



Polk County Board of County Commissioners

Meeting Agenda - Final-revised

December 06, 2022 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 48 hours prior to the proceeding. Their office is located in the County Administration Building, 330 West Church Street in Bartow. Telephone (863) 534-6090 or TTY (863) 534-7777. If hearing impaired dial 7-1-1 for Florida Relay services or call (800) 955-8771 (TTY); dial (800) 955-1339 if you are using a computer.

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. (GEORGE LINDSEY, CHAIR)

INVOCATION

Bill Dehart, Polk County Fire Rescue Chaplain

PLEDGE OF ALLEGIANCE (GEORGE LINDSEY, CHAIR)

A. PRESENTATIONS and RECOGNITIONS

B. CEREMONIAL PROCLAMATIONS

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

C.1. Randy Wilkinson to discuss Gilbert King, Bone Valley and justice in Polk County.

C.2. Robert Banks to discuss the corner of Ridgewood Lakes Boulevard and Highway 27 in Davenport.

C.3. Comments.

D. APPROVE CONSENT AGENDA

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

E.1. Disbursements.

E.2. Minutes of Regular Board meeting held on November 22, 2022.

F. REQUEST FROM ELECTED OFFICIAL and OTHER GOVERNMENTAL AGENCY

G. COUNTY ATTORNEY (RANDY MINK)

- G.1. Chateau at Astonia Plat for Conditional Approval. (No fiscal impact)
- G.2. Approve the release of a warranty and surety in the amount of \$178,759.68 in the form of Maintenance Bond No. 70NGP185029 for Aniston (aka Kitty Fox). (No fiscal impact)
- G.3. Approve the First Amendment to the Infrastructure Agreement between Center State Development 2, LLC and Polk County for Old Bartow Lake Wales Road and CR 653/Rattlesnake Road Intersection (\$105,000.00 One Time Expense).

H. COUNTY MANAGER (BILL BEASLEY)

- H.1. Approve Amendment No. 2 to Consulting Service Agreement 18-73 with Dewberry Engineers, Inc. (Dewberry) for the CR 557 (Buena Vista Drive) Widening project. (\$693,396.38 one-time expense)
- H.2. Approve piggyback agreement (PB 23-085) for Prescription Drug Program Management Services with Citizens Rx, LLC for the Polk HealthCare Plan. (\$8.7 million estimated recurring expense)
- H.3. Approve the T. Mark Schmidt grant agreement between the Florida Department of Agriculture and Consumer Services (FDACS) and Polk County for the Bone Valley ATV Park Bridge Project (\$350,000.00 one-time grant revenue with a local match of \$87,500.00).
- H.4. Request Board approval of FDOT Local Agency Program Agreement FPN 449695 to provide funding Master plan for trails within 2 miles of Lake Hancock hub trails (Panther Point Trail, Fort Fraser Trail, Upper Legacy Trail). (\$250,000 one-time revenue)
- H.5. Approve State of Florida Department of Environmental Protection (FDEP) grant for the Ridge to River Protection of Critical Assets to Polk County. (\$3,000,000 one-time revenue).
- H.6. Approve a Right-of-Way Agreement between Polk County and Bruce and Pamela Minton in conjunction with the Thompson Nursery Road Phase 1 (Segment 2) Project. (\$751,000 one-time expense)

I. COMMISSIONER DISTRICT 2 (RICK WILSON)

- I.1. Commissioner Wilson Comments.

J. COMMISSIONER DISTRICT 3 (BILL BRASWELL)

- J.1. Commissioner Braswell Comments.

K. COMMISSIONER DISTRICT 4 (MARTHA SANTIAGO)

K.1. Commissioner Santiago Comments.

L. COMMISSIONER DISTRICT 5 (NEIL COMBEE)

L.1. Commissioner Combee Comments.

M. COMMISSIONER DISTRICT 1 (GEORGE LINDSEY, CHAIR)

M.1. Waste Collection Update - Bill Beasley

M.2. Chair Lindsey Comments.

