



# Polk County Board of County Commissioners

## Meeting Minutes - Draft

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### January 23, 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. (BILL BRASWELL, CHAIR)

### INVOCATION

Murphy Hanley, Polk County Fire Rescue Chaplain

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

### A. PRESENTATIONS and RECOGNITIONS

#### A.1. Employee Recognition

**Minutes:** The Board recognized Betty Cannons with Facilities Management, Travis Carr with Parks and Natural Resources, Karen Campbell with Facility Management, and Eric Russell with Parks and Natural Resources for their years of services to the county.

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

#### C.1. Comments.

**Minutes:** James Abercrombie addressed the Board concerning his building permit. He said he has not heard from anyone. He said he has been waiting on this for a year and a half. He said he has spoken with the county attorney's office and they helped get things started but they dropped it. He said all of his property and equity is tied up due to this. He said he is serious about this and he gave some Florida Statutes to the Board. He discussed the media and problems in Fire Rescue. He said the Planning

Department needs to be investigated. He said he wants it done publicly and he is sick of having meetings behind closed doors.

Sharon Garrett discussed the issues with the roads and Power Line Road. She discussed Crosswinds West and East and she discussed the traffic and said you cannot get out in certain places. She said there is only one stop light; she discussed the fatalities. She discussed the agreement with the developer. She said the county and the developer have agreed that the road needs to be improved. She asked for stoplights before there are more accidents. She said the citizens need a way to navigate the city because they have caused gridlock. She said if they add 26,000 people to this road it will not be safe.

Dolly Clements addressed the Board concerning a development that is going on in her area. She said she is concerned that they approved non-paved roads in this development. She discussed the speed limit in the area and said this will cause future accidents. She said River Ranch has a lot of traffic at high speeds. She said this development needs to be paved and safe. She discussed her husband's gun range. She said they are putting a subdivision in the middle of a gun range and said she could not imagine doing the opposite.

**D. APPROVE CONSENT AGENDA**

D.1. Approve Consent Agenda.

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

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

E.1. Disbursements.

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

E.2. Minutes of Regular Board meeting held on January 9, 2024.

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

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

G.1. Adopt a resolution authorizing deviation from approved procedures for source selection as set out in the Polk County Procurement Ordinance and Purchasing Procedures Manual for review of the management of the Fire Rescue Division.

**Minutes:** County Attorney Randy Mink discussed the resolution authorizing deviation from approved procedures for source selection as set out in the Polk County Procurement Ordinance and Purchasing Procedures Manual for review of the management of the Fire Rescue Division.

Upon question, Mr. Mink said the necessity will provide an independent review to deviate from the normal procurement process. He said the procurement process normally falls under the County Manager and this allows us to deviate from an RFP and a selection committee. He said this is only an inquiry and gathering information to report back to the Board and this is not interfering with the duties of employees that fall under the County Manager. He said the Chairman will interview consultants and once he selects someone he will bring it back to the Board for final approval.

Chair Braswell said he has talked to three and selected one.

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

G.2. Authorize the County Attorney's Office and County staff to take the necessary actions to prevent commercial truck traffic on Bryant Road and adopt Resolution Setting Truck Restrictions on Bryant Road (near Lakeland).

**Minutes:** County Attorney Randy Mink reviewed the resolution restricting truck traffic on Bryant Road that authorizes staff to take the necessary actions to prevent commercial truck traffic. He recommended approval.

Commissioner Combee said that Bryant Road is a public road but is a substandard, old, narrow, shoulder, dead end road. He said the request was to use it as a haul road for a significant development. He said it is not appropriate. He said hopefully they can find a better way to haul the dirt.

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

## H. COUNTY MANAGER (BILL BEASLEY)

H.1. Execute a Local Government Deficient Bridge (LGDB) Program Agreement No. 439441-1-C2-52, 439441-1-52-01, 439441-1-62-01, and 439441-1-62-08 with the Florida Department of Transportation (FDOT), resolution and amend the

Roads & Drainage FY 23/24 CIP Budget to establish the Countyline Rd over Peace River Bridge 160101 Replacement Project and associated budget transfer. (\$4,956,658.00 one-time expense)

**Minutes:** County Manager Bill Beasley discussed the Local Government Deficient Bridge Program agreements with the Florida Department of Transportation, resolution and amending the Roads and Drainage FY 23/24 CIP Budget establishing the Countyline Road over Peace River Bridge replacement project and associated budget transfer. He recommended approval.

