



Polk County Board of County Commissioners

Meeting Minutes - Final

April 16, 2024 Regular BoCC meeting

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Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.

If a person decides to appeal any decision made by the board with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Rollcall

Present:	Commissioner George Lindsey Commissioner Bill Braswell Commissioner Neil Combee Commissioner Martha Santiago Commissioner Rick Wilson
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CALL TO ORDER - 9:00 a.m. (BILL BRASWELL, CHAIR)

INVOCATION

Deputy County Manager Joe Halman

PLEDGE OF ALLEGIANCE (BILL BRASWELL, CHAIR)

A. PRESENTATIONS and RECOGNITIONS

A.1. Reverend Dr. Alex Harper Recognition

Minutes: County Manager Bill Beasley recognized Reverend Dr. Alex Harper. He said he passed away recently and this is his recognition for his services to the county. He said it is with special recognition that he would like Equity and Human Resources Director Kandis-Baker Buford to read the recognition.

Ms. Baker-Buford read a tribute to Reverend Dr. Alex Harper. She said he was an active member to the Community Relations Advisory Council (CRAC) for 22 consecutive years. She said he freely gave his time and energy bringing wisdom and wit to the CRAC. She said he has a legacy of volunteering and she said it will continue

to inspire his loved ones and every member of the CRAC. She said the Board thanks his wife and the entire Harper family for sharing him with us.

Mr. Beasley said Polk County has been blessed and said he was a unique gentleman. He said we cannot thank the family enough for him.

Chair Braswell thanked Reverend Dr. Rayford Harper. He said he was watching on how important it is to have these community committees. He said it is critical for a good society. He thanked him and his family.

Commissioner Santiago said she has been a part of the CRAC for six years. She said one of the things she enjoyed the most was his wonderful prayers. She said she wishes they had a notebook of his prayers. She said serving 22 years on a committee is amazing. She thanked them for sharing him with us.

Reverend Dr. Rayford Harper thanked the Board for this recognition. He said his father was a special person, he never met a stranger and he loved everybody. He recognized those in the audience who came today. He said time is precious and passing and we never know the day nor the time. He said to take the opportunity to say thank you to people.

A.2. Employee Recognition

Minutes: The Board recognized Todd Ham with Roads and Drainage, Betty Horak with Roads and Drainage, Terry Williams with Fire Services, and Alan Edwards with Fire Services for their services to Polk County.

C. REQUEST FROM THE GENERAL PUBLIC/AUDIENCE AND OPPORTUNITY TO BE HEARD

C.1. Ella O'Neill - Refuse Collection (Bulk Items).

Minutes: Ms. O'Neill was not present.

C.2. Comments.

Minutes: Tom Palmer said he watched the agenda session and he said he supports the idea that if we are not going to recycle anymore to take the recycling off the trucks. He said they need to consider that the service is going down 30% but the rates are going to go up 60% and he said they may get some calls about that. He said the other jurisdictions rates are not comparable because they have recycling. He said on Avenue J and 28th Street Northwest there are bags of leaves on the side yards and they are piling up. He said to be more proactive.

D. APPROVE CONSENT AGENDA

Minutes: County Attorney Randy Mink said he added several items based on their discussions. He said he also added an item on the Consent Agenda repealing the use policy for the Administration Building.

RESULT:	APPROVED
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MOVER:	George Lindsey
SECONDER:	Neil Combee
AYE:	Lindsey, Braswell, Combee, Santiago, and Wilson

D.1. Approve Consent Agenda.

ELOISE COMMUNITY REDEVELOPMENT AGENCY

Minutes: The Board convened as the Eloise Community Redevelopment Agency.

RESULT:	APPROVED
MOVER:	Neil Combee
SECONDER:	Martha Santiago
AYE:	Lindsey, Braswell, Combee, Santiago, and Wilson

D.2. Approve Eloise CRA Consent Agenda.

Minutes: The Board reconvened as the Board of County Commissioners.

E. COUNTY COMPTROLLER (STACY M. BUTTERFIELD, CPA)

E.1. Disbursements.

RESULT:	APPROVED
MOVER:	Neil Combee
SECONDER:	Martha Santiago
AYE:	Lindsey, Braswell, Combee, Santiago, and Wilson

E.2. Minutes of Regular Board meeting held on April 2, 2024.

