the application, she is available.

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

2. ORDINANCE #1769 ESTABLISHING COMMUNITY DEVELOPMENT DISTRICT – AUBURN LAKES

Assistant City Manager Palmer said staff recommends approval of Ordinance #1769 establishing the Community Development District for Auburn Lakes.

Assistant City Attorney Drew Crawford read Ordinance No. 1769 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE FLORIDA, ESTABLISHING THE AUBURN LAKES COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING NOTICE OF REQUIREMENTS; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (General Location: The area covered by this request is generally located south of Old Dixie Road, east of Cochran Lane, and west of SR-570 in Auburndale, Florida. The area covered by this request is 255.05± acres.),** by title only.

Motion by Commissioner Helms, seconded by Commissioner Sterling, to approve Ordinance #1769 establishing the Community Development District for Auburn Lakes, as read on second and final reading by title only. Upon vote, all ayes.

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

3. PUBLIC HEARING – AMENDING LAND DEVELOPMENT REGULATIONS TEXT – CENTRAL FLORIDA INNOVATION DISTRICT

Assistant City Manager Palmer introduced the item.

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Community Development Director Womble said on September 5, 2019, the City of Auburndale, the City of Lakeland, and the Polk County Board of County Commissioners entered into a Memorandum of Understanding (MOU) to create a cohesive vision among the three agencies to work together to support an Innovation District.

However, at that time text was not included in the City's Land Development Regulations and did not provide for the location and development guidelines for the Central Florida Innovation District.

The proposed Ordinance establishes a boundary map, guidelines, and regulations within the City of Auburndale's Land Development Regulations with targeted industries for the Central Florida Innovation District to include:

- Research and Development
- Health Tech
- Information Sciences and Engineering
- Advanced Manufacturing
- Mobility and Innovation

The proposed Ordinance creates a planned and balanced "District" focusing on innovation. These standards apply in the underlying zoning district standards (Chapter 5 and 6 of the Land Development Regulations). However, property anywhere within the District boundary area, and within the utility boundary service area of the City of Auburndale, is encouraged to develop in accordance with the planning principles contained within this Article through annexation, the establishment of zoning and/or rezoning. The remainder of this Article assumes that the property owner/developer has chosen, or is otherwise required, to develop consistent with the Central Florida Innovation District.

Commencing on the date of the adoption of the Central Florida Innovation District, these provisions shall apply to development of all land whether publicly or privately held. Any building, structure, or parking area that lawfully exists at the time the Central Florida Innovation District is passed, which would not otherwise be permitted under the Central Florida Innovation District, may be continued in the same manner as it existed before the effective date of the Central Florida Innovation District. Any future considerations, additions, reconstruction, or renovation shall be subject to the requirements of standards and guidelines for the Central Florida Innovation District.

The Central Florida Innovation District standards apply to the following:

- All new construction of buildings or structures
- All exterior building improvements requiring a building permit
- All new or reconstructed parking areas

Prohibited uses include:

- Cross docks
- Docks located in the front of the building
- Buildings over 200,000 square feet
- Outdoor storage
- Medium and Heavy Manufacturing

The Planning Commission recommended approval of the proposed Land Development Regulations text amendment (3-1, 03/05/2024). Staff recommends approval of proposed Ordinance #1770 amending Land Development Regulations text – Central Florida Innovation District.

Assistant City Manager Palmer said the proposed Ordinance was prepared by the Community Development Director and reviewed by the City Manager's Office and the City Attorney. The proposed Ordinance was approved on first reading May 6, 2024, and is being presented for second and final reading.

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 #1770 AMENDING LAND DEVELOPMENT REGULATIONS TEXT – CENTRAL FLORIDA INNOVATION DISTRICT

Assistant City Manager Palmer said the Planning Commission recommended approval of the proposed Land Development Regulations text amendment (3-1, 03/05/2024). Staff recommends approval of proposed Ordinance #1770 amending Land Development Regulations text – Central Florida Innovation District.

Assistant City Attorney Drew Crawford read Ordinance No. 1770 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 15 SPECIAL OVERLAY DISTRICTS; ESTABLISHING ARTICLE 5 REGARDING THE CENTRAL FLORIDA INNOVATION DISTRICT AND DETAILING DEVELOPMENT GUIDELINES AND STANDARDS FOR THE CENTRAL FLORIDA INNOVATION DISTRICT; AND PROVIDING AN EFFECTIVE DATE**, by title only.

