

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held September 5, 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 Lieutenant John Cruz.

Mayor Dorothea Taylor Bogert declared a quorum present, and the Meeting was opened with prayer by Parks and Recreation Director Cody McGhee, and a salute to the flag.

**Motion** by Commissioner Cowie, seconded by Commissioner Cam, to approve Minutes of the City Commission Meeting of August 19, 2024. Upon vote, all ayes.

City Manager Jeffrey Tillman hoped everybody had a good Labor Day weekend. City Attorney Frederick J. Murphy Jr. concurred.

Mayor Taylor Bogert asked if there was public comment on any item not on the agenda. There was no public comment.

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

### **1. PUBLIC HEARING – FISCAL YEAR 2024-2025 TAX MILLAGE LEVY & ANNUAL BUDGET**

City Manager Tillman said the Public Hearing has been advertised in accordance with the Florida Statutes regarding the method of fixing tax millage. This Public Hearing is the first of two (2) required Public Hearings with the second scheduled for September 17, 2024.

The proposed Budget for Fiscal Year 2025 is balanced with Total Revenue and Total Expenditures of \$83,584,228 before interfund transfers. Expenditures include general operating expenses of \$46,411,591. Capital Improvements of \$36,986,421 and Contingency Reserve of \$186,216. The Proposed Fiscal Year 2025 and 2026 Budgets includes all changes made during the Regular City Commission meetings of May 6, 2024 (Payroll), June 3, 2024 (Capital Outlay), June 17, 2024 (Expenditures), and July 15, 2024 (Revenues).

City Manager Tillman presented changes and adjusted Contingency figures.

Revenues from ad-valorem taxes for Fiscal Year 2025 and Fiscal Year 2026 are estimated at \$10,510,000 and based upon the operating millage rate of 4.2515.

The Fiscal Year 2025 Budget also includes the proposed Five-Year Schedule of Capital Improvements (CIP) for the City's Public Safety, Parks and Recreation and Public Works Departments. This schedule, which is a requirement of the City's Comprehensive Plan, assists the City Commission in prioritizing future capital needs throughout the City and is updated annually during the budget process to include a "new fifth year".

A balanced Fiscal Year 2026 Budget (2nd Year Budget) is also being presented for the Commission's conceptual approval. The Fiscal Year 2026 Budget will be reviewed by City Staff and the City Commission during the next Budget update process in order to accommodate needs that have arisen since the planned budget was prepared.

Changes to the proposed Biennial Budget will be presented by staff during the Public Hearing and before Commission action.

The proposed Ordinances were prepared by the Finance Director and reviewed by the City Manager and City Attorney. If approved on first reading, the proposed Ordinances will be presented for second and final reading on September 17, 2024.

Staff recommends approval of the proposed Ordinance establishing the tax millage levy and the proposed Ordinance adopting the Fiscal Year 2025 and Fiscal Year 2026 Annual Budgets.

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 #1784 ADOPTING FISCAL YEAR 2025 TAX MILLAGE LEVY**

City Manager Tillman introduced the ordinance.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1784 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, ESTABLISHING THE TAX LEVY FOR THE YEAR 2024 ON ALL PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF AUBURNDALE AS SHOWN BY THE 2024 ASSESSMENT ROLL: ESTABLISHING THE MILLAGE RATE AT 4.2515, WHICH IS A 8.4% INCREASE OVER THE ROLLED BACK RATE OF 3.9214, AND PROVIDING FOR THE APPLICATION THEREOF; AND PROVIDING AN EFFECTIVE DATE**, by title only.

**Motion** by Commissioner Cowie, seconded by Commissioner Sterling, to approve Ordinance #1784 establishing the tax millage levy, as read on first reading by title only. Upon vote, all ayes.

## **3. ORDINANCE #1785 ADOPTING FISCAL YEAR 2025 & FISCAL YEAR 2026 ANNUAL BUDGETS**

City Manager Tillman introduced the ordinance.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1785 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, ADOPTING THE FISCAL YEAR 2024-2025 ANNUAL BUDGET; CONCEPTUALLY APPROVING THE FISCAL YEAR 2025-2026 ANNUAL BUDGET; ADOPTING THE FIVE (5) YEAR SCHEDULE OF CAPITAL IMPROVEMENTS (CIP); AND PROVIDING AN EFFECTIVE DATE**, by title only.