RESULT:	APPROVED
MOVER:	Neil Combee
SECONDER:	Martha Santiago
AYE:	Lindsey, Braswell, Combee, Santiago, and Wilson

H. COUNTY MANAGER (BILL BEASLEY)

H.1. Approve a State-Funded Grant Agreement and associated resolution with the Florida Department of Transportation (FDOT) (\$3,276,934.00 one-time future revenue)

Minutes: County Manager Bill Beasley discussed the State-Funded Grant Agreement and associated resolution with the Florida Department of Transportation for road improvements for Thompson Nursery Road Phase I and II, Phase II for West Lake Ruby Road to US Highway 27, and Phase I from US 17 to West Lake Ruby Drive. He recommended approval.

RESULT:	APPROVED
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MOVER:	George Lindsey
SECONDER:	Martha Santiago
AYE:	Lindsey, Braswell, Combee, Santiago, and Wilson

- H.2. Approve Right-of-Way Agreement between Catherine S. Hart and Polk County in conjunction with the County Road 557 Project, Parcel 125. (\$1,860,625 one-time expense)

Minutes: County Manager Bill Beasley discussed the Right-of-Way Agreement between Catherine S. Hart and Polk County in conjunction with the County Road 557 Project, Parcel 125. He recommended approval.

Chair Braswell said people wonder why roads are so expensive. He said this is a good example why.

RESULT:	APPROVED
MOVER:	Neil Combee
SECONDER:	Martha Santiago
AYE:	Lindsey, Braswell, Combee, Santiago, and Wilson

- H.3. Approve Right-of-Way Agreement between Timothy Chancy and Polk County in conjunction with the County Road 557 Project, Parcel 135. (\$448,422 one-time expense)

Minutes: County Manager Bill Beasley discussed the Right-of-Way Agreement between Timothy Chancy and Polk County in conjunction with the County Road 557 Project, Parcel 135. He recommended approval.

RESULT:	APPROVED
MOVER:	Neil Combee
SECONDER:	Rick Wilson
AYE:	Lindsey, Braswell, Combee, Santiago, and Wilson

- H.4. Approve the Interlocal Agreement between Polk County (County) and the City of Lake Wales (City) for the provision of wholesale wastewater service (County to pay to the City for wastewater capacity in the amount of \$1,047,849 and recurring monthly user fees as described in Section 7 of the aforementioned Agreement); budget transfer of \$1,047,849 from Northeast Regional Wastewater Treatment Facility Electrical and Communication Network Conversion project (American Rescue Plan Funds) and an amendment to the FY 23/24 Utilities Community Investment Program (CIP) Expansion budget.

Minutes: County Manager Bill Beasley discussed the Interlocal Agreement between Polk County and the City of Lake Wales for the provision of wholesale wastewater service. He discussed the budget transfer of \$1,047,849 from Northeast Regional Wastewater Treatment Facility Electrical and Communication Network Conversion project (American Rescue Plan Funds) and an amendment to the FY 23/24 Utilities Community Investment Program Expansion budget. He recommended approval.

RESULT:	APPROVED
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MOVER:	Rick Wilson
SECONDER:	George Lindsey
AYE:	Lindsey, Braswell, Combee, Santiago, and Wilson

I. COMMISSIONER DISTRICT 1 (GEORGE LINDSEY)

I.1. Commissioner Lindsey Comments.

Minutes: Commissioner Lindsey had no comments.

J. COMMISSIONER DISTRICT 2 (RICK WILSON)

J.1. Appoint Jacquelyn Codd, Esq. as a member of the Sidewalk Advisory Committee for the remainder of the two-year term ending September 30, 2025.

RESULT:	APPROVED
MOVER:	Rick Wilson
SECONDER:	George Lindsey
AYE:	Lindsey, Braswell, Combee, Santiago, and Wilson

J.2. Commissioner Wilson Comments.

Minutes: Commissioner Wilson had no comments.

K. COMMISSIONER DISTRICT 4 (MARTHA SANTIAGO)

K.1. Commissioner Santiago Comments.

Minutes: Commissioner Santiago had no comments.

