



Polk County Board of County Commissioners

Meeting Minutes - Draft

April 02, 2024 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. (BILL BRASWELL, CHAIR)

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: Chris Peterson said it has been several months since he was here asking for a curative IOA to help their customers complete home improvement projects with PACE, get their contractors paid, and the assessments on the tax roll. He said there was litigation between several counties and tax collectors against the FPFA. He said that a judge ruled that the FPFA had the legal right to originate PACE assessments statewide. He said they were operating in good faith based on the bond validation and he said those assessments belong on the tax roll. He said it is time to resolve these outstanding issues and move forward with a clear set of rules and regulations.

County Attorney Randy Mink will reach out to the Tax Collector.

Mr. Mink said the negotiations will go through their attorney and they would speak to their attorney. He said he has asked our outside counsel to reach out to Fortify. He discussed Senate Bill 77 and said it is the PACE Bill that passed. He said they are waiting to see if the governor signs the bill.

D. APPROVE CONSENT AGENDA

D.1. Approve Consent Agenda.

RESULT:	APPROVED
MOVER:	Neil Combee
SECONDER:	George Lindsey
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 19, 2024.

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

F. REQUEST FROM ELECTED OFFICIAL and OTHER GOVERNMENTAL AGENCY

F.1. Update on the Polk Regional Water Cooperative - Eric DeHaven, P.E., PRWC Executive Director

Minutes: Eric DeHaven, Executive Director Polk Regional Water Cooperative (PRWC), showed slides and discussed the restrictions on the Upper Floridian Aquifer. He said Polk County could need another 32 million gallons per day in 2045 to meet demands. He gave an overview of the PRWC and discussed the municipal governments involved and the goals. He discussed the member agreements executed in 2016 and 2022. He reviewed the Southeast Wellfield Phase 1 and the West Polk Wellfield Phase 1 projects, capital costs and schedules. He discussed a funding summary of the two projects and said their goal is to maximize the grants. He discussed the PRWC Business Plan. He thanked the Board for their time. He thanked Commissioner Lindsey for his dedicated service as Chairman to the PRWC and he said he has provided great guidance to the group and they appreciate all that he has done.

Commissioner Lindsey said Mr. DeHaven was the right guy for the job and has done a great job picking up where Ryan started. He said it has been a challenge early on working with the municipalities and all the angst associated with that. He said it is a great working team now and everyone is pulling in the same direction. He stated it is a

regional problem with a regional solution and is moving forward.

Upon question, Mr. DeHaven said the PRWC is a small governmental agency. He said if they were to hire their own operators they might be pulling from the operators for municipalities in Polk County. He said the operations of working with reverse osmosis is beyond what is typical for the region. He said they thought it would be good to get the expertise from someone familiar with reverse osmosis and also not tap on the resources from operators.

Upon question, Commissioner Lindsey said each municipality is doing a rate study and he said there will be a time when each municipality will have a different calculation. He said systems that have little old water and require more new water the average will be higher for them. He said systems that depend less on new water will have a less rate impact.

Mr. Beasley said at the April 12th Agenda Review the Board will see a comprehensive overview of the completed rate study and the adjustments being proposed. He thinks they will recommend that this is effective October 1.

G. COUNTY ATTORNEY (RANDY MINK)

G.1. Approve the release of a surety in the amount of \$380,375.54 in the form of Performance Bond No. GM226202 for One College Place. (No fiscal impact)

Minutes: County Attorney Randy Mink discussed the release of surety for One College Place.

Commissioner Lindsey recused from voting.

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

G.2. Approve the release of a warranty and surety in the amount of \$243,409.46 in the form of Maintenance Bond No. GM 204417 for Astonia North. (No fiscal impact)

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

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 a ten-year Sponsorship and Host Agreement with RussMatt LLC beginning in FY 23/24 through FY 32/33. (\$2,093,000.00 estimated expense over ten years)

Minutes: County Manager Bill Beasley discussed the ten-year Sponsorship and Host Agreement with RussMatt LLC, beginning in Fiscal Year 2023/2024. He recommended approval.

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

H.2. Approve the contract with Peace River Center for Personal Development, Inc. for uncompensated inpatient psychiatric services. (Not to exceed \$1,492,262 annually)

Minutes: County Manager Bill Beasley discussed the contract with Peace River Center for Personal Development, Inc., for uncompensated inpatient psychiatric services. He recommended approval.

