



# Polk County Board of County Commissioners

## Meeting Minutes - Final

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### February 20, 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.

### CALL TO ORDER - 9:00 a.m. Rick Wilson, Vice Chair

#### INVOCATION

Murphy Hanley, Polk County Fire Rescue Chaplain

#### A. PRESENTATIONS and RECOGNITIONS

##### A.1. Employee Recognition

**Minutes:** The Board recognized Mark Schmitz from Roads and Drainage, Linda Keenan in Health and Human Services, Idreana McAfee in Health and Human Services and Marcia Andresen in Health and Human Services for their years of service.

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

##### Comments

**Minutes:** Katherine Barber said she is speaking on behalf of her husband Louie Barber. She said they inquired with the county on acquiring a pole barn. She discussed a Code Enforcement violation they received on their property from the pole barn. She said the handling of this has been discretionary and unfair. She asked for a timely resolution.

##### C.1. Brandy Wells - Request for Funding (Another Chance Youth Mentor Program).

**Minutes:** Brandy Wells said she has had a youth mentoring company since 2017. She discussed the crime rate and violence targeted towards youth. She said she is serving

250 kids at Haines City High School and 300 at Ridge Community High School. She said the problem she is facing is funding. She said they provide mentorship in the schools to redirect problematic children. She said someone has to step up and make a difference in their lives.

County Manager Bill Beasley asked for her to speak to Health and Services Director Marcia Andresen for possible grant funding.

Commissioner Combee asked if she has worked with United Way.

Mr. Beasley said United Way may be a possibility. He said that she should apply for CDBG grant funding; he said it is a competitive program but she should put her name in.

C.2. Comments.

**Minutes:** Randy Wilkinson discussed the Leo Schofield court case. He played a podcast from State Senator Jonathan Martin. He said there is another podcast and they are comparing the original police reports to the trial transcripts and found that things were changed. He said this is the case that needs to be looked at.

Commissioner Combee said he had a conversation about James Abercrombie and they have worked with the Building Division. He said the County Attorney's office has drafted a letter from the Chair on the agenda addressing the reasons for the denial of Mr. Abercrombie's re-roof permit.

County Attorney Randy Mink said the letter informs Mr. Abercrombie that the building officials are responsible to supervise and enforce the inspections under the Florida Building Code. He said the determination is a final decision and the Board does not have purview to review it and that will be the final decision.

James Abercrombie said that is illegal and they do have the final decision. He said he is to take this to court and say it is his fault. He said he is looking forward to the letter and he will sue every one of them.

Board affirms the staff's findings and bring this matter to conclusion.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	George Lindsey
<b>SECONDER:</b>	Neil Combee
<b>AYE:</b>	Lindsey, Combee, Santiago, and Wilson
<b>Absent:</b>	Braswell

D. **APPROVE CONSENT AGENDA**

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	George Lindsey
<b>SECONDER:</b>	Martha Santiago
<b>AYE:</b>	Lindsey, Combee, Santiago, and Wilson

<b>Absent:</b>	Braswell
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**E. COUNTY COMPTROLLER (STACY M. BUTTERFIELD, CPA)**

E.1. Disbursements.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Martha Santiago
<b>SECONDER:</b>	George Lindsey
<b>AYE:</b>	Lindsey, Combee, Santiago, and Wilson
<b>Absent:</b>	Braswell

E.2. Minutes of Regular Board meeting held on February 6, 2024.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Martha Santiago
<b>SECONDER:</b>	George Lindsey
<b>AYE:</b>	Lindsey, Combee, Santiago, and Wilson
<b>Absent:</b>	Braswell

**G. COUNTY ATTORNEY (RANDY MINK)**

G.1. Approve staff to pursue acquisition of the site nominated to the Environmental Lands Program. Conservation Land Acquisition Selection Advisory Committee (CLASAC) recommends pursuing acquisition of EL-110-23. (no fiscal impact)

**Minutes:** County Attorney Randy Mink discussed the acquisition of the site nominated to the Environmental Lands Program.

Commissioner Combee recused from voting.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	George Lindsey
<b>SECONDER:</b>	Martha Santiago
<b>AYE:</b>	Lindsey, Santiago, and Wilson
<b>Absent:</b>	Braswell
<b>Recused:</b>	Combee

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

H.1. Approve purchase of Motorola Diagnostx equipment for the Public Safety Radio System (\$644,793.85 one-time expense).

**Minutes:** County Manager Bill Beasley discussed the purchase of Motorola Diagnostx equipment for the Public Safety Radio System. He recommended approval.