N. LAY BOARD APPOINTMENTS

O. EXPEDITED HEARINGS PURSUANT TO RESOLUTION NO. 2022-089

* County Attorney opening comments

O.1. Consider adoption of an ordinance amending Ordinance 2014-14, as amended, the Polk County Solid Waste Management Facility Siting and Operation Ordinance. (Adoption hearing)

O.2. Public Hearing (LDCPAL-2022-4 Cardboard & Shredded Paper Collection) (Adoption Hearing) to consider the adoption of a Large-Scale Comprehensive Plan Amendment to amend the definition of Solid Waste Management Facility in Division 4.400 Glossary to exclude cardboard & shredded paper collection, and add definitions for cardboard & shredded paper collection, cardboard, and shredded paper. (No Fiscal Impact)

O.3. Public Hearing (LDCT-2022-4 Cardboard & Shredded Paper Collection) (Second Reading) to consider a County initiated ordinance amending the Land Development Code to allow Cardboard & Shredded Paper Collection in specific land use districts and accessory uses to non-residential development. (No Fiscal Impact)

O.4. Public Hearing (LDCT-2022-9 Open Space Text Amendment) (Adoption Hearing) to consider the adoption of a County-initiated request to modify Open Space and Recreation standards. (No Fiscal Impact).

O.5. Public Hearing (LDCPAL-2022-14 SPD Revisions Comprehensive Plan Text Amendment) (Transmittal Hearing) to consider adoption of a County-initiated Large-Scale Comprehensive Plan Text Amendment to remove development standards for Suburban Planned Developments from the Comprehensive Plan. (No Fiscal Impact).

- O.6. Public Hearing (LDCT-2022-16 SPD Revisions LDC Text Amendment) (First Reading) to consider the adoption of a County-initiated request to modify Conditional Use and Open Space standards for Suburban Planned Developments (SPDs). (No Fiscal Impact).
- O.7. Public Hearing (LDCT-2022-17 Garage Setbacks and Canopy Tree) (First Reading) to consider the adoption of a County-initiated request to modify the LDC to establish 25-foot setbacks for residential garage entrances and to provide for one canopy tree per unit within residential developments. (No Fiscal Impact).

P. PUBLIC HEARINGS

- P.1. Public Hearing (LDCU-2022-22 Young Racing De Novo Hearing) to consider an appeal to the Planning Commission's decision to approve LDCU-2022-22, a Conditional Use request for a racetrack facility (Vehicle-Oriented Recreation) for use by an individual homeowner.
- P.2. Public Hearing (LDCPAS 2022-18 Kathryn Estates CR 540-A RH CPA) (Adoption Hearing) to consider the adoption of a Small-Scale Comprehensive Plan Amendment (CPA) to change the Future Land Use designation on 15.73 +/- acres from Residential Low (RLX) to Residential High (RH) in the Transit Supportive Development Area (TSDA). (No Fiscal Impact)
- P.3. Public Hearing (LDCPAS 2022-13 Colbert Landings RM CPA) (Adoption Hearing) to consider the adoption of a Small-Scale Comprehensive Plan Amendment to change the Future Land Use designation on 4.564 +/- acres from Residential Low-X (RLX) to Residential Medium-X (RMX) in a Transit Supportive Development Area (TSDA). (No Fiscal Impact)
- P.4. Public Hearing (LDCPAL 2022-13 Canopy Oaks Comp Plan Text Amendment) (Transmittal Hearing) to consider the adoption of a Large-Scale Comprehensive Plan Amendment to modify Section 2.135. L Parcel Specific Future Land Use Map Amendments with Conditions for Canopy Oaks to prohibit permanent structures for overnight stays. This case is related to LDCT-2022-15 which is an amendment to the Land Development Code text amendment to Appendix E Parcel Specific Future Land Use. (No Fiscal Impact)
- P.5. Public Hearing (LDCT-2022-15 Canopy Oaks LDC Text Amendment) (First Reading) to consider an ordinance adding development standards to Appendix E of the Land Development Code for the property subject to LDCPA 2022-13. (No Fiscal Impact)
- P.6. Public hearing to consider adoption of a resolution providing notice of intent to use the uniform method for the levy, collection and enforcement of non-ad valorem assessments.
(No fiscal impact.)

