Polk County Board of County Commissioners

Meeting Minutes

01/17/17 BoCC Regular Meeting Minutes

January 17, 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 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.

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.

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

4. Comments.

D. APPROVE CONSENT AGENDA

5. Approve Consent Agenda.**Approved**

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

6. Disbursements.**Approved**

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

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)**Approved**

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)**Approved**

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)**Approved**

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.)**Approved**

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)**Approved**

13. Approve Criminal Justice, Mental Health and Substance Abuse (CJMHSA) 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).**Approved**

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

J. COMMISSIONER DISTRICT 1 (GEORGE LINDSEY)

15. Commissioner Lindsey Comments.

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

16. Chair Bell Comments.

L. COMMISSIONER DISTRICT 3 (BILL BRASWELL)

17. Commissioner Braswell Comments.

M. COMMISSIONER DISTRICT 4 (R. TODD DANTZLER)

18. Commissioner Dantzler Comments.

N. COMMISSIONER DISTRICT 5 (JOHN E. HALL)

19. Commissioner Hall Comments.

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

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.**Approved**

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.**Approved**

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)**Approved**

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.**Approved**

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.**Approved**

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.**Approved**

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).**Approved**

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).**Approved**

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.**Approved**

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

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.**Approved**

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