



Polk County Board of County Commissioners

Meeting Minutes

01/17/17 BoCC Regular Meeting Minutes

January 17, 2017 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. (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 Dantzler	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. Kenny Slay, First Baptist Church of Fort Meade

PLEDGE OF ALLEGIANCE (MELONY M. BELL, CHAIR)

A. PRESENTATIONS and RECOGNITIONS

2. Presentation of Certificates of Service to: Douglas M. "Doug" Lewis, Darwin J. "DJ" Moore, and Mike K. Callender.

Minutes: The Board recognized employees for their years of dedicated services.

B. CEREMONIAL PROCLAMATIONS

3. Proclaim February 25 - March 13, 2017 as Polk Senior Games Weeks. Frank Brooks, representing Polk Senior Games, will accept the proclamation.

Minutes: Frank Brooks, Polk Senior Games, thanked the Board for supporting the Polk Senior Games.

Chairman Bell thanked Mr. Brooks and Polk Senior Games for their services to Polk County.

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

4. Comments.

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

D. APPROVE CONSENT AGENDA

5. Approve Consent Agenda.

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

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

6. Disbursements.

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

7. Minutes of Regular Board meeting held on January 3, 2017.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	R. Todd Dantzler, Commissioner Vice Chair
SECONDER:	Bill Braswell, 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)

8. Approve Land Purchase Agreement between Green Horizon Land Trust and Polk County for Lake Buffum Boat Ramp. (\$102,000 one-time expense)

Minutes: County Attorney Michael Craig reviewed the land purchase agreement for the Lake Buffum boat ramp with Green Horizon Land Trust. He recommended approval.

Chairman Bell thanked Right-of-Way and Real Estate Manager Wade Allen and his staff for their diligent work. She also thanked her colleagues for supporting this agreement. She thanked Parks and Recreation Manager Mike Callender and Natural Resources Director Jeff Spence.

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

9. Approve Amendment to Lease Agreement No.172 between Nickanna Corp. and Polk County for Polk County Government Center in Lakeland. (\$371,522.64 annual expense)

Minutes: County Attorney Michael Craig discussed amendment to Lease Agreement No. 172 with Nickanna Corporation for the Government Center in Lakeland. He recommended approval.

Commissioner Hall asked if locations for building a government center in the Lakeland area have been considered.

County Manager Jim Freeman said another site was not looked at for this lease cycle. He said the last time the lease was renewed, sites were looked at by staff.

Commissioner Hall recommended looking at a more permanent site that the County owns instead of leases.

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

10. Approve First Addendum to the Donation, Sale and Purchase of Property Agreement. Also ratify Donation, Sale and Purchase of Property Agreement between Mosaic Fertilizer, LLC and Polk County in conjunction with the Bone Valley ATV Park. (\$169,066 one-time expense)

Minutes: County Attorney Michael Craig discussed the first addendum to the Donation, Sale and Purchase of Property Agreement with Mosaic Fertilizer, LLC, for the Bone Valley ATV Park. He recommended approval of the addendum and ratification of the original agreement. He stated there is an indemnity in place relative to Mosaic reclaiming the property.

Upon question, Right-of-Way and Real Estate Manager Wade Allen stated the expected completion is in the year 2025.

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

I. COUNTY MANAGER (JIM FREEMAN)

11. Consider a Vacant Land Contract presented by Highland Park Church of the Nazarene for the purchase of County-owned property known as Southland Preserve Subdivision being the remnant of Parcel 155 associated with the Lakeland Highlands Improvement Project. (\$685,000 one-time revenue.)

Minutes: County Attorney Michael Craig discussed the vacant land contract that has been submitted by Highland Park Church of the Nazarene for the purchase of County-owned property. He recommended approval.

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

12. Approve transfer from reserves and amendments to the FY 16-17 Utilities Community Investment Program Expansion and Renewal and Replacement budgets. (\$930,574 one-time transfer from Reserves)

Minutes: County Manager Jim Freeman discussed the transfer from reserves and amendments to the Fiscal Year 2016-2017 Utilities Community Investment Program Expansion and Renewal and Replacement budgets. He recommended approval.

