



# Polk County Board of County Commissioners (Organizational)

## Meeting Minutes - Final

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### November 19, 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.

### Organizational Meeting

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

#### INVOCATION

Bill Dehart, Polk County Fire Rescue Chaplain

#### PLEDGE OF ALLEGIANCE (BILL BRASWELL, CHAIR)

#### INVESTITURE CEREMONY (RANDY MINK, COUNTY ATTORNEY)

1. Becky Troutman, County Commissioner, District 1. Stacy M. Butterfield, CPA, Clerk of the Circuit Court and Comptroller, to administer oath.

**Minutes:** Stacy M. Butterfield, CPA, Clerk of the Circuit Court and Comptroller, administered the oath to Becky Troutman, County Commissioner, District 1.

2. Bill Braswell, County Commissioner, District 3. Stacy M. Butterfield, CPA, Clerk of the Circuit Court and Comptroller, to administer oath.

**Minutes:** Stacy M. Butterfield, CPA, Clerk of the Circuit Court and Comptroller, administered the oath to Bill Braswell, County Commissioner, District 3.

3. Michael Scott, County Commissioner, District 5. Daniel F. Pilka, Esq., to administer oath.

**Minutes:** Daniel F. Pilka, Esq., administered the oath to Michael Scott, County Commissioner, District 5.

## REORGANIZATION OF THE BOARD (RANDY MINK, COUNTY ATTORNEY)

4. Comments from the General Public regarding Reorganization of the Board.

**Minutes:** There was no one from the public wishing to speak.

5. Elect Chairperson.

Elect T.R. Wilson as Chairman.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Martha Santiago
<b>SECONDER:</b>	Bill Braswell
<b>AYE:</b>	Troutman, Wilson, Braswell, Santiago, and Scott

6. Elect Vice Chairperson.

Elect Martha Santiago as Vice Chair.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Bill Braswell
<b>SECONDER:</b>	Becky Troutman
<b>AYE:</b>	Troutman, Wilson, Braswell, Santiago, and Scott

7. Adopt Resolution Authorizing Banks to Honor and Cash Warrants signed by new Chairperson and the Clerk effective November 19, 2024.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Bill Braswell
<b>SECONDER:</b>	Martha Santiago
<b>AYE:</b>	Troutman, Wilson, Braswell, Santiago, and Scott

8. Recognition of the outgoing Chair.

**Minutes:** Chair Wilson recognized Commissioner Braswell as the outgoing chair. He said for the past year under the leadership of Commissioner Braswell this Board has done some great things for the residents and the visitors of Polk County. He said as a Board Chair, Commissioner Braswell has provided outstanding leadership and direction for Polk County's future. He said he has focused on several long-term issues facing the county. He thanked him for his leadership, time, energy and dedication to the people of Polk County.

Commissioner Braswell said it is an honor and a privilege to be a commissioner in Polk County. He said when 150,000-200,000 people vote for you, expecting you to carry out the policies that they want it is very humbling. He said it is humbling when your fellow board members elect you as Chairman and he thanked them for that. He said he is looking forward to working with the two new board members and he welcomed them.

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

C.1. Comments.

**Minutes:** Cassandra Richards said she misses Commissioner Combee. She said the dump trucks have started coming through Friedlander Road. She said Friedlander Road is not a collector road. She said there is not a light and there are seven subdivisions coming up. She discussed speeding and she said we need speed bumps and a survey. She said nobody should have to be killed trying to get on State Road 60.

Chair Wilson said there is a procedure in place for speed bumps.

Patricia Robertson said she is here about an appeal for the development on Shepherd Road. She said they have one to two story condo units and this is for three stories and they want to go to a four story development. She said they are to the south and they will build right on top of them. She said there is a waiver for an emergency entrance and she said it is a safety issue. She discussed concerns with flooding.

Ron Wade said he representing Sandra Spivey and Fred Spivey. He read a letter on their behalf about the hurricane that caused flooding and damaged their septic tank. He said there was a lot of septic backup at their house. He said the county and city should be held responsible.

County Manager Bill Beasley directed Mr. Wade to follow up with Deputy County Manager John Bohde if they wish to file a claim against the county.

