



Polk County Board of County Commissioners

Meeting Minutes - Draft

September 17, 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)

Present:	Commissioner George Lindsey Commissioner Bill Braswell Commissioner Neil Combee Commissioner Martha Santiago Commissioner Rick Wilson
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INVOCATION

Murphy Hanley, Polk County Fire Rescue Chaplain

PLEDGE OF ALLEGIANCE (BILL BRASWELL, CHAIR)

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

C.1. Comments.

Minutes: Brother Anthony Lawrence thanked the Commissioners and County Manager for the great work they do. He said we are growing and sometimes citizens expect things overnight. He said the infrastructure is doing its best to keep up with the growth. He thanked the law officers, first responders, and our leaders for keeping us safe. He discussed patience and said to remember a female reproduces and brings wisdom. He said to let patience reproduce and to let her be our fruit.

Krista Silva said she is in support of any internal investigation with Polk County BoCC. She said she previously worked in Communications and said that she filed a complaint against Chief Hezedeane Smith. She said her complaint was filed with Richard Bradford

with a list of witnesses who were never interviewed. She said the complaint was deemed unfounded. She said after that the treatment of employees became worse and previous SOP's were rewritten by Chief Smith and Deputy County Manager Joe Halman to serve the chief without regard to employees. She said this is a direct failure of the management team in Human Resources. She said whether County Manager Bill Beasley was aware of the situation or not is irrelevant. She said she witnessed many cover ups, unethical acts, sexism, homophobia, and racism from all sides while working at the county. She said managers are asked to deal with things under the radar without sending them through proper channels to keep events from public record. She said the situation does not begin or end with the allegations with Chief Smith's resignation. She said the issue with PCFR, HR, and the management team have plagued this organization for years. She said there is a huge mistrust from the employees. She said employees are mistreated and have no where to go for protection. She said management has lost sight of their duties to the employees and residents of this county. She said she has resigned and asked the Board to do what is right.

Jessica Post discussed River Ranch and asked if the south side and north side will be addressed in the ordinance. She said she is hoping for a rough draft and for something to be seen in October. She thanked them for making a difference in everyone.

County Attorney Randy Mink said the ordinance is coming to the Board on October 1st and there will be a resolution for both north and south River Ranch.

Ms. Post thanked them for being here and for listening.

Cassandra Richards thanked the Board for getting issues resolved. She said her grandfather taught her that your word is your bond. She said she put on their agenda that Commissioner Wilson would be at the community meeting and she was disappointed that he was not there.

Commissioner Wilson apologized and said he was coming and he had a meeting conflict. He said he will make this happen. He said he will let her know when he is coming. He said he will be there.

Tom Palmer asked what can we do with the recycling carts once the recycling ends. He said some people were confused and he asked how would the haulers know what was put in there.

Chair Braswell said starting October 1st you can put yard trash and household garbage in the recycle cart. He confirmed it will all go to the landfill.

Waste and Recycling Director Dale Henderson said yard trash can be co-mingled with trash.

David Spain said he is opposing the increase in impact fees. He said they are asking for over a 100% increase. He said you are adding another \$10,000 and asked if they have to do it all at one time.

D. APPROVE CONSENT AGENDA

D.1. Approve Consent Agenda.

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

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

E.1. Disbursements.

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

E.2. Minutes of Regular Board meeting held on September 3, 2024.

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

G. COUNTY ATTORNEY (RANDY MINK)

G.1. Approve the release of a warranty and surety in the amount of \$127,027.83 in the form of Maintenance Bond No. S-332987 for Astonia Phase 1. (No fiscal impact)

Minutes: County Attorney Randy Mink discussed the release of a warranty and surety for Astonia Phase 1.

Commissioner Lindsey recused from voting.

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

H. COUNTY MANAGER (BILL BEASLEY)

H.1. Approve Amendment No.2 to Agreement 2022-077, with Wright-Pierce, Inc. to provide professional engineering services for the Northeast Regional Wastewater Treatment Facility Expansion from 6.0 MGD to 9.0 MGD. (\$6,798,421.00 one-time expense)

Minutes: County Manager Bill Beasley discussed the amendment to agreement with Wright-Pierce, Inc., providing professional engineering services for the Northeast Regional Wastewater Treatment Facility Expansion from 6.0 MGD to 9.0 MGD. He recommended approval.

