

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held November 4, 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 Deputy Police Chief Carin Ketcham.

Mayor Dorothea Taylor Bogert declared a quorum present, and the Meeting was opened with prayer by Pastor Curtis Johnson, New Life Praise & Worship Tabernacle, and a salute to the flag.

Motion by Commissioner Cowie, seconded by Commissioner Cam, to approve Minutes of the City Commission Meeting of October 21, 2024. Upon vote, all ayes.

City Manager Jeffrey Tillman announced that there was a great turn out for the Fall Fest. He thanked Parks and Recreation Department staff for the event. The Veterans Day celebration is next Monday, November 11th, at 11:00 a.m.

City Manager Tillman recognized Finance Director Christopher Reeder and the Finance Department for receiving the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for the Annual Comprehensive Financial Report (CAFR) for Fiscal Year 2023. Finance Director Reeder accepted the award.

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 a Public Hearing.

1. PUBLIC HEARING – FUTURE LAND USE AND OFFICIAL ZONING MAP AMENDMENTS – EVEREST

City Manager Tillman read the public notice.

Community Development Director Julie Womble said in 2005, the City approved various Zoning classifications for a development known as Ebersbach. The overall development was envisioned to have a mixed use on 917.35 +/- acres. The approved overall development stretched from Old Dixie Hwy to K-Ville Avenue. In the fall of 2008, the project was abandoned, and individual properties of the large development were sold off. No activity had occurred on this property since its initial approval. She presented a historical timeline of the property.

She presented slides depicting the proposed ordinances.

Charles Booker, PE/Traditions Engineering, on behalf of MF Partners, LLC has requested to amend the underlying Future Land Use. The proposed Future Land Use amendment would reclassify +/-1.75 acres from Neighborhood Activity Center (NAC) to Medium Density Residential. The requested proposal also reclassifies the existing Zoning designation of Planned Development-Housing 1 (PD-H1) to Planned Development-Housing 2 (PD-H2) due to the size of the property and amends a portion of the Planned Development-Commercial 1 (PD-C1) to Planned Development-Housing 2 (PD-H2) on a total of +/-15.27 acres. Community Development Director Womble presented a list of allowable and prohibited uses. The proposed binding site plan requests the development of a 96-bed assisted living facility with a club house and 12 multifamily duplexes, containing 2 dwelling units each (24 units), for a total of 120 dwelling units. She presented a graphic depicting the proposal.

The Medium Density Residential Future Land Use allows for 7 to 10 dwelling units per acre. Planned Development-Housing 2 Zoning allows for single family detached dwellings, single family semi-detached and attached, townhouses, two family and multiple family dwellings. The Zoning request is compatible with the requested Future Land Use of Medium Density Residential and is consistent with the City of Auburndale Comprehensive Plan and the Land Development Regulations.

She presented and explained a slide depicting the notes on the proposed binding site plan. We are asking the developer to add a note that they are accommodating for the drainage easement as specifically set forth and described in that warranty deed dated December 3, 2021 and recorded on December 13, 2021 in Official Records Book 12023, Pages 1206-12011 in the public records of Polk County Florida

The Planning Commission recommended approval of the proposed Future Land Use of Medium Density Residential and Zoning classification of Planned Development-Housing 2 (PD-H2) to the City Commission. (4-0, 09/10/2024). Staff recommends approval of proposed Ordinance #1801 amending the Future Land Use Map and Ordinance #1802 amending the Official Zoning Map and proposed binding site plan.

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 considered for second and final reading on November 18, 2024. Staff recommends approval of proposed Ordinance #1801 amending the Future Land Use Map and Ordinance #1802 amending the Official Zoning Map and proposed binding site plan.

Mayor Taylor Bogert asked for public comment.