Upon question, Emergency Management Director Paul Womble said this is new equipment that will let them be more efficient by reducing staff time and it will quickly

identify radios.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	George Lindsey
<b>SECONDER:</b>	Martha Santiago
<b>AYE:</b>	Lindsey, Santiago, and Wilson
<b>Absent:</b>	Braswell, and Combee

H.2. Approve The Florida Defense Infrastructure Grant Agreement (S0232) made between Florida Department of Commerce (Commerce) and Polk County (County) (one-time revenue of \$500,000).

**Minutes:** County Manager Bill Beasley discussed the Florida Defense Infrastructure Grant Agreement (S0232) made between Florida Department of Commerce and Polk County. He recommended approval.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Neil Combee
<b>SECONDER:</b>	Martha Santiago
<b>AYE:</b>	Lindsey, Combee, Santiago, and Wilson
<b>Absent:</b>	Braswell

H.3. Agreement for mowing and ditch cleaning services between Polk County and the Association of Poinciana Villages, Inc. (APV) (\$224,000.00 estimated annual expense).

**Minutes:** County Manager Bill Beasley discussed the agreement for mowing and ditch cleaning services between Polk County and the Association of Poinciana Villages, Inc. He recommended approval.

Upon question, Roads and Drainage Director Jay Jarvis said it is on a routine basis and citizen driven for the cleaning services. He said the citizens can make a request.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Neil Combee
<b>SECONDER:</b>	Martha Santiago
<b>AYE:</b>	Lindsey, Combee, Santiago, and Wilson
<b>Absent:</b>	Braswell

**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. 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 said had he not stepped out to talk to Mr. Abercombie he would have recused on item G.1. He said he will file the proper paperwork.

**M. COMMISSIONER DISTRICT 3 (BILL BRASWELL, CHAIR)**

M.1. Chair Braswell Comments.

**Minutes:** Chair Braswell was not present.

**N. LAY BOARD APPOINTMENTS**

N.1. Appoint Alice Brown to Housing and Neighborhood Development’s Citizen Advisory Committee (CAC) for the three-year term February 20, 2024, through February 20, 2027.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Martha Santiago
<b>SECONDER:</b>	George Lindsey
<b>AYE:</b>	Lindsey, Combee, Santiago, and Wilson
<b>Absent:</b>	Braswell

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

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

O.1. Public Hearing (LDCT-2023-14 US 27 SAP RACX Storage & Car Wash) (First Reading) to consider the adoption of a request to add “Self-Storage Facility” and “Full-Service Car Wash” to the Use Table for the Regional Activity Center (RACX) land use district in the US 27 Selected Area Plan (SAP). (No Fiscal Impact).

**Minutes:** Land Development Director Ben Ziskal discussed the proposed amendment. He said that the Planning Commission recommends approval. He said this is the first reading.

The Vice Chair opened a public hearing; no one spoke.

O.2. Public Hearing (LDCPAS-2023-20 Graceway Thornhill INST and Appendix 2.135 text CPA) (Adoption Hearing) to consider the adoption of a Small-Scale Comprehensive Plan Amendment (CPA) to change the Future Land Use designation change on 5.8 +/- acres from Residential Low (RL), Neighborhood Activity Center (NAC), and Business Park Center (BPC) to Institutional (INST) the Transit Supportive Development Area (TSDA) and amend text in Appendix 2.135. Parcel Specific Future Land Use Map Amendments with conditions to remove the southern 30 feet of the subject site and the southern 30 feet of the adjacent NAC). This case is related to LDCT-2023-21 to amend Appendix E, Parcel Specific Future Land Use) of the Land Development Code. (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 Vice Chair opened a public hearing; no one spoke.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Neil Combee
<b>SECONDER:</b>	Martha Santiago
<b>AYE:</b>	Lindsey, Combee, Santiago, and Wilson
<b>Absent:</b>	Braswell

O.3. Public Hearing (LDCT-2023-21 Graceway Thornhill INST Appendix E Text amendment) (Adoption Hearing) to consider an ordinance adopting a Land Development Text Amendment to amending Appendix E of the Land Development Code to remove the southern 30 feet of the subject site and the NAC in Appendix E (Parcel Specific Land Use). This case is related to LDCPAS-2023-20 which is a Future Land Use designation change on 5.8 +/- acres from Residential Low (RL), Neighborhood Activity Center (NAC), and Business Park Center (BPC) to Institutional (INST) and amend text in Appendix 2.135. (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 Vice Chair opened a public hearing; no one spoke.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Neil Combee
<b>SECONDER:</b>	Martha Santiago
<b>AYE:</b>	Lindsey, Combee, Santiago, and Wilson
<b>Absent:</b>	Braswell

**P. PUBLIC HEARINGS**

P.1. Public Hearing (LDCPAL-2023-9 RCC Text Change CPA) (Transmittal 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, reviewed the proposed text amendment. He said that the Planning Commission recommended approval.

