

City of Auburndale Commission Minutes January 6, 2025

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held January 6, 2025, 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, Vice Mayor Alex Cam, Commissioners: Keith Cowie, 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 Parks and Recreation Director Cody McGhee, and a salute to the flag.

Motion by Vice Mayor Cam, seconded by Commissioner Cowie, to approve Minutes of the City Commission Meeting of December 16, 2024. Upon vote, all ayes.

City Manager Jeffrey Tillman wished everybody a Happy New Year. He announced that next Tuesday, January 14th, will be the City's second Comprehensive Plan workshop. We are having Paul Green Day in the Downtown Park on February 22nd.

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

1. ORDINANCE #1797 – AMENDING THE LAND DEVELOPMENT REGULATIONS TEXT – SEPTIC TO SEWER

Community Development Director Julie Womble said during the 2023 Legislative Session, the Florida Legislature passed House Bill 1379 requiring local governments to study the feasibility of converting existing septic systems to sanitary sewer, and to amend the Comprehensive Plan to address the feasibility of such conversions. In March 2024, the City Commission also directed staff to research distance requirements for new developments to connect to public sewer, which would be an amendment to the City's Land Development Regulations.

In September 2024, the City Commission held a Transmittal Public Hearing to transmit to the State Department of Commerce an Ordinance amending the Comprehensive Plan, while also considering an Ordinance that amends the Administration and Procedures Manual of the Land Development Regulations, regarding septic to sewer policies. Following the State's review of the Comprehensive Plan Amendment, the City received an Objection and Recommendation in the "Objections, Recommendations, and Comments" Report that stated the City must complete the septic to sewer feasibility study and include the study recommendations in the Comprehensive Plan before adopting the Ordinance. The septic-to-sewer feasibility study is currently underway and a Comprehensive Plan Text Amendment will be brought back before the City Commission following completion of the feasibility study.

The proposed Ordinance amends the Administration and Procedures Manual of the Land Development Regulations to provide language that requires all development to connect to a public sewer system where gravity and force main(s) are considered available. The proposed Ordinance defines availability based on a combination of distance requirements and estimated sewage flow and/or number of Equivalent Residential Connections (ERCs).

She presented slides defining distance requirements.

The proposed Ordinance also states that where the City is unable to provide public sanitary sewers, an Enhanced Nitrogen Septic System shall be required as approved by the Florida Department of Health.

The Planning Commission recommended approval of the proposed Land Development Regulations Text Amendment addressing septic to sewer regulations (6-0, 08/27/2024).

City Manager Tillman said that the proposed ordinance was brought before the Commission back in September along with another ordinance addressing a comprehensive plan amendment sent to the State. Tonight, we are

addressing the Land Development Regulations. We researched several other communities as well to see their standards. Staff recommends approval of proposed Ordinance #1797 amending the Land Development Regulations – Septic to Sewer.

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, CHAPTER 7, ARTICLE 5, UTILITY DESIGN OF THE LAND DEVELOPMENT REGULATIONS; AND PROVIDING AN EFFECTIVE DATE**, by title only.

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

Motion by Commissioner Cowie, seconded by Commissioner Helms, to approve Ordinance #1797 amending the Land Development Regulations Text – Septic to Sewer, as read on second and final reading by title only.

Commissioner Helms thanked staff.

Upon vote, all ayes.

2. ORDINANCE #1805 AMENDING THE FUTURE LAND USE MAP – ROAN PROPERTY

Community Development Director Womble said as a result of annexation, the City has received a request for a Future Land Use Map Amendment and Zoning Map Amendment on the subject properties. In November 2024, the City annexed approximately +/- 1.89 acres of property into the Auburndale City limits. The property is located at 3610 and 3630 Old Berkley Road, north of Gapway Road. The two lots currently have single family residences.

The owner is requesting to amend the Future Land Use from a Polk County Future Land Use of Residential Low-1 (RL-1) to a City of Auburndale Future Land Use of Low Density Residential and establish a Zoning classification of Single Family Residential-1 (RS-1). The requested Future Land Use and Official Zoning Map Amendments are consistent with the City of Auburndale's Comprehensive Plan, Land Development Regulations, and adjacent properties. She presented graphics depicting the proposal.

The Planning Commission recommended approval of the proposed Future Land Use of Low Density Residential and Zoning classification of Single Family Residential-1 (RS-1). (5-0, 12/03/2024)

City Manager Tillman said the proposed Ordinances were prepared by the Community Development Department and reviewed by the City Manager and City Attorney. The proposed Ordinances were approved on first reading December 16, 2024, and are being presented for second and final reading. Staff recommends approval of proposed Ordinance #1805 amending the Future Land Use Map and Ordinance #1806 amending the Official Zoning Map – Roan Property.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1805 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 +/- 1.89 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: Old Berkley Road and Gapway Road)**, by title only.

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

Motion by Commissioner Helms, seconded by Commissioner Sterling, to approve Ordinance #1805 amending the Future Land Use Map – Roan Property, as read on second and final reading by title only. Upon vote, all ayes.

