

## City of Auburndale Commission Minutes June 3, 2024

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Minutes of the Regular Meeting of the City Commission of the City of Auburndale held June 3, 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 Pastor Jason Kent, Connect Church, and a salute to the flag.

**Motion** by Commissioner Cowie, seconded by Commissioner Cam, to approve Minutes of the City Commission Meeting of May 20, 2024. Upon vote, all ayes.

City Manager Jeffrey Tillman thanked Assistant City Manager Amy Palmer for stepping in for him during his absence. He announced that we have received several questions regarding fireworks at Lake Ariana Park because of the construction of the Civic Center. We still plan on having fireworks at 9 p.m. like we always do. We are coordinating with our Parks and Recreation Director to still have the fireworks, but we will likely have to put them out on a barge out into the lake. He wants to encourage residents to still enjoy the fireworks over Lake Ariana like we always have.

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

Tina Murray, 519 Pine Street, said she does not speak for the other residents – but she feels in some way that they feel as she does. Her opinion is that the City has lost control of Pine Street to Nicholas Cole, and they do not know how to get it back. The City has become dependent on the foreclosure process to get that control back, and there is still no guarantee that it is going to happen. If it does, Mr. Cole will move all of his business to those lots he has left, with 517 Pine Street becoming the main location for his business. This has already started to happen. Mr. Cole has installed several irrigation systems to water his numerous amounts of potted plants that are too many to count that are being stored on the front portion of 517 Pine Street. Mr. Cole has also moved these plants to the City's right of way located behind 519 and 521 Pine Street on the access road that fronts both her and Tina Johnson's backyard, with no enforcement from the City. Mr. Cole is also storing his overstock of trees on the same City easement. The City must follow the law and enforce the ordinances now, and continue to do so on 517 Pine Street and Mr. Cole's other lots, before the foreclosures take place and Mr. Cole has all his commercial businesses running on 517 Pine Street. 517 Pine Street has separate ownership from 515 Pine Street and 511 Pine Street. 515 Pine Street has 50/50 ownership by Jessica Hall and Nicholas Cole, while 515 Pine Street and 511 Pine Street are owned 100% by Nicholas Cole. So all three lots cannot be joined at the hip and included in the business running at 515 and 511 Pine Street. The Property Appraiser has given her the same information. RS-3 zoned lots also must follow home ordinances as City Planner Jesse Pearson stated to her when he printed it out and gave to her – maybe these can be looked at to get control of 517 Pine Street before it gets out of control, but she has a feeling it is already too late for that. Ms. Murray quoted Land Development Regulations. The zoning has not been enforced and neither has been the law. Have a look at how many parking tickets have been given out since the State parking law came into effect and how many calls have been made. Only three have been written and numerous calls made about illegal parking. But Police Chief Terry Storie has chosen to stop writing tickets on Pine Street, so Nicholas Cole is parking where he pleases. Ms. Murray said she has made calls and has photos of illegally parked vehicles even with an officer present saying in the police reports that he was not illegally parked. The City has spent time and money to change to the State's parking statutes, so how about enforcing them? Ms. Murray said she will continue her comments at the next meeting.

City Manager Tillman said he will have further conversations with Chief Storie and the City Attorney to help the situation.

Ms. Murray said she will email additional comments.

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

## **1. PUBLIC HEARING – LAND DEVELOPMENT REGULATIONS TEXT AMENDMENT – FOOD TRUCKS**

City Manager Tillman 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. Food Trucks are prohibited from operating on public property and rights of way, unless approved by 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 20, 2024, and is being considered for second and final reading.

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

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 #1772 – AMENDING LAND DEVELOPMENT REGULATIONS TEXT – FOOD TRUCKS**

City Manager Tillman introduced Ordinance #1772.

City Attorney Frederick J. Murphy Jr. 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 Helms, seconded by Commissioner Cowie, to approve Ordinance #1772 amending Land Development Regulations text – Food Trucks, as read on second and final reading by title only.