**Motion** by Commissioner Helms, seconded by Commissioner Cam, to approve Ordinance #1785 adopting the Fiscal Year 2025 and Fiscal Year 2026 Annual Budgets, as read on first reading by title only.

Commissioner Cowie congratulated staff. We are proud of our tax rate and services.

Mayor Taylor Bogert concurred.

Upon vote, all ayes.

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

## **4. PUBLIC HEARING – FUTURE LAND USE AND ZONING MAP AMENDMENT – ENCLAVE AT LAKE MYRTLE SUBDIVISION**

City Manager Tillman read the public notice.

Community Development Director 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 +/- 32.90 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 161 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 15', a side setback of 5', and a rear setback of 10'.

The Planning Commission recommended approval of the proposed Future Land Use and Zoning Map Amendments – Enclave at Lake Myrtle Subdivision (5-1, 08/27/2024). Staff recommends approval of proposed Ordinances #1786 and 1787 amending the Future Land Use and the Official Zoning Map for the Enclave at Lake Myrtle Subdivision.

City Manager Tillman said the proposed Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. The proposed ordinances are being presented on first reading and will be presented for second and final reading on September 17, 2024. Staff recommends approval of both ordinances.

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.

#### **5. ORDINANCE #1786 AMENDING THE FUTURE LAND USE MAP – ENCLAVE AT LAKE MYRTLE SUBDIVISION**

City Manager Tillman introduced the ordinance.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1786 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 +/- 32.90 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: Berkley Road)**, by title only.

**Motion** by Commissioner Cam, seconded by Commissioner Sterling, to approve Ordinance #1786 amending the Future Land Use Map – Enclave at Lake Myrtle Subdivision, as read on first reading by title only. Upon vote, all ayes.

#### **6. ORDINANCE #1787 AMENDING THE OFFICIAL ZONING MAP – ENCLAVE AT LAKE MYRTLE SUBDIVISION**

City Manager Tillman introduced the ordinance.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1787 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 PLANNED DEVELOPMENT-HOUSING 2 (PD-H2) ZONING CLASSIFICATION ON PARCELS OF LAND TOTALING +/- 32.90 ACRES; AND PROVIDING AN EFFECTIVE DATE (General Location: Berkley Road)**, by title only.

**Motion** by Commissioner Helms, seconded by Commissioner Sterling, to approve Ordinance #1787 amending the Official Zoning Map – Enclave at Lake Myrtle Subdivision, as read on first reading by title only. Upon vote, all ayes.

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

## **7. PUBLIC HEARING – FUTURE LAND USE AND ZONING MAP AMENDMENT – HILLS OF ARIETTA SUBDIVISION**

City Manager Tillman read the public notice.

Community Development Director 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 +/- 37.55 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 85 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', a side setback of 7', and a rear setback of 10'.

The Planning Commission recommended approval of the proposed Future Land Use and Zoning Map Amendments – Hills of Arietta Subdivision (5-1, 08/27/2024). Staff recommends approval of proposed Ordinances #1788 and 1789 amending the Future Land Use and the Official Zoning Map for the Hills of Arietta Subdivision.

City Manager Tillman said the proposed Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. The proposed Ordinances are being presented on first reading and will be presented for second and final reading on September 17, 2024. Staff recommends approval.

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.

## **8. ORDINANCE #1788 AMENDING THE FUTURE LAND USE MAP – HILLS OF ARIETTA SUBDIVISION**

City Manager Tillman introduced the ordinance.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1788 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 +/- 37.55 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 Gapway Road),** by title only.

**Motion** by Commissioner Cowie, seconded by Commissioner Helms, to approve Ordinance #1788 amending the Future Land Use Map – Hills of Arietta, as read on first reading by title only. Upon vote, all ayes.