Dan Lewis, 600 Lake Jessie Drive, representing Auburn Lakes LLC, said they are intending to put in a resort in that property to the north, and they have a deeded access easement that has been in place since 2012. It would have a 100-room hotel, two commercial (restaurant-type) structures, 69 recreational vehicle spaces, and a floating home marina – he is told there are 250 units. He is guessing there will be at least 1,000 trips per day going through that road that the applicant is proposing to put residential houses with individual driveways on. Mr. Lewis thanked City staff for coordinating with them. He said they support the applicant's right to put in what they want, and they support the assisted living facility – they do not have a problem with any of that. But they have concerns with the access and public safety issues that it would bring about. He said he would refer to the Florida Green Book for some of the issues that really concern them. The Green Book states the term "access control" 33 times in the latest iteration of the book. That book is actually the Florida Department of Transportation's manual of uniform minimum standards for design, construction, and maintenance. They are basically guidelines for engineers and guidelines for regulatory agencies. Mr. Lewis said he wanted to go through some of the things in the Planning section. Reasonable access control must be exercised to allow a street or highway to fulfill its function. This is going to be called an urban collector road, and he does not think it is appropriate to have people backing out onto an urban collector road with a thousand trips per day with recreational vehicles, trailers, etc. Mr. Lewis said he thinks they have a solution if there would be an attempt to make some changes to the plans, and that solution would be to put in rear load units with alleys off the collector road.

Chad Brookers, Traditions Engineering, 900 Orchard Springs Drive, Winter Haven – representing the hospital and this Planned Development amendment, said that this is a Planned Development modification for the whole site, but more specifically for this area. The Planned Development-Commercial 1 on the south side of the access drive is not in question and must come back. This is more for the north side. He said he would like to point out that the access easement that is currently on that property is within the Planned Development-Housing 1 zoning that is on site right now, and not the Planned Development-Commercial 1 being requested to change. Ultimately this is the 96-unit assisted living facility site, that is the big deal. This user has these duplexes that are more classified as individual living facilities, not assisted living. So it is for that type of person who can live on their own but needs occasional assistance, i.e. they are not big traffic users. Going back to the access road, that is the biggest bullet point here. He thinks calling it a road is a misclassification; it is a drive – a driveway to the property and to these duplexes. We have conceded to the 24-foot drive/12-foot travel lanes, that is what you see out here on 92. It is for high-speed roadways and high traffic roadways. That is not what this is. But at the end of the day, there is a 60-foot easement, and we do want to create a safe environment. The Green Book that was mentioned, that

is a Department of Transportation manual for road design, that is not necessarily what this is. This is an internal private driveway, this will not be owned or maintained by the City. This is privately owned and privately maintained specifically for access to our site and the site above us. To call this an urban collector road does not make a lot of sense, because that is not what this is. The access drive on the south side to the hospital is not a road, it is a driveway that will ultimately serve this site and the hospital and the commercial site to the south of us (whenever that comes into play). We do not expect much trips from the users of these buildings. We understand there is potential for larger amounts of trips to the north. We have very large radial curves in this road, which makes recreational vehicles, boat trailers, and things like that easy to navigate. Mr. Bookers said ultimately, he thinks they meet the intent of the code – from the drive and the proposed use. He is available for any questions.

Mr. Lewis asked if he can provide rebuttal.

Mayor Taylor Bogert said not at this time.

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

2. ORDINANCE #1801 AMENDING THE FUTURE LAND USE MAP – EVEREST PROPERTY

City Manager Tillman said staff recommends approval of Ordinance #1801.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1801 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 2 PARCELS OF LAND TOTALING +/- 32.39 ACRES FROM CITY OF AUBURNDALE FUTURE LAND USE CLASSIFICATION NEIGHBORHOOD ACTIVITY CENTER (NAC) TO CITY OF AUBURNDALE FUTURE LAND USE CLASSIFICATION MEDIUM DENSITY RESIDENTIAL; AND PROVIDING AN EFFECTIVE DATE (General Location: US Hwy 92 W. and Polk County Parkway),** by title only.

Motion by Commissioner Cam, seconded by Commissioner Cowie, to approve Ordinance #1801 amending the Future Land Use Map – Everest Property, as read on first reading by title only.

