



Polk County Board of County Commissioners

Meeting Minutes

12/06/16 BoCC Regular Meeting Minutes

December 6, 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. (MELONY M. BELL, CHAIR)

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

INVOCATION

1. Pastor Joe Lemmons, Lake Shipp Baptist Church, Winter Haven

PLEDGE OF ALLEGIANCE (MELONY M. BELL, CHAIR)

A. PRESENTATIONS and RECOGNITIONS

2. Recognize Representative John Wood for eight years of service to the Florida House of Representatives, District 41.

Minutes: The Board recognized Representative John Wood for eight years of service to the Florida House of Representatives.

Representative Wood said it has been an honor to be a spokesperson for government. He thanked the Board and the people of Polk County for their support.

B. CEREMONIAL PROCLAMATIONS

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

3. Comments.

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

D. APPROVE CONSENT AGENDA

4. Approve Consent Agenda

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

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

5. Approve and Ratify Disbursements

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

6. Approve Minutes of Regular Board Meeting Held on November 22, 2016.

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

F. REQUEST FROM ELECTED OFFICIAL and OTHER GOVERNMENTAL AGENCY

G. PUBLIC HEARING TO CONSIDER SETTLEMENT

H. COUNTY ATTORNEY (MICHAEL CRAIG)

7. Accept waste water utility easement as requested through the Development Review Process. (\$61.70 one-time expense)

Minutes: Commissioner Lindsey recused from voting due to a conflict of interest.

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

8. Approve Purchase Agreement in Conjunction with Lake Thomas Sanitary Sewer Rehabilitation Project. (\$139,500 One-Time Expense)

Minutes: County Attorney Michael Craig discussed the purchase agreement in conjunction with Lake Thomas Sanitary Sewer Rehabilitation Project. He recommended approval.

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

I. COUNTY MANAGER (JIM FREEMAN)

9. Approve agreement with Fomento de Construcciones y Contratas, Inc. (FCC) to provide curbside residential household waste, horticultural waste and recyclable material collection services for Zone 1. (\$9,955,538.07 annual estimated recurring expense)

Minutes: County Manager Jim Freeman discussed the agreement with Formento de Construcciones y Contratas, Inc. (FCC) for the curbside residential waste, horticultural waste and recyclable material collection for Zone 1. He recommended approval.

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

10. Agreement with Advanced Disposal Services Solid Waste Southeast (Advanced Disposal) to provide curbside residential household waste, horticultural waste and recyclable material collection services for Zone 2. (\$10,570,812.88 annual estimated recurring expense)

Minutes: County Manager Jim Freeman discussed the agreement with Advanced Disposal Services Solid Waste Southeast for the curbside residential waste, horticultural waste and recyclable material collection for Zone 2. He recommended approval.

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

Motion Minutes: Chairman Bell congratulated the two companies that were awarded the bid. She said the Board expects 100% satisfaction for the citizens. She told the vendors to remember that the citizens come first. She thanked Procurement, the County Manager's Office, the County Attorney's Office and Waste Resource Management for their dedicated work.

County Manager Jim Freeman thanked the Board for the clear policy direction.

11. Approve Consultant Services Authorization No. 14-014-02 with URS Corporation Southern, Inc. to provide Geographic Information Systems (GIS) support. (\$125,140 not-to-exceed, one-time expense)

Minutes: County Manager Jim Freeman reviewed the Consultant Services Authorization No. 14-014-02 with URS Corporation Southern, Inc., for Geographic Information Systems support. He recommended approval.

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

12. Renew existing Oracle Public Sector Technical Support Services Agreement for Oracle financial software support with Oracle Corporation for 5 year extension. (\$218,791.62 first year expense)

Minutes: County Manager Jim Freeman discussed renewing the existing Oracle Public Sector Technical Support Services Agreement for Oracle financial software support. He recommended approval.

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

J. COMMISSIONER DISTRICT 1 (GEORGE LINDSEY)

13. Commissioner Lindsey Comments.

Minutes: Commissioner Lindsey had no comments at this time.

K. COMMISSIONER DISTRICT 3 (BILL BRASWELL)

14. Commissioner Braswell Comments.

Minutes: Commissioner Braswell said he attended the County Commissioner Orientation.

L. COMMISSIONER DISTRICT 4 (R. TODD DANTZLER)

15. Commissioner Dantzler Comments.

Minutes: Commissioner Dantzler congratulated Commissioner Braswell for completing the County Commissioner Orientation.

M. COMMISSIONER DISTRICT 5 (JOHN E. HALL)

16. Commissioner Hall Comments.

Minutes: Commissioner Hall had no comments at this time.

N. COMMISSIONER DISTRICT 2 (MELONY M. BELL, CHAIR)

17. Chair Bell Comments.

Minutes: Chairman Bell thanked Mianne Nelson and Mark Callender for their time and dedication with the Christmas parades. She also thanked the drivers of the Christmas floats.

