



Polk County Board of County Commissioners

Meeting Agenda - Final-revised

September 03, 2024 Regular BoCC meeting

In accordance with the American with Disabilities Act, persons with disabilities needing special accommodations to participate in this proceeding should contact the Communications Office not later than 48 hours prior to the proceeding. Their office is located in the County Administration Building, 330 West Church Street in Bartow. Telephone (863) 534-6090 or TTY (863) 534-7777. If hearing impaired dial 7-1-1 for Florida Relay services or call (800) 955-8771 (TTY); dial (800) 955-1339 if you are using a computer.

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

Dr. William DeHart, Chaplain, Polk County Fire Rescue

PLEDGE OF ALLEGIANCE (BILL BRASWELL, CHAIR)

A. PRESENTATIONS and RECOGNITIONS

B. CEREMONIAL PROCLAMATIONS

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

C.1. Joshua Macon - Drainage/Flooding Issue in Eagle Lake

C.2. Comments.

D. APPROVE CONSENT AGENDA

D.1. Approve Consent Agenda

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

E.1. Disbursements.

E.2. Minutes of Regular Board meeting held on August 20, 2024.

F. REQUEST FROM ELECTED OFFICIAL and OTHER GOVERNMENTAL AGENCY

G. COUNTY ATTORNEY (RANDY MINK)

H. COUNTY MANAGER (BILL BEASLEY)

- H.1. Approve Interlocal Agreement for Countywide Transit System with the Lakeland Area Mass Transit District (\$4,178,000 expense)
- H.2. Approve the Hatchineha Ranch Mitigation Bank Credit Purchase and Deposit Agreement with The Nature Conservancy to purchase 3.47 State Only Forested Uniform Mitigation Assessment Method (UMAM) credits to offset wetland impacts associated with the proposed development of a project known as Marigold Avenue Widening Project, CIP Amendment and Budget Transfer (\$433,750.00 one-time expense/transfer)
- H.3. Approval of Amendment to Agreement between the Polk Regional Water Cooperative (PRWC) and Polk County for the PRWC Heartland Protection and Sustainability Project, Polk County Alternative Water Supply Receiving Facilities (Project 6), for which the Florida Department of Environmental Protection (FDEP) awarded state funds via grant Agreement Number LPA0212 (not to exceed \$416,098 reimbursable expenses).
- H.4. Approval of Amendment No. 1 to Spectrum Enterprise Service Agreement between Polk County and Charter Communications Operating, LLC and two associated service orders for a fiber optic-based Internet service solution to 28 water and wastewater treatment locations (estimated \$200,000 annual recurring and one-time \$7,000 installation costs).

I. COMMISSIONER DISTRICT 1 (GEORGE LINDSEY)

- I.1. Commissioner Lindsey Comments.

J. COMMISSIONER DISTRICT 2 (RICK WILSON)

- J.1. Reappoint Brooke Agnini as a Member (Seat 5) of the Planning Commission for the three-year term, October 25, 2024 through October 24, 2027.
- J.2. Commissioner Wilson Comments.

K. COMMISSIONER DISTRICT 4 (MARTHA SANTIAGO)

- K.1. Commissioner Santiago Comments.

L. COMMISSIONER DISTRICT 5 (NEIL COMBEE)

- L.1. Commissioner Combee Comments.

M. COMMISSIONER DISTRICT 3 (BILL BRASWELL, CHAIR)

- M.1. Reappoint Clifton Garcia as a member of the Sidewalk Advisory Committee for the three-year term, October 1, 2024 through September 30, 2027.

M.2. Chair Braswell Comments.

