



Polk County Board of County Commissioners

Meeting Minutes - Final

March 21, 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. (GEORGE LINDSEY, CHAIR)

INVOCATION

Bill Dehart, Polk County Fire Rescue Chaplain

PLEDGE OF ALLEGIANCE (GEORGE LINDSEY, CHAIR)

A. PRESENTATIONS and RECOGNITIONS

A.1. Employee Recognition

Minutes: The Board recognized William Abernathy from Emergency Management, Drew Gilcrest from Information Technology, and Michael Lang from Information Technology for their years of service.

County Manager Bill Beasley stated that Mr. Abernathy will also be recognized by legislators at a different time and place.

Commissioner Combee recognized from the audience former County Manager Jim Rhoden.

A.2. Present Polk County Fire Rescue's Dustin Bovill with the American Red Cross Lifesaving Award

Minutes: Tina Sweeten, American Red Cross, discussed the Life Saving Awards Program. She presented an award to Dustin Bovill for saving a child's life while off-duty during the Christmas parade in Winter Haven.

Dustin Bovill thanked everyone for being here. He said it is instinctive when the time comes to save someone.

Chair Lindsey said this recognition is symptomatic of the Board and giving training, tools and resources. He thanked the leadership team of Fire Rescue.

- A.3. Waste Management of Florida - Refuse Collection Update (Ms. Lisa McNeight - Area Director, Public Sector Solutions and Mr. Bill Stubblebine - Director of Operations)

Minutes: County Manager Bill Beasley said we have been in a State of Local Emergency due to the waste collection and said he will recommend to rescind this in the near future. He said there should be closure for this issue.

Bill Stubblebine, Waste Management, said there have been significant improvements in fleet. He said they have more trucks available and they have added 8-10 assets for collections. He said they identified two areas that needed to be improved. He said they are bringing in people from other areas; he said they have 15 drivers in some stage of training. He said they strive to improve everyday.

Upon question, Mr. Stubblebine said in other counties they cannot hire enough drivers to cover the routes. He said this is one of the better hiring markets.

Commissioner Santiago said she appreciates that they trying to make changes. She said they still have issues in the Davenport and Poinciana areas. She said hopefully we will see that improving.

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

- C.1. Shellie Blum - Tax Lien/Code Violation Payment Program (239 Waverly Loop, Lake Wales)

Minutes: Shellie Blum discussed a code violation for a tree removal. She said she received ten different code violations after Hurricane Irma. She said that Code Enforcement removed the tree without allowing her time to resolve the issue. She said they caused damage to the septic system and the charge was \$5,081.70. She showed a video of the septic problem. She discussed the payment program she was in and said she stopped making payments due to Covid. She said she started the payments back up when she received a reminder letter. She discussed a lien being placed on her property. She asked for a way to resolve the situation.

Upon question, Ms. Blum said she did receive rental assistance from Covid.

Code Enforcement Director Autumn Fenton said there was no claim filed with Risk Management which is where she was directed to file the claim.

County Attorney Randy Mink said Ms. Blum was advised to file with Risk Management so they can investigate it and at the time of the code enforcement hearing she was not clear that it was the county's fault. He said this was on March 21, 2019. He said that she was advised that if it was not paid then it would go on the tax deed sale.

Chair Lindsey said they want to rely on staff to find the most equitable remedy and give her the greatest amount of time to make restitution. He said to take action before March 31st to avoid catastrophe and he said staff should work in that direction.

Mr. Mink said they have been working with the Tax Collector's office and said that the county would be able to remove the lien if she pays her back taxes. He confirmed that the taxes should have been paid all along.

Ms. Fenton said this is three separate cases, two were scheduled for a tax assessment lien and one has been paid in full. She reviewed the cases and said she was given four months to correct the issues. She said the abatement was over \$5,000, a payment plan was established in lieu of a lien, the payment plan was defaulted on and then a lien was placed on the property after six months of non-payment.

Chair Lindsey said for staff to work with Ms. Blum, Ms. Blum is to expedite the payment of the back taxes and staff is to give the greatest latitude on the payments. He said Ms. Blum should have paid her taxes and the county can be more lenient with the fines and fees.