Q. CONSENT AGENDA ITEMS

- Q.1. Approve Consent Agenda.
- Q. COMMISSIONER DISTRICT 1
- Q. COMMISSIONER DISTRICT 2
- Q. COMMISSIONER DISTRICT 3
- Q. COMMISSIONER DISTRICT 4
- Q. COMMISSIONER DISTRICT 5
- Q. COUNTY COMPTROLLER
- Q.2. Removal of equipment from inventory as listed on Blanket Removal Form 2160.
- Q.3. The 2022-2023 Annual Meeting Schedule for the Crossroads Village, Cypress Park Estates, Hartford Terrace, Holly Hill Road East, Peace Creek and Sandmine Road Community Development Districts.
- Q.4. Approve request from Clerk of the Circuit Court and Comptroller's Office of Polk County to carry forward FY 21/22 unspent appropriations into FY 22/23 budget of \$467,000, including transfer from reserves. (\$467,000.00 one-time expense)
- Q. COUNTY MANAGER
- Q. ECONOMIC DEVELOPMENT
- Q. TOURISM/SPORTS MARKETING
- Q. OFFICE OF PLANNING & DEVELOPMENT
- Q.5. SET HEARING (LDPCAS 2022-29 Pierce Materials CPA) to consider the adoption of a Small-Scale Comprehensive Plan Amendment to change the Future Land Use designation on 3.51 +/- acres from Residential Low (RL) to Convenience Center (CC) in the Transit Supportive Development Area (TSDA). The suggested adoption hearing date is December 20, 2022, at 9:30 a.m.
- Q.6. SET HEARING (LDPCAS 2022-27 NEBCO, Inc. CPA) to consider the adoption of a Small-Scale Comprehensive Plan Amendment to change the Future Land Use designation on 1.70 +/- acres from Residential Low (RL) in the Transit Supportive Development Area (TSDA) and Residential Suburban (RS) in the Suburban Development Area (SDA) to Office Center (OC). The suggested adoption hearing date is December 20, 2022, at 9:30 a.m.
- Q.7. SET HEARING (LDWA-2022-50 Clark Access Waiver) to consider an applicant-initiated request seeking a waiver to Section 705 of the Land Development Code. Suggested hearing date is December 20, at 9:30 a.m. (No fiscal impact)

- Q.8. Approve the release of a warranty and surety in the amount of \$4,626.90 in the form of Maintenance Bond No. BND21577688 for Berkley Ridge Phase 2 Asphalt Improvements. (No fiscal impact)
- Q.9. Approve the release of a warranty and surety in the amount of \$34,278.88 in the form of Maintenance Bond No. BND21577687 for Berkley Ridge Phase 2. (No fiscal impact)
- Q.10. Approve the release of a warranty and surety in the amount of \$80,346.80 in the form of Maintenance Bond No. LICX1204975 for Champions Gate West Boulevard Phase 2. (No fiscal impact)
- Q.11. Approve the release of a warranty and surety in the amount of \$47,174.33 in the form of Maintenance Bond No. SU1167174 for Festival Phase 2. (No fiscal impact)
- Q.12. Approve the release of a surety in the amount of \$18,952.80 in the form of cash for Lake James Phase 4 (aka Phase 3B). (No fiscal impact)
- Q.13. Approve the release of a surety in the amount of \$5,527.59 in the form of cash for Reunion Tire Store at Ovation. (No fiscal impact)
- Q.14. Approve the release of a warranty and surety in the amount of \$6,054.65 in the form of Maintenance Bond No. 2706483 for Seminole Tribe of Florida (STOF) Lakeland Entryway. (No fiscal impact)
- Q. BUILDING
- Q. DEPUTY COUNTY MANAGER
- Q. BUDGET & MANAGEMENT SERVICES
- Q. PROCUREMENT
- Q.15. Approve agreement with Johnson, Levinson, Ragan, Davila, Inc. to provide professional engineering services for the Polk County administration building Heating, Ventilation and Air Conditioning (HVAC) upgrade. (\$185,332.00 one-time expense from the American Rescue Plan Funds).
- Q.16. Request Board approve selection committee's recommendation to authorize staff to enter contract negotiations with Florida Transportation Engineering, Inc. for Professional Engineering Services for Simmers Young Park artificial turf conversion. (No fiscal impact)
- Q. COMMUNICATIONS
- Q. COOPERATIVE EXTENSION SERVICES
- Q. HEALTH & HUMAN SERVICES