L. COMMISSIONER DISTRICT 5 (NEIL COMBEE)

L.1. Commissioner Combee Comments.

Minutes: Commissioner Combee had no comments.

M. COMMISSIONER DISTRICT 3 (BILL BRASWELL, CHAIR)

M.1. Chair Braswell Comments.

Minutes: Chair Braswell had no comments.

O. EXPEDITED HEARINGS PURSUANT TO RESOLUTION NO. 2022-089

Minutes: County Attorney Randy Mink reminded the audience of the procedures for expedited public hearings and public hearings. He swore in those who plan to speak.

O.1. Public Hearing (LDCT-2024-2 Townhomes LDC Text Amendment) (Adoption Hearing) to consider the adoption of a County-initiated request to clarify the approval process and development standards for multi-family townhome

developments. (No Fiscal Impact).

Minutes: Land Development Director Ben Ziskal reviewed the proposed text amendment. He said that all townhomes regardless of ownership will be treated as multi-family. He said that staff recommends approval.

The Chair opened a public hearing; no one spoke.

RESULT:	APPROVED
MOVER:	Neil Combee
SECONDER:	Martha Santiago
AYE:	Lindsey, Braswell, Combee, Santiago, and Wilson

O.2. Public Hearing (LDDRI-2023-3 River Ranch DRI Map H Amendment) (Adoption Hearing) to consider an amendment to the River Ranch Development of Regional Impact (DRI) to add a mixed-use category. (No Fiscal Impact)

Minutes: Land Development Director Ben Ziskal discussed the River Ranch Development of Regional Impact (DRI) map amendment. He said that the Planning Commission and staff recommend approval.

The Chair opened a public hearing; no one spoke.

Upon question, Mark Bennett, Land Development, said the Development Order for this DRI expires January 2027.

RESULT:	APPROVED
MOVER:	Rick Wilson
SECONDER:	George Lindsey
AYE:	Lindsey, Braswell, Combee, Santiago, and Wilson

O.3. Public Hearing (LDWA-2023-74 Hatchineha Road Access Waiver) to consider the approval of an applicant-initiated request for a waiver to LDC Section 705.B necessary to allow the issuance of building permits for up to four (4) single-family homes on property that gains access solely via an easement that exceeds ¼ mile. (No Fiscal Impact)

Minutes: Land Development Director Ben Ziskal discussed the access waiver to allow access for up to four lots. He said that staff recommends approval.

The Chair opened a public hearing; no one spoke

RESULT:	APPROVED
MOVER:	Neil Combee
SECONDER:	Martha Santiago
AYE:	Lindsey, Braswell, Combee, Santiago, and Wilson

P. PUBLIC HEARINGS

P.1. Public Hearing (LDCPAL-2023-9 RCC Text Change CPA) (Adoption Hearing) to

consider the adoption of a Large-Scale Comprehensive Plan text amendment to modify Objectives/Policies in the Future Land Use Element related to the Rural Cluster Center Future Land Use District and activity centers. (No Fiscal Impact)

Minutes: Mark Bennett, Land Development, showed slides and reviewed the proposed text amendment. He said the Florida Department of Commerce had no objections, recommendations or comments.

The Chair opened a public hearing; no one spoke.

RESULT:	APPROVED
MOVER:	Neil Combee
SECONDER:	George Lindsey
AYE:	Lindsey, Braswell, Combee, Santiago, and Wilson

P.2. Public Hearing (LDCPAL-2023-13 Septic to Sewer Text Change CPA) (Transmittal Hearing) to consider the adoption of a Large-Scale Comprehensive Plan text amendment to several elements of the Comprehensive Plan will be amended that address new septic tank limitations in areas with Basin Management Action Plans, a new overlay called Nutrient Restoration Plan Overlay (NRPO), and septic tank to sewer conversation in the NRP. This case is related to LDCT-2024-24. (No Fiscal Impact)

Minutes: Erik Peterson, Land Development, showed slides and presented this with LDCT-2023-24. He reviewed the proposed text amendment and Land Development Code amendment. He said it will require an enhanced nitrogen reducing septic system on parcels one acre or less if sewer is not available. He said this requires quarterly maintenance. He showed the areas on the map that this applies to. He said that staff is recommending approval and this is required by House Bill 1379. He said that the county's role is to set up the development before they require the permitting.

