



Polk County Board of County Commissioners

Meeting Minutes

11/22/16 BoCC Organizational Meeting Minutes

November 22, 2016 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 forty eight hours prior to the proceeding. Their offices are located in the Neil Combee Administration Building, 330 West Church Street in Bartow. Telephone (863) 534-6090, TDD (863) 534-7777 or 1-800-955-8771, Voice Impaired 1-800-955-8770 via Florida Relay Service.

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.

Attendee Name	Title	Status	Arrived
George Lindsey	Commissioner	Present	9:00 AM
Melony M. Bell	Chairman	Present	9:00 AM
R. Todd Dantzler	Vice Chairman	Present	9:00 AM
John E. Hall	Commissioner	Present	9:00 AM
Bill Braswell	Commissioner	Present	9:00 AM

INVOCATION

1. Rev. David T. Averill, Pastor, St. John's United Methodist Church of Winter Haven

PLEDGE OF ALLEGIANCE

INVESTITURE CEREMONY

2. George Lindsey, County Commissioner, District 1. Michael Craig, County Attorney, to administer oath.
3. Bill Braswell, County Commissioner, District 3. Brian Haas, Chief Assistant State Attorney for the Tenth Judicial Circuit of Florida, to administer oath.
4. John E. Hall, County Commissioner, District 5. Michael Craig, County Attorney, to administer oath.

REORGANIZATION OF THE BOARD

5. Comments from the General Public regarding Reorganization of the Board.

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

6. Elect Chairperson

Minutes: The Board elected Melony M. Bell as Chairperson.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John E. Hall, Commissioner
SECONDER:	George Lindsey, Commissioner
AYES:	Lindsey, Bell, Dantzler, Hall, Braswell

7. Elect Vice Chairperson

Minutes: The Board elected R. Todd Dantzler as Vice Chairperson.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	George Lindsey, Commissioner
SECONDER:	John E. Hall, Commissioner
AYES:	Lindsey, Bell, Dantzler, Hall, Braswell

8. Adopt Resolution Authorizing Banks to Honor and Cash Warrants Signed by New Chairperson and the Clerk, Effective November 28, 2016.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	George Lindsey, Commissioner
SECONDER:	R. Todd Dantzler, Vice Chairman
AYES:	Lindsey, Bell, Dantzler, Hall, Braswell

A. PRESENTATIONS and RECOGNITIONS

B. CEREMONIAL PROCLAMATIONS

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

9. Comments.

Minutes: Curtis Agius, President, Trash Taxi, asked the Board to rescind the withdraw for the bid for the residential waste collection. He stated he has separated from his business partner.

The Board decided to further discuss Trash Taxi during the afternoon session.

Kimberly McLaughlin said she has issues with her house being toxic. She said she has mischief and violence at her house. She stated she has trouble with her mortgage and the County owning a part of her house.

County Manager Jim Freeman stated that the Housing and Neighborhood Director and several County staff have been involved with Ms. McLaughlin's house.

D. APPROVE CONSENT AGENDA

10. Approve Consent Agenda

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John E. Hall, Commissioner
SECONDER:	Bill Braswell, Commissioner
AYES:	Lindsey, Bell, Dantzler, Hall, Braswell

E. COUNTY COMPTROLLER

11. Disbursements

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bill Braswell, Commissioner
SECONDER:	John E. Hall, Commissioner
AYES:	Lindsey, Bell, Dantzler, Hall, Braswell

12. Minutes of Regular Board Meeting Held on November 1, 2016.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	George Lindsey, Commissioner
SECONDER:	Bill Braswell, Commissioner
AYES:	Lindsey, Bell, Dantzler, Hall, Braswell

13. Approve Addenda to Employment Agreements with the County Manager and the County Attorney.

Minutes: County Comptroller Stacy Butterfield reviewed the addenda to employment agreements for County Manager Jim Freeman and County Attorney Michael Craig. She recommended approval.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John E. Hall, Commissioner
SECONDER:	R. Todd Dantzler, Vice Chairman
AYES:	Lindsey, Bell, Dantzler, Hall, Braswell

F. REQUEST FROM ELECTED OFFICIAL and OTHER GOVERNMENTAL AGENCY

G. PUBLIC HEARING TO CONSIDER SETTLEMENT

H. COUNTY ATTORNEY

14. SET HEARING to Consider Adoption of an Ordinance Granting an Economic Development Ad Valorem Tax Exemption to Project Suede, a Qualifying Expansion of an Existing Business (Suggested Hearing Date is December 13, 2016 at 1:30 P.M.)