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

H.2. Approve Standard Grant Agreement #INV37 with the State of Florida - Department of Environmental Protection (FDEP) to provide funding for the project: "Phosphorus Remediation in Lake Deeson and Bear Branch" (\$870,000 one-time revenue).

**Minutes:** County Manager Bill Beasley discussed the Standard Grant Agreement #INV37 with the State of Florida Department of Environmental Protection providing funding for the project Phosphorus Remediation in Lake Deeson and Bear Branch. He recommended approval.

Upon question, Tabitha Biehl, Parks and Natural Resources, said these phosphorous levels are above what they consider the natural incurring. She discussed the additional discharges for the outfalls, the water quality sampling, and the outfalls with the highest impacts.

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

H.3. Approve the contract with Central Florida Health Care, Inc. to provide funding for supplies and equipment needed in the expansion of their Frostproof location. (Total amount not to exceed \$538,856.)

**Minutes:** County Manager Bill Beasley discussed the contract with Central Florida Health Care, Inc., providing funding for supplies and equipment needed in the expansion of their Frostproof location. He recommended approval.

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

H.4. Confirm appointment of Ryan Kordek to serve as Transportation Planning Organization (TPO) Director.

**Minutes:** County Manager Bill Beasley requested confirmation of the appointment of Ryan Kordek to serve as Transportation Planning Organization (TPO) Director.

Ryan Kordek thanked the Board for this appointment. He said it is humbling to hear his resume and said it is a careers worth of work. He thanked the Board for their support and said he looks forward to leading the TPO. He thanked staff members and family for teaching him and supporting him. He said they are proud to work and live in Polk County. He said he looks forward to serving with this opportunity.

Upon request, Mr. Kordek explained what the TPO is. He said the TPO tells the Florida Department of Transportation where to spend the state and federal transportation dollars. He said there is a long planning process.

Commissioner Santiago congratulated Mr. Kordek and said she always goes to him when she has questions or concerns. She said she looks forward to working with him.

Commissioner Wilson congratulated Mr. Kordek. He said he is the go-to man and said he always has the answers. He said we appreciate everything he does.

Commissioner Lindsey congratulated Mr. Kordek.

Chair Braswell said good job and thank you. He said he is glad he took the job and congratulated him.

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

## I. COMMISSIONER DISTRICT 1 (GEORGE LINDSEY)

### I.1. Commissioner Lindsey Comments.

**Minutes:** Commissioner Lindsey discussed the letters that he has received concerning the wreck near the Aero Space Academy. He said the county will be responsible for the traffic signal and the improvements. He said he would like for staff to respond and said these students deserve a response explaining what is being done. He suggested having one letter and all Commissioners sign the letter.

Jay Jarvis, Roads and Drainage Director, said the light is part of the developers agreement. He said the big issue is the control cabinet being delayed 12-18 months once the order is placed. He said they have agreed to give one of the county's control cabinets to this developer. He said they have all the infrastructure in place and they are trying to get the power and poles set. He said they should be installed this month. He said they have agreed that once the developer's control cabinet comes in that the county gets it.

Commissioner Lindsey said we are advancing this to expedite the process.

County Manager Bill Beasley will draft the letter for Commissioner Lindsey to sign.

**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 had no comments.

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

M.1. Chair Braswell Comments.

**Minutes:** Chair Braswell had no comments.

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

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

O.1. Public Hearing (LDCPAS-2023-25 Bella Vista LR to BPC CPA) (Adoption Hearing) to consider the adoption of a Small-Scale Comprehensive Plan Amendment to change the Future Land Use designation from Leisure/Recreation (L/R) to Business Park Center (BPC) on 42.47± acres, within the Transit Supportive Development Area (TSDA), Transit Centers and Corridor Overlay (TCCO). This case is related to LDCD-2023-9, a Sub-district change request from BPC-1 to BPC-2. (No Fiscal Impact)

**Minutes:** Land Development Director Ben Ziskal discussed the proposed amendments. He said this is related to case LDCD 2023-9. He said that the Planning Commission and staff recommends approval.