Motion by Commissioner Cam, seconded by Commissioner Helms, to approve Ordinance #1770 amending Land Development Regulations text – Central Florida Innovation District, as read on second and final reading.

Commissioner Cowie asked for clarification regarding the statement "...property anywhere within the District boundary area, and within the utility boundary service area of the City of Auburndale, is encouraged to develop in accordance with the planning principles contained within this Article through annexation..."

Community Development Director Womble said that means if they are currently as they are now, it is fine – but we are encouraging them to take this new overlay and develop in this manner.

Mayor Taylor Bogert asked if they would still have their entitlement?

Community Development Director Womble answered yes.

Commissioner Cowie asked so the future?

Community Development Director Womble said that is correct. This is language that the City Attorney encouraged us to put in.

Upon vote, all ayes.

5. ORDINANCE #1771 – ANNEXING PROPERTY INTO CITY LIMITS – DOVE’S VIEW SUBDIVISION

Assistant City Manager Palmer said the City received a voluntary annexation petition on November 15, 2005 from Jando Inc. of 384 Winter Ridge Boulevard, Winter Haven, Florida, to annex +/-28.85 acres of vacant property into the City limits. At the time the petition was received the property was not contiguous to city limits and the City could not take action on the signed voluntary annexation petition.

The property has since been developed as a single-family subdivision in unincorporated Polk County known as the Dove’s View Subdivision. The subdivision consists of 60 single-family residential lots located off CR-559 and Sutton Road. The property became contiguous and adjacent to City limits as a result of annexing the Lanier properties to the east in May 2022. The annexation does not create an enclave. The proposed annexation is as a result of the City being contiguous and able to provide services to the Subdivision. City Staff met with the Dove’s View Subdivision Homeowners Association on February 29, 2024, to discuss the process of annexation.

Establishing a Future Land Use and Zoning classification on the property will be considered at Public Hearings before the Planning Commission and City Commission at later dates. The action currently before the City Commission is only on the annexation of the property into the City.

The proposed Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. The proposed Ordinance was approved on first reading May 6, 2024, and is being presented for second and final reading May 20, 2024.

Staff recommends approval of Ordinance #1771 annexing the Dove's View Subdivision into the City limits.

Assistant City Manager Palmer said at the last Commission meeting, a welcome letter to the residents of the subdivision was suggested. That has been drafted and we are ready to send that out, along with contact information for relevant City staff.

Assistant City Attorney Drew Crawford read Ordinance No. 1771 entitled: **AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF AUBURNDALE, FLORIDA, SO AS TO INCLUDE THEREIN ADDITIONAL TERRITORY LYING CONTIGUOUS AND ADJACENT TO THE PRESENT BOUNDARIES OF THE CITY; DESCRIBING SAID ADDITIONAL TERRITORY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE (General Location: Hwy. 559 and Sutton Road.),** 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 #1771 annexing the Dove's View Subdivision into the City limits, as read on second and final reading by title only. Upon vote, all ayes.

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

6. PUBLIC HEARING – LAND DEVELOPMENT REGULATIONS TEXT AMENDMENT – FOOD TRUCKS

Assistant City Manager Palmer introduced the item.

Community Development Director Womble said in August 2022, staff requested the City Commission table a proposed Ordinance regarding food trucks to a later date to allow for further research and to comply with State Statutes. State Statute preempts local governments from requiring a separate license, registration, or other permit or fees other than the license required by the State, and from prohibiting mobile food vendors/food trucks from operating within the entirety of the City. Currently, the City does not have Land Development Regulations to define or allow for food trucks within City limits. Staff has conducted research to provide definitions in Chapter 4 and guidelines in Chapter 5 of the Land Development Regulations to allow for food trucks within certain uses.

The proposed Ordinance adds regulations to Chapter 5 that would provide the intent, applicability, permitting and location requirements for food trucks. Food trucks would be allowed at permitted use locations only including tourism destinations, breweries, and for approved Special Events.

Food Trucks associated with a Special Event shall only be allowed to operate in accordance with a Special Event approval two times a calendar year, for the duration of one day, between the hours of 8:00 a.m. and 10:00 p.m., at a planned activity by a group, such as a homeowners association, a sporting event, business grand openings, and festivals that are open to the general public as approved by the City's Community Development Department.

She explained the regulations as applied to tourism locations.

Food Trucks are prohibited from operating on public property and rights of way, unless approved by the City.