Darryl Medley congratulated the new commissioners. He discussed flooding and said he had 14 inches of water in his house. He said drains were not taking water in and they were putting water out. He said he would like some help and asked what can be done to fix this issue. He said they asked the county to come out and clean their drains before the hurricane. He said they ran a camera down there and there was a break in the pipes. He said the county is welcome to buy his property and turn it into a retention pond.

**D. APPROVE CONSENT AGENDA**

D.1. Approve Consent Agenda.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Bill Braswell
<b>SECONDER:</b>	Martha Santiago
<b>AYE:</b>	Troutman, Wilson, Braswell, Santiago, and Scott

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

E.1. Disbursements.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Martha Santiago
<b>SECONDER:</b>	Bill Braswell
<b>AYE:</b>	Troutman, Wilson, Braswell, Santiago, and Scott

E.2. Minutes of Regular Board meeting held on November 5, 2024.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Bill Braswell
<b>SECONDER:</b>	Martha Santiago
<b>AYE:</b>	Troutman, Wilson, Braswell, Santiago, and Scott

**H. COUNTY MANAGER (BILL BEASLEY)**

H.1. Approve construction contract with Ajax Paving Industries of Florida, LLC for the Imperial Lakes drainage improvement project - ARP (\$8,941,173.86 one-time expense from American Rescue Plan Funds)

**Minutes:** County Manager Bill Beasley discussed the construction contract with Ajax Paving Industries of Florida, LLC, for the Imperial Lakes drainage improvement project. He recommended approval.

Upon question, Roads and Drainage Director Jay Jarvis said the road drainage system discharge went to the west, went through a series of lakes and ditch channels, and then went south. He said what this is allowing now is that water to backflow and/or flow into these ponds and go around the eastern side and go south. He said it is creating a big storage area for that water that was backing up in the roadway. He said they are raising that road through the area to get it up so it will all be rebuilt and that drainage system will now function and interconnect into the road drainage system and discharge into the ponds. He confirmed that it is deep and has a long ways to go to fill it up. He said there is never a guarantee that it will not flood again but the intent is that it will handle a 100-year storm event.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Bill Braswell
<b>SECONDER:</b>	Martha Santiago
<b>AYE:</b>	Troutman, Wilson, Braswell, Santiago, and Scott

H.2. Approve agreement with Kisinger Campo & Associates, Corp. for engineering services for the FDC Grove Road/North Ridge Trail flyover project. (\$1,839,792.64 one-time expense)

**Minutes:** County Manager Bill Beasley discussed the agreement with Kisinger Campo & Associates, Corp., for engineering services for the FDC Grove Road/North Ridge Trail flyover project. He recommended approval.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Martha Santiago
<b>SECONDER:</b>	Becky Troutman

**AYE:** Troutman, Wilson, Braswell, Santiago, and Scott

H.3. Approve Standard Grant Agreement #INV51 with the State of Florida - Department of Environmental Protection (FDEP) to provide funding for the project: "Advanced Algae Cultivation Technology for Nutrient Removal from Florida Surface Waters" (\$2,300,000 one-time revenue).

**Minutes:** County Manager Bill Beasley discussed the Standard Grant Agreement #INV51 with the State of Florida - Department of Environmental Protection to provide funding for the project: Advanced Algae Cultivation Technology for Nutrient Removal from Florida Surface Waters. He recommended approval.

**RESULT:** APPROVED  
**MOVER:** Bill Braswell  
**SECONDER:** Martha Santiago  
**AYE:** Troutman, Wilson, Braswell, Santiago, and Scott

H.4. Approve Florida Defense Support Commission and Department of Commerce Defense Grant Agreement # S0253 to pursue less than fee acquisition with willing sellers in the Sentinel Landscape. (one-time revenue \$500,000)

**Minutes:** County Manager Bill Beasley discussed the Florida Defense Support Commission and Department of Commerce Defense Grant Agreement # S0253 to pursue less than fee acquisition with willing sellers in the Sentinel Landscape. He recommended approval.