The 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, Braswell, Combee, Santiago, and Wilson

O.2. Public Hearing (LDCD-2023-9 Bella Vista Sub-district BPC-1 to BPC-2) (Adoption Hearing) to consider the adoption of a Sub-district change from Business Park Center-1 (BPC-1) to Business Park Center-2 (BPC-2) on 42.47± acres, within the Transit Supportive Development Area (TSDA), Transit Centers and Corridor Overlay (TCCO). This case is related to LDCPAS-2023-25, a Land Use change request from L/R to BPC. (No Fiscal Impact)

**Minutes:** Land Development Director Ben Ziskal discussed the proposed amendments. He said this is related to case LDCPAS-2023-25. He said that staff recommends approval.

The Chair opened a public hearing; no one spoke.

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

O.3. Public Hearing (LDCPAS-2023-22 ABC Road CPA) (Adoption Hearing) to consider the adoption of a Small-Scale Comprehensive Plan Amendment to change the Future Land Use designation from Agricultural/Residential-Rural X (A/RRX) to Employment Center X (ECX) within the Gateway Selected Area Plan (SAP) on 1.46± acres, within the Rural Development Area (RDA). (No Fiscal Impact)

**Minutes:** Land Development Director Ben Ziskal discussed the proposed amendments. 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>	Rick Wilson
<b>AYE:</b>	Lindsey, Braswell, Combee, Santiago, and Wilson

O.4. Public Hearing (LDCT-2023-18 Livestock and Fowl in Residential Neighborhoods) (Adoption Hearing), a County-initiated request to modify Section 222 to clarify the County's code on nonresidential farm buildings and structures and allow variances to setback distances. (No Fiscal Impact).

**Minutes:** Land Development Director Ben Ziskal discussed the proposed amendment. 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>	Neil Combee
<b>SECONDER:</b>	Martha Santiago
<b>AYE:</b>	Lindsey, Braswell, Combee, Santiago, and Wilson

**P. PUBLIC HEARINGS**

P.1. Public Hearing (LDCDD-2023-3 Crosswinds East CDD Scrivener’s Error) to consider the adoption of an applicant-initiated ordinance to amend an existing Community Development District (CDD) in the unincorporated area of the County and Haines City.

**Minutes:** Erik Peterson, Land Development, discussed the Crosswinds East CDD Scriveners' Error. He said it is a minor amendment to the legal description and acreage.

The Chair opened a public hearing.

Sharon Garrett said this CDD surrounds the roads she spoke about previously. She discussed the cars and trips on this road. She discussed the 1/2 cent sales tax and said she does not see any improvement. She said she will not support a tax where she sees no improvements. She discussed the pond in the area and said the road is falling apart. She said at what point will the county fix this part of Power Line Road.

Savannah Hancock said she is representing the petitioner. She said this is not changing within the district it is correcting the boundary.

The Chair closed the public hearing.

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

P.2. Public Hearing (LDWA-2023-55/Ventures Subdivision Waiver) to consider the adoption of an applicant-initiated request for approval of a waiver to LDC Section 705.B necessary to allow the issuance of building permits for a subdivision that gains access solely via easement and provides access to more than four (4) lots. (No fiscal impact)

**Minutes:** Erik Peterson, Land Development, showed slides and discussed the requested waiver. He reviewed the site plan and environmental limitations. He discussed the easement access standards and the request by the developer. He said that staff recommends approval with conditions and they have added a third condition that a note shall be placed on the plat, deed restrictions, and instruments similar in function informing future buyers there is a firearms range immediately to the east. He discussed the justification of approval.

Upon question, Mr. Peterson said D-cell land would not be required. He said there would not be a further requirement for the access.

Commissioner Combee discussed the lots that have been prepared on this road and the issues with entering their driveways. He said they have a standard driveway and the concern is someone is going to have to stop to go in. He said he does not have a problem with the easement and it serving eight lots. He said we should ensure people

will be able to get in and out and that it has to be more than one car wide .