Minutes: Chairman Bell recused from voting.

RESULT:	APPROVED [4 TO 0]
MOVER:	George Lindsey, Commissioner
SECONDER:	Bill Braswell, Commissioner
AYES:	George Lindsey, R. Todd Dantzler, John E. Hall, Bill Braswell
ABSTAIN:	Melony M. Bell

I. COUNTY MANAGER

15. Approve Certificate of Public Convenience and Necessity for Affordable Transport, Inc. to operate a Type G ALS Inter-Facility Transport Service within Polk County. (No fiscal impact)

Minutes: County Manager Jim Freeman reviewed the Certificate of Public Convenience and Necessity for Affordable Transport, Inc., to operate a TYPE G ALS Inter-Facility Transport Services. He outlined the conditions and recommended approval for a period of five years with conditions.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John E. Hall, Commissioner
SECONDER:	George Lindsey, Commissioner
AYES:	Lindsey, Bell, Dantzler, Hall, Braswell

16. Approve budget transfer for the construction of bus shelters in Northeast Polk County. (\$107,000 one-time expense)

Minutes: County Manager Jim Freeman discussed the budget transfer for the construction of bus shelters in Northeast Polk County. He recommended approval.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	George Lindsey, Commissioner
SECONDER:	R. Todd Dantzler, Vice Chairman
AYES:	Lindsey, Bell, Dantzler, Hall, Braswell

17. Approve agreement with Wharton-Smith, Inc. to provide Construction Manager at Risk (CMAR) Services for the Central Regional Water Production Facility. (\$188,727 one-time expense)

Minutes: County Manager Jim Freeman reviewed the agreement with Wharton-Smith, Inc., for the Central Regional Water Production Facility. He recommended approval.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	George Lindsey, Commissioner
SECONDER:	R. Todd Dantzler, Vice Chairman
AYES:	Lindsey, Bell, Dantzler, Hall, Braswell

18. Approve construction contract with SEMCO Construction, Inc. for the construction of eight bus stops. (\$286,809 one-time expense)

Minutes: County Manager Jim Freeman reviewed the contract with SEMCO Construction, Inc., for the construction of eight bus stops. He recommended approval.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John E. Hall, Commissioner
SECONDER:	George Lindsey, Commissioner
AYES:	Lindsey, Bell, Dantzler, Hall, Braswell

19. Amending 2016 Board Meeting schedule.

Minutes: County Manager Jim Freeman recommended approval to amending the 2016 Board Meeting Schedule. He said the December 20, 2016, Board meeting date will be changed to December 13, 2016.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bill Braswell, Commissioner
SECONDER:	R. Todd Dantzler, Vice Chairman
AYES:	Lindsey, Bell, Dantzler, Hall, Braswell

J. COMMISSIONER DISTRICT 1

20. Commissioner Lindsey Comments.

Minutes: Commissioner Lindsey said he volunteered for the bell ringing for the Salvation Army. He commended the Rotary Club and all other organizations that volunteer.

K. COMMISSIONER DISTRICT 2

21. Commissioner Bell Comments.

Minutes: Chairman Bell wished the audience a Happy Thanksgiving.

She encouraged support for the Salvation Army bell ringing during the holidays.

She presented Commissioner Hall with a plaque for his services as Board Chairman from 2015-2016.

Commissioner Hall thanked the Board for the opportunity to serve as Chairman. He also thanked the County Manager and the County Attorney.

L. COMMISSIONER DISTRICT 3

22. Commissioner Braswell Comments.

Minutes: Commissioner Braswell said he is happy to serve with the Board.

M. COMMISSIONER DISTRICT 4

23. Commissioner Dantzler Comments.

Minutes: Commissioner Dantzler thanked the voters for overwhelmingly supporting the indigent health care tax. He thanked Clint Shoupe from BayCare for heading up the campaign. He thanked those who participated to help pass the tax.