**RESULT:** APPROVED  
**MOVER:** Becky Troutman  
**SECONDER:** Bill Braswell  
**AYE:** Troutman, Wilson, Braswell, Santiago, and Scott

H.5. Approve 1) construction contract with Bul-Hed Corporation for the Lake Annie water quality improvement project, and 2) CIP amendment and budget transfer in the amount of \$720,000.00 with in the American Rescue Plan and Stormwater MSTU Funds. (\$3,300,300.14 one-time expense)

**Minutes:** County Manager Bill Beasley discussed the construction contract with Bul-Hed Corporation for the Lake Annie water quality improvement project, and CIP amendment and budget transfer in the amount of \$720,000.00 with the American Rescue Plan and Stormwater MSTU Funds. He recommended approval.

**RESULT:** APPROVED  
**MOVER:** Bill Braswell  
**SECONDER:** Martha Santiago  
**AYE:** Troutman, Wilson, Braswell, Santiago, and Scott

H.6. Approve Agreement for Sale and Purchase between R.F. Development Group Co., Inc. and Polk County in conjunction with the Environmental Lands Program, CLASAC Project EL-100-23. (\$5,245,000 total expense)

**Minutes:** County Manager Bill Beasley discussed the Agreement for Sale and

Purchase between R.F. Development Group Co., Inc., and Polk County in conjunction with the Environmental Lands Program, CLASAC Project EL-100-23. He recommended approval.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Becky Troutman
<b>SECONDER:</b>	Martha Santiago
<b>AYE:</b>	Troutman, Wilson, Braswell, Santiago, and Scott

H.7. Approve construction contract with CenState Contractors, Inc. for the Babson Park Water Production Facility No. 1 ground storage tank and high service pump station project. (\$4,348,630.00 one-time expense from American Rescue Plan Funds and \$393,275.00 Connection Fee Funds)

**Minutes:** County Manager Bill Beasley discussed the construction contract with CenState Contractors, Inc., for the Babson Park Water Production Facility No. 1 ground storage tank and high service pump station project. He recommended approval.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Becky Troutman
<b>SECONDER:</b>	Martha Santiago
<b>AYE:</b>	Troutman, Wilson, Braswell, Santiago, and Scott

**I. COMMISSIONER DISTRICT 1 (BECKY TROUTMAN)**

I.1. Commissioner Troutman Comments.

**Minutes:** Commissioner Troutman said it is her pleasure to be here. She said it is a huge honor and responsibility to all the citizens and it is not just those in District 1. She said as we move forward she asked that everyone be willing and open to holding us all accountable to serve the citizens of Polk.

**K. COMMISSIONER DISTRICT 3 (BILL BRASWELL)**

K.1. Commissioner Braswell Comments.

**Minutes:** Commissioner Braswell welcomed the two new commissioners.

**L. COMMISSIONER DISTRICT 4 (MARTHA SANTIAGO)**

L.1. Commissioner Santiago Comments.

**Minutes:** Commissioner Santiago congratulated Commissioners Scott and Troutman. She said it is good to have another female on the Board. She said it has been since the 1990's since we have had two females on the Board.

**M. COMMISSIONER DISTRICT 5 (MICHAEL SCOTT)**

M.1. Commissioner Scott Comments.

**Minutes:** Commissioner Scott said thank you for the support from the Board and the welcoming from all the staff. He said it has been a refreshing breath of fresh air with the great talent we have. He said he would like for staff to bring something to the Board on closed basins to talk about the design requirements. He said there was quite a bit of flooding during the hurricane and after the storm goes away there is no point for the water to go and drain off.

County Manager Bill Beasley said that topic is set for a work session within the next 30 days.

**J. COMMISSIONER DISTRICT 2 (RICK WILSON)**

J.1. Commissioner Wilson Comments.

**Minutes:** Chair Wilson said it is an honor to have our new commissioners here. He said our county is very blessed. He stated we have some great people and staff that keeps us heading in the right direction. He welcomed the new commissioners and said he looks forward to working with them.

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

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

O.1. Public Hearing (LDCPAS-2024-16 Dinaco LLC CPA) (Adoption Hearing) to consider a Future Land Use change from Residential Suburban (RS) to Linear Commercial Corridor (LCC) on +/- 0.8 acres in the Suburban Development Area (SDA). (No Fiscal Impact)

**Minutes:** Land Development Director Ben Ziskal reviewed the proposed land use change. He said that the Planning Commission and staff recommend approval.