3. ORDINANCE #1806 AMENDING THE OFFICIAL ZONING MAP – ROAN PROPERTY

City Manager Tillman said staff recommends approval of Ordinance #1806.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1806 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 OFFICIAL ZONING MAP BY ESTABLISHING AUBURNDALE ZONING MAP CLASSIFICATION OF SINGLE FAMILY RESIDENTIAL-1 (RS-1) ON 2 PARCELS OF LAND TOTALING +/- 1.89 ACRES; AND PROVIDING AN EFFECTIVE DATE (General Location: Old Berkley Road and Gapway Road)**, 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 #1806 amending the Official Zoning Map – Roan Property, as read on second and final reading by title only. Upon vote, all ayes.

4. ORDINANCE #1807 AMENDING THE OFFICIAL ZONING MAP – K-VILLE ESTATES

Community Development Director Womble said in 2005, the City approved a Zoning classification of Planned Development-Housing 1 (PD-H1) on a portion of the development known at the time as Ebersbach. The overall development was envisioned to have a mixed residential and commercial development on a total of 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 larger development were sold off. No activity has occurred on the subject property since its initial approval.

The developer, Joe Esposito, has requested to re-establish the Zoning classification of Planned Development-Housing 1 (PD-H1) on the +/- 128.24 acres subject parcel. The Land Development Regulations give Planned Developments an expiration of 12-months unless construction is occurring or the applicant proposes for a longer development period.

The developer is requesting 175 single-family residential lots with the typical lot size from 65'x155' to 85'x120' for interior lots and 90'x120' for corner lots. Setbacks are front 25', side 7.5', and rear 20'. Corner lots will have setbacks of 25' front, 15' side road, 7.5' interior side and 20' rear. As required by the Land Development Regulations for Planned Developments, this request is accompanied by a binding site plan. The request is consistent with the City's Comprehensive Plan and the Land Development Regulations.

The property is located within the City's Utility Service Area, but beyond distance requirements to connect to public sewer. An Enhanced Nitrogen Septic System for each unit shall be required as approved by the Florida Department of Health.

The Planning Commission recommended approval of the proposed Zoning classification of Planned Development-Housing 1 (PD-H1) (5-0, 12/03/2024). Staff recommends approval of proposed Ordinance #1807 amending the Official Zoning Map – K-Ville Estates Property.

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 was approved on first reading December 16, 2024, and is being presented for second and final reading. Staff recommends approval of proposed Ordinance #1807 amending the Official Zoning Map – K-Ville Estates Property.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1807 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 A PLANNED DEVELOPMENT - HOUSING 1**

(PD-H1) ZONING CLASSIFICATION ON A PARCEL OF LAND TOTALING +/- 128.24 ACRES; AND PROVIDING AN EFFECTIVE DATE. (General location: K-Ville Avenue), by title only.

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

Motion by Vice Mayor Cam, seconded by Commissioner Helms, to approve Ordinance #1807 amending the Official Zoning Map – K-Ville Estates, as read on second and final reading by title only.

Commissioner Sterling asked how does the enhanced septic system compare to an old septic tank?

Community Development Director Womble said she is not the expert in sewer, but the Health Department is looking at this as it reduces effluent compared to current septic systems, so it is better for the environment.

Commissioner Sterling asked how does the cost compare between the two systems?

Community Development Director Womble answered that she does not have that information, but we are not the only jurisdiction going in this direction.

Mayor Taylor Bogert asked if it is a state requirement?

Community Development Director Womble answered that it is a state requirement for certain areas that are protected. We are being proactive.

Mayor Taylor Bogert said as we should.

Upon vote, all ayes.

5. ORDINANCE #1808 ANNEXING PROPERTY INTO CITY LIMITS – MATTIE POINTE SUBDIVISION

Community Development Director Womble said during construction of the Mattie Pointe Subdivision, the City of Auburndale collected voluntary annexation petitions as the single-family homes were constructed and requesting utility services. At the time the various annexation petitions were received, the properties were not contiguous to city limits and the City could not take action on the signed voluntary annexation petitions. The property became contiguous and adjacent to City limits as a result of annexing the Lanier properties to the north and east in May 2022. The Mattie Pointe Subdivision totals +/-47.92 acres of property.

Construction of the Subdivision has since been completed in unincorporated Polk County and consists of 185 single-family residential lots located at CR-559 and Lake Mattie Road. 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 Mattie Pointe Subdivision Homeowners Association and residents on June 27, 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. Staff recommends approval of Ordinance #1808 annexing the Mattie Pointe Subdivision into the City limits.

City Manager Tillman said the proposed Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. If approved on first reading, the proposed Ordinance will be presented for second and final reading on Tuesday, January 21, 2025. Staff recommends approval of Ordinance #1808 annexing the Mattie Pointe Subdivision into the City limits.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1808 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 Lake Mattie 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 #1808 annexing property into City limits – Mattie Pointe Subdivision, as read on first reading by title only. Upon vote, all ayes.