Commissioner Cowie said he does understand Mr. Lewis' point. If that development comes to fruition, there will be a lot of traffic going through that road. He understands the other point that the people living in those townhouses might not be driving a lot. He knows Mr. Lewis mentioned coordination about a possible alternative. Is that something that has been discussed with City staff?

Community Development Director Womble said Mr. Lewis has discussed it with City staff, and we have coordinated efforts to have both developers talk. She does not know how long those conversations went on. She does know there was the addition of the egress/ingress from the Planning Commission, and she does know they did accommodate for larger driveways to make sure there would not be any parking on this road. There are some boundary issues with this site. You have the easement, which is legally required to be where it is. You also have drainage, with the wetlands to the south. To put all the development on one side, with alleyways behind it, there would have to be some engineering on how to get that to meet all setback requirements with the history of the boundary issues. She is sure that Mr. Lewis and his team are more than willing to work with Mr. Bookers team if that discussion were to happen. The Commission can also look at putting some conditions on the private road such as safety – making accommodations that would require safety enhancements, such as extra signage, lights and crosswalks. That could be a condition the Commission could put on this binding site plan. Staff is also recommending a condition to add a note regarding the drainage easement. That is up to the Commission to do those conditions. It is a private road as Mr. Booker said. The reason she brought up the Green Book and the urban collector is because those classifications are made based on trips. In talking to the Transportation Planning

Organization and reviewing the Green Book, they did suggest we look at the urban collector standards because that would be what accommodates this amount of traffic. And the recommendation in the Green Book is 11- to 12-foot-wide lanes, and that is before the Commission today. She does understand the design, but she wants the Commission to understand the boundaries of the wetlands and the drainage, and the fact that you cannot move as much.

Commissioner Cowie said he thinks if you buy a townhome and move in there currently before that other development comes to fruition, you probably are not expecting a large development with that many cars that could be going up and down that road. As a buyer, it is on you to research what might happen around you. But those problems usually come back to the City Commission – why did you approve that or let that happen.

Community Development Director Womble said she has spoken to Mr. Lewis' team and to the property owner to the north that they have the entitlement to develop commercial. They do not have to go back before the public. Their review would be internal. They are allowed to develop commercially, just as they are allowed to develop residential since 2021. It is just looking at the exact locations this evening.

City Attorney Murphy said the binding site plan in the zoning ordinance does demonstrate compliance with all of the City's applicable land development regulations and other code requirements. The two items Ms. Womble mentioned that perhaps bear further review when we consider the zoning ordinance might be discussing the depiction of the stormwater drainage easement as set forth in the warranty deed as recorded in 2021 as Ms. Womble noted in her presentation; and perhaps getting some consideration on adding notations on the binding site plan regarding safety enhancements on what is a private drive. This is not a public road. It is being built to stringent standards, but it is not contemplated, nor will it be put to public operation, maintenance, or responsibility. It is a private drive. The standards should accommodate the proposed contemplated traffic that by right the property owner to the north may develop. He does not know when that will happen, but they certainly have that entitlement at this point.

Commissioner Cowie asked regarding those restrictions that we would put in place, such as no parking on the street – who enforces that if it is a private drive?

City Attorney Murphy said he defers to City Planning staff.

Community Development Director Womble said that is not necessarily what we were suggesting.

Commissioner Cowie said no parking on the street is what staff was hoping the applicant would do?

Community Development Director Womble said in our conversations with City Attorney Murphy, it was suggested the applicant would put signs, extra lights, and crosswalks.

Commissioner Cowie asked if parking on the street would be allowed as normal?

Community Development Director Womble said just like a subdivision that has their own standards for a homeowners' association, they have their own rules. They have accommodated larger driveways since their original drawing. They do have some paths for golf carts and related, so they can use the green space behind them. Maybe a golf cart crossing.

City Attorney Murphy said there would still have to be access for public safety, such as fire, police, and solid waste to the extent that we collect that. There would still have to be access regardless of whatever private deed restrictions or standards which may or may not be applied. Based on what is being presented this evening, it would appear this binding site plan contemplates some correlation between the assisted living facility and these other residential structures.