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

H.2. Approve Amendment No. 1 to Agreement 2023-074, with Wharton-Smith, Inc., to provide additional Construction Manager at Risk (CMAR) preconstruction services for the Northeast Regional Wastewater Treatment Facility expansion from 6 to 9 million gallons daily. (\$926,576.00 preconstruction services one-time expense)

Minutes: County Manager Bill Beasley discussed Amendment No. 1 to Agreement 2023-074, with Wharton-Smith, Inc., providing additional Construction Manager at Risk preconstruction services for the Northeast Regional Wastewater Treatment Facility expansion from 6 to 9 million gallons daily. He recommended approval.

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

H.3. Approve and ratify the Letter of Agreement and IGT Provider Questionnaire from the State of Florida, Agency for Health Care Administration (AHCA) for the Public Emergency Medical Transportation Medical Managed Care Supplement Payment Program (\$4,328,212.75 not-to-exceed, one-time expense)

Minutes: County Manager Bill Beasley discussed the approval and ratification of the Letter of Agreement and IGT Provider Questionnaire from the State of Florida, Agency for Health Care Administration for the Public Emergency Medical Transportation Medical Managed Care Supplement Payment Program. He recommended approval.

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

H.4. Approve the first amendment to the contract with We Care of Central Florida, Inc. (We Care) for referral and coordination of specialty care services to eligible low-income residents. (Total amount not to exceed \$694,165 annually.)

Minutes: County Manager Bill Beasley discussed the first amendment to the contract with We Care of Central Florida, Inc., for referral and coordination of specialty care services to eligible low-income residents. He recommended approval.

RESULT:	APPROVED
MOVER:	George Lindsey

SECONDER:	Neil Combee
AYE:	Lindsey, Braswell, Combee, Santiago, and Wilson

H.5. Approve Cooperative Funding Agreement (No. 22CF0004301) with the Southwest Florida Water Management District (SWFWMD) to co-fund the Lake Hancock Watershed Management Plan (\$1,250,000 one-time revenue and \$1,250,000 County match).

Minutes: County Manager Bill Beasley discussed the Cooperative Funding Agreement (No. 22CF0004301) with the Southwest Florida Water Management District co-funding the Lake Hancock Watershed Management Plan. He recommended approval.

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

H.6. Approve the Wetland Mitigation Credit Purchase and Sale Agreement with the Missing Link Mitigation Bank to purchase 2.07 freshwater forested state credits for the wetland impacts on the North Ridge Trail Project. (\$455,400 one-time expense)

Minutes: County Manager Bill Beasley discussed the Wetland Mitigation Credit Purchase and Sale Agreement with the Missing Link Mitigation Bank to purchase 2.07 freshwater forested state credits for the wetland impacts on the North Ridge Trail Project. He recommended approval.

Commissioner Combee said that this is two acres of wetlands and we are paying them \$455,000 for us to blitz wetland on the North Ridge Trail. He said he is not happy about spending this for two acres of wetlands. He said he will support it because they are recommending this.

Mr. Beasley said they will have a meeting within the next couple of weeks to discuss mitigation.

Roads and Drainage Director Jay Jarvis said this is uplands and wetlands and they have enhanced them to a higher level and higher quality. He said that is the part they are paying for.

Commissioner Combee said in the green swamp core area you have to have 20 acres for a home site.

Commissioner Wilson said that with mitigation banks they are competing with other mitigation banks. He said there is no set cost on mitigation credits. He said most are state and federal.

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

H.7. Confirm appointment of Shawn Smith as Interim Fire Chief for Polk County Fire Rescue, effective September 13, 2024.

Minutes: County Manager Bill Beasley recommended confirmation of appointment of Shawn Smith as Interim Fire Chief for Polk County Fire Rescue, effective September 13, 2024.

Chair Braswell said we have issues and we have opened a can of worms. He said he is stepping into a fire storm and there is a lot riding on him. He said the employees are not happy. He said if this was the Planning Division, so what, he said this is Fire and we need them to be in unison. He said the we are looking at him to get it going and he thinks that this is the right move.

Commissioner Santiago asked to meet with Interim Fire Chief Smith in a few weeks and for him to share how he is going to address some of those issues, his goals, and objective as the leader of the fire department.

Interim Fire Chief Shawn Smith said he would be honored to meet with Commissioner Santiago. He said this is Polk County Fire Rescue and it is a professional organization that is committed to the county, the citizens, and to each other. He said we are occupational athletes and we spend a lot of time with our families and each other. He said we will continue to build and grow. He said this is humbling and there are no words that can express his gratitude for this. He said this is a great opportunity and he assures them that we will build this organization back up to pride and ownership. He thanked the Board, the county managers, division directors, staff and his family for trusting and supporting him. He said they will continue to build and prune their policies.