He thanked the Supervisor of Elections and their staff for their hard work with the election and the re-count.

He welcomed Commissioner Braswell to the Board. He said he looks forward to his remaining two years with the Board.

N. COMMISSIONER DISTRICT 5

24. Appoint Larry Keith Johnson to Serve as a Member of the Polk County Lakes Access Advisory Committee for the Three-Year Term, November 17, 2016 to November 16, 2019.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John E. Hall, Commissioner
SECONDER:	Bill Braswell, Commissioner
AYES:	Lindsey, Bell, Dantzler, Hall, Braswell

25. Commissioner Hall Comments.

Minutes: Commissioner Hall said his wife was ill and regrets her not being able to attend his Investiture Ceremony.

He thanked the voters for reelecting him for another four years. He thanked those who helped him with his campaign.

He said he recently parked in the parking garage. He said the garage is fantastic and the spaces are easy to maneuver.

O. LAY BOARD APPOINTMENTS

26. Approve Reappointment of Ron Myers to the Tourist Development Council for the Four-Year Term, September 1, 2016 through August 31, 2020.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	R. Todd Dantzler, Vice Chairman
SECONDER:	John E. Hall, Commissioner
AYES:	Lindsey, Bell, Dantzler, Hall, Braswell

*****RECESS - The Board of County Commissioners will recess from 12:30 p.m. until 1:30 p.m. or soon thereafter.*****

P. PUBLIC HEARINGS

* County Attorney opening comments

Minutes:

Curtis Agius, President, Trash Taxi, said he is asking for consideration to allow Trash Taxi to rescind the withdrawal and to allow them to participate in the residential waste collection. He asked to continue forward with a new business partner.

County Attorney Michael Craig discussed the press reports regarding the sale of Rizzo Environmental Services to a Canadian company. He discussed the reports of the Trusty demanding and taking bribes and how employees from Rizzo Environmental Services have been arrested. He said that Rizzo Environmental Services qualified Trash Taxi to participate in the RFP. He said he has met with the attorney for Trash Taxi and cannot recommend continuing with Trash Taxi based on the reports. He stated he cannot recommend allowing Trash Taxi to continue with a new business partner because it would introduce a stranger to the procurement process. He said the zone in question should be rebid. He stated the withdrawal notice was received on November 9, 2016, and one on one meetings were held with each Commissioner and the County Manager. He said rescinding the withdrawal would create issues. He stated the Board also has the option to consider to reconsider.

County Manager Jim Freeman said the contracts need to be in place by October 2017. He said that Trash Taxi's partner created this problem. He stated he cannot recommend entering into a new contract with a new partner without a new bid. He said staff has been negotiating the zones and pricing with FCC and Advanced Disposal. He outlined the previous cost per zone and the new cost per zone for two zones. He said the annual assessment will be \$144.50 per resident for residential waste collection; an approximate decrease in \$10.50 with two zones.

Commissioner Lindsey stated this process began over 18 months ago. He said the process was created and public meetings were held for input from both the customers and the vendors. He said the procedures and qualifications have been clear from the beginning. He said he would not support rebidding. He said he cannot support a rebid and cannot honor the request to rescind.

Commissioner Hall said they should look at how a rebid would increase the cost. He said he cannot support a rebid.

Commissioner Braswell said two companies is better and five companies is ideal. He said the rules were created and are not in place by Florida Statutes.

Mr. Freeman responded to questions. He stated that the other two companies' home office is not in Polk County and would need to purchase or lease a facility. He stated neither FCC or Advanced Disposal are currently providing services in Polk County. He said it is not feasible to parallel the two contracts while rebidding the third zone. He said each zone adds to the average price.

Upon question, Mr. Agius said he found out through the newspapers in Detroit about his business partners and he knew nothing about their actions. He stated he immediately notified the Board. He said his company serves 25,000 customers in Polk County.

Discussion followed on Trash Taxi's recycling services currently provided in Polk County.

Chairman Bell said it is unfortunate that this happened. She spoke in support of having three companies for the residential waste collection.

