



Polk County Board of County Commissioners

Meeting Minutes - Final

December 05, 2023 Regular BoCC meeting

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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.

CALL TO ORDER - 9:00 a.m. (BILL BRASWELL, CHAIR)

Rollcall

Present:	Commissioner George Lindsey Commissioner Bill Braswell Commissioner Neil Combee Commissioner Martha Santiago Commissioner Rick Wilson
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INVOCATION

Murphy Hanley, Polk County Fire Rescue Chaplain

PLEDGE OF ALLEGIANCE (BILL BRASWELL, CHAIR)

A. PRESENTATIONS and RECOGNITIONS

A.1. Early Learning Coalition Presentation, Ms. Bevilacqua-Ely

Minutes: Commissioner Lindsey introduced the Early Learning Coalition (ELC) Presentation. He said the update is for a better understanding of the purpose of the ELC.

Kathryn Bevilacqua-Ely discussed the focus on early literacy. She said the budget has doubled allowing them to serve more children. She said they are making a difference through active involvement in the community.

Dr. Mark Hutek, Early Learning Coalition, CEO, showed slides and discussed the ELC

of Polk County. He said they are the official administrator of the funds. He discussed their budget and how they are allocated. He said every VPK program in the county comes through this coalition and receives their funding from them. He said they are the designated state agency. He discussed the school readiness program and said it does support low income families. He said they serve infants up through school aged children. He said the primary age they serve is birth to the age of four. He said they serve 5,500 children daily. He said it has become educationally driven. He discussed the state funded VPK programs; and said they are very low funded. He reviewed the VPK program and requirements and said any four-year old child can participate. He said 1/3 of the sites are located in the public elementary schools and the others are in the communities. He discussed how the VPK programs are evaluated yearly in every classroom. He discussed the American Rescue Plan and the funds received in 2022-2024. He said in Polk County they are responsible for keeping the industry alive and allowing parents to keep working through the school readiness programs. He said the funds are decreasing and in 2024-2025 there will be no funds allocated for child care providers. He discussed the barriers to early childhood profession such as wages, high turn over, staffing shortages, high teacher mobility rates and ECE deserts. He discussed the shortages of childcare. He said the workforce, public schools, and society in general is impacted by their work. He discussed the window of learning for young children. He discussed their priorities, eligibility thresholds, provider reimbursement rates and evaluating and adjusting the ELC allocations. He said 8,000 per year attend kindergarten and only 4,000 attend VPK. He said childcare is a huge barrier to the workforce. He said the Florida Chamber of Commerce published a report on how childcare affects the workforce and recommended the audience read it. He thanked the Board for their support.

Commissioner Combee said he did not get to go kindergarten because it cost money.

Upon question, Mr. Hutek said 78% has to go into the pockets of the providers and they have to reimburse them for the children. He discussed how the remaining funds are allocated. He discussed the three tests that are given to VPK children and how the results are used. He discussed the testing in kindergarten and said children are classified as whether or not they are kindergarten ready. He said 50% of children statewide do not go to VPK and the parents are given the results.

Commissioner Santiago thanked Mr. Hutek for all they do and said she understands the value. She said Florida is ahead of the game compared to other states.

Mr. Hutek said they base the numbers off the 8,000 that enroll in kindergarten in the public school system. He said they do community events and media campaigns at least twice a year.

Commissioner Santiago said she and Commissioner Lindsey attended the annual gala and heard the stories of the families and the kids. She gave kudos for all they do.

Commissioner Lindsey thanked Ms. Bevilacqua-Ely and her team for their service and for representing this Board. He said they would like bi-annual updates with the progress and challenges.

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

C.1. Comments.

Minutes: Blair Updike discussed the prescriptive planned development and said she watched the agenda workshop. She said she appreciates that most of them noticed that this was not necessary anymore. She said she was concerned that the first thing offered up in exchange for getting people to cooperate was public comment and the hearing process. She discussed why it is important to have public input. She said another issue is the state preempting everything. She said she saw there was a comp review coming up and she said she hopes we accelerate that process. She said we should find a way to include the public better.