## **9. ORDINANCE #1789 AMENDING THE OFFICIAL ZONING MAP – HILLS OF ARIETTA SUBDIVISION**

City Manager Tillman introduced the ordinance.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1789 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 +/- 37.55 ACRES; AND PROVIDING AN EFFECTIVE DATE (General Location: HWY. 559 and Gapway Road),** by title only.

**Motion** by Commissioner Sterling, seconded by Commissioner Cowie, to approve Ordinance #1789 amending the Official Zoning Map – Hills of Arietta, as read on first reading by title only. Upon vote, all ayes.

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

## **10. PUBLIC HEARING – FUTURE LAND USE AND ZONING MAP AMENDMENT – CASCARA SUBDIVISION**

City Manager Tillman read the public notice.

Community Development Director 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 +/- 40.07 acres. The project was developed in two phases and currently has a Polk County Land Use designation of Residential Low-1 (RL-1). The property is currently developed as 169 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 15', a side setback of 5', and a rear setback of 10'.

The Planning Commission recommended approval of the proposed Future Land Use and Zoning Map Amendments – Cascara Subdivision. (5-1, 08/27/2024). Staff recommends approval of proposed Ordinances #1790 and 1791 amending the Future Land Use and the Official Zoning Map for the Cascara Subdivision.

City Manager Tillman 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 on first reading and will be presented for second and final reading on September 17, 2024. Staff recommends approval.

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.

## **11. ORDINANCE #1790 AMENDING THE FUTURE LAND USE MAP – CASCARA SUBDIVISION**

City Manager Tillman introduced the ordinance.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1790 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 752, THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, FLORIDA, BY AMENDING THE FUTURE LAND USE MAP RECLASSIFYING PARCELS OF LAND TOTALING +/- 40.07 ACRES FROM POLK COUNTY FUTURE LAND USE CLASSIFICATION RESIDENTIAL LOW-1 (RL-1) TO CITY OF AUBURNDALE FUTURE LAND USE CLASSIFICATION LOW DENSITY RESIDENTIAL; AND PROVIDING AN EFFECTIVE DATE (General Location: Hwy. 559 and Sutton Road)**, by title only.

**Motion** by Commissioner Helms, seconded by Commissioner Sterling, to approve Ordinance #1790 amending the Future Land Use Map – Cascara Subdivision, as read on first reading by title only. Upon vote, all ayes.

## **12. ORDINANCE #1791 AMENDING THE OFFICIAL ZONING MAP – CASCARA SUBDIVISION**

City Manager Tillman introduced the ordinance.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1791 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 AUBURNDALE ZONING MAP CLASSIFICATION PLANNED DEVELOPMENT -**

**HOUSING 2 (PD-H2) ON PARCELS OF LAND TOTALING +/- 40.07 ACRES; AND PROVIDING AN EFFECTIVE DATE (General Location: HWY. 559 and Gapway Road),** by title only.

**Motion** by Commissioner Sterling, seconded by Commissioner Cam, to approve Ordinance #1791 amending the Official Zoning Map – Cascara Subdivision, as read on first reading by title only. Upon vote, all ayes.

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

### **13. PUBLIC HEARING – FUTURE LAND USE AND ZONING MAP AMENDMENT – LAKE MATTIE PARK**

City Manager Tillman read the public notice.

He 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 +/- 26.49 acres. The property currently has a Polk County Land Use designation of Agriculture/Rural Residential (A/RR). The proposed Future Land Use of City, Public Uses, Parks and the proposed Open Use Agricultural (OUA) zoning classification is consistent with other city established parks such as Lake Myrtle Sports Park. The requested Future Land Use and Zoning Map amendments are consistent with the City of Auburndale’s Comprehensive Plan and Land Development Regulations.

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 on first reading and will be presented for second and final reading on September 17, 2024.

The Planning Commission recommended approval of the proposed Future Land Use and Zoning Map Amendments – Lake Mattie Park. (5-1, 08/27/2024). Staff recommends approval of proposed Ordinances #1792 and 1793 amending the Future Land Use and the Official Zoning Map for Lake Mattie Park.

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.

