

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held July 15, 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, and Bill Sterling. Commissioner Jordan Helms was absent. 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 Conner "CJ" Hill, First United Methodist Church of Auburndale, and a salute to the flag.

Motion by Commissioner Cowie, seconded by Commissioner Cam, to approve Minutes of the City Commission Meeting of July 1, 2024. Upon vote, all ayes.

City Manager Jeffrey Tillman hoped everyone had a good Fourth of July. He thanked Parks and Recreation staff and the First United Methodist Church.

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

Dennis Young, 254 Lake Tennessee Drive, passed out a handout to the Commission (attached). This has to do with the retention pond and the growth there. The present code is 12 inches before the code enforcement officers will take any action. That will then go to infestation of rodents, snakes, and mosquitos. Mr. Young outlined his suggested wording for an amendment to the Code of Ordinances. Over the last several years, the City Commission has approved some very large subdivisions, such communities that require large dry retention ponds. You only need to look at Lake Mattie Preserve, a residential community which is presently having their sitework done. If this development follows developments of this size, it will take several years to build out. The developer/builder will hold great influence over the homeowners' association when it is established. If this new section or ordinance is added to the City code, it will give future homeowners and current City residents the ability to influence the maintenance of their dry retention from becoming a home to resident snakes, mosquitoes, and other critters that are not compatible with humans. Mr. Young said he has spent over six months with the developer-controlled homeowners' association of Lake Juliana Estates to try to get a schedule for mowing. They just now last Saturday bushhogged five-acres that needed to be done. His question for the City Commission is whether they want a citizen of Auburndale to go through what he has done these past six months, or do they want to make necessary changes to the code, perhaps using his suggested wording, so that the citizens of Auburndale and code enforcement officials have the ability to properly control weed and grass growth in these dry retention ponds to prevent rodents, snakes and mosquitos from finding a home. He has had a conversation with his wildlife contractor, and they are recommending six inches be the height. If it is six inches in the code, then by the time code enforcement is involved – they have ten days to mow it, and now it is eight inches high with summer growth. With his situation, code enforcement notified them about three weeks ago, and it just got mowed. He does not know if they were going to the extent of being heard by the Special Magistrate, but it is something the City Commission needs to address.

1. ORDINANCE #1778 – ANNEXING PROPERTY INTO CITY LIMITS – ENCLAVE AT LAKE MYRTLE SUBDIVISION

City Manager Tillman said the next two items are being read on second reading.

City Manager Tillman said the City received a voluntary annexation petition on December 21, 2020 from Sheila Gail Thornton and Shelly Light of 2057 Berkley Road to annex +/- 32.90 acres of vacant property into the City limits.

The property has since been developed as a single-family subdivision in unincorporated Polk County known as the Enclave at Lake Myrtle Subdivision. The subdivision consists of 161 single-family residential lots located off

Berkley Road. The annexation does not create an enclave. The proposed annexation is as a result of the City being able to provide services to the Subdivision. City Staff met with the Enclave at Lake Myrtle Homeowners' Association and residents on May 15, 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.

City Manager Tillman presented a slide depicting a graphic of the proposal. He said Commissioner Cowie recommended reaching out to neighbors after they annex into the City. We discussed time for tomorrow to send out those letters containing information about 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 July 1, 2024 and is being considered for second and final reading. Staff recommends approval of Ordinance #1778 annexing the Enclave at Lake Myrtle Subdivision into the City limits.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1778 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: Berkley 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 #1778 annexing the Enclave at Lake Myrtle Subdivision into the City limits, as read on second and final reading by title only. Upon vote, all ayes.

2. ORDINANCE #1779 – ANNEXING PROPERTY INTO CITY LIMITS – HILLS OF ARIETTA SUBDIVISION

City Manager Tillman said the City received a voluntary annexation petition on May 19, 2005 from V. Frederick Strawbridge of 5120 South Lakeland Drive, Suite 2, Lakeland, Florida, to annex +/-37.55 acres of property into the City limits.

The property has since been developed as a single-family subdivision in unincorporated Polk County known as the Hills of Arietta Subdivision. The subdivision consists of 85 single-family residential lots located off Gapway Road. The property became contiguous and adjacent to City limits as a result of annexing the Lanier properties to the north 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 Hills of Lake Arietta Subdivision Homeowners' Association and residents on June 6, 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 July 1, 2024 and is being considered for second and final reading. Staff recommends approval of Ordinance #1779 annexing the Hills of Arietta Subdivision into the City limits.