Upon question, Mr. Bennett said if someone wanted to establish a new RCC they could and if they wanted to next door to one the RCC could be expanded.

The Vice Chair opened a public hearing; no one spoke.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	George Lindsey
<b>SECONDER:</b>	Neil Combee
<b>AYE:</b>	Lindsey, Combee, Santiago, and Wilson
<b>Absent:</b>	Braswell

P.2. Public Hearing (LDCPAS-2023-27 St. Matthews INST CPA) (Adoption Hearing) to consider the adoption of a Small-Scale Comprehensive Plan Amendment (CPA) to change the Future Land Use designation on 29.34 +/- acres from Residential Medium (RM) to Institutional (INST) in the Urban Growth Area (UGA). (No Fiscal Impact)

**Minutes:** Chanda Bennett, Land Development, reviewed the proposed land use change. She said that the Planning Commission and staff recommend approval. She said this is compatible with the surrounding area.

Upon question, Ms. Bennett said the expansion including the cemetery requires this change. She showed where the proposed site will be.

Nathan Milch, representing the applicant, said the tentative plan is for a burial ground, columbarium, shelter, landscaping and dry retention. He said this change will allow for consistency and compatibility.

Upon question, Mr. Milch said members who attend church would be able to visit their loved ones in a facility next door.

The Vice Chair opened a public hearing; no one spoke.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Neil Combee
<b>SECONDER:</b>	George Lindsey
<b>AYE:</b>	Lindsey, Combee, and Wilson
<b>NAY:</b>	Santiago
<b>Absent:</b>	Braswell

P.3. Public Hearing (LDWA-2023-58 Silver Fox Path Access Waiver) to consider the adoption of an applicant-initiated request seeking a waiver to Chapter 8, Section 821.A of Polk County's Land Development Code (LDC) to access through a platted residential lot with the intent of creating four (4) residential lots. (No fiscal impact)

**Minutes:** Erik Peterson, Land Development, was sworn in by County Attorney Randy

Mink. He reviewed the proposed request for an access waiver through a platted lot. He said that staff recommends approval.

Tyrone King, applicant, said he wants to build four lots for his kids. He said it will not disrupt the area.

The Vice Chair opened a public hearing; no one spoke.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Neil Combee
<b>SECONDER:</b>	Martha Santiago
<b>AYE:</b>	Lindsey, Combee, Santiago, and Wilson
<b>Absent:</b>	Braswell

P.4. Public Hearing (LDCT-2023-15 Mine and Mill Text Amendment) (Adoption Hearing) to consider the adoption of an applicant-initiated request to add additional property to a conditional Comprehensive Map Amendment in Appendix E of the Land Development Code (LDC) to allow the applicant to apply for a Conditional Use request for Construction Aggregate, Processing and Storage in an Industrial (IND) land use district.

**Minutes:** Amy Little, Land Development, reviewed the proposed text amendment. She said that staff recommends approval and the Planning Commission recommended approval 4/2. She said if approved today, the Conditional Use with the binding site plan will go before the Planning Commission.

Dave Carter, representing the applicant, showed slides and discussed traffic and said it is not the main issue. He discussed compatibility, the buffering and the forested area. He discussed Polk Elementary and said there is an industrial area already between the school and their site. He showed pictures of the surrounding areas. He said the machine will be portable. He said there are industrial uses in the area currently. He discussed a proposed townhouse project adjacent to the property. He discussed what is planned for the site and said this is not a site plan hearing.

Upon question, Mr. Carter confirmed that they could not develop that area without floodplain compensation and wetland mitigation.

Tom Mims, applicant, said he would be open to putting a conservation easement to protect that area. He said there would be no reason to not maintain that buffer.

Commissioner Lindsey said future owners could take a different stand without some limitation.

Upon question, Mr. Mims said they plan to own the crusher. He said it will be used and moved between another site they have in Mulberry.

The Vice Chair opened a public hearing.