N. LAY BOARD APPOINTMENTS

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

* County Attorney opening comments

- O.1. Public Hearing (LDCPAL-2024-2 Wahneta “Main Street Commercial” CPA Amendment Overlay) (Transmittal Hearing) to allow neighborhood commercial uses in residential and institutional land use designations. (No Fiscal Impact)
- O.2. Public Hearing (LDCPAL-2023-11 US 27 NR SAP ECX) (Adoption Hearing) to consider the adoption of a Large-Scale Comprehensive Plan Amendment to change the Future Land Use designation on 29.69+/- acres from Professional Institution-X (PIX) to Employment Center-X (ECX) and amend Policy 2.131-Q4, M, c (a) to delete the new driveway access prohibition to US 27 within the Transit Supportive Development Area (TSDA), Transit Corridor and Transit Center of the Transit Centers and Corridors Overlay. (No Fiscal Impact)
- O.3. Public Hearing (LDCPAS-2024-8 Banana Lake ROS) (Adoption Hearing) to consider the adoption of a Small-Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential Suburban (RS) to Recreation Open Space (ROS) on ±8.82 acres, within the Suburban Development Area (SDA). (No Fiscal Impact)
- O.4. Public Hearing (LDCPAS-2024-9 CR 540A ROS) (Adoption Hearing) to consider the adoption of a Small-Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential Low (RL) to Recreation Open Space (ROS) on ±39 acres, within the Transit Supportive Development Area (TSDA). (No Fiscal Impact)
- O.5. Public Hearing (LDCT-2024-11 LDC Chapter 9 Text Amendment) (Adoption Hearing) to amend multiple sections of Chapter 9 (No Fiscal Impact).
- O.6. Public Hearing (LDCT-2024-16 W Pipkin Road Text Amendment) to modify Appendix E, (subsection F.) the original conditional requirements (1st Reading). (No Fiscal Impact)
- O.7. Public Hearing (LDCT-2024-15 Access via Easement Text Amendment) (First Reading) to modify LDC Section 705.B for access via easement. (No Fiscal Impact).
- O.8. Public Hearing (LDCT-2024-12 SPD Changes Text Amendment) (First Reading) to conform Suburban Planned Development (SPD) standards in Section 303, Conditional Uses; Section 403.01, the Wahneta Neighborhood Plan; and Section 505, Polk City SPA in the Green Swamp ACSC with other Planned Development standards. (No Fiscal Impact).

P. PUBLIC HEARINGS

- P.1. Public Hearing to consider adoption of an ordinance amending Polk County Ordinance 2018-073, the Polk County Government’s Retiree Insurance Benefits Ordinance, as amended. (Estimated initial range of savings to the County is between \$46,000 and \$185,000)
- P.2. Public Hearing to consider adoption of an ordinance amending Polk County Ordinance 13-069 to address residential recycling collection changes.
- P.3. Public Hearing to consider adoption of an Assessment Resolution setting the rate of collection and approval of the Non-Ad Valorem Assessment Roll for the 2024 Local Provider Participation Fund special assessment, and authorizing the County Manager to execute Letters of Agreement with the State of Florida Agency for Health Care Administration. (no fiscal impact)
- P.4. Public Hearing to consider adoption of an ordinance granting an Economic Development Ad Valorem Tax Exemption to an expanding business, Publix Super Markets, Inc., and approval of a Performance Agreement with the company.
- P.5. Approve Polk County Bonus Incentive (PCBI) Grant for Project Pomelo, an existing company in Lakeland. (\$250,000 expense over seven years)

Q. WORK SESSION ITEMS

- Q.1. Impact Fee 2nd Work Session (Extraordinary Circumstances) - 10:00 a.m.

R. CONSENT AGENDA ITEMS

- R. COMMISSIONER DISTRICT 1
- R. COMMISSIONER DISTRICT 2
- R. COMMISSIONER DISTRICT 3
- R. COMMISSIONER DISTRICT 4
- R. COMMISSIONER DISTRICT 5
- R. COUNTY COMPTROLLER
- R.1. Proposed Fiscal Year 2025 budget for Lakeside Landings Community Development District.
- R.2. Removal of equipment from inventory as listed on Blanket Removal Form 2201.
- R. COUNTY MANAGER