City Manager Tillman noted he met with Mr. Jerry Bond, who spoke during public comment on first reading for this ordinance.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1779 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 Gapway Road.),** 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 #1779 annexing the Hills of Arietta Subdivision into the City limits, as read on second and final reading by title only.

Commissioner Cowie expressed gratitude to City staff regarding outreach to residents.

Mayor Taylor Bogert concurred.

Upon vote, all ayes.

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

3. PUBLIC HEARING – FUTURE LAND USE AND OFFICIAL ZONING MAP AMENDMENT DOVE’S VIEW

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, July 15th, 2024, 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. 752 the City’s Comprehensive Plan and Future Land Use Map and Ordinance No. 764, the City’s Land Development Regulations and Official Zoning Map.

Community Development Director Julie Womble said as a result of voluntary annexation, the City is requesting a Small Scale Future Land Use and Zoning Map amendment on a parcel totaling +/- 28.85 acres. The property currently has a Polk County Land Use designation of Residential Low-1 (RL-1) and Residential Low-2 (RL-2). The property is currently developed as 60 single-family houses. The requested Future Land Use and Zoning Map amendments are consistent with the City of Auburndale’s Comprehensive Plan and Land Development Regulations.

As required by the Land Development Regulations this request is accompanied by a binding site plan. The plan shows a front setback of 20 feet, a side setback of 7 feet, and a rear setback of 10 feet.

The proposed Ordinance was prepared by the Community Development Department. The Planning Commission recommended approval of the proposed Future Land Use and Zoning Map Amendments – Dove’s View Property. (4-0, 07/02/2024).

Community Development Director Womble presented a slide depicting graphics of the proposal.

Staff recommends approval of proposed Ordinances #1780 and 1781 amending the Future Land Use and the Official Zoning Map for the Dove’s View Subdivision.

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 #1780 – AMENDING THE FUTURE LAND USE MAP – DOVE’S VIEW

City Manager Tillman introduced Ordinance No. 1780.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1780 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 752, THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, FLORIDA, BY AN AMENDMENT TO THE FUTURE LAND USE MAP BY RECLASSIFYING A PARCEL OF LAND TOTALING +/- 28.85 ACRES FROM POLK COUNTY FUTURE LAND USE RESIDENTIAL LOW-1 (RL-1) AND RESIDENTIAL LOW-2 (RL-2) TO CITY OF AUBURNDALE FUTURE LAND USE LOW DENSITY RESIDENTIAL; AND PROVIDING AN EFFECTIVE DATE (General Location: Hwy. 559 and Sutton Road),** by title only.

Motion by Commissioner Sterling, seconded by Commissioner Cam, to approve Ordinance #1780 amending the Future Land Use Map – Dove’s View, as read on first reading by title only. Upon vote, all ayes.

5. ORDINANCE #1781 – AMENDING THE OFFICIAL ZONING MAP – DOVE’S VIEW

City Manager Tillman introduced Ordinance No. 1781.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1781 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 764, THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AUBURNDALE, FLORIDA, BY ESTABLISHING A PLANNED DEVELOPMENT-HOUSING 2 (PD-H2) ZONING CLASSIFICATION ON PARCELS OF LAND TOTALING +/- 28.85 ACRES; 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 #1781 amending the Official Zoning Map – Dove’s View, as read on first reading by title only. Upon vote, all ayes.

6. ORDINANCE #1782 AMENDING CITY CODE – STORMWATER UTILITY RATES

City Manager Tillman outlined a brief history and context behind Ordinance No. 1782.

City Manager Tillman said the City Code provides for collection of stormwater management system charges for the planning, constructing, operating and maintaining the stormwater management system. The most recent adjustment in the stormwater utility rate was from \$0.50 to \$0.75 for utility customers in August 2003 (Ordinance 1122).

The proposed Ordinance raises the stormwater utility rate for each utility customer inside the City Limits to \$3.00 per month. The proposed fee is consistent with a recent survey of the cities of Haines City, Lake Alfred, Lake Wales and Winter Haven. City Manager Tillman presented a slide depicting this comparison. He presented and discussed a slide assessing stormwater fee finances.