- Q.17. Adopt Resolution approving Substantial Amendment No. 5 to the Fiscal Year 2019-2020 Consolidated Annual Action Plan. (No fiscal impact)
- Q. EQUITY & HUMAN RESOURCES
- Q. INFORMATION TECHNOLOGY
- Q. CODE ENFORCEMENT
- Q. COURT SERVICES
- Q. RISK MANAGEMENT
- Q.18. Approve annual Stop Loss reinsurance for the Employee Health Insurance Plan for a total annual premium of \$396,606.
- Q. INDIGENT HEALTH CARE
- Q.19. Approve contract with CHS TX, Inc. d/b/a YesCare (YesCare) to provide medications for participants in the Helping HANDS program. (Total amount not to exceed \$126,529 annually.)
- Q. FACILITIES MANAGEMENT
- Q. FLEET MANAGEMENT
- Q. PARKS & NATURAL RESOURCES
- Q.20. Approve Federally Funded Subaward and Grant Agreement # H0892 with Federal Emergency Management Agency (FEMA) and Florida Division of Emergency Management (FDEM) to provide funding for Watershed Planning Grant for Kissimmee River Section of Polk County, to Polk County. Additionally, approve a \$200,000 transfer from reserves to create appropriations for this new grant agreement (\$150,000 one-time revenue and \$50,000 county match).
- Q.21. Approve Federally Funded Subaward and Grant Agreement # H0892 with Federal Emergency Management Agency (FEMA) and Florida Division of Emergency Management (FDEM) to provide funding for Watershed Planning Grant for Peace River Section of Polk County, to Polk County. Additionally, approve a \$200,000 transfer from reserves to create appropriations for this new grant agreement (\$150,000 one-time revenue and \$50,000 county match).
- Q.22. Approve Federally Funded Subaward and Grant Agreement # H0892 with Federal Emergency Management Agency (FEMA) and Florida Division of Emergency Management (FDEM) to provide funding for Watershed Planning Grant for Tampa Bay Section of Polk County, to Polk County. Additionally, approve a \$200,000 transfer from reserves to create appropriations for this new grant agreement (\$150,000 one-time revenue and \$50,000 county match).

- Q.23. Approve Florida Atlantic University Master Research Agreement - related to watershed management and planning in Polk County. (no-fiscal impact)
- Q. FIRE RESCUE
- Q. EMERGENCY MANAGEMENT
- Q. REAL ESTATE SERVICES
- Q.24. SET HEARING to consider requests to vacate portions of platted and unmaintained rights-of-way as shown on the map of Florida Development Co. Tract and the Replat of Prince Orange Manor. (Suggested hearing date is December 20, 2022 at 9:30 a.m or immediately following the regular agenda)
- Q.25. Approve Land Purchase Agreements in conjunction with the purchase of conservation preservation properties located in the Lake Wales Ridge Ecosystem Project - Crooked Lake West Area, Rutledge Estate, Salter Trust and Smith/McElmurry parcels. (\$7,500 one-time expense)
- Q.26. Accept Quit Claim Deed from Lynne Silva Butzirus, as Successor Trustee for property being donated for conservation preservation. (No Fiscal impact)
- Q.27. Accept Quit Claim Deed for additional right-of-way along Kathleen Road in conjunction with development. (No fiscal impact)
- Q. ROADS & DRAINAGE
- Q.28. Approve Infrastructure Improvement Agreement to Correct Erosion along a portion of the Crooked Lake Outfall between The Lake Clinch Airpark Association and Polk County (\$19,895.00 One Time Expense).
- Q.29. Approve a Facility Encroachment Agreement between CSX Transportation, Inc. and Polk County for the US 92 and County Line Road Intersection Improvement Project (No Fiscal Impact).
- Q. UTILITIES
- Q. WASTE & RECYCLING
- Q. ELECTED OFFICIAL AND OTHER GOVERNMENTAL AGENCY
- Q. COURT RELATED
- Q. POLK COUNTY PROPERTY APPRAISER
- Q. POLK COUNTY SHERIFF
- Q.30. Approve the Sheriff's office request to roll over \$950,000.00 from FY 21/22 into FY 22/23 budget, including transfer from reserves. (\$950,000.00 One-time expense)

- Q.31. Approve the Sheriff's request to purchase a Robinson R66 helicopter and a transfer from the General Fund Reserves - Aircraft for Sheriff. (\$1,900,000 one-time expense)
- Q. POLK COUNTY SUPERVISOR OF ELECTIONS
- Q. POLK COUNTY TAX COLLECTOR
- Q. SUPERINTENDENT OF POLK COUNTY SCHOOLS
- Q. WORKFORCE DEVELOPMENT BOARD
- Q. COUNTY ATTORNEY
- Q.32. Approve Agreement for Traffic Control on Private Roads for Aviana Homeowner's Association, Inc. (No fiscal impact.)
- Q.33. Approve Agreement between Polk County and the Polk County Workforce Development Board, Inc. d/b/a CareerSource Polk regarding the one-stop operator duties imposed by Workforce Innovation and Opportunity Act (WIOA).
- Q.34. Approve CareerSource Polk's Request to Extend Designation as Direct Provider of Workforce Services for the period of July 1, 2023 through June 30, 2026.
- Q.35. Adopt Resolution approving Declaration of State of Local Emergency 22-03 and Declarations Extending State of Local Emergency 22-03 (2022 East Residential Waste Collection Emergency). (No fiscal impact)

ANNOUNCEMENTS

Below are scheduled events and 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.