Commissioner Sterling said he voted against this ordinance during first reading, and expects to vote against it again today. He is not against food trucks, but wants to be more fair to our brick and mortar restaurants. Food trucks and brick/mortar restaurants have different regulations that pertain to each. He wants us to have more sit-down restaurants in Auburndale. Residents always ask him when are we getting more restaurants, not when are we getting more food trucks. He looks at food trucks like vending machines. They are good, but he has reservations about them. The ordinance is good for the City, but personally he wants to vote against it.

Mayor Taylor Bogert acknowledged Commissioner Sterling's comments. This provides good parameters and policy in place to allow for something we cannot prohibit.

Upon vote, four ayes with Commissioner Sterling voting nay.

### **3. ORDINANCE #1773 AMENDING POLICE OFFICERS PENSION TRUST PLAN**

City Manager Tillman said the next two ordinances are under one agenda analysis.

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 Deferred Retirement Option Plan 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 recommended 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. The proposed Ordinances were approved on first reading May 20, 2024, and are being presented for second and final reading.

Staff recommends approval of the proposed Ordinances amending the Police Officers' Pension Plan and Firefighters' Pension Plan.

City Attorney Frederick J. Murphy Jr. 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 Cam, seconded by Commissioner Sterling, to approve Ordinance #1773 amending the Police Officers' Pension Plan, as read on second and final reading by title only. Upon vote, all ayes.

### **4. ORDINANCE #1774 AMENDING FIREFIGHTERS PENSION TRUST PLAN**

City Attorney Frederick J. Murphy Jr. 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 Helms, to approve Ordinance #1774 amending the Firefighters' Pension Plan, as read on second and final reading by title only. Upon vote, all ayes.

### **5. PRESENTATION OF CAPITAL OUTLAY FOR FISCAL YEAR 2025 AND FISCAL YEAR 2026 ANNUAL BUDGETS**

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City Manager Tillman outlined the timeline for budget approval, and how it relates to the Capital Outlay section. He presented and explained an example of the 5-Year Capital Improvement Program.

City Manager Tillman presented Fiscal Year 2025 and Fiscal Year 2026 Public Utility Capital Projects.

He presented Fiscal Year 2025 General Fund Capital Projects and Fiscal Year 2025 Community Redevelopment Agency Capital Projects.

He presented Fiscal Year 2025 Capital Projects for the City Manager's Office, Information Technology, Fire Department, Police Department, Public Works Administration, Sanitation, Street, Parks & Cemetery, Lake Ariana Park, Baynard House, Lake Myrtle Sports Complex, Auburndale Community Gym, Municipal Services, Community Redevelopment Agency, Utilities Distribution, Water Treatment Plants, Allred Wastewater Treatment, and Regional Wastewater Treatment.

He presented Fiscal Year 2026 Capital Projects for the City Manager's Office, Information Technology, Fire Department, Police Department, Public Works Administration, Sanitation, Street, Tennis Pro Shop, Lake Ariana Park, Baynard House, Lake Myrtle Sports Complex, Auburndale Community Gym, Community Redevelopment Agency, Utilities Distribution, Utility Billing, Water Treatment Plants, Allred Wastewater Treatment, and Regional Wastewater Treatment.

City Manager Tillman said all items in "year one" and "year two" of the revised 5-year Capital Improvement Program have been programmed into the proposed two-year budget. Staff recommends tentative approval of the Capital Outlay sections of the Proposed Fiscal Year 2025 and Fiscal Year 2026 Budgets. Formal adoption of the Fiscal Year 2025 Budget and conceptual approval of the Fiscal Year 2026 Budget will come after the scheduled Public Hearings in September.

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

**Motion** by Commissioner Cowie, seconded by Commissioner Cam, to tentatively approve the Capital Outlay sections of the Proposed Fiscal Year 2025 and Fiscal Year 2026 Budgets.

Mayor Taylor Bogert expressed gratitude to City staff.

Commissioner Cowie concurred.

Upon vote, all ayes.

City Manager Tillman expressed gratitude to the City Commission.

The Meeting was adjourned at 8:10:54 p.m.

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



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Brandon Henry, City Clerk