Upon question, Mr. Peterson said this would not apply to anything greater than 1 acre. He said it could apply to commercial areas. He said they require some type of service based on the model. He said the reporting requirement would be up to the Florida Department of Environmental Protection (FDEP). He said quarterly was something from brochures from some of the systems. He said FDEP would be issuing the permits. He said quarterly service is a manufactures recommendation

The Chair opened a public hearing; no one spoke.

RESULT:	APPROVED
MOVER:	George Lindsey
SECONDER:	Neil Combee
AYE:	Lindsey, Braswell, Combee, Santiago, and Wilson

P.3. Public Hearing (LDCT-2023-24 Septic to Sewer) (First Reading) to consider the adoption of a County-initiated request to amend the Land Development Code to add the Nutrient Restoration Plan Overlay, restrictions on septic tanks, and definitions. (No Fiscal Impact).

Minutes: This case was presented with the previous hearing.

P.4. Public Hearing (LDCU-2024-4 North Lakeland Brownfield Designation) to consider the designation of a 22.5-acre site as a Brownfield. (No Fiscal Impact)

Minutes: Mark Bennett, Land Development, showed slides and reviewed the north Lakeland Brownfield Designation. He said the intended use is for a warehouse for logistics use. He said this is consistent with the Comprehensive Plan. He explained the definition of brownfield.

Upon question, Mr. Bennett said they will have to clean it up. He discussed the previous uses on the site.

Mr. Bennett said there was a community meeting and one person attended. He showed photos of the site.

The Chair opened a public hearing.

Brett Brumund, representing the applicant, responded to questions. He discussed the cleanup method with a conditional closure; he said they do not know if that is the remedy here yet. He said they can put in a trucking facility without the Brownfield designation. He said if they wanted to pave over it that would be an acceptable method of remediation. He said if the paving acts as the engineering control you are eligible to receive a state corporate income tax credit. He said a portion of the contamination will be disposed off site.

The Chair closed the public hearing.

P.5. Public Hearing to consider adoption of an ordinance calling a referendum on November 5, 2024, for proposed amendment to merge the Efficiency Commission with the Charter Review Commission for expense reduction.

Minutes: County Attorney Randy Mink discussed the ordinance calling a referendum on November 5, 2024, for a proposed amendment to merge the Efficiency Commission with the Charter Review Commission for expense reduction.

The Chair opened a public hearing; no one spoke.

RESULT:	APPROVED
MOVER:	Rick Wilson
SECONDER:	Neil Combee
AYE:	Lindsey, Braswell, Combee, Santiago, and Wilson

P.6. Public Hearing to consider adoption of a Resolution to vacate platted, unopened, and unmaintained right-of-way (alley) shown on Ransone's Addition to Bradley Junction, Bradley, Florida. (No fiscal impact)

Minutes: Wade Allen, Real Estate Administrator, showed slides and discussed the Resolution vacating platted, unopened, and unmaintained right-of-way (alley) shown on Ransone's Addition to Bradley Junction. He said there are no objections to the proposed vacation. He said that staff recommends approval. He said there was a way of necessity issued through the court for the petitioner.

The Chair opened a public hearing; no one spoke.

RESULT:	APPROVED
MOVER:	Neil Combee
SECONDER:	Martha Santiago
AYE:	Lindsey, Braswell, Combee, Santiago, and Wilson

P.7. Public Hearing to consider adoption of a Resolution to vacate a portion of platted, unmaintained right-of-way shown as 43rd Street on the Replat of Davenport Terminals in Davenport, Florida. (No fiscal impact)

Minutes: Wade Allen, Real Estate Services Administrator, showed slides and reviewed the proposed vacation of a portion of platted, unmaintained right-of-way shown as 43rd Street on the Replat of Davenport Terminals in Davenport. He said that staff recommends approval. He said there was one objection from Duke Energy and they were notified of today's hearing.

The Chair opened a public hearing; no one spoke.

RESULT:	APPROVED
MOVER:	Rick Wilson
SECONDER:	George Lindsey
AYE:	Lindsey, Braswell, Combee, Santiago, and Wilson

ANNOUNCEMENTS

Minutes: Meeting adjourned at 10:09 a.m.