C.2. Comments.

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

D. APPROVE CONSENT AGENDA

D.1. Approve Consent Agenda.

RESULT:	APPROVED
MOVER:	Bill Braswell
SECONDER:	Neil Combee
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

E.2. Minutes of Regular Board meeting held on March 7, 2023.

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

H. COUNTY MANAGER (BILL BEASLEY)

H.1. Approve property insurance renewal with Arthur J. Gallagher, effective April 1, 2023 through March 31, 2024. (\$2,300,850 estimated annual expense)

Minutes: County Manager Bill Beasley discussed the property insurance renewal with Arthur J. Gallagher, effective April 1, 2023, through March 31, 2024. He recommended approval.

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

H.2. Approve the First Amendment to the Substance Abuse Mental Health Services Administration (SAMHSA) Grant Subrecipient Agreement with Peace River Center for Personal Development, Inc. (PRC) for behavioral health navigation services, adopt a Resolution to amend the budget for unanticipated revenue and appoint Judy Tewksbury as Authorized Official to electronically accept SAMHSA Grant Funds. (\$850,000.00 one-time revenue)

Minutes: County Manager Bill Beasley discussed the First Amendment to the Substance Abuse Mental Health Services Administration Grant Subrecipient Agreement with Peace River Center for Personal Development, Inc., for behavioral health navigation services, and the Resolution amending the budget for unanticipated revenue, and the appointment of Judy Tewksbury as Authorized Official to electronically accept SAMHSA Grant Funds. He recommended approval.

Larry Williams, Peace River Center, discussed the grant and said they were awarded the grant in October. He said they have engaged with 80 individuals and attended 60 events. He said they have helped 43 people get services in our county for mental and behavioral health. He said this is one-time money that runs out September 30th.

Chair Lindsey thanked Mr. Williams for everything that they do to help the community.

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

H.3. Approve agreement with Florida Transportation Engineering, Inc. to provide professional engineering services for Simmers Young Park artificial turf conversion. (\$631,811.22 for phase I)

Minutes: County Manager Bill Beasley discussed the agreement with Florida Transportation Engineering, Inc., providing professional engineering services for Simmers Young Park artificial turf conversion. He recommended approval.

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

H.4. Approve amendment with AECOM Technical Services, Inc. for the North Ridge Trail project, CIP amendment, and budget transfer. (\$323,232.00 one-time expense)

Minutes: County Manager Bill Beasley discussed the amendment with AECOM Technical Services, Inc., for the North Ridge Trail project, CIP amendment, and budget transfer. He recommended approval.

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

I. COMMISSIONER DISTRICT 2 (RICK WILSON)

I.1. Commissioner Wilson Comments.

Minutes: Commissioner Wilson had no comments at this time.

J. COMMISSIONER DISTRICT 3 (BILL BRASWELL)

J.1. Commissioner Braswell Comments.

Minutes: Commissioner Braswell said they are beginning the construction part of the new Central Polk Parkway. He said he is glad to see that and there is a ribbon cutting this week.

K. COMMISSIONER DISTRICT 4 (MARTHA SANTIAGO)

Minutes: Commissioner Santiago had no comments at this time.

K.1. Commissioner Santiago Comments.

L. COMMISSIONER DISTRICT 5 (NEIL COMBEE)

L.1. Commissioner Combee Comments.

Minutes: Commissioner Combee asked if they do not have to have a general contractor (GC) for turf replacement. He said we can get more done without a GC. He said we need a GC for this one because we are having more done with lighting and bathrooms.

M. COMMISSIONER DISTRICT 1 (GEORGE LINDSEY, CHAIR)

M.1. Chair Lindsey Comments.

Minutes: Chair Lindsey had no comments at this time.

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

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

O.1. Public Hearing (Adoption Hearing) to consider the adoption of LDCT-2022-25, a County-initiated request for Reclaimed Reuse Systems and Section 932.B.

Minutes: Land Development Director Ben Ziskal showed slides and reviewed the proposed land use change. He said that staff recommends approval.

The Chair opened a public hearing; no one spoke.