### **14. ORDINANCE #1792 AMENDING THE FUTURE LAND USE MAP – LAKE MATTIE PARK**

City Manager Tillman introduced the ordinance.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1792 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 +/- 26.49 ACRES FROM POLK COUNTY FUTURE LAND USE AGRICULTURE/RURAL RESIDENTIAL (A/RR) TO CITY OF AUBURNDALE FUTURE LAND USE CITY, PUBLIC USES, PARKS; AND PROVIDING AN EFFECTIVE DATE (General Location: Lake Mattie Road and CR 559),** by title only.

**Motion** by Commissioner Sterling, seconded by Commissioner Helms, to approve Ordinance #1792 amending the Future Land Use Map – Lake Mattie Park, as read on first reading by title only. Upon vote, all ayes.

### **15. ORDINANCE #1793 AMENDING THE OFFICIAL ZONING MAP – LAKE MATTIE PARK**

City Manager Tillman introduced the ordinance.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1793 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 OPEN USE AGRICULTURE (OUA) ZONING CLASSIFICATION ON PARCELS OF LAND TOTALING +/- 26.49 ACRES; AND PROVIDING AN EFFECTIVE DATE (General Location: Lake Mattie Road and CR 559), by title only.**

**Motion** by Commissioner Cam, seconded by Commissioner Cowie, to approve Ordinance #1793 amending the Official Zoning Map – Lake Mattie Park, as read on first reading by title only. Upon vote, all ayes.

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

**16. TRANSMITTAL PUBLIC HEARING – FUTURE LAND USE AND ZONING MAP AMENDMENT – HICKORY ROAD**

City Manager Tillman read the public notice.

He said as a result of voluntary annexation, the City is requesting a Large-Scale Future Land Use and Zoning Map amendment on a parcel totaling +/- 73.70 acres. The proposed use is for a new spray field. Directly adjacent to the site is property owned by Polk County and the State of Florida Fish and Wildlife Commission's Tenoroc Fish Management Area. The property currently has a Polk County Land Use designation of Agriculture/Rural Residential (A/RR). The requested Future Land Use of City, Public Uses, Parks and the proposed Open Use Agricultural (OUA) zoning classification is consistent with other city established spray fields such as the one fronting I-4 and Braddock Road. The requested Future Land Use and Zoning Map amendments are consistent with the City of Auburndale's Comprehensive Plan and Land Development Regulations.

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 on first reading and will be presented for second and final reading on September 17, 2024.

The Planning Commission recommended approval of the proposed Future Land Use and Zoning Map Amendments – Hickory Road Spray Field (6-0, 08/27/2024). Staff recommends approval of proposed Ordinances #1794 and 1795 amending the Future Land Use and the Official Zoning Map for the Hickory Road Spray Field and for transmittal of Ordinance 1794 to the Florida Department of Commerce for an expedited 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.

**17. ORDINANCE #1794 AMENDING THE FUTURE LAND USE MAP – HICKORY ROAD**

City Manager Tillman noted that the public hearing was a transmittal public hearing. Because of the size of the property, we have to submit this to the State of Florida for their review. This was advertised. Staff recommends approval.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1794 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 +/- 73.70 ACRES FROM POLK COUNTY FUTURE LAND USE AGRICULTURE/RURAL RESIDENTIAL (A/RR) TO CITY OF AUBURNDALE FUTURE LAND USE OF CITY, PUBLIC USES, PARKS; AND PROVIDING AN EFFECTIVE DATE (General Location: Hickory Road and Polk County Parkway), by title only.**

**Motion** by Commissioner Cowie, seconded by Commissioner Helms, to approve Ordinance #1794 amending the Future Land Use Map – Hickory Road, as read on first reading by title only and its transmittal to the Florida Department of Commerce for an expedited review. Upon vote, all ayes.

### **18. ORDINANCE #1795 AMENDING THE OFFICIAL ZONING MAP – HICKORY ROAD**

City Manager Tillman introduced the ordinance.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1795 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 OPEN USE AGRICULTURE (OUA) ZONING CLASSIFICATION ON PARCELS OF LAND TOTALING +/- 73.70 ACRES; AND PROVIDING AN EFFECTIVE DATE (General Location: Polk Parkway and Hickory Road),** by title only.