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

I. COMMISSIONER DISTRICT 1 (GEORGE LINDSEY)

I.1. Appoint Tony Kirk, Sr. as a member of the Polk County Sidewalk Advisory Committee, for the three-year term, October 1, 2024 through September 30, 2027.

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

I.2. 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. Appoint Bryana LaTorre-Carvalho as a member of the Sidewalk Advisory Committee for the three-year term, October 1, 2024 through September 30, 2027.

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

L.2. Commissioner Combee Comments.

Minutes: Commissioner Combee had no comments.

M. COMMISSIONER DISTRICT 3 (BILL BRASWELL, CHAIR)

M.1. Chair Braswell Comments.

Minutes: Chair Braswell said on January 9th he opened this can of worms with years of listening to the problems in our Fire Department. He said he was fed up with it and he still not satisfied. He said we are working in the right direction and we had an audit of some serious issues that need to be addressed. He said it also pointed the fingers at our HR department which he thinks we have a plan to take a look at that. He said if we need the Sheriff he has said he will take a look at it because some of the accusations he does not know what makes them criminal or not. He said some of the accusations sound like it could be criminal. He said we have an Equal Opportunity Department that is charged with investigating issues within HR with the leader of HR over both departments; he said that is not how it is supposed to work. He said you cannot have the person in charge of the investigation also being investigated. He said we have a long ways to go and we have management issues that have to be resolved. He said we are going to move forward and he has expressed all this to Mr. Beasley, Mr. Halman, Mr. Taylor, and others. He said there are quick ways to change things out and we will do what we have to.

Commissioner Lindsey said we acknowledge there are issues within Fire Services and this Board is committed to addressing those. He said he had the privilege to watch two pinning ceremonies representing 120 plus folks for trainees and promotions. He said they took the pride in their job; he said black, white, male, female, brown, gay, straight were all a part of that family. He said he routinely stops by fire stations around the

county and he is proud of the folks that serve us. He said in spite of the distractions there has never been a time when the call was not responded to within minutes and when the bell rings 24/7 - 365 those folks are on the ball and they give quality service and they are proud of their service. He said he is proud of each and every one of them. He said we will address the issues and put this behind us but this is a strong organization represented by the new chief and he wished him all the success. He said he is sure he will do it and he has the team behind him to make the changes necessary.

County Manager Bill Beasley thanked the Board for seeking outside assistance to better help us define some of the management challenges that exist in our rapidly growing Fire Rescue Division. He said that step was necessary to initiate changes that will strengthen the agency long term. He said within 24 hours of receiving the report, he had conversation with Deputy County Manager Joe Halman and Fire Chief Hezedeon Smith. He said on Wednesday, September 11th Chief Smith submitted his resignation effective Monday, September 30th. He recommended that the next step is to sponsor a series of meetings to be scheduled as quickly as possible that are open to all Fire Rescue personnel and their union representation. He said with the Chair, himself, Mr. Halman and Interim Chief Shawn Smith that it would be listening tours so we can learn firsthand the managerial challenges staff is facing. He said he hopes in finding solutions to any challenges and hopefully it is seen as a bottom-up solution as opposed to a top-down solution. He said the commissioners have always put public safety as the highest priority and he believes our employees are most grateful to the decisions the Board has made to make investments in new facilities, new apparatus, additional staffing, additional personal protective equipment, and additional compensation. He said new staff, new senior staff, and the Fire Rescue leadership team are making the commitment to ensure employees will create a high performing and high valued culture. He said he hopes the Board will give him direction in scheduling those meetings.

Chair Braswell said he will and to get it scheduled.

Commissioner Combee discussed the Bucs game. He said there was a mistake that was made with an opportunity to make three points; he said that Dan Campbell said I am the head coach, this is on me, this is nobody else's fault and I am the guy at the top and I own it. He said that made the news and he said he will have to be Dan Campbell.

Commissioner Santiago thanked all the Fire Rescue families with everything they have done supporting our community and keeping them safe. She said it is not always a task that is regularly thanked and she wants to publicly say that. She said she is optimistic that Chief Shawn Smith is going to do what he said earlier and rebuild the department and she looks forward to that. She said she appreciates the meetings that will take place. She said we do not want to be kept in the dark and that is why she asked him to meet with her. She said lets move forward.