Community Development Director Womble asked City Attorney Murphy if he is referring to the assisted living facility.

City Attorney Murphy answered yes.

Community Development Director Womble said she was not completely aware if the duplexes would be part of the assisted living facility.

City Attorney Murphy said it sounds like it based on Mr. Bookers comments.

Community Development Director Womble said either or, they are allowed to develop those duplexes.

City Attorney Murphy said it would appear based on the representations made tonight that the potential market for these residential structures might be more inclined with the assisted living facility in mind. It is not a thing he can comment on, it just seems like something he can infer from what was mentioned. That does not mean it is going to stay that way forever.

Commissioner Cowie said staff mentioned a transportation study. If the development to the north were to proceed, they would at that time go through the traffic study?

Community Development Director Womble said yes, every site plan review even if it does not go before the Commission has to have a traffic study. The binding site plan before the Commission this evening has to do a traffic study, and has to be done in such a way that it can be submitted to the Florida Department of Transportation.

Commissioner Cowie asked that they will be held to this drive at that point?

Community Development Director Womble said yes, but she feels the Florida Department of Transportation is going to be more concerned with the entrance off 92, but they have to submit those numbers.

Commissioner Sterling said he is just concerned with future traffic. With the way it is now, if you do not have anything to the north it would be fine. But with the possibility of having what is predicted go to the north, that traffic has to go somewhere. So he is not in favor of the way it is now, with the future possibility of developing to the north. We need to decide whether we want to open Pandora's box and have everything and traffic coming down and future Commissions to discuss and take care; or put a hold on this right now.

City Attorney Murphy said his concern from a legal standpoint is he is not sure how putting a hold would be legally achieved.

Mayor Taylor Bogert said from a real estate and code perspective, they are entitled to this. She does not think we can legally put a hold on anything. She understands the long-term concerns, and for those above them. But this is their property, they have been deeded this. It has been set up for them. They do have an easement, and took a step to at least widen it. From a real estate perspective, if she were selling this, you would certainly disclose the potential development above the property – but this is their road, they have an easement to it. All this planning was done in 2005 originally, they sold them off piece by piece. It could have potentially not had any easement and been landlocked. At least the easement is there and deeded, but right now – they are entitled to this. For the Commission to say no, whether we like the potential traffic – we do not know what is going to go up there in the future. What we do know is that we have a land use and zoning ordinance. If the developers want to come together and work something, that is something we would like to encourage.

City Manager Tillman said this is a Planned Development, and not a straight zoning. If there are additional notes that the Commission would want to see, that would get the best that we could out of it with the code we have.

Mayor Taylor Bogert asked how do we do that?

Community Development Director Womble said when you vote tonight, if you are voting in favor of it - you would vote to approve the amendment and a second with the conditions and you would outline the conditions, or she can state them, and the Commission can move as staff recommends. She asked City Attorney Murphy if that is correct?

City Attorney Murphy confirmed that is correct as it relates to Commission action on the zoning ordinance 1802.

City Manager Tillman confirmed that could be recommended under the zoning ordinance 1802.

Upon vote, three ayes, with Commissioner Sterling voting nay.

3. ORDINANCE #1802 AMENDING THE OFFICIAL ZONING MAP – EVEREST PROPERTY

City Manager Tillman said staff recommends approval.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1802 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 764, THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AUBURNDALE, FLORIDA, BY AN AMENDMENT TO THE ZONING MAP BY REZONING A PARCEL OF LAND TOTALING +/- 32.39 ACRES FROM PLANNED DEVELOPMENT-HOUSING 1 (PD-H1) (+/- 15.27 ACRES) AND PLANNED DEVELOPMENT-COMMERCIAL 1 (PD-C1) (+/- 17.12 ACRES) TO PLANNED DEVELOPMENT - HOUSING 2 (PD-H2); AND PROVIDING AN EFFECTIVE DATE (General Location: US Hwy 92 W. and Polk County Parkway),** by title only.