- R.3. Approve an Agreement with Anfield Consulting, Inc. for lobbying services for fiscal year 2025. (\$240,000 one-time expense)
- R.4. Approve federal lobbying contract for Holland & Knight LLP. (\$114,000 one-time expense)
- R. ECONOMIC DEVELOPMENT
- R. TOURISM/SPORTS MARKETING
- R. OFFICE OF PLANNING & DEVELOPMENT
- R.5. SET HEARING: (LDPCAS-2024-5 W Pipkin Rd INST CPA) to consider the adoption of a Small-Scale Comprehensive Plan Amendment to change the Future Land Use designation on 1.22 +/- acres from Business Park Center (BPC) to Institutional (INST) in the Transit Supportive Development Area (TSDA). The suggested adoption hearing date is September 17, 2024, at 9:15 a.m.
- R.6. SET HEARING: (LDPCAS-2024-10 Shepherd Road CPA) to consider the adoption of a Small-Scale Comprehensive Plan Amendment to change the Future Land Use designation on 1.7 +/- acres from Residential Low (RL) to Residential High (RH) in the Transit Supportive Development Area (TSDA). The suggested adoption hearing date is September 17, 2024, at 9:15 a.m.
- R.7. SET HEARING: (LDCT-2024-14 US 27 SAP Town Center-X) to add Car Wash, Full-Service to Table 4.8. The suggested hearing dates are for the first reading on September 17, 2024, at 9:15 a.m., and the second reading on October 1, 2024, at 9:15 a.m.
- R.8. SET HEARING (LDCDD-2024-3 (Cypress Creek CDD) to consider the adoption of an applicant-initiated ordinance to establish a new Community Development District (CDD) the unincorporated area of the county. Suggested hearing date is September 17, 2024, at 9:00 a.m. (No fiscal impact)
- R.9. SET HEARING (LDCDD-2024-4 Lake Ashton II CDD Boundary Amendment) to consider the adoption of an applicant-initiated ordinance to modify an existing Community Development District (CDD) in the cities of Lake Wales and Winter Haven. Suggested hearing date is September 17, 2024, at 9:00 a.m. (No fiscal impact)
- R.10. SET HEARING to consider adoption of an ordinance amending and restating Polk County Ordinance 2019-056, the Polk County Amended and Restated Comprehensive Impact Fee Ordinance, for the purpose of adopting the 2024 Comprehensive Impact Fee Update Study and imposing updated rates for Emergency Medical System (EMS), Correctional Facilities, Educational System, Library, Park, Fire Rescue, and Law Enforcement Impact Fees. (Suggested hearing date is September 17, 2024, at 9:00 a.m.)

- R.11. Flora Lake Hill View Plat for Conditional Approval. (No fiscal impact)
- R.12. Fox Branch Ranch Phases 1B and 3 Plat for Conditional Approval. (No fiscal impact)
- R.13. Approve the release of a cash surety in the amount of \$2,347.00 for 9-2698 McDonald's Davenport. (No fiscal impact)
- R.14. Approve the release of a cash surety in the amount of \$6,871.50 for BJ's Wholesale Club. (No fiscal impact)
- R.15. Approve the release of a warranty and surety in the amount of \$128,172.32 in the form of Maintenance Bond No. S-336776 for South Haven. (No fiscal impact)
- R.16. Approve the release of a warranty and surety in the amount of \$6,222.00 in the form of Maintenance Bond No. CIC1926694 for Swiss Valley Estates Phase 1. (No fiscal impact)
- R.17. Accept Heartland Dental potable water utility system improvements for ownership, operation, and maintenance by Polk County Utilities. (No fiscal impact)
- R.18. Accept a one-year warranty and cash surety in the amount of \$1,555.00 for Heartland Dental. (No fiscal Impact)
- R. BUILDING
- R. DEPUTY COUNTY MANAGER
- R. BUDGET & MANAGEMENT SERVICES
- R. PROCUREMENT
- R. COMMUNICATIONS
- R. COOPERATIVE EXTENSION SERVICES
- R. HEALTH & HUMAN SERVICES
- R.19. Approve First Amendment to American Rescue Plan Local Fiscal Recovery Funding Agreement with Lake Wales Care Center. (No fiscal impact)
- R. EQUITY & HUMAN RESOURCES
- R. INFORMATION TECHNOLOGY
- R.20. Approve, and ratify County Manager's prior execution of, State of Florida Government Cybersecurity Grant Program (No fiscal impact)