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

13. Approve Criminal Justice, Mental Health and Substance Abuse (CJMHTA) Reinvestment Grant contract with the State of Florida, Department of Children and Families (DCF), including one position. Approve a transfer from the Special Revenue Grant Fund Reserves for Contingency and Reserves for matching funds. (Matching funds totaling \$120,000 in three years - Year One: \$20,000, Year Two: \$40,000, Year Three: \$60,000).

Minutes: County Manager Jim Freeman discussed the Criminal Justice, Mental Health and Substance Abuse Grant contract with the State of Florida, Department of Children and Families, including one position. He reviewed the transfer from the Special Revenue Grant Fund Reserves for Contingency and Reserves for matching funds. He recommended approval.

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

14. Workers' Compensation insurance policy renewal with Midwest Employers Casualty Company for a two year policy period. (Estimated \$261,457 recurring annual expense)

Minutes: County Manager Jim Freeman discussed the Workers' Compensation insurance policy renewal with Midwest Employers Casualty Company for a two year period. He recommended approval.

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

J. COMMISSIONER DISTRICT 1 (GEORGE LINDSEY)

15. Commissioner Lindsey Comments.

Minutes: Commissioner Lindsey gave kudos to TECO for their expansion facility in South Mulberry. He said this shows appropriate re-use of mining land. He said they are great stewards of the land.

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

16. Chair Bell Comments.

Minutes: Chairman Bell sent condolences to Cindy Rodriguez for the loss of her mother. She said she did a lot for Polk County and the educational system.

She congratulated the five Constitutional Officers and said it was great to attend their swearing in ceremony.

She said Jim Guth is attending the inauguration for the 45th President. She thanked him for representing Polk County. She wished those traveling with the Delegation to Washington a safe trip.

L. COMMISSIONER DISTRICT 3 (BILL BRASWELL)

17. Commissioner Braswell Comments.

Minutes: Commissioner Braswell congratulated Polk State Corporate College as a finalist for the Bellwether Award for work force development.

M. COMMISSIONER DISTRICT 4 (R. TODD DANTZLER)

18. Commissioner Dantzler Comments.

Minutes: Commissioner Dantzler said he had something wrong with his computer and he took it to the fourth floor and ran into Information Technology Director Ed Wolfe. He said Mr. Wolfe and Matt Reardon helped him with his computer. He said that Ed shouted thru the halls that he still has it. He said we are not sure what Ed has but he has it and we aren't sure if anyone wants it. He said he appreciates them.

N. COMMISSIONER DISTRICT 5 (JOHN E. HALL)

19. Commissioner Hall Comments.

Minutes: Commissioner Hall said the parking garage is being utilized. He said people have found this is open and the garage is good for Polk County.

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.

20. Public Hearing to consider adoption of a Resolution to vacate portions of maintained and deeded right-of-way known as Shady Oaks Drive A/K/A Shady Oaks Road.

Minutes: Wade Allen, Right-of-Way and Real Estate Manager, showed slides and reviewed the proposed vacation. He stated there are no objections to the vacation. He recommended approval.

The Chairman opened a public hearing; no one spoke.

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

21. Public Hearing to consider adoption of a Resolution to vacate portions of platted rights-of-way for 4th Street NW and Lanier Avenue NW, as shown on the plat of Kathleen and accept Public Utility Easements for existing utilities.

Minutes: Wade Allen, Right-of-Way and Real Estate Manager, showed slides and reviewed the proposed vacation. He stated there are no objections to the vacation. He said the petitioner has granted an easement for utilities. He recommended approval.

The Chairman opened a public hearing; no one spoke.

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

22. 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. (Adoption Public Hearing)

Minutes: County Attorney Michael Craig reviewed the ordinance imposing a 180 day moratorium on the acceptance and processing of new applications for the establishment of Medical Marijuana Dispensing Facilities and Medical Marijuana Treatment Centers. He recommended approval.

Upon question, Mr. Craig stated May 9th has been identified as a day for an opportunity for public discussion with the Board and stakeholders. He stated that staff has begun looking at the Land Development Code and has spoken with other municipalities within Polk County.