N. LAY BOARD APPOINTMENTS

- N.1. Appoint Edwin Moran to serve as a member of the Community Relations Advisory Council (CRAC) for a four-year term beginning September 17, 2024,

and ending September 17, 2028

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

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

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

O.1. Public Hearing (LDCPAS-2024-5 Innovation W Pipkin Road INST CPA) (Adoption Hearing) to consider a Small-Scale Comprehensive Plan Future Land Use Map change from Business Park Center (BPC) to Institutional (INST) in the Transit Supportive Development Area (TSDA). (No Fiscal Impact)

Minutes: Land Development Director Ben Ziskal discussed 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:	George Lindsey
AYE:	Lindsey, Braswell, Combee, Santiago, and Wilson

O.2. Public Hearing (LDCT-2024-16 W Pipkin Road Text Amendment) to modify Appendix E, (subsection F.) the original conditional requirements (Adoption Hearing). (No Fiscal Impact)

Minutes: Land Development Director Ben Ziskal discussed the proposed text amendment. He said that staff and the Planning Commission recommend approval.

The Chair opened a public hearing; no one spoke.

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

O.3. Public Hearing (LDCT-2024-12 SPD Changes Text Amendment) (Adoption Hearing) 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).

Minutes: Land Development Director Ben Ziskal discussed the proposed text amendment. 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:	Martha Santiago
AYE:	Lindsey, Braswell, Combee, Santiago, and Wilson

O.4. Public Hearing (LDCT-2024-15 Access via Easement Text Amendment) (Adoption Hearing) to modify LDC Section 705.B for access via easement. (No Fiscal Impact).

Minutes: Land Development Director Ben Ziskal discussed the proposed text amendment. 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:	Martha Santiago
AYE:	Lindsey, Braswell, Combee, Santiago, and Wilson

O.5. Public Hearing (LDCT-2024-14 TCX Full-Service Car Wash Text Amendment) (First Reading) to modify Table 4.8, Use Table for US 27 Selected Area Plan. (No Fiscal Impact).

Minutes: Land Development Director Ben Ziskal discussed the proposed text amendment. He said that staff and the Planning Commission recommend approval. He said this is the first reading and no action is necessary.

The Chair opened a public hearing; no one spoke.

Chair Braswell said it blows his mind that there is that much demand for carwashes.

P. PUBLIC HEARINGS

P.1. Public 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. (No fiscal impact)

Minutes: Erik Peterson, Land Development, showed slides and reviewed the Cypress Creek Community Development District (CDD). He said that this is consistent and recommends approval.

The Chair opened a public hearing; no one spoke.

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

P.2. Public Hearing (LDCDD-2024-4/ Lake Ashton II CDD Boundary Amendment) to consider the adoption of an applicant-initiated ordinance to add non-residential property to an existing Community Development District (CDD) located in the cities of Lake Wales and Winter Haven that was originally adopted by the Board prior to annexation.

Minutes: Erik Peterson, Land Development, showed slides and reviewed the Lake Ashton II Community Development District (CDD) boundary amendment. He said this is taking property from one CDD and maintaining it in another CDD.

The Chair opened a public hearing; no one spoke.

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

P.3. Public Hearing (LDCPAS-2024-10 Shepherd Road CPA (Adoption Hearing) to consider the Future Land Use Change from Residential Low (RL-1) to Residential High (RH) in the Transit Supportive Development Area (TSDA). (No Fiscal Impact)

Minutes: Chanda Bennett, Land Development, showed slides and reviewed the proposed land use change. She showed photos of the surrounding area. She said that staff and the Planning Commission recommend approval. She said that this is consistent with the Land Development Code and the Comprehensive Plan and is compatible with the surrounding land use.

Upon question, Ms. Bennett said the out parcel is a drainage structure that moves water from the north to the south; she said it is like a culvert. She said it is owned by the county.

Roads and Drainage Director Jay Jarvis said that is the outfall ditch that comes across when we widened Shepherd Road. He said we had to buy that to expand the pipe and do erosion control. He said it charges into the natural system and flows north ultimately into Poley Creek. He said there is a ditch/canal that this ties into. He said there are not issues with the subdivision north and west of this site.

The Chair opened a public hearing.