Glenn Lawhorn discussed the workshop held on this issue. He said they are the citizens and they are going to come here and speak. He said the Commissioners are obligated to hear what they have to say and then they make a determination on what they think is right. He said Commissioner Combee said they were questioning silencing the public and he appreciates him doing that. He said he was flabbergasted that the Planning Commission sent this to be considered.

Bonnie Paterson James said she is concerned about the approval of a \$5 million spy plane being hidden as a consent item. She questioned why Grady did not bring this to the public's attention. She discussed her arrest and she said the media mocked her. She discussed his issues with body cameras and said he will not put cameras on deputies. She discussed the cell phone footage and said her rights were ignored. She said she was victimized by the system that is supposed to serve her. She said the cameras were turned off when the handcuffs were placed on her and said she was not the only one violated that day.

Debra Macaluso discussed the gag order on the citizens that they do not want comments on about what is going on in our county. She said we fund things in the county and it is wrong to try and silence them.

D. APPROVE CONSENT AGENDA

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

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
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E.2. Minutes of Regular Board meeting held on November 21, 2023.

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

H. COUNTY MANAGER (BILL BEASLEY)

H.1. Request Board approve a transfer from reserves to the Sheriff’s Budget for the purchase of a Kodiak fixed wing aircraft and imaging system. (Up to \$5,000,000 one-time expense)

Minutes: County Manager Bill Beasley discussed the transfer from reserves to the Sheriff’s budget for the purchase of a Kodiak fixed wing aircraft and imaging system. He recommended approval.

Chief Ian Floyd, Polk County Sheriff’s Office, thanked the Board and said he is here to answer any questions. He discussed the increased need for the aircrafts and said the primary mission is surveilling those trafficking narcotics and said this airplane is critical. He said the Kodiak will meet more of their needs.

Upon question, Chief Floyd said they had to use another aircraft at the recent fentanyl bust. He confirmed that four of their five pilots are cross trained as fixed wing and helicopter pilots and he said the other pilot will be cross-trained. He said the Cessna has been in service for 20 years.

Commissioner Combee said the privacy concerns of citizens has come up. He said the concern is who comes after Grady Judd and having military grade equipment flying above.

Chief Floyd said they are not out surveilling law abiding citizen and it is primarily for drug traffickers. He said they are not looking into peoples' houses. He said the comments he has heard from the public is all conspiracy.

Commissioner Combee discussed the life span of the Kodiak and said it is an investment that will not have to occur again for another 40 years. He said it is cheaper when you spread it over 40 years.

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

H.2. Approve Agreements with Aetna for integrated medical and pharmacy benefits administration. (Estimated \$62,000,000 recurring annual expense in the

Employee Health Plan including estimated administrative costs of \$1,600,000 per year)

Minutes: County Manager Bill Beasley discussed the agreement with Aetna for integrated medical and pharmacy benefits administration. He discussed the programs, employees and families this will affect. He recommended approval.

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

H.3. Approve Standard Grant Agreement #LPA0436 between State of Florida Department of Environmental Protection (FDEP) to fund the Peace Creek Water Preservation Project. (one-time revenue \$3,000,000)

Minutes: County Manager Bill Beasley discussed the Standard Grant Agreement #LPA0436 between the State of Florida Department of Environmental Protection (FDEP) to fund the Peace Creek Water Preservation Project. He recommended approval.

Commissioner Wilson recused from voting.

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

H.4. Approve agreement with Dewberry Engineers, Inc. to provide professional engineering services for the Circle B Bar Reserve. (\$1,445,122.17 one-time expense)

Minutes: County Manager Bill Beasley discussed the agreement with Dewberry Engineers, Inc., to provide professional engineering services for the Circle B Bar Reserve. He said the county will seek reimbursement through FEMA. He recommended approval.

Upon question, Tabitha Biehl, Parks and Natural Resources, discussed the section of the trail that is closed. She showed the closed section on a map

Upon question, Mr. Beasley said that Dewberry is the only company that responded. He said it is a unique service. He said they have turned in worksheets to FEMA for reimbursement of 100%.

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

H.5. Request Board approve construction contract with Semco Construction, Inc. for

the Northeast Regional Park - Batting Cages & Storage Building project.
(\$568,543.00 one-time expense).