Larry Williams, Peace River CEO, said this commission has seen indigent health care and mental health as an important topic and he appreciates them for that. He said that they receive state funding of \$493. He said the average is 13-14 patients each day that do not have any funds, insurance, or are under insured that would fall into the category under indigent health care. He said they are asking through the Citizens Health Care Oversight Committee and Indigent Health Care Funds to support those being involuntarily baker acted into their facility. He said they have two inpatient facilities with 50 beds and 13-14 of those are unfunded/underfunded. He said it is \$350 per diem per person.

Upon question, Mr. Williams said just under 3,500 patients a year are baker acted through their facility. He said there are two other receiving facilities at Lakeland Regional and BayCare in Winter Haven.

Chair Braswell said that the citizens of the county voted for an indigent care tax that has allowed us to provide services without feeling a whole lot of pain in the county.

Mr. Williams thanked the Board for their passion for mental illness and indigent health care. He said the Marchman Act is Tri-County.

Commissioner Santiago said she is glad that the monies they are raising for the indigent health care is going to the right use. She gave kudos to their program and what they do. She thanked Joy Johnson for leading the committee that invests money in our community and the health of our people.

Mr. Williams said everything in these two facilities are a result of a Baker Act. He said Lakeland has 88 beds for the Baker Act and Peace River has 50, and Winter Haven

has 12. He said they do have walk-ins that come in everyday. He said they have an APRN or licensed mental health therapist to talk to them and they are baker acted if they meet the criteria.

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

H.3. Approve Florida Department of Environmental Protection (FDEP) Grant Agreement No. WRP08 with Polk County to co-fund the Lake Lulu Wetland Restoration Project. (one-time revenue by FDEP in the amount of \$375,000 and \$375,000 Polk County match)

Minutes: County Manager Bill Beasley discussed the Florida Department of Environmental Protection Grant Agreement No. WRP08 with Polk County to co-fund the Lake Lulu Wetland Restoration Project. He recommended approval.

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

H.4. Approve agreement with Dream Traxx, LLC to design and build a world class motocross track at Bone Valley ATV Park. (\$240,075.00 one-time expense)

Minutes: County Manager Bill Beasley discussed the agreement with Dream Traxx, LLC, to design and build a world class motocross track at Bone Valley ATV Park. He recommended approval.

Derek Harpe, Parks and Natural Resources, said there is an opportunity for Red Bull events. He said the company builds everything for Red Bull so the highest level riders are riding at those facilities. He said one of the top ten training facilities is in north Florida. He said that this will be a world class facility.

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

H.5. Approve staff to pursue acquisition of the site nominated to the Environmental Lands Program. Conservation Land Acquisition Selection Advisory Committee (CLASAC) recommends pursuing acquisition of EL-116-24. (no fiscal impact)

Minutes: County Manager Bill Beasley discussed staff pursuing acquisition of the site nominated to the Environmental Lands Program. He said the Conservation Land Acquisition Selection Advisory Committee (CLASAC) recommends pursuing acquisition of EL-116-24.

Tabitha Biehl, Parks and Natural Resources, showed slides of the site and said it is just

outside the Lake Buffum area. She discussed the characteristics and the scoring of the site. She said the technical assessment score is 72 and said she has added the discussion from CLASAC. She said from the previous program Circle B Bar was scored at 44, SUMICA site was 56 and Lakeland Highlands Scrub was 44 out of 100. She said the criteria has been changed a little bit.

Mr. Beasley requested that the Board accept or reject the CLASAC recommendation.

Upon question, Ms. Biehl said they have put every nomination in. She said there are cases if it is green space that is part of a development then they will have conversations with the land owners.

Commissioner Lindsey said if the previous matrix scored Circle B at 44, then he thinks the matrix needs to be revisited. He said we are giving participation ribbons to anything that comes in front of us. He said based on these scorings he would not be inclined to approve anything less than 70%. He said right now there is little or nothing that is turned away.

Ms. Biehl said that some of the criteria was modified but there are similarities.

Commissioner Combee said we would have to know what the changes were from the old to the new.

Ms. Biehl said the categories are not equally rated.

Commissioner Combee said his interest is in public access and recreational opportunities. He asked if it is too late to make changes.

County Attorney Randy Mink said the criteria is within the ordinance that was approved by the citizens. He said there are different individuals that are grading these properties at different levels. He said this Board has the discretion to move forward for acquisition.