Tom Wodrich, applicant, said they are available for questions. He said that they have the wetlands determination with SWFMD and the school concurrency determination letter. He said they have the recommendation from the Planning Commission and staff.

Upon question, Mr. Wodrich said they are working to make sure the flow is maintained and addressed.

Ricardo Jimenez said there are connections east and west and then it goes south towards the Imperial Lakes subdivision. He said the overflow would go to the property on the north side. He said they will maintain the connection in their plans. He said that

it was presented to the Water Management District with their current application .

Upon question, Mr. Jimenez said the site is undeveloped and it overflows. He said they will formalize it more and get the water north with the rest of the system.

Upon question, Mr. Jarvis said the system goes back to open basin versus closed basin. He said they are aware that it flows to the north and connects to Poley Creek. He said he would assume some of it is private. He said staff's review will ensure the integrity is maintained to the boundary line.

Upon question, Mr. Jimenez said it is not a defined channel. He said it just comes out and it is wide open. He said it is undeveloped, low lying, and is not defined.

Chair Braswell said he is looking at Google Maps and it is more defined and it is pretty obvious.

David Jennings said every time something gets built the water level comes into his yard. He discussed the retention ponds and said his concern is he will get flooded out. He said there are owls, otters, and gopher tortoises. He said there is standing water in his yard and we have not had rain in two days.

Nick Crews said he has the same concerns as the previous speaker. He said when the pond fills up across Shepherd Road, it flows, and comes to their yards. He said he wants everybody concerned with the flow of water and where it is going to go. He discussed the flooding and said 1/3 of his yard is flooded.

The Chair closed the public hearing.

Commissioner Lindsey made a motion for approval; motion dies for lack of a second.

Commissioner Combee said it appears to be tricky and he discussed all the rain. He said it sounds like Residential High (RH) on this site is more than he can go with today.

Mr. Wodrich responded and said whether it is Residential Low (RL) or RH they will have to deal with the retention issues, the stormwater, and the wetlands that is on this site. He said with the floodplain and the design they are ahead with knowing what to do to move things around to apply for the appropriate level of drainage.

Commissioner Combee said with the unknowns he feels better with RL.

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

P.4. Public 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 imposing updated

rates for Emergency Medical System (EMS), Correctional Facilities, Transportation, Educational System, Library, Park, Fire Rescue, and Law Enforcement Impact Fees.

Minutes: Deputy County Manager Todd Bond discussed the proposed impact fee ordinance.

Nilgun Kamp, Benesch, was sworn in by County Attorney Randy Mink. She showed slides and reviewed the impact fee study. She said the study was updated last in 2019 and it does not include road impact fees that were updated in 2023. She gave background information and said that the exception to increase the rates is that if there is a study within the past 12 months demonstrating extraordinary circumstances, two public workshops are held to discuss the extraordinary circumstances, and the increase is approved by 2/3 of the governing Board. She said it is a consumption-based methodology. She outlined the proposed impact fees. She said this would be effective January 1.

Commissioner Lindsey discussed the significant increase in the parks impact fees from \$400 in change to over \$1,400. He said it appears that the earlier fee was limited to regional parks and some community parks. He said the new fee includes everything. He said he went through the exhibit; he said there were 156 parcels identified and 99 of the 156 parcels were less than five acres. He said considering that the county is no longer embarking on capital improvements of 5, 10, 20 acre parcels but concentrating on regional parks, community parks should be left out of that calculation since that is not part of the long range capital plan. He said to capture that historic cost seems to be an overreach.

Ms. Kamp said during the last study it included the regional and specialty parks and that was because there was no need for community or smaller parks. She said this time they calculated the fees both ways including the regional and specialty as well as all parks. She said they were told that the county now has needs for other smaller types of community parks. She said the calculation was made on regional and specialty only and all parks.

Mr. Bond said for the regional and specialty parks went up to the \$1,100 to \$1,200 range. He said the fee for all parks went up to the \$1,400.

Commissioner Lindsey said there was also reference to astro turf. He said that does not add capacity and it is a maintenance issue.

Ms. Kamp said that they were trying to show some examples of the projects in need. She said that project itself is not used to calculate the fee.

Commissioner Lindsey said that is a maintenance issue not a capacity issue.

Chair Braswell said he would disagree with that. He said the numbers have increased dramatically and there is no opportunity to maintain it. He said the only way to utilize it is to astro turf it.

Upon question, Mr. Bond said the fees for just regional/specialty parks for the

single-family residents is \$1,112.