The Planning Commission recommended approval of the proposed Land Development Regulations text amendment for food trucks. (4-0, 05/07/2024). Staff recommends approval of proposed Ordinance #1772 amending Land Development Regulations text – Food Trucks.

She explained the difference between the current proposal and the original proposal in 2022 is that we are not requiring them to have a permit or to pay the City fees, to be consistent with State statute.

Assistant City Manager Palmer said the proposed Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. The proposed Ordinance is being presented for first reading and will be considered for second and final reading on June 3, 2024.

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.

7. ORDINANCE #1772 – AMENDING LAND DEVELOPMENT REGULATIONS TEXT – FOOD TRUCKS

Assistant City Manager Palmer said the Planning Commission recommended approval of the proposed Land Development Regulations text amendment for food trucks. (4-0, 05/07/2024). Staff recommends approval of proposed Ordinance #1772 amending Land Development Regulations text – Food Trucks.

Assistant City Attorney Drew Crawford read Ordinance No. 1772 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 THE TEXT OF CHAPTER 04 DEFINITION OF FOOD TRUCKS, AND AMENDING THE TEXT OF CHAPTER 05, ZONING, ESTABLISHING FOOD TRUCK REGULATIONS; AND PROVIDING AN EFFECTIVE DATE**, by title only.

Motion by Commissioner Cam, seconded by Commissioner Helms, to approve Ordinance #1772 amending Land Development Regulations text – Food Trucks, as read on first reading by title only.

Commissioner Cowie asked for clarification regarding hours of operation for Special Events. Does it apply to tourism destinations as well? In that they have to take it home every night?

Community Development Director Womble answered yes, the intent is for it to be a temporary use.

Commissioner Cowie said that is his concern, because you see in some areas they are set up as permanent establishments. He wanted to make sure that the intent is for temporary use.

Community Development Director said it might be different for a City event or festival.

Upon vote, four ayes with Commissioner Sterling voting nay.

8. ORDINANCE #1773 AMENDING POLICE OFFICERS PENSION TRUST PLAN

Assistant City Manager Palmer said the proposed Ordinances amend Section 27, Deferred Retirement Option Plan (DROP), of the Police Officers' Pension Trust Fund and the Firefighters' Pension Trust Fund. The interest rate for the DROP in the Florida Retirement System was increased to 4% on July 1, 2023. The Board of Trustees for the Police Officers' Pension Plan and Firefighter's Pension Plan recommend this change to help retain and attract police officers and firefighters.

The actuary of the plans, Foster & Foster, issued letters indicating that there are no costs associated with the adoption of the proposed Ordinances. The proposed Ordinances were prepared by the Pension Plan Attorney for the plans, Christiansen & Dehner, P.A., and reviewed by the Finance Director, City Manager and City Attorney.

If approved on first reading the proposed Ordinances will be presented for second and final reading on June 3, 2024.

The Police Pension Board recommended approval of Ordinance 1773 – 04/23/2024. The Fire Pension Board recommended approval of Ordinance 1774 – 04/23/2024. Staff recommends approval of the proposed Ordinances amending the Police Officers' Pension Plan and Firefighters' Pension Plan.

Assistant City Attorney Drew Crawford read Ordinance No. 1773 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA FURTHER AMENDING THE CITY OF AUBURNDALE MUNICIPAL POLICE OFFICERS' PENSION TRUST FUND, ADOPTED AND RESTATED PURSUANT TO ORDINANCE NO. 1653, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 27, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE**, by title only.

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

Motion by Commissioner Helms, seconded by Commissioner Sterling, to approve Ordinance #1773 amending the Police Officers' Pension Plan, as read on first reading by title only. Upon vote, all ayes.

9. ORDINANCE #1774 AMENDING FIREFIGHTERS PENSION TRUST PLAN

Assistant City Attorney Drew Crawford read Ordinance No. 1774 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA FURTHER AMENDING THE CITY OF AUBURNDALE MUNICIPAL FIREFIGHTERS' PENSION TRUST FUND, ADOPTED AND RESTATED PURSUANT TO ORDINANCE NO. 1654, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 27, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE**, by title only.

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

Motion by Commissioner Sterling, seconded by Commissioner Cowie, to approve Ordinance #1774 amending the Firefighters' Pension Plan, as read on first reading by title only. Upon vote, all ayes.

The Meeting was adjourned at 7:48:45 p.m.

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



Brandon Henry, City Clerk