Mr. Peterson said the width of the easement is 20 feet. He said they can specify as a condition that the driveway be at least 20 feet wide.

Commissioner Combee said they need to be able to have two vehicles entering and exiting the driveway.

Commissioner Wilson said they need to make the driveways wider for more room.

Upon question, Mr. Peterson said the easement would be 20 feet and the driveway flare is 5 foot on the width of the driveway. He said it will be 30 and will taper down to 20 at the right-of-way line. He confirmed it is required to be concrete or some impervious surface. He said the minimum width is twelve feet on a residential driveway with the five foot flares and he said you can condition it to be 20 feet wide.

The Chair opened a public hearing.

Dolly Clements asked if there has been a road study done. She discussed the River Ranch area and asked if there has been a survey on paved or unpaved roads. She said unpaved roads create a mess. She said to hold the developers accountable. She said they need a red light and a road study.

Wesley Mills was sworn in by County Attorney Randy Mink. He stated he is the engineer for the applicant. He said they are proposing a 22 foot driveway with large radiuses and said this is something that would go with a commercial application. He discussed the trips generated by this project. He said they are paving the driveway within the county's right-of-way. He said he hopes this addresses some of the concerns with the driveway.

Frank Garcia said he is the owner of Universal Shooting Academy. He said this development is not compatible to this area. He said there are going to be concerns about noise and safety. He discussed the economic impact that his events bring to Frostproof. He discussed the upcoming event and the amount of people that will attend these events. He discussed the amount of ammunition that will be used during these events. He said there are safety issues with this development and he is against it.

Mr. Mink said the Board is here to approve the waiver of easements and is not approving the development.

Commissioner Combee said he understands Mr. Garcia's concerns but the property owners should be allowed to do what they want with their property. He thanked Mr. Garcia for all that they do. He said he does not see how they can deny anyone the use. He said he supports the request.

Commissioner Wilson discussed property rights. He said they need to make sure everyone is aware of what they are moving into. He said it is going to be a problem and they need to make sure everyone is aware.

Motion to approve with the condition that a notice shall be recorded in the public records and a note placed on the plat providing notice of the properties close proximity to an outdoor shooting range.

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

P.3. Public Hearing to consider the adoption of LDCT-2023-7 (Planned Development Text) to replace the current Planned Development (PD) requirements in Section 303 of the Land Development Code. This amendment includes changes to multiple chapters of the code including Chapters 2, 3, 4, 9, and 10. (First Reading)

**Minutes:** Erik Peterson, Land Development, showed slides and discussed replacing the current Planned Development requirements in Section 303 of the Land Development code. He said this amendment includes changes to multiple chapter of the code including Chapters 2, 3, 4, 9, and 10. He reviewed the changes. He said this the first reading and there is no action required by the Board.

Upon question, Mr. Peterson said it is based on the number of lots. He said if you have more than 25 lots you will need a Type 2 recreation facility. He said a larger development can chose to do different Type 1's and Type 2's all throughout the development or they can achieve their points for a much larger and intense facility. He said there are requirements in the distance in each lot to the recreation facility.

The Chair opened a public hearing.

Tom Palmer said his main issue was the Level 2 proposal would not require a public hearing. He said they are getting extra points for things the developer can do anyways.

Commissioner Lindsey said that has been withdrawn.

Chair Braswell said part of this process is to eliminate or reduce getting points for something you have to do anyway. He said that is part of the objective.

Sue Nelson discussed the changes to the Land Development Code. She discussed the difference in increase of points. She reviewed the locational score and external designs. She discussed community needs and locational points. She discussed the changes to Chapter 9, Section 903.G.

The Chair closed the public hearing.

Commissioner Combee asked for the rationales of points for connection to water and sewer.

Mr. Peterson said it is the proximity of the existing line. He said they are trying to encourage development to go where we have the infrastructure in place rather than

requiring further extension. He said it is a matter of proximity. He said in the urban areas you have to connect to sewer. He said the score is setting forth the framework. He said the Planning Commission is evaluating whether it is too intense. He said when a grocery store is present it is prime for more intense development.

## **ANNOUNCEMENTS**

**Minutes:** Meeting adjourned at 10:34 a.m.