The Chair opened a public hearing.

Mike Hickman said he has been building in the county for years and said he has been very active in the community and the Builder's Association. He said he also serves on the Planning Commission. He said that they understand the burdens that they have, the desires, the impact fees and the need for revenue. He said our industry is comprised of small businesses and a lot of little companies that are collectively a huge industry. He said those business owners and employees live and work here. He said he has experienced a lot of ups and downs in this county and said we need to be cautious when raising these fees. He said majority of these new homes are being bought by people who live here. He said to take a hard look at these numbers again and to come up with something more reasonable. He said this has potential for disaster.

Eric Gardinno said increases need to be reasonable and must comply with state law. He said a number of them do not comply with state law. He said the data should be calculated at 1.5 people per unit and not 2 people per unit. He said the most recent data must be used. He said to use the data by the Property Appraiser's office and recalculate. He said all fees upfront is unreasonable.

Tom Palmer said the choice is whether to bite the bullet with the full cost or keep doing business as usual. He said there is no free lunch and the roads and parks are not going to get any cheaper to build/develop.

Steve Williams said he is here for a hundred subcontractors that work for them. He said history repeats itself over and over again. He discussed the market trends since the 1920's. He discussed the increases in the costs of homes. He discussed interest rates increasing and contracts being cancelled. He said 30,000-40,000 people work in construction. He said the study is based on 2020-2021 numbers.

The Chair closed the public hearing.

Commissioner Lindsey said staff was quick give an answer if they took out the small parcels and limited the parks to regional, community and specialty and it brought it down to about \$1,100. He asked if they had time to calculate the occupancy numbers. He said we are required to use current and local data.

Ms. Kamp said the data they are using is from American Community Survey with the latest data that they have for Polk County. She said if we get the units from the Property Appraisers, they do not know the number of people living in each of them. She said that the fees that are affected by the person per housing unit are about 17% of the total. She said if the persons per housing unit was 25% lower the overall fee for multi-family would decrease about 4%.

Commissioner Lindsey said he recognizes the need for the fees but never have we not phased in fees of this magnitude. He said he would like the fees phased in effective January 2025, 2026, and 2027. He said that is really 24 months from January 2025 to establish those new fees. He said he asked staff to prepare these fees for

non-residential. He reviewed the proposed fee increases for non-residential. He recommended to phase residential and non-residential over three installments. He said he asked staff to take the delta between the total calculated into the fee from the current, divide that number by three, and have those installments applied equally over the next three installments in 2025,2026 and 2027. He said what the motion intends is the example presented here and the numbers that support this would substitute attachment 1, 2, 3, 4,5,6,7 for this exhibit here on the non-residential side and the chart he presented earlier. He said he did take some liberties on the parks; he said the regional, community and specialty would be about \$1,100. He said what he had done earlier was take 75% of the \$1,864 which produces \$1,398 which is still more than \$1,100 leaving off those 2, 3, and 4 acre parks that we do not build anymore. He said he also adjusted the school impact fee and said in the past we only adopted 75% of the school fee because there was capacity not being used by the school system and it was up to them to redistrict and put the kids where the capacity is. He said they have made some progress in that regard and are continuing to move forward in that effort and he suggested rather than limit it to the 75% that we make that 85%. He said it can be adjusted at a future dates as they continue to redistrict. He said his motion is to have the non-residential differentials be spread over three years and the residential reflect the schedule that he has presented to the staff and the Board.

Mr. Bond said they have prepared the slides that show that.

Commissioner Lindsey said it is about \$2,000 a year bump in the total.

Chair Braswell said he has no interest in modifying this. He said the cost is the cost and this will be \$60 additional on a mortgage and he does not think that is a deal breaker. He said Polk County has been very good to builders and we have always listened to them and taken into consideration how these impact them. He said prices are out of control. He said the only option he sees is to do what Orange County does and put a moratorium on construction which will let us catch up as opposed to continuing to move on. He said he does not think anybody wants that.

Mr. Bond said he has what they were projecting to budget next year based on their history, that number was \$29,331,000 for all of the impact fees except for schools; he said schools was about \$110 million. He said in total just under \$140 million with no connection fees or any other permitting fees.