Commissioner Wilson said it is early to be changing scoring. He said half of these on the list that are approved will not go anywhere. He said we are so early into this. He said he goes out to a lot of these and he knows what happens there. He said we look at a positive situation for these lands. He said everyone gets so intense on these numbers and these properties have a long way to go to be acquired by easements or purchase. He said they got to be the right piece of land.

Commissioner Santiago said looking at the numbers is deceiving. She said when she sees a 72 out of 100 she sees a D or an F. She said she appreciates the comments from the discussion because it gives her a clearer picture as to why it is being recommended.

Commissioner Lindsey said the scoring is out of 118 and not 100 and that pulls the percentage of the passing grade down. He said part of the deliberation needs to be considered that you cannot always quantify that if we do not acquire this property or what. He said un-reclaimed mine land that is land locked he would not put that on our list. He said there is an or what factor that needs to be taken into consideration on

where we spend our resources.

Chair Braswell said take the numbers off and do like every other recommendation that we get for every other project and look at whether staff approves it.

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

H.6. Approve staff to pursue acquisition of the site nominated to the Environmental Lands Program. Conservation Land Acquisition Selection Advisory Committee (CLASAC) recommends pursuing acquisition of EL-117-24. (no fiscal impact)

Minutes: County Manager Bill Beasley discussed staff pursuing acquisition of the site nominated to the Environmental Lands Program. He said the Conservation Land Acquisition Selection Advisory Committee (CLASAC) recommends pursuing acquisition of EL-117-24.

Tabitha Biehl, Parks and Natural Resources, showed slides of the site that is on the northwest corner of Bartow off of E.F. Griffin Road. She discussed the characteristics and the scoring of the site. She said the technical assessment score is 64. She said the CLASAC had several comments.

Commissioner Combee said his initial reaction was that this was not a good idea as a former mine project. He said after listening to Tabitha and Gaye talk about the opportunities that can be created between Lake Hancock and south Lakeland. He said he does not think there are many diamonds left in Polk County that are not in public ownership. He said the idea is to preserve land, conserve land and to set it aside. He said his issue is public access and recreational opportunities for people. He said he believes when people voted for this that is what they had in mind. He said his emphasis is where we can create public access. He said when a property scores low the price we are willing to pay would be reflected by that score.

Commissioner Santiago said she would agree with leaving the tag score out and having the comments from CLASAC. She said the score throws everything off.

Commissioner Wilson said this piece it affects him when the water coming from there down into Bear Creek and then Peace River and he said that was some of the worse water coming there. He said that is one thing we may be able to help. He said it might not score high but there could be a lot of things to work with.

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

H.7. Approve staff to pursue acquisition of the site nominated to the Environmental

Lands Program. Conservation Land Acquisition Selection Advisory Committee (CLASAC) recommends pursuing acquisition of EL-118-24. (no fiscal impact)

Minutes: County Manager Bill Beasley discussed staff pursuing acquisition of the site nominated to the Environmental Lands Program. He said the Conservation Land Acquisition Selection Advisory Committee (CLASAC) recommends pursuing acquisition of EL-118-24.

Tabitha Biehl, Parks and Natural Resources, showed slides of the site that is on the Davenport Lots. She discussed the characteristics and the scoring of the site. She said the technical assessment score is 88. She said that CLASAC had a lot of comments for this project.

Commissioner Combee said land sales subdivisions are a curse on this county. He said he tried to get the county interested in this back in the 90's because there was an opportunity for them to develop. He said someone was able to put this together and he thinks it is great. He asked if there would come a time if we would fence it to incorporate the public's land.

Commissioner Wilson said there will be negotiations with the owners and it depends on what they want.

Commissioner Combee said we have to secure the tax payers property.

Commissioner Lindsey said for the guy who has the cattle for them to show the lease and the property covered by the lease.

Chair Braswell said so you are asking how we will secure our property.

Ms. Biehl said these parcels are to secure big chunks and if we do get a large area, if appropriate, they could take actions to fence at that time.

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

I. COMMISSIONER DISTRICT 1 (GEORGE LINDSEY)

I.1. Commissioner Lindsey Comments.

Minutes: Commissioner Lindsey had no comments.

J. COMMISSIONER DISTRICT 2 (RICK WILSON)

J.1. Commissioner Wilson Comments.

Minutes: Commissioner Wilson had no comments.

K. COMMISSIONER DISTRICT 4 (MARTHA SANTIAGO)

K.1. Commissioner Santiago Comments.