Minutes: County Manager Bill Beasley discussed the construction contract with Semco Construction, Inc., for the Northeast Regional Park - Batting Cages and Storage Building project. He recommended approval.

Commissioner Santiago recused from voting.

Upon question, Mr. Beasley said that impact fee funds will be used for this project.

Commissioner Combee said the county needs to make this facility available to the most people as possible. He said this is a great facility and the county has a fortune invested in it.

Mike Callender, Parks and Recreation Manager, said they hear the Commissioner's request and they will work to expand the use.

Commissioner Combee said he does not want a facility that is limited to league play.

Mr. Calendar said they will be working with high schools and will host tournaments. He said they are looking at a fall ball season.

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

H.6. Approve agreement with Wharton-Smith, Inc. to provide construction manager at risk (CMAR) pre-construction services for Phases 1 and 2 of the Northeast Regional Wastewater Treatment Facility expansion from 6 to 9 million gallons daily (MGD). (\$320,513.00 pre-construction services one-time expense)

Minutes: County Manager Bill Beasley discussed the agreement with Wharton-Smith, Inc., to provide construction manager at risk pre-construction services for Phases 1 and 2 of the Northeast Regional Wastewater Treatment Facility expansion from 6 to 9 million gallons daily. He recommended approval.

Commissioner Combee discussed the cost of this project and the man hours. He said he thinks this is too much money and he will not support this. He said he is not convinced that this is needed.

Upon question, Utilities Director Tamara Richardson, said this will this last about 15 years and maybe we will not have to go to 12 million gallons. She said the maximum is 12 million and once they get to that they would have to build another waste water plant.

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

NAY: Combee

I. COMMISSIONER DISTRICT 2 (RICK WILSON)

I.1. Commissioner Wilson Comments.

Minutes: Commissioner Wilson had no comments.

J. COMMISSIONER DISTRICT 3 (BILL BRASWELL, CHAIR)

J.1. Chair Braswell Comments.

Minutes: Chair Braswell had no comments.

K. COMMISSIONER DISTRICT 4 (MARTHA SANTIAGO)

K.1. Re-appoint Cyndi Jantomaso as Member No. 7 of the Industrial Development Authority for the three-year term, January 22, 2024, to January 21, 2027.

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

K.2. Commissioner Santiago Comments.

Minutes: Commissioner Santiago had no comments.

L. COMMISSIONER DISTRICT 5 (NEIL COMBEE)

L.1. School Zone Speed Cameras

Minutes: Commissioner Combee discussed the need for cameras in school zones. He discussed the test work on this in Hillsborough County. He discussed the program in Gwinnett County in Georgia where people were going through school zones in an excess of 100 m.p.h. He said the legislature created an opportunity for counties to look at contracting. He said that the Clerk said that the bulk of the money goes to the camera companies. He said the fine is \$100 for ten miles or greater in a school zone. He discussed how the fines are allocated. He said the county would get a majority of the money. He said he does not think that it is a good idea to ignore drivers speeding in school zones. He said 26,000 people in Hillsborough in three different zones were driving greater than 10 miles over the speed limit. He said the county would be negligent if they do not give this a serious look. He discussed the accidents and deaths that have occurred in this county. He said it is dangerous to be walking or riding in Polk County. He said we cannot do anything to change that but we can do a better job at protecting the kids. He said the cameras will change some behavior.

Chair Braswell said County Attorney Randy Mink will come back with an overview at the next agenda briefing. He said it is worth looking into.

Commissioner Santiago said they need to consult with the Sheriff and the School Board. She said she wants all the information that we need to make a proper decision.

Commissioner Wilson said Grady Judd is 100% against these cameras. He said he feels the same way. He said the Sheriff feels like the human factor should be involved and he can put more deputies around. He said it is just not the school zones. He said the Sheriff would have to issue tickets, we cannot issue tickets and we have to put someone in charge to collect the money.

Commissioner Santiago said she is all for protection for the children but they need all the information.

Commissioner Combee asked for more information on cameras on the buses.

County Manager Bill Beasley said we will make this as comprehensive as we can.