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

O.2. Public Hearing (Adoption Hearing) to consider the adoption of LDCT-2023-1, a County-initiated request for connection to an alternative wastewater treatment system for schools when central sanitary sewer (wastewater) is not available.

Minutes: Land Development Director Ben Ziskal showed slides and reviewed the proposed land use change. He said that staff recommends approval.

The Chair opened a public hearing; no one spoke.

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

O.3. Public Hearing (LDCPAL 2022-11 ChampionsGate MUX CPA) (Adoption Hearing) to consider the adoption of a Large-Scale Comprehensive Plan map and text amendment and companion Land Development Code text amendment (LDCT-2022-18) to change Future Land Use designation on 81 +/- acres from Residential Low-X (RLX), Employment Center-X (ECX), and Office Center-X (OCX) to Mixed Use-X (MUX) and create an overlay for the ChampionsGate Development of Regional Impact (DRI) in the Ronald Reagan Selected Area Plan. (No Fiscal Impact)

Minutes: Land Development Director Ben Ziskal showed slides and reviewed the proposed land use change. He said that staff recommends approval. He said there were no comments from the Department of Economic Opportunity.

The Chair opened a public hearing; no one spoke.

RESULT:	APPROVED
MOVER:	Martha Santiago
SECONDER:	Neil Combee

AYE:	Lindsey, Braswell, Combee, Santiago, and Wilson
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- O.4. Public Hearing (LDCT-2022-18 (ChampionsGate MUX LDC Text Amendment) (Adoption Hearing) to consider an ordinance adopting a text amendment to the Ronald Reagan Selected Area Plan in Chapter 4 of the Land Development Code to create the new MUX, add it to the use table, add development conditions, and reference the ChampionsGate Development of Regional Impact (DRI). This case is related to LDCPAL-2022-11 which is a Map and Text amendment for a Future Land Use designation change on 81 +/- acres from Residential Low-X (RLX), Office Center-X (OCX), and Employment Center-X (ECX) to Mixed Use-X (MUX) in the Transit Supportive Development Area (TSDA) in the Ronald Reagan Selected Area Plan (RRSAP), and amend policies in the RRSAP for the new MUX and reference the ChampionsGate DRI.. (No Fiscal Impact)

Minutes: Land Development Director Ben Ziskal showed slides and reviewed the proposed land use change. He said that staff recommends approval.

The Chair opened a public hearing; no one spoke.

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

- O.5. Public Hearing (LDPD-2022-32/540-A Self-Storage TAD) (Adoption Hearing) to consider the approval of a Transitional Area Development (TAD) for a Self-Storage Facility with a Floor Area Ratio of 0.70 in an Office Center (OC) land use district. No Fiscal Impact.

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

The Chair opened a public hearing; no one spoke.

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

- O.6. Public Hearing (LDCPAS-2022-31 West Pipkin RM CPA) (Adoption Hearing) to consider the adoption of a Small-Scale Comprehensive Plan Amendment to change the Future Land Use Map designation on 10.93± acres from Business Park Center (BPC) and Residential Low (RL) to Residential Medium (RM) in the Transit Supportive Development Area (TSDA). (No Fiscal Impact).

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

The Chair opened a public hearing; no one spoke.

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

O.7. Public Hearing (LDWA-2022-61 SR 37 Access via Easement) to consider an applicant-initiated request seeking a waiver to Section 705 of the Land Development Code for residential lot with access through a private easement to an unpaved County Road longer than ¼ mile. (No fiscal impact)

Minutes: Land Development Director Ben Ziskal showed slides and reviewed the proposed land use change. He said that staff recommends approval.

The Chair opened a public hearing; no one spoke.

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

P. PUBLIC HEARINGS

P.1. Public Hearing (LDCPAS-2022-44 Old HWY 37 RL-3) (Adoption Hearing) to consider the adoption of a Small-Scale Comprehensive Plan Amendment to change the Future Land Use Map designation on ±3.31 acres from Institutional (INST) to Residential Low (RL) in the Transit Supportive Development Area (TSDA). (No Fiscal Impact).