The proposed Ordinance was prepared by the City Manager’s Office and reviewed by the Public Works Director, Finance Director and City Attorney. If approved on first reading, the proposed Ordinance will be presented for second and final reading on August 5, 2024. The effective date of the new stormwater utility rates will be the October 31, 2024 billing cycle. Staff recommends approval of the Ordinance revising stormwater utility rates.

City Attorney Murphy said he spoke with the City Manager and Finance Director that under Florida Statute 166.041 regarding the adoption of ordinances, there are some ordinances that require a business impact estimate statement to be generated – which outlines impacts to for-profit businesses within the City, requiring certain information to be posted. That statute provides exemptions, where a business impact estimate statement is not required. There are two exemptions that are likely applicable, one being ordinances that relate to adopting revenue for budgets – this is clearly demonstrated by the City Manager’s presentation and in discussion with the Finance Director. This ordinance is expressly being proposed for adoption in order to raise revenue to fund the budget. There is also a provision in Florida Statute, Section 403.0893, which expressly deals with stormwater

utility management functions. An argument could be made that by adopting this ordinance, you are doing so in order to comply with State Statute 403.0893. You may ask where is the business impact estimate – we do not have one because we believe we have an exemption. The City Manager’s presentation and the information presented would likely be enough to provide information if there was ever any request as to how this would impact a for-profit business. It would impact all of them, presumably customers of the City.

City Manager Tillman thanked City Attorney Murphy. Staff recommends approval of the Ordinance revising stormwater utility rates.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1782 entitled: **AN ORDINANCE AMENDING THE STORMWATER MANAGEMENT SYSTEM CHARGES; AND SETTING 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 #1782 amending City Code – stormwater utility rates, as read on first reading by title only. Upon vote, all ayes.

7. FISCAL YEAR 2023 EDWARD BYRNE JUSTICE ASSISTANCE GRANT

City Manager Tillman said each year the Board of County Commissioners allocates federal Edward Byrne Memorial Justice Assistance Grant funds for various law enforcement projects within Polk County. These funds may be used by local units of government to support a broad range of activities to prevent and control crime and to improve the criminal justice system. The Fiscal Year 2023 allocation for the County is \$199,599.00 with Auburndale approved for \$40,544.88. The Auburndale Police Department plans to utilize this grant for seven in-car radios. All Polk County municipalities are requested to approve the State allocation as shown below.

Agency	Dollar Amount of Federal Funds
Auburndale Police Department	\$40,544.88
Bartow Police Department	\$18,420.00
Davenport Police Department	\$31,350.00
Haines City Police Department	\$22,000.00
Lake Alfred Police Department	\$24,999.00
Lake Hamilton Police Department	\$25,000.00
Lakeland Police Department	\$20,740.00
Winter Haven Police Department	\$16,545.12

Staff recommends approving the distribution of the Fiscal Year 2023 Edward Byrne Grant and authorize the Mayor to execute the support letter.

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

Motion by Commissioner Cam, seconded by Commissioner Cowie, approving the distribution of the Fiscal Year 2023 Edward Byrne Grant and authorizing the Mayor to execute the support letter. Upon vote, all ayes.

8. PRESENTATION OF PROPOSED FISCAL YEAR 2025 AND FISCAL YEAR 2026 REVENUES

City Manager Tillman said the City Commission was previously presented various sections of the proposed Fiscal Year 2025 and Fiscal Year 2026 Annual Budgets for tentative approval. The Payroll sections were presented on

May 6, 2024, Capital Outlay was presented on June 3, 2024, and Expenditures were presented on June 17, 2024. Presentation of the Revenue section completes the City Commission's budget review process.

City Manager Tillman explained that revenues equal expenditures.

Finance Director Christopher Reeder started the presentation regarding the Revenue Section of the Fiscal Year 2025 and Fiscal Year 2026 Annual Budget, highlighting individual line-items that were increased or decreased from the current year budget by at least \$10,000.

He presented revenue changes for individual General Fund line-items under Taxes, Local Option Fuel Tax, Franchise Fees, Utility Taxes, Communication Service Tax, Other Taxes, Licenses & Permits, Burial Permits, Intergovernmental Revenues, County Shared Revenues, Charges for Services, Public Safety, Physical Environment, Culture – Recreation, Fines & Forfeits, Interest Earnings, Sale of Fixed Assets, Donations/Sponsorships, Miscellaneous Reimbursements, Other Financing Sources, and Interfund Transfers.