L.2. Growth Increment Funding Plan

Minutes: Commissioner Combee discussed the impact fees being raised to 100% of the level in Manatee County. He said they are doing it to try and stop the development so they can catch up with infrastructure. He discussed Lee County's program taking the first year revenue from the ad valorem tax and said it goes into an infrastructure fund in addition to impact fees.

Deputy County Manager Todd Bond said he has spoken with Lee County and explained how the funds are transferred. He said that it can be used for any infrastructure but they mainly use it for the roads.

Commissioner Combee said it is something they should consider. He said we need to take a class on budgeting. He asked that this be added as an option to the budget.

Chair Braswell said we can discuss this at the retreat.

Mr. Bond discussed the funds received by new construction with general fund millage only one year was a little over \$5 million, then a little under \$6 million, a little over \$8 million, \$11 million and this last year was \$12.2 million. He said the 3% reduction from the millage rate was a little over \$12 million.

Mr. Beasley said they will discuss this at the Board retreat and he said it will be an early season budget discussion.

L.3. Commissioner Combee Comments.

Minutes: Commissioner Combee had no comments.

M. COMMISSIONER DISTRICT 1 (GEORGE LINDSEY)

M.1. Commissioner Lindsey Comments.

Minutes: Commissioner Lindsey had no comments.

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

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

O.1. Public Hearing (LDCT-2023-12 PIX Car Wash and Self-Storage Text Amendment) (Adoption Hearing) to consider the adoption of an applicant-initiated Land Development Code text amendment.

Minutes: Land Development Director Ben Ziskal reviewed the proposed text amendment. He said that staff recommends approval.

The Chair opened a public hearing; no one spoke.

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

O.2. Public hearing (LDCT-2023-17 Certified Local Government (CLG) Ordinance) (Adoption Hearing) to consider adoption of an ordinance needed to achieve Certified Local Government status as defined by the National Historic Preservation Act.

Minutes: Land Development Director Ben Ziskal reviewed the proposed ordinance needed to achieve Certified Local Government status as defined by the National Historic Preservation Act. He recommended approval.

Chair Braswell said this is owner initiated and he thinks it is a great idea.

The Chair opened a public hearing; no one spoke.

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

P. PUBLIC HEARINGS

P.1. Public Hearing (LDCPAL 2023-4 N US 27 SAP CPA) (Adoption Hearing) to consider the adoption of a Large-Scale Comprehensive Plan Map Amendment on 12.86 +/- acres to change the Future Land Use from Professional/Institutional (PIX) to Residential High (RHX). (No Fiscal Impact)

Minutes: Chanda Bennett, Land Development, discussed the proposed map amendment. She discussed the subject property and reviewed the current land use. She reviewed the school capacity in this area. She said this land use change will be a decrease in utilities and transportation. She said staff and the Planning Commission recommend approval. She said the Department of Commerce did not have any

comments on this project.

Upon question, Land Development Director Ben Ziskal said one planning commissioner recused from voting and that is why there was 4/0 vote.

The Chair opened a public hearing.

Bart Allen, representing the applicant, introduced the staff present today. He discussed the subject site and the current FLU map. He discussed the right-of-way dedication. He discussed the installation of a Knox box. He said there is fire/EMS services for this property. He discussed what the PIX district allows for multi-family. He discussed the multi-family projects in this area. He said they agree with staff with one minor exception. He said this meets all of the LDC requirements and it is compatible with the area. He said the Department of Commerce had no comments. He discussed the typo in the staff report relating to table 5 in the transportation analysis; he said they dropped a digit on the pm peak hour trips and it would go to 396 trips and they have 39 written.

Clay Matthews said his firm represent Sun Communities and they are the owners of an adjacent property. He said the client is concerned about the access that will go through their property. He acknowledged it is early to object to potential access but the county may require the access to his clients property. He suggested that the access should be to the north next to the church. He said it is a more clear and direct access.

Upon question, Mr. Matthews discussed the secondary access. He said an exit would be to the north by the church; he said to the north would not be going to his client's property.