Minutes: Commissioner Santiago said they were able to thank and celebrate many volunteers for Polk County and she said it was a good celebration for them. She said they went and attended the Avelo announcement and said it is our new airlines coming into Lakeland. She said the first destination they announced is for New Haven, Connecticut. She said we also went to a Polk Parkway opening ceremony. She said we were at the History Center for the Legacy in Polk County where they recognized the first woman county commissioner and the first African American county commissioner. She thanked the Board for the invitations allowing her to be a part of that.

L. COMMISSIONER DISTRICT 5 (NEIL COMBEE)

L.1. Re-appoint Stephen Kalogridis to serve as a member of the Housing Finance Authority for the four-year term, March 1, 2024, to February 29, 2028.

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 that the Polk Parkway at Exit 14 is closed. He said the Turnpike Authority said it would be about 200 cars per hour at peak time. He said Braddock Road Interchange has opened up and is a big deal for us. He said either Manatee or Sarasota County has allowed a developer to go in with hundreds of homes before the roads were finished. He said they have dirt roads, all these new homes and now the developer has said I am out of here.

Planning and Development Director John Bohde said you could get a building permit for model homes without all the infrastructure being completed, you would have to put up a bond. He said we would not issue a CO without the work being complete.

Chair Braswell said a CO was issued because these people are living there. He said what has happened now is the roads are washing out and who is going to pay for it. He said obviously it cannot happen here.

Mr. Bohde said they would have a surety or performance bond if the local government had to go in and finish that.

Commissioner Lindsey said before the platting process goes through staff visits the site and makes a list of the items that are unfinished. He said between county staff and the

developer's engineer they agree on a value of what is not done and then 20 - 30% is added to that number. He said some bonds on today's agenda were refunded. He said you have money in the bank to cover the short fall with a premium added to that.

Chair Braswell said that county was looking at a MSBU on the residents to pay for it.

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

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

O.1. Public Hearing (LDCT-2024-2 Townhomes LDC Text Amendment) (First Reading) to consider the adoption of a County-initiated request to clarify the approval process and development standards for multi-family townhome developments. (No Fiscal Impact).

Minutes: Land Development Director Ben Ziskal reviewed the proposed text amendment. He said the language is that all townhomes whether owner or renter will have the same development standards and processes. He said that this is a first reading.

Commissioner Lindsey confirmed that you can plat townhomes where the property line is the shared wall between townhomes.

The Chair opened a public hearing; no one spoke.

P. PUBLIC HEARINGS

P.1. Public Hearing (LDCDD-2024-1 / Grenelefe 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: County Attorney Randy Mink said the Board is reviewing a Community Development District (CDD) and is not reviewing a land use change. He said by approving a CDD the Board is not approving a development. He said the development currently in the CDD will carry through the entitlements allowed under land use regulations. He said the Board's review is governed by statute and is limited to six items provided. He said the state law governing CDDs states that any matter concerning permitting or planning of the development is not material or relevant. He said contrary to what was reported in the media the Board will be voting on the matter today.

Erik Peterson, Land Development, showed slides and said the CDD is not a change in land uses, density or intensity. He said the request is for a CDD for 423 detached residential units and he showed the site location. He said it is for an undeveloped area. He discussed the water and wastewater connections and said there is enough capacity. He reviewed the criteria for establishing a CDD. He said this CDD meets the six state requirements.

Upon question, Mr. Peterson said this site is vested for 5 units per acre. He said in 2008 there was a Comprehensive Plan amendment to expand the utility enclave area

to include this parcel, and a Land Development Code text amendment adopted in 2009, and a Planned Development (PD) that was adopted. He said they are not building out to the same intensity of the PD they are going less. He said the entitlements under the previous PD allowed them to have townhouses, they are not opting for that and he said the current request is for single-family detached lots 50-75 feet wide. He said they do not need to come to the Board for approval to build the 423 homes.

Chair Braswell said there is going to be 423 homes built regardless of what this Board decides. He said the CDD today is to approve a funding mechanism to do that and if we do not approve it they will go somewhere else and borrow money.

Upon question, Mr. Peterson said the site plan was approved by the Board in 2009. He said the residential and mixed used projects once adopted are good for their entirety of the build out. He said the developer owns more of Grenelefe and has the intent to develop that further. He said the land uses were not consistent with their petition and they scaled it back to be consistent. He said a less intensive use can always be scaled back; he said it is in the Land Development Code under the minor modification criteria. He said if they want to increase the density or the land area that would prompt it to come back in for review. He said our standards today are better and they will have to have open space, sidewalks, recreation amenities, stormwater retention ponds, and the 25 foot setbacks for garages. He said when the infrastructure in the development is under the CDD then improvements and maintenance fall under the taxpayers that the CDD funds and not upon the general fund. He said the CDD is close to being a city and the police powers fall short of that which a city would have. He said the members of the CDD Board members will be elected.

