



Polk County Board of County Commissioners

Meeting Minutes

01/03/17 BoCC Regular Meeting Minutes

January 3, 2017 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	Commissioner Chair	Present	9:00 AM
R. Todd Dantzer	Commissioner Vice Chair	Present	9:00 AM
John E. Hall	Commissioner	Present	9:00 AM
Bill Braswell	Commissioner	Present	9:00 AM

INVOCATION

1. Rev. Duane Smith, Duane Smith Ministries, Lakeland

PLEDGE OF ALLEGIANCE (MELONY M. BELL, CHAIR)

A. PRESENTATIONS and RECOGNITIONS

B. CEREMONIAL PROCLAMATIONS

2. Proclaim January 2017 as Big Brothers Big Sisters Month. Javan Frinks, Polk County Regional Director of Big Brothers Big Sisters of Tampa Bay, will accept the proclamation.

Minutes: County Attorney Michael Craig reviewed the new Proclamation Policy.

Javan Frinks, Regional Director of Big Brothers Big Sisters of Tampa Bay, discussed the Big Brothers Big Sisters program. He thanked the Board for their support.

Chairman Bell thanked Mr. Fink and Commissioner Lindsey for their service with this program.

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

3. Comments.

Minutes: Carol Castagnero wished everyone a Happy New Year. She reminded the audience to remove dust from their homes. She congratulated Commissioner Hall on his election. She discussed County employee health services and asked that jobs are not outsourced.

Jamie Sanchez, Case Manager, Prodigy Cultural Arts Program, said the Prodigy Cultural Arts Program is a researched based program for grades one through twelve for academic achievement. He discussed the thousands of children that are served within the County. He asked to be placed on the Legislative Agenda to help identify sources of funding. He invited the Board to visit the program.

D. APPROVE CONSENT AGENDA

4. Approve Consent Agenda; removing items 32 and 61.

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

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

5. Approve and Ratify Disbursements

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

6. Minutes of Regular Board meeting held on December 13, 2016.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John E. Hall, Commissioner
SECONDER:	George Lindsey, 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)

Q. 32 SET Hearing for CU 16-26 to January 17, 2017, at 1:30 p.m.

Minutes: County Attorney Michael Craig said the attorney representing Sackett Ranch (applicant) is requesting the hearing be changed to February 21, 2017. He said he spoke to the appellant and the appellant has arranged their schedule to be available on January 17, 2017.

Motion to: SET Hearing for CU 16-26 to January 17, 2017, at 1:30 p.m.

RESULT:	APPROVED [4 TO 1]
MOVER:	John E. Hall, Commissioner
SECONDER:	George Lindsey, Commissioner
AYES:	George Lindsey, Melony M. Bell, John E. Hall, Bill Braswell
NAYS:	R. Todd Dantzler

Motion Minutes: Upon question, Mr. Craig said the letter requesting the continuance does not give a reason for the request.

Q. 67 Irrigation Well Easement from Hanover Jordan's Grove, LLC

Minutes: County Attorney Michael Craig requested this item be removed from the agenda.

Motion to: Remove Consent Agenda Item No. 67

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

I. COUNTY MANAGER (JIM FREEMAN)

- 7. Consider Project Suede’s request for Polk County QTI and Bonus Incentive funding for the company's corporate headquarters expansion in Lakeland. (\$632,500 expense over 10 years)

Minutes: County Manager Jim Freeman discussed the request from Project Suede for the Qualified Target Industry (QTI) and the Bonus Incentive Funding.

Mr. Freeman discussed the QTI and said the company qualifies for a tax refund of \$5,000 per job that is created. He said the total incentive amount is \$350,000; with 80% funded by the State. He stated the City of Lakeland has agreed to split the required local 20% match of \$700,000. He said the County’s total QTI payment obligation is \$350,000 over a ten year period.

Mr. Freeman discussed the Polk County Bonus Incentive (PCBI) funding. He stated the company would qualify for \$1,000 per job created, for up to 565 new jobs, for a total PCBI incentive of \$565,000. He stated the City of Lakeland has agreed to pay 50% of the PCBI incentive. He stated that Polk County’s total PCBI payment obligation would be \$282,500.

Chairman Bell recused from voting due to a family relationship.

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

- 8. Economic Development Impact Fee Mitigation Agreement with Publix Super Markets, Inc. (\$385,120 approximate loss of revenue)

Minutes: County Manager Jim Freeman discussed the economic development impact fee mitigation agreement with Publix Super Markets, Inc.

He stated the company qualifies for an impact fee mitigation amount of \$3,500 per job. He noted that without mitigation, impact fees in the amount of \$385,120 would be due on the 160,000 square foot office expansion. He said based on the anticipated 700 new jobs to be added as part of the expansion; the amount of impact fees due would be \$0. He stated that as required under

the Ordinance, the company shall either provide an irrevocable letter of credit, or authorize the filing of a County lien on the property, in the full amount of the mitigated impact fees for a period of seven years. He recommended approval

Chairman Bell recused from voting due to a family relationship.