O. LAY BOARD APPOINTMENTS

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

18. Public Hearing (CU 16-23/B S Ranch Soil Manufacturing) (Adoption Public Hearing) to consider a Level 4 Review Conditional Use Request to allow a Soil Manufacturing Use. (No fiscal impact)

Minutes: Erik Peterson, Land Development, showed slides and reviewed the Conditional Use to allow a manufacturing facility that combines septage sludge with organic debris for soil manufacturing. He stated that staff and the Planning Commission recommend approval. He stated this is compatible with the surrounding area and is consistent with the Comprehensive Plan and the Land Development Code. He discussed the conditions listed in the staff report and recommended approval with conditions. He said a lime stabilization plant was permitted three

years ago. He said composting and various types of other wastes will be processed on site. He said there have been complaints regarding odor and the property is next to a County landfill.

Upon question, Mr. Peterson stated the list of conditions is for the property. He said facility operation plans would need to come before the Board for approval.

County Attorney Michael Craig stated if the operator changes, then the plan is null and void. He said operator changes would need to also come before the Board.

Discussion followed.

Mr. Peterson said there was a code case regarding the operation of the site. He said there is a distinct smell for the landfill and the odor could be coming from a number of things.

Commissioner Lindsey said he has had conversation with applicant and had an extensive tour of the site.

Chairman Bell, Commissioner Dantzler, and Commissioner Braswell said they have had a site visit.

Commissioner Hall said he had conversation with applicant and had a site visit.

The Chairman opened a public hearing.

Chris Dinklage, representing the applicant, spoke in support.

The Chairman closed the public hearing.

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

19. Public Hearing (LDC 16T-09 / Saxon Text Amendment) (Adoption Public Hearing) to consider an applicant-initiated amendment to the Land Development Code. (No fiscal impact)

Minutes: 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 or timing clause or a more indepth analysis.

Commissioner Lindsey said he has had conversation with the applicant's representatives.

Commissioner Dantzler said he is recusing for a conflict of interest.

Chairman Bell said she has had conversation with the applicant.

Commissioner Braswell said he has spoken with applicant.

Commissioner Hall said he has spoken with the applicant and the applicant's representative.

The Chairman opened a public hearing.

Sarah Case, applicant, spoke in support and requested Board approval.

The Chairman closed the public hearing.

Commissioner Lindsey said this is the prelude to the next step to changing the land use. He said the next step would not be an appropriate change.

Upon question, Mr. Hays said conditions are not set with a land use change, unless the applicant applies for a Conditional Comprehensive Plan Amendment.

County Attorney Michael Craig said with an additional land use, the property is subject to additional rules.

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| RESULT: | APPROVED [3 TO 1] |
| MOVER: | Bill Braswell, Commissioner |
| SECONDER: | John E. Hall, Commissioner |
| AYES: | Melony M. Bell, John E. Hall, Bill Braswell |
| NAYS: | George Lindsey |
| ABSTAIN: | R. Todd Dantzler |

20. Public Hearing (DA 06-01M) (Adoption Public Hearing) to consider a request to modify an existing Development Agreement with City Center Property Holdings LLC, to establish rights and obligations regarding certain utility and transportation capacities and public improvements for development on property described in the Development Agreement.

Minutes: Long Range Planning Director Ronnie Blackshear showed slides and reviewed the City Center Property Holdings Development Agreement. He said the applicant is requesting to extend the time frame, construct a transit center and proportionate fair share of payments for transportation improvements to the Ernie Caldwell Boulevard overpass across US Highway 27. He stated that staff and the Planning Commission recommend approval.

The Chairman opened a public hearing.

Commissioner Lindsey said he has had conversations with applicant and representatives of the applicant.

Commissioner Dantzler said he had meetings with the applicant and the applicant's representative.

Chairman Bell said she had one meeting regarding the case.

Commissioner Braswell said he has met with the representative.

Commissioner Hall said he has met with applicant and the representative and has been to the site.

The Chairman opened a public hearing.

Vinette Godelia, Hopping Green and Sams, thanked staff for their efforts and requested Board approval.

The Chairman closed the public hearing.

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

21. Public Hearing (CPA 16C-01/Victor Posner City Center CPA Text)(Adoption Public Hearing) to consider a Large Scale Comprehensive Plan Text Amendment amending Section 2.131-Q, North Ridge Selected Area Plan policies relating to the rescission of the Victor Posner City Center Development of Regional Impact (DRI). This case is to be heard with LDC 16T-01.

Minutes: Tom Wodrich, Long Range Planning, showed slides and presented this case with LDC 16T-01 and the hearing for the Resolution to rescind the Victor Posner City Center Development of Regional Impact Development Order. He said this is a joint County and applicant initiated request. He reviewed the text amendments regarding the Victor Posner City Center. He stated that staff and the Planning Commission recommend approval for these hearings. He said these are consistent with the Comprehensive Plan and the Land Development Code. He confirmed these are compatible with the surrounding area. He recommended approval.

The Chairman opened a public hearing; no one spoke.

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

22. Public Hearing (LDC 16T-01/Victor Posner City Center LDC Text)(Adoption Public Hearing) to consider a Land Development Code Text Amendment amending Section 401.06.D.8, North Ridge Selected Area Plan policies relating to the rescission of the Victor Posner City Center Development of Regional Impact (DRI). This case is to be heard with CPA 16C-01.

Minutes: This case was presented with Public Hearing Item 21.

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

23. Accept resolution to rescind the Victor Posner Center Development of Regional Impact (DRI) Development Order.

Minutes: This case was presented with Public Hearing Item 21.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | George Lindsey, Commissioner |
| SECONDER: | John E. Hall, 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 2:10 PM