Commissioner Combee said there were no impact fees for the first 140 years in Polk County and impact fees did not come along until the early 1990's. He said he was here before impact fees and during impacts fees and it is not something he ever felt good about. He said the people who pay them are not just the folks coming from other states a lot are those who are born and raised here. He said we do not want to have our existing residents paying for the growth. He said you will have a hard time convincing majority of the population of this county that they have benefited from the development that has occurred in the last ten years. He said they see their housing values rise and when those assessed values go up even if the millage rate stays the same or is reduced and everybody is paying higher taxes. He said next year is not going to be like this year or the year before and we will be dealing with less revenue. He said Chair Braswell was right and we have been good to the building community and we have set

the bar low. He said the parks is \$1,800 and that shocked him. He said the right thing to do is accept this as presented, put it in place and let things work themselves out; he said there has got to be a better way. He discussed how it is difficult to maintain the little parks and said it is more efficient if we can have a regional park. He said what he has tried to do that anything that is platted over a certain size has to have some active all-purpose field. He said the cost of roads and bridges is \$4 billion and the depreciated value from last year was \$18 million. He said the insured value of our buildings is \$800 million. He said he does not want to do \$1,800 right now and said he does not want the open space to be a retention pond. He said he does not like the Lindsey plan but it is better than the fall-back which is the under state-statute.

Commissioner Santiago said she is asking the Commissioners to re-look at Commissioner Lindsey's plan because she thinks it is a good plan. She said in 2019 when they increased impact fees and they did a plan just like this where we were phasing the different options. She said we know that we have to have impact fees that goes along with the growth. She said phasing it in is easier to deal with because it helps the businesses and it helps us to get the fees to pay for the growth. She said we will reach the same results except it is going to get phased out. She said we do not have to move it with 100%, she likes Commissioner Lindsey's plan and she will support that.

Commissioner Wilson said Commissioner Lindsey's idea is a good idea. He said we have talked about it and this is a good plan. He said we can phase this in and help everybody out. He said he is all in.

Commissioner Lindsey said his plan rolls the \$1,800 to 1,398.

Commissioner Combee said he would rather keep it at \$1,800 if we do not have an agreement to do something with our Land Development Code regulations.

Commissioner Lindsey said with the PD's all we have to do is tell the staff to do that same standard.

Commissioner Combee said it still is not enough to do what he wants to do with a neighborhood park. He said we need to find a solution.

Commissioner Lindsey said this number reflects more than regional, community, and specialty parks. He said it is on the rest of the Board to make that change in the Land Development Code.

Commissioner Combee said he wants to go to the \$1,800 with the parks.

Commissioner Lindsey said it over collects for what we are really building from the county side. He said it does not count the 99 parks that are less than 5 acres. He said we have overcompensated for that and to go to \$1,800 that would be an over reach. He said he is sticking with the \$1,398 which is still more than the \$1,100 that staff said would be the equivalent for those three types of parks and the phase in schedule. He said you have two more installments and if the Board chooses not to make those changes in the non-PD then you got a chance to go back and make this change in the

future.

Commissioner Combee said he will vote against the motion unless we can stay at the \$1,800.

Motion to amend and divide that number by three, and have those installments applied equally over the next three installments in 2025,2026 and 2027; with \$1,398 for parks.

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

Minutes: Chair Braswell said this just kicks the can down the road which he does not agree with at all.

Take Commissioner Lindsey's plan with the exception to Parks and Recreation and we change that number to the recommended number from our consultant

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

P.5. Public Hearing to consider adopting a resolution providing that the proposed Polk County Ag-Center serves a public purpose.

Minutes: County Attorney Randy Mink discussed the a resolution providing that the proposed Polk County Ag-Center serves a public purpose. He recommended approval.

The Chair opened a public hearing; no one spoke.

Upon question, Chair Braswell said another opportunity has popped up and that needs to be vetted. He said that right now this is moving forward with this and figuring out what we want.

Commissioner Lindsey said he wanted to make clear nothing is binding.

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

P.6. Public Hearing to consider adoption of a resolution to vacate platted, unopened, and unmaintained right-of-way as shown on Crosby's Addition to Loughman,

Florida, Davenport, Florida. (No fiscal impact)

Minutes: Scott Lowery, Real Estate Services, showed slides and discussed the resolution vacating a platted, unopened, and unmaintained right-of-way as shown on Crosby's Addition to Loughman in Davenport. He said there are no objections to the proposed request. He said staff recommends approval.

The Chair opened a public hearing; no one spoke.