**Motion** by Commissioner Helms, seconded by Commissioner Cam, to approve Ordinance #1795 amending the Official Zoning Map – Hickory Road, as read on first reading by title only.

Mayor Taylor Bogert asked that because this is a transmittal, it may not necessarily be back for second reading on September 17<sup>th</sup>?

City Manager Tillman said it would not be heard until the Large Scale Future Land Use Ordinance comes back from the State. We would advertise.

City Attorney Murphy said it would be an adoption public hearing for the land use ordinance, and second reading for the zoning ordinance.

Upon vote, all ayes.

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

### **19. TRANSMITTAL PUBLIC HEARING – COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATIONS AMENDMENT – SEPTIC TO SEWER**

City Manager Tillman read the public notice.

Community Development Director Womble said the Florida Legislature, during its 2023 Regular Session, passed House Bill (HB) 1379 relating to pollutant load reductions, which was subsequently signed into law by the Governor. House Bill (HB) 1379 includes provisions requiring local governments to study the feasibility of converting existing septic systems to sanitary sewer and to address the feasibility of such conversions in the Comprehensive Plan.

A Capital Improvement Element of the Comprehensive Plan update is required to show the feasibility of converting septic to sewer for any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system per one acre. The Capital Improvement Plan element must consider feasibility of providing sanitary sewer services within a 10 year-planning horizon and identify the name and location of the wastewater facility, along with that facility's flow for the next 20 years.

The City, and engineering consultant, have already began the feasibility study. The Comprehensive Plan Text amendment addresses updating outdated Level of Service Standards in the Capital Improvement Plan Element. The Text Amendment also provides language requiring all new development to connect to sanitary sewer when available along with requiring all new development to dedicate public sewer collection facilities to the City.



A concurrent Land Development Regulation Text Amendment will outline the requirements for connection availability. She outlined the distance requirements. The Comprehensive Plan Capital Improvement Plan Text Amendment shows the completion of the feasibility study for May of 2025 and will be addressed in a new Septic to Sewer Master Plan.

The Planning Commission recommended approval of the proposed Comprehensive Plan Text Amendment addressing septic to sewer feasibility (6-0, 08/27/2024).

City Manager Tillman said the proposed Ordinances were prepared by the Community Development Department and reviewed by the City Manager and City Attorney. If approved on first reading, the proposed Ordinances will be presented for second and final reading after expedited State review. Staff recommends approval of proposed Ordinance #1796 amending the Comprehensive Plan Capital Improvement Plan Element/Septic to Sewer and its transmittal to the State Department of Commerce for an expedited review and Ordinance #1797 amending the Land Development Regulations – Septic to Sewer.

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.

## **20. ORDINANCE #1796 AMENDING THE COMPREHENSIVE PLAN – CIP ELEMENT/SEPTIC TO SEWER**

City Manager Tillman introduced the ordinance.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1796 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE AMENDING ORDINANCE NO. 752, THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, FLORIDA, BY AMENDING THE CAPITAL IMPROVEMENT ELEMENT TO ADDRESS SEPTIC TO SEWER FEASIBILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**, by title only.

**Motion** by Commissioner Cam, seconded by Commissioner Helms, to approve Ordinance #1796 amending the Comprehensive Plan Capital Improvement Plan Element/Septic to Sewer, as read on first reading by title only and its transmittal to the Florida Department of Commerce for an expedited review. Upon vote, all ayes.

## **21. ORDINANCE #1797 – AMENDING THE LAND DEVELOPMENT REGULATIONS – SEPTIC TO SEWER**

City Manager Tillman introduced the ordinance.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1797 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 ADMINISTRATION AND PROCEDURES MANUAL, ARTICLE 5, UTILITY DESIGN OF THE LAND DEVELOPMENT REGULATIONS; AND PROVIDING AN EFFECTIVE DATE**, by title only.