Mr. Agius thanked the Board for the opportunity. He stated he will make sure every resident is happy and asked for reconsideration.

Motion to: Rebid

RESULT:	DEFEATED [2 TO 3]
MOVER:	George Lindsey, Commissioner
SECONDER:	Bill Braswell, Commissioner
AYES:	Melony M. Bell, Bill Braswell
NAYS:	George Lindsey, R. Todd Dantzler, John E. Hall

27. Public Hearing (LDC 16T-09 – Saxon Text Amendment) (First Public Hearing – No Action) to Consider an Applicant-Initiated Amendment to the Land Development Code (No Fiscal Impact).

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

Thado Hays, Long Range Planning, showed slides and reviewed the proposed text amendment. He said this is an applicant initiated request. He stated that staff and the Planning Commission recommend denial. He said this is inconsistent with the US Highway 98 Selected Area Plan (SAP), the Comprehensive Plan and the Land Development Code. He said staff is proposing a sunset clause and requesting a more indepth analysis. He said this is the first reading and the adoption hearing will be held on December 6, 2016.

Chairman Bell and Commissioner Lindsey said they have had meetings with the applicant.

Commissioner Hall said he has had meetings with the applicant and has been by the site.

Commissioner Braswell said he has met with the applicant.

Commissioner Dantzler said he had a meeting with the applicant and he is recusing from voting due to a conflict.

The Chairman opened a public hearing.

Sarah Case, applicant, showed a map of the area. She showed slides and gave a timeline of the SAP. She reviewed modifications to the SAP and suggested adding a sunset date to the SAP. She outlined other land uses within the SAP. She recommended approval.

The Chairman closed the public hearing.

Upon question, Mr. Hays stated that there are existing commercial uses within the SAP. He said staff is recommending to sunset the SAP.

28. Public Hearing (CPA 16S-07/Havenhill Woods CPA) (Adoption Public Hearing) to Consider a Small Scale Comprehensive Plan Map Amendment to Change the Future Land Use Designation from Development of Regional Impact (DRI) to Residential Medium (RM) on 1.8 +/- Acres.

Minutes: Tom Wodrich, Long Range Planning, showed slides and reviewed the proposed map amendment. He said this is an applicant initiated request. He submitted three letters of

opposition into the record. He said that staff and the Planning Commission recommend approval. He stated that this is consistent with the Comprehensive Plan and is compatible with the surrounding area. He recommended approval.

Upon question, Mr. Woodrich said that residential properties could be on the property.

Commissioner Lindsey said he will recuse from voting.

Chairman Bell and Commissioners Braswell and Dantzler said they have not had any site visits or ex parte communications for this case.

Commissioner Hall said he has been by the site several times.

The Chairman opened a public hearing.

John McVay, applicant, spoke in support and said when the Development of Regional Impact (DRI) was completed, the DRI went away. He asked to bring the land use back to utilize the property.

Susan Leopold said she has a petition with 90 signatures in opposition. She showed pictures of flooding and spoke in opposition.

Chairman Bell stated there will be more restrictions on the applicant if the Board approves the land use.

Steven Kavinsky said he has concerns with more dense development and flooding. He stated that some yards need pumps for drainage.

Mr. Wodrich responded to questions regarding density.

The Chairman closed the public hearing.

RESULT:	APPROVED [4 TO 0]
MOVER:	Bill Braswell, Commissioner
SECONDER:	R. Todd Dantzler, Vice Chairman
AYES:	Melony M. Bell, R. Todd Dantzler, John E. Hall, Bill Braswell
ABSTAIN:	George Lindsey

29. Public Hearing (CPA 16S-08/Gordonville Park CPA) (Adoption Public Hearing) to Consider a Small Scale Comprehensive Plan Map Amendment to Change the Future Land Use Designation from Residential Low (RL) to Recreation and Open Space (ROS) on 4.53 +/- Acres.

Minutes: Albert Frederick, Long Range Planning, showed slides and reviewed the proposed map amendment. He said this is a staff initiated request. He said the Planning Commission recommends approval. He stated this is compatible with the surrounding area and is consistent with the Comprehensive Plan. He recommended approval.

The Chairman opened a public hearing; no one spoke.