The Chair opened a public hearing; no one spoke.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Martha Santiago
<b>SECONDER:</b>	Bill Braswell
<b>AYE:</b>	Troutman, Wilson, Braswell, Santiago, and Scott

O.2. Public Hearing (LDCPAS-2024-19 Lakeland Highlands OC CPA) (Adoption Hearing) to consider a Future Land Use Map change from Residential Medium (RM) to Office Center (OC) on +/- 1.4 acres in the Transit Supportive Development Area (TSDA). (No Fiscal Impact)

**Minutes:** Land Development Director Ben Ziskal reviewed the proposed land use map change. He said that the Planning Commission and staff recommend approval.

The Chair opened a public hearing; no one spoke.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Bill Braswell

<b>SECONDER:</b>	Becky Troutman
<b>AYE:</b>	Troutman, Wilson, Braswell, Santiago, and Scott

O.3. Public Hearing (LDCT-2024-23 Subdivision of Lots with Multiple Structures) (First Reading) to consider the adoption of a County-initiated request to allow lots with multiple units in existence for over 20 years to subdivide regardless of the minimum lot size, provided certain conditions can be met.

**Minutes:** Land Development Director Ben Ziskal reviewed the proposed text amendment. He said this is the first reading. He said that the Planning Commission and staff recommend approval.

Upon question, Mr. Ziskal said there is flexibility and they could seek an easement or independent driveway.

The Chair opened a public hearing; no one spoke.

**P. PUBLIC HEARINGS**

P.1. Public Hearing to consider adoption of a resolution to vacate portions of platted public drainage and utility easements as shown on the Plat of River Ranch Shores Unit One. (No fiscal impact)

**Minutes:** Scott Lowery, Real Estate Services, showed slides and reviewed the proposed vacation request. He said there are no objections to the proposed request. He recommended approval.

The Chair opened a public hearing; no one spoke.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Bill Braswell
<b>SECONDER:</b>	Martha Santiago
<b>AYE:</b>	Troutman, Wilson, Braswell, Santiago, and Scott

P.2. Public Hearing (LDPD-2024-2 Shepherd Rd Multi-family) (De Novo Hearing) to consider an appeal to the Planning Commission’s decision to deny LDPD-2024-2.

**Minutes:** County Attorney Randy Mink read the De Novo hearing procedures.

Commissioners Troutman, Braswell, Wilson and Santiago said they have not had any ex parte communications.

Commissioner Scott said he has had communications with staff.

Erik Peterson, Land Development, showed slides and said the request is for a 200 unit apartment complex that is four-stories high on 14.58 acres. He said that the Planning Commission recommended denial. He said the height limit is 75 feet. He showed slides of the site and showed the creek on the site. He said the primary access will be shared with a commercial out parcel. He showed the drainage areas. He showed an

approximate location of where the buildings will be located. He discussed the surrounding areas. He said that staff recommends approval and that it meets the standards for a Planned Development (PD). He said it is compatible with the surrounding area. He said this is consistent with the Comprehensive Plan.

Upon question, Mr. Peterson said right now it is ten units to the acre with 145 units. He said he does not have any information on the flooding from the recent hurricane. He said that the Planning Commission had concerns with parking; he said the site plan shows below the two spaces per unit and he said this is not an issue that is approved at this level. He said that staff has a process for evaluating waivers for the parking standard. He said they could put a condition on this site that they not go below the minimum and then staff could not grant a waiver. He said they require sufficient data and analysis for waivers. He said we do waive parking standards for many uses. He said the standard for parking is two spaces per unit and that assumes every unit is the same; he said they are providing 1.75 per unit. He said Community Activity Center is next to the site and allows for retail, restaurants, or offices. He said for drive-thrus there are standards for setting back the drive-thru lanes. He said this is the first four-story structure in the area and the abutting property is three stories with higher density. He confirmed that this would be higher by one story. He reviewed the PD requirements and how the applicant got their bonus points. He said they will be sharing the same entrance as the road going into the apartment complex. He discussed the creek and showed the retention areas. He said the Residential High use would allow for four possibly five stories and the current land use grants them 10 units per acre. He said they are asking for 200 but they may not get there with the design of the site. He confirmed that staff finds this compatible with the surrounding area and consistent with the Land Development Code.