6. PRESENTATION OF BIDS – LAKE MYRTLE SOCCER STADIUM FENCING

Parks and Recreation Director Cody McGhee said in September 2024, the City Commission and Board of County Commissioners approved an Interlocal Agreement for Tourist Development Tax Funding for improvements at Lake Myrtle Sports Park. The Interlocal Agreement proposes several projects at the facility to attract and host higher-level competitive events including the construction and installation of decorative fencing around the Lake Myrtle Soccer Stadium. The Interlocal Agreement provided \$3,000,000 in one-time funding to begin design and construction of the various projects.

An invitation to bid was advertised in the local media on November 20, 2024, and sent to ten (10) local contractors and fence companies. Bidders had the option to bid on fencing costs and installation, and/or masonry columns cost and installation. The City received the following bids:

<u>Contractor</u>	<u>Decorative Fence Bid</u>	<u>Masonry Column Bid</u>
Danielle Fence, Mulberry	\$58,850	No Bid
Williams Fence Co., Lakeland	\$63,892	No Bid
Springer Voss, Lakeland	\$69,517	\$35,000

Danielle Fence of Mulberry was the low bid to install decorative aluminum fencing, gates, and black vinyl chain link fencing around the soccer stadium field. Springer Voss of Lakeland was the only contractor to bid on construction of masonry columns and will be working with Danielle Fence for the installation of the decorative aluminum fencing with the columns. The bids were reviewed by the Parks and Recreation Director and City Manager’s Office. Both Danielle Fence and Springer Voss have assisted the City on projects in the past. City Staff has been pleased with the quality of service provided by both contractors.

Staff recommends awarding the bid for fence installation at the Lake Myrtle Sports Park Soccer Stadium to Danielle Fence in the amount of \$58,850, and award the bid to construct the masonry columns to Springer Voss Construction in the amount of \$35,000.

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

Motion by Commissioner Helms, seconded by Commissioner Cowie, to award the bid for fence installation at the Lake Myrtle Sports Park Soccer Stadium to Danielle Fence in the amount of \$58,850, and award the bid to construct the masonry columns to Springer Voss Construction in the amount of \$35,000. Upon vote, all ayes.

7. AGREEMENT FOR TRANSFER OF PUBLIC ROADS – LAKE MATTIE BOAT LANDING ROAD

Assistant City Manager Amy Palmer said in June 2023, the City purchased approximately 26.5 acres on Lake Mattie Road from the Schulz Family for future use as a park. The property is bordered on the east by an unimproved right of way known as Lake Mattie Boat Landing Road in the Polk County Road System. The right of way extends from Lake Mattie Road to Lake Mattie, along the eastern boundary of the Schulz property.

The proposed Agreement would transfer the right of way from Polk County to the City. All jurisdiction over the road including operation and maintenance would be the responsibility of the City. Acceptance of the right of way would allow the City to improve the road when the City makes improvements to the former Schulz property for the North Auburndale Park.

The Agreement was prepared by Polk County and reviewed by the City Manager’s Office and City Attorney. After approval by the Board of County Commissioners, the County will record the Agreement and an executed deed, and then deliver the recorded documents to the City.

Staff recommends approval of the Agreement for the Transfer of Lake Mattie Boat Landing Road to the City.

City Manager Tillman presented a graphic depicting the proposal.

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

Motion by Commissioner Sterling, seconded by Vice Mayor Cam, to approve the Agreement for the Transfer of Lake Mattie Boat Landing Road to the City. Upon vote, all ayes.

8. 2025 COMMITTEE APPOINTMENTS

City Manager Tillman said the following appointments have all been contacted and have agreed to serve.

Board of Adjustments

Maulissa Braverman Re-Appointment (Through 01/28)

Planning Commission

Jody Miller Re-Appointment (Through 01/28)

Steve Lawson Re-Appointment (Through 01/28)

Community Redevelopment Agency

Ellie Harper Appointment as Chair (Through 01/28)

Timothy J. Pospichal Appointment as Vice Chair (Through 01/26)

Historic Preservation Commission

Tim Pospichal Appointment (Through 01/28)

Jayne Jamison Re-Appointment (Through 01/28)

Maulissa Braverman Re-Appointment (Through 01/28)

Baynard House Advisory Board

Cindy Hummel Re-Appointment (Through 01/28)

Sally Porter Re-Appointment (Through 01/28)

Sharon Hood Appointment (Through 01/28)

Evelyn Pierce Appointment (Through 01/28)

Lynda Bush Re-Appointment (Through 01/28)

AHS SGA Officer Re-Appointment (Through 01/28)

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Zelda West

Re-Appointment (Through 01/28)

Staff recommends approval of the 2025 Committee Appointments.

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

Motion by Commissioner Helms, seconded by Commissioner Sterling, to approve the 2025 Committee Appointments. Upon vote, all ayes.

Mayor Taylor Bogert wished everybody a Happy 2025. She reminded the Commission that the next meeting will be on Tuesday, January 21st, after Martin Luther King Jr. Day.

The Meeting was adjourned at 7:28:44 p.m.

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



Brandon Henry, City Clerk