Chair Braswell said he knows that CDDs are property taxes for the rest of their life.

Commissioner Lindsey said it is a payoff and they have the right to pay it off early. He said it has a sunset and any CDD language has to be in all caps and bold type on any contract.

Upon question, Mr. Peterson said the land use has already been approved and will not come back to the Board unless there is an increase. He said if they wanted to do multi-family they would have to come in for a land use amendment. He said the single-family is what was approved.

The Chair opened a public hearing.

Jere Earlywine, representing the applicant, said they have established all six of the criteria to establish the CDD. He said the project is already approved and moving forward and the question is whether you have the HOA or the CDD manage this. He said it allows them to bring forward less expensive infrastructure. He said the residents can go back, refurbish the stormwater ponds and they can access the tax exempt bond market. He said it is a much more robust operations and maintenance entity. He said the CDD collects on the tax roll and he said it is more transparent. He said there are numerous recordable documents on the CDD. He discussed the benefits of having a CDD. He said existing residents are not subject to the CDD and it is only within the

boundaries of the CDD.

Upon question, Mr. Earlywine said the HOA does architectural controls for something like this and he said they would have an HOA and the CDD. He said CDDs have been able to apply for FEMA funding and can better restore the property. He said if there is an accident and they get sued, the CDD's liability is capped by sovereign immunity protection and he said their insurance is better. He said additional taxes could be put on the residents through the CDD.

Glenn Lawhorn asked for everyone in opposition to stand up. He said CDDs as a whole are bad. He said it will be \$39,000 in fees imposed. He said there is a lot more to this story than meets the eye. He showed a map of the surrounding areas. He said if they deny this CDD he believes they will stop them. He said if they are such a good developer they could finance it. He said the county is on the hook for the roads, water and sewer.

Mr. Peterson said Grenelefe's water and wastewater is a private system and is under control as the same company as the developer. He said we are not responsible.

Mr. Mink said that it could go into receivership and it could end up in our hands.

Commissioner Lindsey said if it defaulted the bondholders would step in and take over.

Upon question, Mr. Mink said if they deny this the court would look at which of the six items it did not meet.

Jeffrey Colburn asked that the Board deny this CDD. He said that the utilities will be maxed. He discussed traffic congestion. He said by denying this they are causing the developer to accrue more costs.

Kent Buchannan said 22 other people stand in opposition with them. He discussed endangered species and said that there may be some out there.

Pablo Llavona said the Grenelefe community goes out of water a lot and has boil water notices. He said CDDs are never a good thing and people cannot afford them. He asked them to reconsider. He said their water is Grenelefe utilities.

John Stewart said he is seeing something wrong here. He discussed the sewage plant and said it is being absorbed in the ground in a basin. He showed pictures and said it is not maintained.

Michael McConnaghy discussed pumps being down and not meeting capacity. He discussed traffic and said that the infrastructure is not there.

Mike Lane said he has concerns with the infrastructure. He said he does not know if there are any plans for the expansion of the water treatment facility. He said another concern is the traffic volume. He discussed traffic backing up with a round-a-bout. He said these are two lane roads and asked if they will add road width and traffic lights.

Paul Guertin spoke in opposition. He discussed how traffic will increase. He said the crime rate and property values will go up. He said other homes are planned to be built in Grenelefe.

Dennis Lezenski discussed the other homes being built in the area and the traffic. He said they do have wildlife and most of it is gone and he said they have protected animals on the golf course. He spoke in opposition.

Tommy Addison confirmed that it is appropriate for him to speak because this did not come before the Planning Commission. He said his concerns are that there have been over 300 CDDs going bankrupt in Florida. He said when you go by the sewer plant they will often have broadcast lime because of an overflow. He said Haines City did a study on the utilities and he discussed the boil water notices. He referred to the staff report and said the DEP permit for Grenelefe utilities is a 0.68 million gallons three month rolling average plant and he said that DEP has it limited to .34 mgd. He said it has not been maintained in the manner to even handle the load it has already got. He said it will get worse going forward.

Theresa Soles discussed the traffic and the round-a-bout. She discussed the creek and said it is home to wildlife.

Jeremy Knowles discussed the staff report on page 3 and said the graph that is used is old numbers. He said the school facility is over capacity.