John McVay, applicant, said this area is close to 90% developed along the Shepherd Road corridor. He discussed the surrounding areas. He said they have been working with staff trying to figure a way to improve the drainage in Imperial Lakes. He said they are committed to 100% retention with discharge after the 100-year. He said they are committed to two parking spaces per unit. He said they will commit to only three story buildings. He said during Hurricane Milton the ditches and retention pond filled up. He said there was a little bit of water outside the main channel of the ditch. He said the intention is to dig in the retention ponds to hold the stormwater but also to raise the site a couple of feet to eliminate flooding issues. He said the access to Shepherd Road will be shared with a commercial use and he said the commercial will be approved under its' own site plan. He said the county may give a right-in/right-out. He said they have provided recreation area. He said the Fire Department wanted an emergency entrance because it is 100 units. He said there is a lift station on their property for the apartments next to them and they are willing to give them an easement. He said their goal is to do a quality development and make it a nice place and community. He said it has a transit stop, sidewalks, water, sewer, schools and recreation. He asked for approval.

Upon question, Mr. McVay said he would honor any conditions limiting from this four story to three story, the two parking spaces per unit, and a 100-year storm design. He said it is not a closed basin it is a compromised basin. He said there would be zero discharge until the 100-year event stage. He said there is not an existing easement for

the lift station and they are willing to work with that community.

Mr. Mink said this has been an issue they have been trying to work it out for several years. He said they could put a condition on the 100-year event. He said he does not think we can put a condition involving the easement.

The Chair opened a public hearing.

Larry Bejnarowicz said his concern is that it was initially for 33 homes and now they have changed it to an apartment complex. He said if they elevate this property it will flood down to their property. He said to build a wall to prevent the water from coming into their units. He said that is what happened with Sundance and said once Sundance was developed it flooded.

Judy Swem gave the Board a stack of statements from residents. She said this is the overflow flooding area from Imperial Lakes. She discussed flooding and said they will be flooded out. She discussed concerns with the emergency exit. She said to deny this.

George Lord discussed the existing pond near Publix and he said it is overcome with vegetation. He said that the owners need to be required to keep the pond clean.

Bill Geasa said he appreciates witnessing the oaths this morning. He said he appreciates what was approved this morning with the item for flooding in Imperial Lakes. He said he is concerned with the flow of water. He asked how do we ensure that the emergency exit is only an emergency exit.

Thomas Robinson said they have had three lift station companies certify that their lift station has no issue. He said it was recorded on a public easement. He said it has been there 40 years and he said they do not need any help with a shared/new lift station.

The Chair closed the public hearing.

Mr. McVay responded to public comment. He said today is the first day they have heard the lift station is operational and in good shape. He said they will put in their own lift station and pump where they need to pump. He said the county is doing the drainage to the south. He said they have committed to three stories, 100-year storm and two parking spaces per unit. He said the emergency entrance is there if their entrance gets blocked by an accident or if Imperial Lakes gets blocked; he said the Fire Code requires that. He said the emergency entrance is not for the residents to use.

Upon question, Mr. McVay said the pond is being shared by three groups; Publix, the north-edge side of the golf course and this site. He said they will clean out the pond and the ditch and have a maintenance agreement. He said it has not been maintained in years.

Upon question, Roads and Drainage Director Jay Jarvis said there is a separation with the basins. He said when Imperial Lakes south flooded it would back up into part of the system but is has been concentrated more to the south. He said it may alleviate some

from the golf course.

Commissioner Braswell said we have talked about drainage, entrances and commercial property. He said for him none of that matters it can all be figured out later. He said 10 units per acre seems more compatible and for that he will not be supporting this.

Commissioner Scott said this looks like lets push a little bit more and for that he would hold it to ten units per acre.

Chair Wilson said he will not be for this either.

<b>RESULT:</b>	<b>DENIED</b>
<b>MOVER:</b>	Bill Braswell
<b>SECONDER:</b>	Martha Santiago
<b>AYE:</b>	Troutman, Wilson, Braswell, Santiago, and Scott

## **ANNOUNCEMENTS**

**Minutes:** Meeting adjourned at 10:53 a.m.