Motion by Commissioner Cowie, seconded by Commissioner Cam, to approve Ordinance #1802 amending the Official Zoning Map – Everest Property, as read on first reading by title only.

Commissioner Cowie asked if this is the portion where we talk about putting the restrictions from a safety perspective?

Community Development Director Womble said correct. The recommendations before the Commission tonight is that we add two conditions to the binding site plan. The first one would state that prior to second reading and after conferring with the City Attorney that the applicant would be required to demonstrate the location and compliance with that perpetual and continuing easement for ingress to and egress for stormwater drainage as more specifically set forth and described in that warranty deed dated December 3, 2021 and recorded on December 13, 2021 in Official Records Book 12023, Pages 1206-12011 in the public records of Polk County Florida. The second condition that staff would recommend would be read to require enhancing safety aspects of the private road including such as signs, lights, and crosswalks all of which to be ultimately approved by the Community Development Department and done before the final plat.

Motion by Commissioner Cowie, seconded by Commissioner Cam, to amend the original motion to include staff's recommendations. Upon vote, three ayes, with Commissioner Sterling voting nay.

Upon vote on the original motion as amended, all ayes.

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

4. PUBLIC HEARING – NAMING RIGHTS AND MARKETING AGREEMENT WITH ORLANDO HEALTH AND REISSUANCE OF SERIES 2021 NON-AD VALOREM REVENUE BOND AS QUALIFIED 501(C)(3) BOND

City Manager Tillman read the public notice.

City Manager Tillman said the City of Auburndale and Polk County entered into the Lake Myrtle Sports Complex Baseball Revenue Sharing Agreement on July 8, 2009. The Agreement provided for the recruitment of corporate

sponsorships on the baseball fields located within the Sports Complex. In February 2022, the City Commission exercised an available 5-year renewal of the Agreement extending the term through February 6, 2027.

In August 2023, construction was completed of the Championship Soccer Stadium and Event Lake facilities and a new Agreement was approved by the City Commission and Polk County that recognized the additional facilities and had an initial term of ten (10) years and the option to renew for up to two (2) additional five (5) year terms.

The proposed Naming Rights and Marketing Agreement is a ten (10) year agreement for the naming rights of the Championship Soccer Stadium and other marketing opportunities with Orlando Health Inc. at the facility. The marketing activities include signage on the scoreboard naming the Soccer Stadium and partnership with Orlando Health, displaying of Orlando Health field logos to targeted special events, welcome signage on the locker rooms, branded medical equipment at the facility, QR codes displayed in strategic locations that will address health related advice from Orlando Health, usage of Soccer Stadium by Orlando Health for sponsored events, and other related Orlando Health marketing.

In exchange for the marketing at the Soccer Stadium, Orlando Health will pay the City a total of \$650,000 over the ten (10) year term of the agreement with an initial \$65,000 payment for 2024. Subsequent payments will be made on October 1st beginning in 2025 through 2033. The proposed Naming Rights and Marketing Agreement with Orlando Health would adhere to the sponsorship distribution defined in the August 2023 Revenue Sharing Agreement with Polk County for the Championship Soccer Stadium.

In October 2021, the City Commission authorized a Non-Ad Valorem Revenue Bond, Series 2021 with Truist Bank to fund construction of the Championship Soccer Stadium in the amount of \$3,500,000. As a result of the Naming Rights and Marketing Agreement with Orlando Health, bond counsel with Bryant Miller Olive P.A. have advised that it is in the best interest of the City to reissue the Series 2021 Bond as a "Qualified 501(C)(3) Bond" as defined in Section 145 of the Internal Revenue Code, subject to satisfaction of the requirements of Section 147(f) of the Code. Reissuance of the bond would allow the City to accept the sponsorship funding from Orlando Health as they are a 501(C)(3) organization.

Proposed Resolution #2024-08 authorizes execution of the agreement between Orlando Health and the City of Auburndale and reissuance of the Series 2021 Non-Ad Valorem Revenue Bond as a "Qualified 501(C)(3) Bond".