- Monday, December 5, 2022 - 9:00 a.m. - Value Adjustment Board hearings will be held in the Administration Building, Third Floor, Conference Room 341.
- Tuesday, December 6, 2022 - 6:00 p.m. – Sidewalk Advisory Committee will meet in the Multi-Purpose Room, Room 413.
- Wednesday, December 7, 2022 - 8:50 a.m. - Planning Commission will conduct a work session, prior to its regularly scheduled meeting, in the County Commission Boardroom.
- Wednesday, December 7, 2022 - 9:00 a.m. – Planning Commission meeting will be held in the County Commission Boardroom.
- Wednesday, December 7, 2022 - 9:00 a.m. - Value Adjustment Board hearings will be held in the Administration Building, Third Floor, Conference Room 341.
- Thursday, December 8, 2022 - 8:30 a.m. - Development Review Committee will meet in the Planning and Development Conference Room, Second Floor, Polk County Administration Building.
- Thursday, December 8, 2022 - 9:00 a.m. – Appellate Special Magistrate of the Code Enforcement Unit will meet in the County Commission Boardroom.
- Thursday, December 8, 2022 - 9:00 a.m. - Value Adjustment Board hearings will be held in the Administration Building, Third Floor, Conference Room 341.
- Thursday, December 8, 2022 – 11:00 p.m. - Leadership Lakeland Government Day, Polk County History Center.
- Friday, December 9, 2022 - 9:00 a.m. - Value Adjustment Board hearings will be held in the Administration Building, Third Floor, Conference Room 341.
- Monday, December 12, 2022 - 9:00 a.m. - Value Adjustment Board hearings will be held in the Administration Building, Third Floor, Conference Room 341.
- Monday, December 12, 2022 - 1:30 p.m. - Transportation Disadvantaged Local Coordinating Board meeting will be held in the County Commission Boardroom.
- Tuesday, December 13, 2022 - 9:00 a.m. - Value Adjustment Board hearings will be held in the Administration Building, Third Floor, Conference Room 341.
- Wednesday, December 14, 2022 - 8:30 a.m. – Lakeland Area Mass Transit District Board of Directors meeting will be held at 1212 George Jenkins Boulevard, Lakeland.

- Wednesday, December 14, 2022 - 9:00 a.m. - Value Adjustment Board hearings will be held in the Administration Building, Third Floor, Conference Room 341.
- Wednesday, December 14, 2022 – 1:30 p.m. - Land Use Hearing Officer Hearings will be held in the County Commission Boardroom.
- Thursday, December 15, 2022 - 8:30 a.m. - Development Review Committee will meet in the Planning and Development Conference Room, Second Floor, Polk County Administration Building.
- Thursday, December 15, 2022 – 9:00 a.m. - Tourist Development Council meeting will be held at the Lake Myrtle Sports Complex, 2701 Lake Myrtle Park Road, Auburndale.
- Thursday, December 15, 2022 - 9:00 a.m. - Value Adjustment Board hearings will be held in the Administration Building, Third Floor, Conference Room 341.
- Thursday, December 15, 2022 – 9:00 a.m. – Transportation Planning Organization Board Meeting will be held at the Polk County History Center, 100 East Main Street, Bartow.
- Thursday, December 15, 2022 - 9:00 a.m. – Special Magistrate of the Code Enforcement Unit will meet in the County Commission Boardroom.
- Friday, December 16, 2022 - 8:30 a.m. - Citizens Healthcare Oversight Committee will be held in the County Commission Boardroom.
- Friday, December 16, 2022 – 9:00 a.m. - Board/Staff Agenda Review meeting to discuss the Agenda and any other matters that may come before the Board will be held in the Commissioners' Conference Room, Room 407.
- Monday, December 19, 2022 - 5:30 p.m. – Community Relations Advisory Council (CRAC) meeting and Holiday Social will be held in the Employee Lounge, Third Floor.