The Chairman opened a public hearing; no one spoke.

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

23. Public Hearing (LDC 16T-14/Wahneta Flea Market Text Amendment)(Adoption Public Hearing) to consider an applicant-initiated amendment to the Land Development Code.

Minutes: Thado Hays, Long Range Planning, showed slides and reviewed the text amendment. He said this is an applicant initiated request. He said this is consistent with the Land Development Code, the Comprehensive Plan and is compatible with the surrounding area. He stated that staff and the Planning Commission recommend approval.

Commissioner Lindsey said he has had conversation with Mr. Bennett.

Commissioner Dantzler said he has had a couple site visits.

Chairman Bell said she has had site visits.

Commissioner Braswell said he has not had any ex parte communications or site visits.

Commissioner Hall said he has been by the site.

The Chairman opened a public hearing.

Mark Bennett, representing the applicant, discussed the site plan and said the site plan is still being developed. He said staff can change the rules and a progress report or moratorium can be provided if appropriate. He recommended approval of staff's recommendation. He discussed architectural rendering, and said this is an additional requirement that is being suggested. He said he is available for questions.

Upon question, County Attorney Michael Craig said a moratorium would be for a new application. He said he thinks the applicant meant that this land use change will affect the area, and can be changed with future development if the land use does not work for the corridor.

Commissioner Lindsey said he was not asking for architectural rendering as condition of approval.

The Chairman closed the public hearing.

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

24. Public Hearing (CPA 17A-02/Best Fab)(Adoption Public Hearing) to consider a Large Scale Comprehensive Plan Amendment to change the Future Land Use designation on 10 +/- acres from Residential Low (RL) to Business Park Center (BPC) and list the proposed change in Appendix 2.135 of the Comprehensive Plan. This case is related to LDC16T-10.

Minutes: Tom Wodrich, Long Range Planning, showed slides and presented this case with LDC 16T-10. He reviewed the proposed land use changes. He said these are consistent with the Comprehensive Plan, the Land Development Code and is also compatible with the area. He said that staff and the Planning Commission recommend approval. He discussed conditions for LDC 16T-10. He recommended approval.

The Chairman opened a public hearing; no one spoke.

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

25. Public Hearing (LDC 16T-10/Best Fab LDC)(Adoption Public Hearing) to consider an applicant-initiated amendment to the Land Development Code. This case is related to CPA 17A-02.

Minutes: This case was presented with the previous hearing.

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

26. Public Hearing (CPA 17S-01/Gelbauer Map and Text Amendment) (Adoption Hearing) 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).

Minutes: Chanda Bennett, Long Range Planning, showed slides and presented this case with LDC 17T-03. She showed slides and reviewed the proposed text and map amendments. 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 this is compatible with the surrounding area. She recommended approval.

Upon question, Hettie Harmon, CivilSurv, said the plan is for 160 single story work force housing units. She stated the buyer is developing the site.

Commissioner Dantzler said he has had site visits.

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

The Chairman opened a public hearing; no one spoke.

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

27. Public Hearing (LDC 17T-03/Gelbauer LDC Text Amendment) (Adoption Public Hearing) to consider a text an 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).

Minutes: Upon question, Ms. Harmon stated that there could be 160 small units. She said they do not have all of the engineering details and the number of units could change.

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

28. Public Hearing (LDC 16T-13/Southeast Polk SAP) (Adoption Hearing) to consider a Land Development Code Text amendment amending Section 401.08, Table 401.08.01, Use Table for the Southeast Polk Selected Area Plan.

Minutes: Chanda Bennett, Long Range Planning, showed slides and reviewed the proposed text amendment. She said this is a County initiated request to amend the Southeast Polk Selected Area Plan. She stated that the Planning Commission recommends approval. She stated this is consistent with the Land Development Code and the Comprehensive Plan. She stated this is compatible with the surrounding area. She recommended approval.

The Chairman opened a public hearing; no one spoke.

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

29. 1627 : Public Hearing to consider (CU16-26 DeNovo/Sackett Barn)

Minutes: County Attorney Michael Craig reminded the audience of the procedures for DeNovo hearings.