Bonnie Shalof said she is speaking on behalf of David Shalof, Sherry Lambert, Heather Rush, Barb and Dennis Rick, and Mr. and Mrs. Maurice. She said the proposal

goes beyond the Board of County Commission's mission statement. She said the only ones that this will benefit are those that receive profit. She discussed the letters in opposition. She asked why everyone did not hear about this. She discussed the newspaper publication and said this is not the best means to inform people.

Commissioner Combee said it is state law for the newspaper publication and also the letters being sent to the residents.

Ms. Shalof said they can go above and beyond the law. She discussed the surrounding area and discussed the truck traffic. She read a letter in opposition from Perry's Lawn and Landscaping. She spoke in opposition. She said to make a rational decision and vote no.

Theodore Harms said he is the HOA President for Skyview Estates. He spoke in opposition. He said most of the owners are retired and have respiratory issues. He discussed concerns with noise and concrete dust. He said the Board would not want to go pick up bread coated with dust. He said this location is not consistent with the surrounding areas.

Becky Chupek spoke in opposition. She said the vegetation and fence will not filter out the winds. She said they want to keep their area clean and have clean air quality. She said the children at the school need to be protected. She asked about how much truck traffic. She said this is not compatible and they do not want dust, noise and air pollution. She asked those in opposition to stand.

Elaine Todd said she is speaking on behalf of Cathy Sterns. She asked what has happened to this area with development over the past 40 years. She asked how have we gotten here with manufacturing. She asked where is the future long range plan and where will this stop.

Vice Chair Wilson said we do not have the answer to that and it could go in a lot of different ways.

Commissioner Combee said it may stop here because that is why we are here with this hearing.

Commissioner Lindsey explained the uses for BPC on the map. He said if there is a request beyond BPC that is why they are here today.

Duane Witter discussed traffic and said it is horrendous without truck traffic. He asked what the benefit will be other than tax dollars. He said it needs to be located in a proper area. He said it is important for them to listen to those who live in the area and pay taxes.

George (?) asked the Board to Google what an impact this has on people. He discussed the negative health impacts. He said many people could not be here because they are on respirators.

The Vice Chair closed the public hearing.

Mr. Carter spoke in response to public comments. He discussed the truck traffic and trip traffic. He discussed the distances to the surrounding homes. He said they look forward to this consideration.

Upon question, Mr. Carter said the traffic report is analyzed at the time of the C-3 and the Level 2. He discussed the surrounding businesses. He said he has five letters from the businesses from the nearest adjoining properties.

Commissioner Combee said what concerns him most is the people 450 feet to the east. He said he would not want to live within 450 feet of this operation. He said he grew up 449 feet away from prestressed concrete and he discussed the operations and the noise. He discussed US 27 at State Road 60 and all the truck traffic. He said he cannot imagine what the traffic will be like if it is 12 trucks an hour. He said when you look at BPC and he said this is a heavy industrial use. He asked what will be the impact to the children at school and said he would hate to think they would do physical harm to them. He said this is not a good fit and he will not be able to support this.

Commissioner Lindsey said much of what they review is a prescriptive process that you meet certain conditions and certain criteria then you are entitled to move forward in the prescriptive process. He said the CU process is not as prescriptive. He said this is two-bites at the apple and he would not be in support of this.

Commissioner Santiago said her reference is to health. She said this kind of business does not need to be here. She said she sees the property rights on both sides. She said the subdivisions were there first and will suffer from whatever comes out of this business. She said she will not support this.

Vice Chair Wilson said he will not support this either.

<b>RESULT:</b>	<b>DENIED</b>
<b>MOVER:</b>	George Lindsey
<b>SECONDER:</b>	Martha Santiago
<b>AYE:</b>	Lindsey, Combee, Santiago, and Wilson
<b>Absent:</b>	Braswell

P.5. Public Hearing to consider adopting the Polk County claims settlement ordinance raising the amount the Risk Manager may issue or receive in settlements from twenty-five thousand dollars (\$25,000) to fifty thousand dollars (\$50,000).

**Minutes:** Assistant County Attorney Noah Milov discussed the Polk County claims settlement ordinance raising the amount the Risk Manager may issue or receive in settlements from \$25,000 to \$50,000. He recommended approval.

The Vice Chair opened a public hearing; no one spoke.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Neil Combee

<b>SECONDER:</b>	Martha Santiago
<b>AYE:</b>	Lindsey, Combee, Santiago, and Wilson
<b>Absent:</b>	Braswell

## **ANNOUNCEMENTS**

**Minutes:** Meeting adjourned at 11:06 a.m.