The proposed Naming Rights and Marketing Agreement with Orlando Health was prepared by the Parks and Recreation Director and reviewed by the City Manager and City Attorney. Proposed Resolution #2024-08 was prepared by Bryant Miller Olive P.A. and reviewed by the Parks and Recreation Director, City Manager and City Attorney. Staff recommends approval of proposed Resolution #2024-08 authorizing execution of the Naming Rights and Marketing Agreement between Orlando Health and the City of Auburndale and the reissuance of the Series 2021 Non-Ad Valorem Revenue Bond as a "Qualified 501(C)(3) Bond".

Matt Lettelleir, Orlando Health, 4000 Lake Highlands Boulevard, Lakeland, thanked the City. They are excited.

Joshua Hicks, Polk County Sports Marketing, 2701 Lake Myrtle Park Road, also thanked the City. They are proud of the partnership they have with the City.

Mayor Taylor Bogert asked for public comment. There were none.

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

5. RESOLUTION #2024-08 NAMING RIGHTS AND MARKETING AGREEMENT WITH ORLANDO HEALTH AND REISSUANCE OF SERIES 2021 NON-AD VALOREM REVENUE BOND AS QUALIFIED 501(C)(3) BOND

City Manager Tillman said staff recommends approval.

City Attorney Frederick J. Murphy Jr. read Resolution No. 2024-08 entitled: **A RESOLUTION OF THE CITY OF AUBURNDALE, FLORIDA, GRANTING APPROVAL PURSUANT TO SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, TO REISSUE FOR FEDERAL TAX LAW PURPOSES THE CITY'S NON-AD VALOREM REVENUE BOND, SERIES 2021, AS A "QUALIFIED 501(C)(3) BOND"; APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A NAMING RIGHTS AND MARKETING AGREEMENT WITH ORLANDO HEALTH INC.; PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE FOR THIS RESOLUTION**, by title only.

Motion by Commissioner Sterling, seconded by Commissioner Cowie, to approve Resolution 2024-08.

Mayor Taylor Bogert said she is excited to see this moving forward. She thanked everybody for working together.

Upon vote, all ayes.

6. ORDINANCE #1803 AMENDING GENERAL EMPLOYEES PENSION TRUST PLAN

City Manager Tillman said the proposed Ordinance amends Section 27, Deferred Retirement Option Plan (DROP), of the General Employees' Pension Trust Fund. The interest rate for the Deferred Retirement Option Plan in the Florida Retirement System increased to 4% on July 1, 2023. The Board of Trustees for the General Employees' Pension Plan recommends this change to help retain and attract employees.

The actuary of the plans, Foster & Foster, issued a letter indicating that there are no costs associated with the adoption of the proposed Ordinance. The proposed Ordinance was prepared by the Pension Plan Attorney for the plan, Klausner, Kaufman, Jensen & Levinson, and reviewed by the Finance Director, City Manager and City Attorney. If approved on first reading, the proposed Ordinance will be considered for second and final reading on November 18, 2024.

The General Employees' Pension Board recommended approval of the Ordinance – 07/23/2024. Staff recommends approval of the proposed Ordinance amending the General Employees' Pension Plan.

City Manager Tillman said this ordinance would require a business impact statement. This is something we can issue between first and second reading. We do not feel there would be any business impact. This is also consistent with the changes made to the Police and Fire pensions, adopted earlier this year.

City Attorney Frederick J. Murphy Jr. read Ordinance 1803 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE FURTHER AMENDING THE RESTATED DEFINED BENEFIT RETIREMENT INCOME PLAN FOR EMPLOYEES OF CITY OF AUBURNDALE, FLORIDA, ADOPTED AND RESTATED PURSUANT TO ORDINANCE NO. 1640; 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 Cam, to approve Ordinance #1803 amending the General Employees' Pension Plan.

Mayor Taylor Bogert said the change between the Police and Fire Pension amendments and this ordinance is that the business impact statement requirement started October 1st.

City Attorney Murphy confirmed that certain aspects of it changed.