John Bohde, Land Development Director, showed slides and reviewed the Conditional Use for a "Recreation High Intensity" facility that would allow special gathering events to occur on the property. He said this is a 5,000 square foot facility for indoor events. He said the site is limited to 60 events per year, with no more than 251 people at each event. He said the hours of operation shall be from 8:00 a.m. to 10:00 p.m. He reviewed the conditions of approval for the site plan. He said this is compatible with the area as conditioned. He said that US Highway 98 is compatible and traffic will disburse at different times. He stated this is consistent with the Comprehensive Plan and the Land Development Code. He said that staff and the Planning Commission recommend approval.

Upon question, Mr. Bohde said the building is not air conditioned. He stated the permit was not pulled to build this building. He said this was built as an agriculture building in 2013 which required no permits. He stated if approved, the building would need to be permitted. He said the

building does not meet the current code for the intended use. He said there are two separate parcels for the site. He said a band can be on the facility and the owner is still bound by the Noise Control Ordinance. He confirmed the building was constructed as agriculture building but is not a bonafide agricultural use. He said there is a pending Code Enforcement case.

Ted Weeks, attorney representing the applicant, said the applicants have withdrawn the application for this Conditional Use. He said the applicants agree with staff and are not contesting the appeal. He requested a denial without prejudice. He thanked Mr. Bohde and Mr. Craig. He said he is available for questions.

Motion to: Qualify Dr. Laura J. Dedenbach as an expert in urban and land use planning.

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

Brent Spain, attorney representing the appellant, stated he has submitted exhibits on behalf of the appellant into the record. He said he e-mailed a letter by Lewis King requesting denial with prejudice. He showed pictures of the property and said the intended use of the property has always been commercial. He said there are Code Enforcement violations. He showed pictures of speakers located outside the building. He discussed the amplified noise from the building having open areas. He discussed how this does not meet the requirements of the Comprehensive Plan and the Land Development Code.

Dr. Laura Dedenbach showed slides and discussed how this is not compatible with the surrounding area. She discussed the land uses that are permitted with a "Recreation High Intensity" facility. She discussed concerns with noise, the hours of operation, traffic and lighting. She discussed how this is not consistent with the Comprehensive Plan and the Land Development Code. She requested this be denied with prejudice.

Mr. Spain had final comments. He asked that this case be denied with prejudice.

The Chairman opened a public hearing.

Lonnie Smith said he is a resident in the area and discussed concerns with noise. He said he has a petition with signatures in opposition. He said he has notified the Sheriff's Office for noise violations.

Gib Garrett discussed concerns with noise and said this does not fit in with the area. She requested denial with prejudice.

Dr. Michael Campanelli discussed concerns with alcohol being served and visitors crossing Fort Fraser Trail.

Justin King discussed concerns with noise.

Lewis King said this is inconsistent with the area and asked this be denied with prejudice.

Robin Smith showed pictures of the Sackett Ranch. She discussed safety concerns.

David Bunch spoke in opposition and requested this be denied.

The Chairman closed the public hearing.

Commissioner Lindsey said he has had conversations with both parties and had a site visit.

Commissioner Dantzler said he drove by the site and has received petitions and has not met with anyone.

Chairman Bell stated she has received many phone calls and e-mails. She said she has attended many events at the Sackett Ranch.

Commissioner Braswell said he has received phone calls and e-mails in opposition.

Commissioner Hall said he has received e-mails and one letter. He said he has been by the site.

Mr. Weeks said he is available to answer questions.

Upon question, Mr. Weeks said he does not know which agriculture activity is on the site.

Upon question, Mr. Craig stated that if this is denied, the owner cannot continue with the current operations. He said Code Enforcement has been involved to bring the site into compliance.

Motion to: Deny with prejudice.

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

Motion Minutes: Mr. Bohde said the applicant is scheduled with their Code Enforcement case this upcoming Thursday.

Q. CONSENT AGENDA ITEMS

ANNOUNCEMENTS -

The Chairman adjourned the meeting at 3:13 PM