- R. CODE ENFORCEMENT
- R. COURT SERVICES
- R. RISK MANAGEMENT
- R. COMMUNITY HEALTH CARE
- R. FACILITIES MANAGEMENT
- R. FLEET MANAGEMENT
- R. PARKS & NATURAL RESOURCES
- R.21. Approve the Purchase Agreement that allows for Polk County to acquire from East Flagler Mosquito Control District a helicopter for mosquito control operations. (\$800,000 Onetime Expenditure)
- R. FIRE RESCUE
- R.22. Requesting the approval of initial application of Certificate of Public Convenience and Necessity (COPCN) for Metro EMS Ambulance Services, LLC (No fiscal impact)
- R.23. This request is for approval to change the name on the Certificate of Public Convenience and Necessity (COPCN) from “Affordable Transport, Inc.” to “MedFleet LLC, dba ATI Ambulance.”
- R. EMERGENCY MANAGEMENT
- R. REAL ESTATE SERVICES
- R.24. SET HEARING to consider requests to vacate platted and unmaintained rights-of-way shown on the map of Holly Hill Addition to Loughman, Roy A. Miller’s Subdivision at Loughman, plat of Waverly Manor Town Unit No. 1, plat of Washington Park, Waverly and the map of Crosby’s Addition to Loughman. (Suggested hearing date is September 17, 2024 at 9:00 a.m or immediately following the regular agenda)
- R.25. Request Board approve additional deviation from the current Policy for Establishing Pricing Structure for County Owned Surplus Property Not Sold at Initial Public Bid in conjunction with county-owned Parcel ID Number 272617-000000-044010.
- R.26. Declare surplus and authorize the public sale of County’s interest in Parcel ID Number 292912-000000-043010, together with and adjacent platted park. (Potential for \$159,000 or greater, one-time revenue)

- R.27. Request Board approve the agreement with American Acquisition Group, LLC to provide acquisition services for drainage projects (\$120,000.00 one-time expense from American Rescue Plan Funds).
- R.28. Authorize the County Attorney's Office or outside counsel to stipulate to a final judgment for Parcels 105 and 106 in the case of Polk County v. Sean Daniel Freeman, et al, an eminent domain lawsuit filed to acquire needed rights-of-way for the County Road 557 Project. Also authorize the conveyance of the County's interest in remnant Parcel 301-R in conjunction therewith. (\$38,300 one-time expense)
- R.29. Accept Quit Claim Deed from GLK Real Estate, LLC, a Florida limited liability company, for additional right-of-way along Baker Dairy Road. (No fiscal impact)
- R.30. Accept instruments for additional right-of-way along Eloise Loop Road, Macon Road, Swindell Road and Alderman Road as requested through the Development Review Process. (No fiscal impact)
- R.31. Accept Polk County Utilities Easement from GE Investments of Polk, LLC, as requested through the Development Review Process. (No fiscal impact)

R. ROADS & DRAINAGE

- R.32. SET HEARING to Consider Adopting a Resolution Allowing for the Installation of Traffic Calming Devices (Speed Humps) on Lewis Road, Near Lakeland. (Suggested Hearing Date: Tuesday, September 17, 2024, at 9:15 a.m.) (No fiscal impact)
- R.33. Approve a State-Funded Grant Agreement and associated resolutions with the Florida Department of Transportation (FDOT). (\$3,276,934.00 one-time revenue)
- R.34. Approve Consultant Services Authorization (CSA) No. 2022-091-03 with Kisinger, Campo & Associates, Corp. (Consultant) to provide design services for the Colbert Road Sidewalk Project. (\$198,853.31 one-time expense)
- R.35. Approve Modification No. 2 to Consultant Services Authorization (CSA) No. 17-059-06 between Jacobs Engineering Group, Inc. (Consultant) and Polk County for additional design services for the Swindell Road at Galloway Road Intersection Alignment Study (\$112,785.70 one-expense).
- R.36. Approve new Subscription Agreement with Agile Assets, Inc. (a Trimble company) for the consolidated licenses of the Pavement Analyst, Structures Inspector, Structures Analyst, and Maintenance Manager software previously authorized by the County Manager on July 20, 2021, (subscription fee of \$81,202.50 for remainder of year one, \$116,931.60 for year two, and \$126,285.42 for year three, for a period not to exceed three (3) years).