Ashley Swanson said this is reminding her of the story of The Lorax. She said the town being destroyed is what will happen if this is approved. She said for them to realize the impact this has on the schools, natural resources and emergency responders.

Mr. Earlywine spoke in response to public comments. He said the CDD is better to take care of infrastructure than an HOA. He said the traffic and wildlife were considered at the land use hearing. He said they have an updated certified letter of them having water capacity and he said they are at half of the capacity. He said he does not know of a CDD declaring bankruptcy and said there is a foreclosure process. He said there is money set aside in a CDD as reserves and said that helps keep the project going. He said if there is a default that the Florida Statutes make it very clear that the county is never stuck with CDD assets. He requested approval.

Upon question, Mr. Earlywine said the CDD does not have anything to do with the utilities. He said any development project is going to have utilities.

The Chair closed the public hearing.

Commissioner Combee said up until this meeting he did not have much concern about the wastewater and sewer. He said he does not like CDDs and they border on predatory lending practices because there are people who have no idea what they are getting into. He said that the idea that there is a better instrument than a HOA; he said HOAs are HOAs and CDDs are CDDs. He said he has gotten more interested in this package plant. He referred to the 50 year old plant with the issues and said we are playing with fire here. He said that is not what we are deciding, we are deciding to

approve a CDD. He said the rapid infiltration basin is also a concern and he asked about the failure of the projects along 17 and 27.

Mr. Beasley said rapid infiltration basins on the ridge seems to be successful in terms of recharging. He said there are some locations where recharging based on the use of the basin is not performing the way it should.

Commissioner Combee said it provided only a fraction of the disposal capacity that was presented/represented. He said if we can do anything to slow it down. He said it is not a binding site plan, there is no approval needed to change it, and no one needs to approve what was changed. He said he will vote against it and he does not know if anyone can answer how much modification will take place before it is changed.

Commissioner Santiago said we need to talk further on how something in 2009 and was approved 15 years ago. She said we know the project approved in 2009 is going to move forward. She said she is surprised that in 2009 the density of 423 existed especially houses 50-60-70 feet apart. She said she agrees with them and she is not going to approve the CDD. She said it would be harsh for the residents to pay for both the CDD and HOA. She said within the last six years she has had more calls on problems with CDDs and HOAs.

Commissioner Lindsey said we have gotten off track and said there is a statutory requirement to be met with the CDD and it has been met. He said if there were 5 of 6 requirements satisfied we would be obliged to turn it down but once the sixth one is satisfied we are obliged to move it forward. He said this a ministerial not a discretionary action. He said the zoning does not have an expiration. He said if it is 433/435 and they want to make it 200 or 100 that is a taking of a property right and that is not what is before us today. He said a development order cannot be denied for lack of transportation capacity but it can be denied for a lack of water and sewer capacity. He said that is a bridge they will have to cross once they start the site plan and permitting. He said whatever shape that plant is in is for another agency to determine. He said they are not borrowing it is taken off the purchase price and he said that the buyer does not have to satisfy a mortgage at the current rate and instead they are borrowing at tax free rates. He said the individual can pay it off anytime. He said there are plenty of protections and statutes regarding CDDs. He said there are disclosures required on the closing contract and no one is part of the CDD that does not choose to be. He said our ministerial act is to say yes or no and nothing we have heard today denies any of those standards have been met.

Commissioner Wilson said he sees where everybody is coming here on everything going on up there. He said this is about a CDD; he said we got on water plants and everything and it all comes to play on his mind. He said he will not be supporting a CDD.

Chair Braswell vacated as Chair to second the motion.

Chair Braswell said if we defeat this all we have done is set the county up for a lawsuit which we will ultimately lose because the state has made it clear that once the six items are met the deal is done.

Motion to Approve.

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

Minutes: Commissioner Lindsey asked that the cost of defending this position is reported back to the Board.

Motion to Deny.

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

P.2. Public Hearing to Consider Adoption of a Resolution Allowing for the Installation of Three Traffic Calming Devices (Speed Humps) on Lichtenwalter Road, Near Winter Haven. (estimated \$15,000.00 one-time expense)

Minutes: Amy Gregory, Traffic Manager, showed slides and discussed the request for installation of traffic calming devices on Lichtenwalter Road, Near Winter Haven. She said this meets the requirements of the traffic calming devices. She recommended 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

ANNOUNCEMENTS

Minutes: Meeting adjourned at 11:26 a.m.