Minutes: Chanda Bennett, Land Development, showed slides and presented this with Case LDCD-2022-10. She said this is compatible with the surrounding area and is consistent with the Comprehensive Plan. She said that staff and the Planning Commission recommend approval.

Upon question, Ms. Bennett said they did not change it to institutional off of Dossey Road and left it residential. She said the code does not allow access by a platted residential lot. She said for higher density they would need a PD and they could get 23 lots and would need approval from the Board for access off of these two lots. She said the request is to go back to the previous land use Residential Low. She said the restriction on the land use does not prohibit the access because they would have to come to the Board. She said they could request access to more than two units or have access off Old Highway 37 or Dossey Road through a Level 4 Review. She said the objection in 2014 from staff was the increase in traffic with parents picking up their children off of Dossey Road and staff wanted access only off of Old Highway 37.

The Chair opened a public hearing.

Glen Hicks said his family lives to the west. He said this is an old and established neighborhood. He discussed the proposed density and spoke in opposition. He said it

is too much for the area and said RL-2 would be good.

Roger Grabowski said people drive fast on Dossey Road and he asked if there will be traffic lights. He discussed the speeding and the children on the roads and said there is a lot of traffic.

The Chair closed the public hearing.

Ms. Bennett confirmed there are two homes on the site and there is potential to expand to 23 units. She said for more than two units they would have to go to the Board because of the access issues. She said they are both platted residential lots. She confirmed that they would need a Level 4 Review, site plan and a PD.

Commissioner Braswell said he does not think that RL-3 is appropriate. He said they can approve RL-1 on this hearing and deny RL-3 on the next. He said that will leave it at RL-1.

Discussion followed on a RL-2 designation.

County Attorney Randy Mink commented and said the RL-1 was not advertised.

The Chair closed the public hearing.

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

P.2. Public Hearing (LDCCD-2022-10 Old Hwy 37 RL-3 Sub-district Change) (Adoption Hearing) to consider the adoption of a Sub-District Map Change on 3.31 +/- acres from Residential Low-1 (RL-1) to Residential Low-3 (RL-3) in the Transit Supportive Development Area (TSDA). This case is related to a Small-Scale Comprehensive Plan Amendment (LDCPAS-2022-44). (No Fiscal Impact)

Minutes: This case was presented with the previous hearing.

RESULT:	DENIED
MOVER:	Bill Braswell
SECONDER:	Neil Combee
AYE:	Braswell, Combee, Santiago, and Wilson
NAY:	Lindsey

P.3. Public Hearing (LDCPAS-2022-42 US 27 LCC) (Adoption Hearing) to consider the adoption of a Land Use Designation change on ±5.8 acres from Agricultural Residential Rural-X (A/RR-X) in the Rural Development Area (RDA) and Gateway Selected Area Plan (SAP) to Linear Commercial Corridor-X (LCC-X) (No Fiscal Impact).

Minutes: Chanda Bennett, Land Development, showed slides and reviewed the

proposed land use change. She said that staff and the Planning Commission recommended approval.

Tom Wodrich, applicant, said the applicant agrees with what staff has proposed. He requested Board approval.

The Chair opened a public hearing; no one spoke.

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

P.4. Public Hearing to consider adoption of an ordinance amending Polk County Ordinance 2019-056, the Polk County Amended and Restated Comprehensive Impact Fee Ordinance.

Minutes: County Manager Todd Bond showed slides and reviewed the ordinance amending Polk County Ordinance 2019-056, the Polk County Amended and Restated Comprehensive Impact Fee Ordinance.

Upon discussion, Chair Lindsey said the counties with the higher county road fees is because the consultant was told to include the cost of the state roads. He said the county does not construct state roads. He said the cost of state roads is not included in the road impact fee for Polk County. He said previously the Board discussed including only the cost they incur.

Commissioner Combee said he appreciates staff seeing the disparities between sedans and semi trucks. He said with everything going on the truck traffic has been a problem in the northwest part of the county. He said it is the direction we need to be going in.

The Chair opened a public hearing; no one spoke.

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

ANNOUNCEMENTS

Minutes: Meeting adjourned at 10:35 a.m.