He presented revenue changes for individual Community Redevelopment Agency Fund line items.

He presented revenue changes for individual General Fund Impact Fee Fund line items under Interest, Impact Fees, and Interfund Transfers.

He presented revenue changes for individual Water and Sewer Connection Fees Fund line items under Interest, Connection Fees, and Other Financing Sources.

He presented revenue changes for individual Enterprise Fund line items under Charges for Services/Water, Charges for Services/Sewer, Charges for Services/Miscellaneous, Interest Earnings, Sale of Fixed Assets, Miscellaneous Revenue, Other Financing Sources, and Interfund Transfers.

City Manager Tillman thanked Finance Director Reeder. He presented proposed changes to the Fiscal Year 2025 and Fiscal Year 2026 Annual Budgets. He presented Fund Totals and Interfund Transfer Calculations for Fiscal Year 2025 and Fiscal Year 2026.

Formal presentation of the Proposed Fiscal Year 2025 and Fiscal Year 2026 Budgets is scheduled for August 5, 2024. Public Hearings on the Proposed Budgets and Millage Rate are scheduled for Thursday, September 5, 2024 and Tuesday, September 17, 2024. Staff recommends tentative approval of the Revenue Section of the proposed Fiscal Year 2025 and Fiscal Year 2026 Budgets.

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

Motion by Commissioner Cowie, seconded by Commissioner Sterling, to tentatively approve the Revenue Section of the proposed Fiscal Year 2025 and Fiscal Year 2026 Budgets. Upon vote, all ayes.

9. APPROVE PROPOSED FISCAL YEAR 2025 ROLLED-BACK RATE AND MILLAGE RATE

City Manager Tillman said Florida Statutes require the City to compute a proposed millage rate necessary to fund the proposed budget. The City must advise the Property Appraiser of its proposed millage rate, rolled-back rate and the date, time and place for a public hearing. The Property Appraiser utilizes this information in preparing the notices of proposed property taxes, which are mailed to property owners.

The City's existing millage rate is 4.2515. Using the current millage rate times our current year's gross taxable value; the ad valorem proceeds would represent an increase of \$1,553,498 over the prior year. The Rolled-back rate for Fiscal Year 2025 is 3.9348 and would provide the City with the same ad valorem as the prior year.

The proposed Fiscal Year 2024-2025 Budget is balanced utilizing the current millage rate of 4.2515. If approved by the City Commission, the millage rate could be lowered, but not increased above the 4.2515 without the

expense of re-advertising to all property owners. Staff recommends approval of 3.9348 as the Rolled-back rate and 4.2515 as the proposed operating millage rate for the Certificate of Taxable Value Form for 2024 and Budget Year 2025.

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

Motion by Commissioner Cam, seconded by Commissioner Sterling, to approve 3.9348 as the Rolled-back rate and 4.2515 as the proposed operating millage rate for the Certificate of Taxable Value Form for 2024 and Budget Year 2025. Upon vote, all ayes.

10. APPROVE PUBLIC HEARING DATES FOR PROPOSED FISCAL YEAR 2025 BUDGET

City Manager Tillman said staff recommends approving Thursday, September 5, 2024 and Tuesday, September 17, 2024 at 7:00 p.m. at City Hall for the required Public Hearings on the proposed Fiscal Year 2025 Budget.

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

Motion by Commissioner Cowie, seconded by Commissioner Cam, approving Thursday, September 5, 2024 and Tuesday, September 17, 2024 at 7:00 p.m. at City Hall for the required Public Hearings on the proposed Fiscal Year 2025 Budget. Upon vote, all ayes.

11. SET BUDGET WORK SESSION DATE (08-12-24), COMMISSION DAY

City Manager Tillman said staff recommends setting Monday, August 12, 2024, for Commission Day activities and for a proposed budget work session, if needed.

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

Motion by Commissioner Sterling, seconded by Commissioner Cowie, setting Monday, August 12, 2024, for Commission Day activities and for a proposed budget work session, if needed. Upon vote, all ayes.

The Meeting was adjourned at 7:56:50 p.m.

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



Brandon Henry, City Clerk