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

Motion Minutes: Commissioner Lindsey stated that each incentive requires annual audits. He noted that there are securities through letters of credit or liens.

Upon question, Mr. Freeman stated the other impact fees are levied. He said there are no school impact fees in commercial developments.

Chairman Bell thanked those in the audience for attending and for working on this project.

9. Approve CIP Amendment to increase funding to the Lake Gwyn Park Project and a budget increase to the Demolition and Clearance Program from the unprogrammed Community Development Block Grant (CDBG) FY 2015-2016. (\$273,000 and \$24,000 one-time transfers)

Minutes: County Manager Jim Freeman reviewed the CIP amendment to increase funding to the Lake Gwyn Park project and a budget increase to the Demolition and Clearance Program. He recommended approval.

Upon question, Mr. Freeman stated there have not been changes to the master plan.

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

Motion Minutes: Upon question, Parks and Natural Resources Director Jeff Spence said each phase is to be completed by September 30th of each year. He said portions of the park are usable and the additional features will be usable by September of this year.

10. Approve amendment No. 2 to dietary services agreement No. 13-024 with Tri-County Human Services, Inc. (\$411,000 annual budget)

Minutes: County Manager Jim Freeman discussed amendment number 2 to the agreement with Tri-County Human Services, Inc., for dietary services. He recommended approval.

Chairman Bell asked if there are surveys on the food quality. She said she has received complaints recently and suggested having surveys.

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

11. Approve amendment No. 2 to Third Party Administrator Workers' Compensation Claims agreement No. 12-60 with Commercial Risk Management, Inc. (200,000 recurring expense)

Minutes: County Manager Jim Freeman reviewed amendment number 2 to Third Party Administrator Workers' Compensation Claims with Commercial Risk Management, Inc. He recommended approval.

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

12. Approve the renewal contract with Tri-County Human Services, Inc. for men's residential treatment facility, New Beginning Transition Center, to assist individuals with behavioral health and addiction problems transition back into independent living (fee-for-service not to exceed \$600,000 total cost).

Minutes: County Manager Jim Freeman discussed the renewal contract with Tri-County Human Services, Inc., for the New Beginning Transition Center. He recommended approval.

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

13. Approve renewal contract with Lakeland Volunteers In Medicine, Inc., for the provision of dental services. (\$213,750 not to exceed cost)

Minutes: County Manager Jim Freeman discussed the renewal contract with Lakeland Volunteers in Medicine, Inc., for dental services. He recommended approval.

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

14. Resolution to amend the Fleet Maintenance Fund and transfer from General Fund Reserves for Contingency to fund repairs on 12 Ferrara Fire trucks which are essential to Fire Rescue operations. (One-time \$300,000)

Minutes: County Manager Jim Freeman reviewed the Resolution amending the Fleet Maintenance Fund and transfer from general fund reserves for Fire Rescue operations. He recommended approval.

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

Motion Minutes: Upon question, Mr. Freeman stated there is a fall out in the design of the trucks and staff has gone to the manufacturer. He stated that Polk County is not the only one having these

issues. He stated the County Attorney has looked into recovery, and the ten to twelve year age of the trucks will make it difficult for recovery. He said this is the best way to proceed.

J. COMMISSIONER DISTRICT 1 (GEORGE LINDSEY)

15. Commissioner Lindsey Comments.

Minutes: Commissioner Lindsey said he led the Circle B Bar Reserve Annual Health Walk. He said those that attended had a great time and the weather was beautiful. He thanked the volunteer staff for their work and for explaining the habitats and various parts of the park.

K. COMMISSIONER DISTRICT 3 (BILL BRASWELL)

16. Commissioner Braswell Comments.

Minutes: Commissioner Braswell wished everyone a Happy New Year. He said he spoke with the Sheriff regarding DUI's and said the number of DUI's was down over the holidays.

L. COMMISSIONER DISTRICT 4 (R. TODD DANTZLER)

17. Commissioner Dantzler Comments.

Minutes: Commissioner Dantzler welcomed back Nick Monsour.

He said he had a tour of the Tiger Town Stadium. He said the size and scope is being expanded. He stated he applauds the Tigers for investing in Polk County.

He said "Go Gators".

M. COMMISSIONER DISTRICT 5 (JOHN E. HALL)

18. Appoint Robert J. Stanz as an Alternate Member of the Planning Commission for the three-year term, January 3, 2017 through January 2, 2020

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

19. Reappoint William H. Murrell to serve as the Business Community member of the Citizens Health Care Oversight Committee for a four-year term, February 6, 2017 to February 5, 2021.

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

20. Commissioner Hall Comments.

Minutes: Commissioner Hall said he is looking forward to a productive 2017.