**Motion** by Commissioner Sterling, seconded by Commissioner Cam, to approve Ordinance #1797 amending the Land Development Regulations – Septic to Sewer, as read on first reading by title only.

Commissioner Helms asked for clarification regarding utility connections availability.

Community Development Director Womble answered that she does not have utilities staff to answer the question of where those connections are. She knows that we are in discussions with developers regarding connections. She thinks the only places that we currently have connections that are too far away would be in the west side of

the City, closer to Lakeland and Unincorporated Polk County. We have updated a lot of the lines and connections, so they are pretty close.

City Manager Tillman said he knows that we have sewer utilities that run up and down CR 559 that catch a lot of the Lakes District corridor – and that runs across Gapway Road and around Lake Alfred Road. We have utilities in that area that would accommodate for connection. Most of the Lakes District is covered. We do not really have sewer in the K-Ville area. There may be future developments in that area that come forward that are miles away from a connection point, so there may be septic tanks in the future. That would be a conversation with developers in that they would have to meet the enhanced nitrogen removal septic tank system requirement. They are probably far enough away in that area that it is not feasible to run a line, so they would be allowed to move forward with an enhanced septic tank system. Even along Old Dixie Highway and the west side of the City along 92, we have a lot of utilities in that area.

Community Development Director Womble said that most developers do not want septic tanks because they cannot get the density they want.

Upon vote, all ayes.

## **22. CONSIDER INTERLOCAL AGREEMENT WITH POLK COUNTY FOR DONATION OF EQUIPMENT – SLALOM COURSE**

City Manager Tillman said in July 2023, the City of Auburndale in partnership with the Polk County Board of County Commissioners and Polk County Tourism and Sports Marketing completed construction of the Championship Event Lake at the Lake Myrtle Sports Complex.

To complement the project, Polk County purchased and donated to the City a slalom course for the Event Lake.

The proposed Interlocal Agreement with Polk County formally donates the equipment to the City of Auburndale with the acknowledgement that the City will accept all maintenance responsibilities and liability. The proposed Interlocal Agreement also indemnifies Polk County against any and all claims that may arise from the use of the donated equipment.

The proposed Interlocal Agreement and Release and Waiver of Liability and Indemnification for Receipt of Donated Equipment was prepared by Polk County and reviewed by the Parks & Recreation Director, City Manager and City Attorney. Staff recommends approval of the proposed Interlocal Agreement with Polk County for donated Event Lake equipment.

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

**Motion** by Commissioner Cowie, seconded by Commissioner Cam, to approve the proposed Interlocal Agreement with Polk County for donated Event Lake equipment. Upon vote, all ayes.

## **23. VEHICLE MAINTENANCE MEMORANDUM OF UNDERSTANDING WITH POLK COUNTY FOR FLEET MAINTENANCE**

City Manager Tillman said in 2010, the City and County entered into a Memorandum of Understanding for fleet maintenance services. Subsequently, the Contract has been extended each year. Since entering into the Agreement, the County fleet maintenance staff continues to work out of the City's Public Works facility.

The proposed Vehicle Maintenance Memorandum of Understanding (MOU) would extend contract services through September 30, 2025. The purpose of a "one-year" Agreement is to allow a year end assessment to

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determine actual inventory numbers going forward into the next budget year. The Restated Agreement proposes a quarterly "true up" of fixed expenses as compared to the monthly maintenance fees to provide a more accurate accounting of fixed expenses. The Restated Agreement also removes outdated terms and responsibilities as set forth in the original Memorandum of Understanding. All other terms and conditions remain the same. Pricing has been adjusted to reflect the number of vehicles in the current city fleet and is provided for in the proposed Fiscal Year 2025 Budget.

City Staff is very pleased with the quality of work and efficiency of the County's fleet maintenance staff.

Staff recommends approval of the Restated Agreement with Polk County for Fleet Maintenance Services.

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

**Motion** by Commissioner Helms, seconded by Commissioner Cowie, to approve the Restated Agreement with Polk County for Fleet Maintenance Services. Upon vote, all ayes.

The Meeting was adjourned at 7:51:01 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