Upon question, Mr. Allen discussed where they would put the primary access south of the church. He said they have worked with the county where the appropriate emergency access would be and said they are encouraging it on the south end. He said they are not proposing to go through the subdivision. He showed the street, public and private areas on the map. He said whether or not the land use is changed this conversation will happen again.

Commissioner Combee said staff needs to be aware of the issues between Mr. Allen and Mr. Matthews.

Upon question, Ms. Bennett said the right-of-way was platted before anyone moved into that development. She said the North Ridge trail is to be a parallel road.

Mr. Mathews said they see two separate issues concerning the right-of-way and the secondary emergency access. He requested that it not go through his client's property.

Jack Brandon said he has known the property owners for years. He said they have heard the presentation and favorable staff report. He asked that the Board approve this land use change.

The Chair closed the public hearing.

Mr. Mink clarified that the motion includes the revision to the staff report.

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

P.2. Public Hearing (LDCPAL-2023-15 US Highway 27 RLX to OCX) (Adoption Hearing) to consider the adoption of a Large-Scale Comprehensive Plan Amendment (CPA) to change the Future Land Use designation on 0.94 +/- acres from Residential Low X (RL-X) to Office Center X (OC-X) in Transit Supportive Development Area (TSDA)/North US 27 Selected Area Plan (SAP)/Ridge Special Protection Area (SPA)/Green Swamp Area of Critical State Concern (ACSC)/Transit Corridors and Centers Overlay (TCCO) Transit Corridors. (No Fiscal Impact)

Minutes: Chanda Bennett, Land Development, reviewed the proposed land use amendment. She reviewed the subject property. She discussed the surrounding land uses. She showed slides of the area. She said there are no impacts to school concurrency. She said staff recommends approval.

The Chair opened a public hearing.

Bart Allen, representing applicant, said this is the smallest large scale map amendment that he has done. He discussed the subject area and the surrounding development. He said this property was originally part of a PDE. He discussed what this parcel was originally planned for to fit the Type 1 intersection. He discussed the restrictions that are applied to this area. He said it is to make sure the development is compatible with the area. He said he has communicated with the HOA attorney and they remain on the same page. He reviewed the easement area and said they will make sure it is safe for guests and residents. He discussed the possible uses for this property and he discussed what is not allowed. He showed an example of OC-X land use. He said they agree with staff's recommendations. He said there are no objections with the Department of Commerce.

The Chair closed the public hearing.

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

P.3. Public Hearing to consider adoption of an ordinance creating the Central Inwood Street Lighting Municipal Service Benefit Unit ("MSBU").

Minutes: Deputy County Attorney Sandy Howard discussed the creation of the Central Inwood Street Lighting Municipal Service Benefit Unit (MSBU). She showed slides of the subject area. She recommended approval.

The Chair opened a public hearing.

Russell Cook said the issues with this will be the light pollution. He said they do not need more lights in the area. He said they keep building and it keeps producing more light. He said now they want the citizens to pay for this improvement.

Wade Allen, Real Estate Services Manager, said 350 letters were sent to the residents and to date they have had two responses; one of Mr. Cook in opposition and another in support.

Tom Palmer asked about the boundaries.

Mr. Allen showed the boundaries on a map.

The Chair closed the public hearing.

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

P.4. Public Hearing to consider adoption of an ordinance limiting code enforcement and building department action for building additions, remodels, and sheds on owner occupied residential property, without a permit when the additions, remodels, and sheds are greater than six (6) years old at the time of a complaint.

Minutes: County Attorney Randy Mink reviewed the ordinance limiting code enforcement and building department action for building additions, remodels and sheds on owner occupied residential properties without a permit when the additions are greater than six years old at the time of the complaint. He recommended approval.

The Chair opened a public hearing; no one spoke.

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

P.5. Public Hearing to consider adoption of a resolution providing notice of intent to use the uniform method for the levy, collection, and enforcement of non-ad valorem assessments.

Minutes: Assistant County Attorney Noah Milove discussed the resolution to providing notice of intent to use the uniform method for the levy, collection, and enforcement of non-ad valorem assessments. He recommended approval.

The Chair opened a public hearing; no one spoke.

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

ANNOUNCEMENTS

Minutes: Meeting adjourned at 10:59 a.m.