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

21. Ratification of 2017 BoCC Member and Liaison Assignments, effective January 1, 2017.

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

22. Chair Bell Comments.

Minutes: Chairman Bell welcomed Nick Monsour and thanked him for being here.

She stated Jim Stafford is being inducted to the Florida National Hall of Fame.

She said that Susan Gallagher, wife of Jimbo Jahna, is debuting on a TV series on Lifetime TV Network on January 16th.

At a time later in the meeting, Chairman Bell announced that Florida Polytechnic will have their first graduation ceremony today at 4:00 p.m. She stated there will be 20 graduates.

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.

23. Public Hearing (LDC 17T-03/Gelbauer LDC Text Amendment) (First Public Hearing – No Action) to consider a text amendment to Appendix E of the Land Development Code to delete development standards and conditions imposed on development within the BPC. This amendment is related to CPA 17S-01 which is a request to change the Future Land Use designation from Business Park Center (BPC) to Residential Medium (RM) (No fiscal impact).

Minutes: Ana Martinez, Long Range Planning, showed slides and reviewed the proposed text and map amendments for LDC 17T-03 and CPA 17S-01. She stated these are applicant initiated requests. She noted that staff and the Planning Commission recommend approval for both cases. She said these are consistent with the Comprehensive Plan and the Land Development Code. She stated these are compatible with the surrounding area. She stated the adoption hearing for both cases will be on January 17, 2017.

Upon question, Ms. Martinez stated this was changed to business park center in 2012. She said the enclave is within the County. She said most of the residential areas are within the County. She said once connected to city services, they are required to sign an agreement to annex. She said the parcel is contiguous to the City. Discussion followed.

The Chairman opened a public hearing.

Hetty Harmon, CivilSurv, said she is representing the applicant. She said the applicant is planning to provide workforce housing. She said she is available to answer questions.

Upon question, Ms. Harmon said a one or two story building is planned.

The Chairman closed the public hearing.

24. Public Hearing (CPA 17S-01/Gelbauer Map and Text Amendment) (First Public Hearing – No Action) to consider a Future Land Use Map amendment to change 8.97 +/- acres from Business Park Center (BPC) to Residential Medium (RM) in the Transit Supportive Development Area (TSDA) and to amend the text of the Comprehensive Plan in Section 2.135 to delete development standards and conditions imposed on the subject parcel. This case is related to LDC 17T-03 which amends Appendix E of the Land Development Code (LDC). (No fiscal impact).

Minutes: This case was presented with the previous hearing.

25. Public Hearing (LDC 16T-14/Wahneta Flea Market Text Amendment)(First Public Hearing – No Action) to consider an applicant-initiated amendment to the Land Development Code.

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 approval. He said this is consistent with the Comprehensive Plan and the Land Development Code. He stated this is compatible with the surrounding area. He said this is the first reading and the adoption hearing will be held on January 17, 2017. He discussed examples of architectural renderings.

Upon question, Mr. Hays said this site is subject to Code Enforcement for violations that may occur. He said the applicant owns other parcels around the site. He said there are not tent sales currently occurring and there is not an existing Code Enforcement issue. He said this is a use that will be included that is not currently allowed. He said a text amendment can be added to add stricter conditions.

Upon further discussion, Mr. Hays stated a level three review would allow for additional conditions. He said the language can be updated for the adoption hearing.

The Chairman opened a public hearing

Mark Bennett, Ridge Professional Group, said he is representing the applicant. He said the applicant is requesting a high quality flea market. He said they agree with staff and requested approval.

Upon question, Mr. Bennett said they are expanding current uses to a common area. He said the site plan is being developed. He said there will be one access point. He said they expect operations from Fridays to Sundays with 20-40 stalls. He said the site is an acre to an acre and a half.

County Manager Jim Freeman stated this will allow the use along any of the parcels, and will include a site specific operations plan that will require traffic procedures to be reviewed.

Mr. Bennett stated paved parking, bathrooms and buffers will be included.

The Chairman closed the public hearing.

26. Public Hearing to consider the adoption of an ordinance imposing a moratorium on the acceptance and processing of new applications for the establishment of Medical Marijuana Dispensing Facilities and Medical Marijuana Treatment Centers. (First Reading – No Action)

Minutes: County Attorney Michael Craig discussed the proposed Ordinance for a 180 day moratorium on the acceptance and processing of new applications for the establishment of medical marijuana dispensing facilities and medical marijuana treatment facilities.

The Chairman opened a public hearing; no one spoke.

Upon question, Mr. Craig stated that the moratorium is 180 days from January 17, 2017. He said that State law authorizes the local government to regulate the number of facilities and the location of the dispensing facilities. He stated the moratorium will allow for staff workshops and work sessions with the Board which will also allow stakeholders to make public comment. He said the County will govern the unincorporated area and the cities will govern the incorporated areas.

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 2:07 PM