Upon vote, all ayes.

7. APPOINTMENTS TO THE POLICE AND FIRE PENSION BOARDS

City Manager Tillman said staff is recommending the following reappointments:

Police Pension Board:

- Rick Brauckmuller, Resident (Re-appointment through September 2028)
- Andy Ray, 5th Member (Re-appointment through September 2028)

Fire Pension Board:

- Brian Bradway, Resident (Re-appointment through September 2028)
- Jonathan Waters, 5th Member (Re-appointment through September 2028)

Staff recommends approval of the appointments.

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

Motion by Commissioner Cowie, seconded by Commissioner Cam, to approve the appointments. Upon vote, all ayes.

8. APPOINTMENT TO THE PLANNING COMMISSION

City Manager Tillman said the Planning Commission consists of seven (7) City residents, each to be appointed by the City Commission for a term of three (3) years. All members must be City residents. (City Code, Sec. 25-90).

The City Commission in January of 2014 appointed Matt Maloney to serve as a member on the Planning Commission. Mr. Maloney has suggested he is no longer able to serve. Mrs. Crystal Tijerina is a City resident and has agreed to fill the unexpired term through January 2026.

Staff has no objections to the appointments.

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

Motion by Commissioner Cam, seconded by Commissioner Cowie, to approve the appointment to the Planning Commission. Upon vote, all ayes.

9. CONSIDER DEVELOPER'S AGREEMENT WITH CORSA CF LAND LLC

Community Development Director Womble said in 2022, the City initiated a comprehensive city-wide review of the Regional Wastewater Treatment Facility Service Area, completed by Chastain-Skillman, which identified certain improvements required to serve and allow development in the area. Corsa CF Land LLC (Corsa) is under contract for +/- 24 acres on Berkley Road, south of I-4 and north of C. Fred Jones Boulevard. The Utility Study shows that development and construction on the Corsa property cannot discharge into the City's wastewater system until the Pace Road Master Lift Station Utility Improvements are completed, permitted, and operational, as identified in the Utility Study.

The proposed Developer's Agreement is between Corsa CF Land LLC and the City of Auburndale. The Agreement acknowledges that the City makes no representation or warranty as to when it will commence or complete the Utility Improvements. The proposed Developer's Agreement shall become effective upon Corsa's purchase of the property.

The proposed Developer's Agreement allows the City to complete the review of all development plans and construction plan documents. The Developer owns the Circuit Florida motorsports club to the east. The Developer intends to expand its use to consist of approximately 0.71 miles of new racetrack; 75 additional one or two-story townhome-style condominiums; a vehicular off-road course; a vehicular skid pad for testing and

training purposes; and two Light Industrial (LI) zoned sites. The Developer has submitted a Zoning amendment that will come before the City at a later time.

The City and Corsa desire to enter into the Agreement to establish the respective rights and obligations between Corsa CF Land LLC and the City, in accordance with the terms and conditions of the proposed Developer's Agreement.

Staff recommends approval of the proposed Developer's Agreement with Corsa CF Land LLC and the City of Auburndale.

City Manager Tillman said the proposed Developer's Agreement was prepared by Corsa CF Land LLC, and reviewed by the Community Development Director, City Manager's Office, City Public Works Director and the City Attorney. Staff recommends approval.

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

Motion by Commissioner Cowie, seconded by Commissioner Cam, to approve the Developer's Agreement with Corsa CF Land LLC and the City of Auburndale.

Commissioner Sterling asked for clarification regarding the location of the property and timeline of the development.

Community Development Director Womble clarified the location. City Manager Tillman clarified the timeline.

Commissioner Sterling asked for clarification regarding wetlands on the property.

Community Development Director Womble clarified details regarding wetlands.

Commissioner Sterling asked if the City has any say regarding the wetlands?

Community Development Director Womble said when it comes back before the Commission for zoning, staff will have completed a full analysis regarding the wetlands.

Upon vote, all ayes.

The Meeting was adjourned at 8:05:01 p.m.

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



Brandon Henry, City Clerk