RESULT:	APPROVED [4 TO 0]
MOVER:	R. Todd Dantzler, Vice Chairman
SECONDER:	John E. Hall, Commissioner
AYES:	Melony M. Bell, R. Todd Dantzler, John E. Hall, Bill Braswell
AWAY:	George Lindsey

30. Public Hearing (CPA 16S-09/Knights Station Road CE CPA) (Adoption Public Hearing) to Consider a Small Scale Comprehensive Plan Map Amendment to Change the Future Land Use Designation from Agriculture/Residential Rural (A/RR) to Commercial Enclave (CE) on 4.53 +/- Acres.

Minutes: Albert Frederick, Long Range Planning, showed slides and reviewed the proposed map amendment. He said this is an applicant initiated request. He said staff and the Planning Commission recommend approval. He stated this is compatible with the surrounding area and is consistent with the Comprehensive Plan. He recommended approval.

Chairman Bell and Commissioners Lindsey, Hall and Braswell said they have not had any ex parte communications or site visits regarding this case.

Commissioner Dantzler said he will recuse from voting.

The Chairman opened a public hearing.

Sam Medina, Pickett Engineering, spoke in support and requested approval.

The Chairman closed the public hearing.

RESULT:	APPROVED [4 TO 0]
MOVER:	Bill Braswell, Commissioner
SECONDER:	George Lindsey, Commissioner
AYES:	George Lindsey, Melony M. Bell, John E. Hall, Bill Braswell
ABSTAIN:	R. Todd Dantzler

31. Public Hearing (CPA 16S-10/Ritchie Bros CPA) (Adoption Public Hearing) to Consider a Small Scale Comprehensive Plan Map Amendment to Change the Future Land Use Designation from Recreation and Open Space "X" (ROSX) to Regional Activity Center "X" (RACX) on 9.6 +/- Acres in the North Ridge Selected Area Plan (SAP).

Minutes: Chanda Bennett, Long Range Planning, showed slides and reviewed the proposed map amendment. She said this is an applicant initiated request. She said staff and the Planning Commission recommends approval. She stated this is compatible with the surrounding area and is consistent with the Comprehensive Plan. She recommended approval.

The Chairman opened a public hearing.

Bart Allen, Peterson and Myers, discussed the case and spoke in support. He requested approval.

Denise Davidson said there are 222 residents. She discussed concerns with traffic. She asked if there could be an additional entrance for traffic on Ritchie Road. She stated there needs to be a berm.

Tim Cander, Ritchie Brothers, responded to public comment. He said there is a gravel road for the traffic at Ritchie Brothers. He said there will be a traffic light installed in the early spring. He said law enforcement directs traffic during sales. He stated the berm is a condition in the land use.

The Chairman closed the public hearing.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	George Lindsey, Commissioner
SECONDER:	John E. Hall, Commissioner
AYES:	Lindsey, Bell, Dantzler, Hall, Braswell

32. Public Hearing (CPA 16S-13/Michalec CPA) (Adoption Public Hearing) to Consider a Small Scale Comprehensive Plan Map Amendment to Change the Future Land Use Designation from Business Park Center (BPC) to Residential Low (RL) on 7.33 +/- Acres.

Minutes: Chanda Bennett, Long Range Planning, showed slides and reviewed the proposed map amendment. She said this is an applicant initiated request. She said staff and the Planning Commission recommends approval. She stated this is compatible with the surrounding area and is consistent with the Comprehensive Plan. She recommended approval.

Upon question, Ms. Bennett stated there are seven units in the area. She said normally the city would annex the property.

The Chairman opened a public hearing.

Jessica Swanback, JSK Consulting, said the plan is to have two houses on the property. She stated the applicant has spoken to Lakeland Linder Airport and Sun-N-Fun and the applicant understands the airport is in the area.

The Chairman closed the public hearing.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	R. Todd Dantzler, Vice Chairman
SECONDER:	George Lindsey, Commissioner
AYES:	Lindsey, Bell, Dantzler, Hall, Braswell

Q. CONSENT AGENDA ITEMS

ANNOUNCEMENTS - All of the below scheduled meetings constitute 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.

The Chairman adjourned the meeting at 3:33 PM