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

P.7. Public Hearing to consider adoption of a resolution to vacate portions of platted rights-of-way as shown on the plat of Holly Hill Addition to Loughman and the plat of Roy A. Miller's Subdivision at Loughman, Fla., Davenport, Florida. (No fiscal impact)

Minutes: Scott Lowery, Real Estate Services, showed slides and reviewed the resolution vacating portions of platted rights-of-way as shown on the plat of Holly Hill Addition to Loughman and the plat of Roy A. Miller's Subdivision at Loughman in Davenport. He said there are no objections to this request. He said Duke Energy and Florida Public Utilities requested easements and petitioner has complied with that request. He recommended approval.

The Chair opened a public hearing.

Emanuel Mohammed said he is the developer. He thanked the Board and said this county has been incredible. He said staff is awesome and is always available to assist.

The Chair closed the public hearing.

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

P.8. Public Hearing to consider adoption of a resolution to vacate portions of platted, rights-of-way as shown on the plat of Waverly Manor Town Unit No. 1, and the Plat of Washington Park, Waverly, Florida. Also accept Drainage Easement and Utility Easement to Polk County in conjunction therewith. (No fiscal impact)

Minutes: Scott Lowery, Real Estate Services, showed slides and reviewed the resolution vacating portions of platted, rights-of-way as shown on the plat of Waverly Manor Town Unit No. 1, and the Plat of Washington Park in Waverly. He said there are no objections to the proposed request. He said Duke Energy, Roads and Drainage, and Utilities requested an easement and the petitioner complied with the request. He recommended 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

P.9. Public Hearing to consider adoption of a resolution Allowing for the Installation of Five Traffic Calming Devices (Speed Humps) on Lake Thomas Drive, Near Winter Haven. (estimated \$25,000.00 one-time expense)

Minutes: Amy Gregory, Traffic Manager, showed slides and reviewed the request for the installation of five Traffic Calming Devices on Lake Thomas Drive, Near Winter Haven. She said this met the traffic calming policy and received the required favorable votes.

The Chair opened a public hearing.

Jim Sirera asked where they are going to be placed. He said there are certain sections they want them and that it is not just the main drive.

Ms. Gregory said the placement is on the exhibit. She said that Mr. Sirera is not on the portion that is having the speed humps.

The Chair closed the public hearing.

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

P.10. Public Hearing to consider adoption of a resolution Allowing for the Installation of Five Traffic Calming Devices (Speed Humps) on Lewis Road, Near Lakeland. (estimated \$25,000.00 one-time expense)

Minutes: Amy Gregory, Traffic Manager, showed slides and reviewed the request for the installation of five Traffic Calming Devices on Lewis Road, Near Lakeland.

The Chair opened a public hearing.

Josh Kline said they should not spend \$25,000 on speed humps. He said to reduce the speed limit or the number of speed bumps. He said the emergency vehicles will have to go over the speed bumps. He said to have more speed limit signs.

A gentleman said he owns the corner at Duff and Lewis. He asked how many citations and wrecks there were. He asked if we can use speed cameras. He said putting five bumps will not resolve the problem. He said emergency vehicles will be highly impacted. He asked for another solution.

Commissioner Combee said the Sheriff said no to cameras in school zones. He said the average speed is 44 mph and that is unacceptable. He said there are many trips

well in excess of 44 mph.

The Chair closed the public hearing.

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

Minutes

Minutes: County Manager Bill Beasley said Deputy County Manager Todd Bond is retiring a week from Friday. He said Mr. Bond has had 23 years with the county and 8 with the state. He said he like a brother to him on a personal and professional level. He said he will be missed in the County Manager's office, the Budget and Management office and the Health and Human Services office and all the Support Services offices he has helped manage.

Mr. Bond thanked Mr. Beasley for the kind words. He thanked the Board for the support throughout the years. He said they call it retiring but he will be under new management. He said it is a great opportunity to spend more time with his wife and his parents and do some things that they wanted.

Chair Braswell said congratulations and he has always been the shell answer man for him. He said if he had a question Mr. Bond always had the answer, it has always been impressive, and he has done a great job.

Commissioner Combee said it has been a pleasure and joy to work with him. He said he is an absolute professional and his calm demeanor is good when he is working with someone like him.

Commissioner Santiago said thank you for everything he has done to help her. She wished him the best and said to enjoy the rest of his life.

Commissioner Wilson said he has been flawless with him and has helped him in every way that he could. He wished him and his family the best.

Commissioner Lindsey said thank you for everything and he thanked him for his services.

Meeting adjourned at 12:00 p.m.