- R.37. Adopt a Resolution Setting Parking Restrictions on Petes Lane, near Davenport. (\$776.23 one-time expense)
- R.38. Adopt a Resolution Setting Parking Restrictions on Victoria Lane, near Haines City. (\$131.10 one-time expense)
- R. UTILITIES
- R. WASTE & RECYCLING
- R. ELECTED OFFICIAL AND OTHER GOVERNMENTAL AGENCY
- R. COURT RELATED
- R. POLK COUNTY PROPERTY APPRAISER
- R. POLK COUNTY SHERIFF
- R. POLK COUNTY SUPERVISOR OF ELECTIONS
- R. POLK COUNTY TAX COLLECTOR
- R. WORKFORCE DEVELOPMENT BOARD
- R.39. Approve the 2024-2025 Polk County Workforce Development Board d/b/a CareerSource Polk's Final Budget. (No fiscal impact)
- R. COUNTY ATTORNEY
- R.40. SET HEARING to consider the adoption of an Ordinance of the Polk County Board of County Commissioners limiting code enforcement and/or building division action for certain Construction on property in unrecorded subdivisions. SUGGESTED HEARING DATE: October 1, 2024, at 9:00 a.m.

ANNOUNCEMENTS

Below are scheduled events and public meetings at which two or more County Commissioners or Planning Commissioners may appear to discuss issues that may come before the Board of County Commissioners.

- Monday, September 2, 2024 – The offices of the Board of County Commissioners will be closed in observance of the Labor Day Holiday.
- Tuesday, September 3, 2024 – 6:00 p.m. - Eloise Community Redevelopment Agency (CRA) Advisory Committee will meet at the Johnny and Freda Brooks Resource Center, 710 Snively Avenue, Eloise.
- Wednesday, September 4, 2024 – 9:00 a.m. – Planning Commission meeting will be held in the County Commission Boardroom.
- Wednesday, September 4, 2024 – 5:01 p.m. – Citrus Connection TRIMM budget hearing (1 of 2) City Hall – Commission Chamber, 228 S. Massachusetts Avenue, Lakeland.
- Thursday, September 5, 2024 – 8:30 a.m. – Development Review Committee will meet in the Planning and Development Conference Room, Second Floor, Polk County Administration Building.
- Thursday, September 5, 2024 – 9:00 a.m. – Tourist Development Council’s Arts, Culture, and Heritage Committee will meet at Lake Myrtle Sports Complex, 2701 Myrtle Park Road, Auburndale.
- Monday, September 9, 2024 – 6:00 p.m. – Public Hearing to adopt Tentative Millage Rates and Budget for fiscal year 2024-25 (includes millage rates and budget for the Parks, Library, Stormwater, and Rancho Bonito MSTUs) will be held in the County Commission Boardroom.
- Tuesday, September 10, 2024 – 3:00 p.m. – Lakes Access Advisory Meeting will be at the Parks and Natural Resources Office, 4177 Ben Durrance Road, Bartow.
- Wednesday, September 11, 2024 – 8:30 a.m. – Lakeland Area Mass Transit District (LAMTD) Board of Directors meeting will be held at 1212 George Jenkins Boulevard, Lakeland.
- Thursday, September 12, 2024 – 8:30 a.m. – Development Review Committee will meet in the Planning and Development Conference Room, Second Floor, Polk County Administration Building.
- Thursday, September 12, 2024 – 9:00 a.m. – Tourist Development Council’s Marketing Committee will meet at the Advent Fieldhouse and Conference Center, 210 Cypress Gardens Boulevard, Winter Haven.

- Friday, September 13, 2024 – 9:00 a.m. – Board/Staff Agenda Review meeting to discuss the Agenda and any other matters that may come before the Board will be held in the Commissioners' Conference Room, Room 407.
- Friday, September 13, 2024 – 12:00 p.m. – Central Florida Development Council (CFDC) Board Retreat will be held at Camp Margaritaville, 361 Denton Avenue, Auburndale.
- Monday, September 16, 2024 – 6:00 p.m. – Public Hearing to adopt Final Millage Rates and Budget for fiscal year 2024-25 (includes millage rates and budget for the Parks, Library, Stormwater, and Rancho Bonito MSTUs) will be held in the County Commission Boardroom.