



POLK COUNTY BOARD OF COUNTY COMMISSIONERS

12-03-08 Regular BoCC meeting

PRESENT:

Sam Johnson	District No. 5, Chairman
Bob English	District No. 1, Vice Chairman
Randy Wilkinson	District No. 2
Edwin V. Smith	District No. 3
Jean Reed	District No. 4

ALSO PRESENT:

Mike Herr	County Manager
Michael Craig	County Attorney
Richard M. Weiss	Clerk and Ex-Officio Auditor

The Board convened pursuant to adjournment taken on November 18, 2008.

CALL TO ORDER - 9:00 a.m. (SAM JOHNSON, Chairperson)

INVOCATION

1. [Father Norman Farland, Wahneta Guadalupe Catholic Mission, 2150 Bomber Road, Winter Haven.](#)

PLEDGE OF ALLEGIANCE (SAM JOHNSON, Chairperson)

A. APPROVE CONSENT AGENDA

2. [Approve Consent Agenda](#)

Motions:

Approve

- PASS

Vote Results

Motion: Bob English

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

B. PRESENTATIONS and RECOGNITIONS

3. [Recognize Donna Kay, Program Manager for Adult Day Health Care Centers, Human Services Department for being the recipient of the 2008 Administrator/Director Award from the National Adult Day Services Association \(NADSA\).](#)

Attachment: [Donna Kay Recognition 12-3-08 3.pdf](#)

Attachment: [Donna Kay Recognition 12-3-08 2.pdf](#)

Attachment: [Donna Kay.pdf](#)

C. PROCLAMATIONS**D. ACCOUNTANT, AUDITOR and CLERK TO THE BOARD (RICHARD WEISS)**

4. [Disbursements](#)

Attachment: [Disbursements 120308.pdf](#)

Minutes: For a detailed list, see the Check Register on file in the Clerk's Department of Finance and Accounting to the Board.

Motions:

Approve and ratify disbursements. - PASS

Vote Results

Motion: Jean Reed

Second: Bob English

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith	- Aye
Randy Wilkinson	- Aye

5. [Minutes of Regular Board Meeting held on November 18, 2008](#)

Motions:

Approve minutes	- PASS
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Vote Results

Motion: Jean Reed

Second: Edwin Smith

Bob English	- Aye
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Sam Johnson	- Aye
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Jean Reed	- Aye
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Edwin Smith	- Aye
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Randy Wilkinson	- Aye
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E. REQUEST FROM ELECTED OFFICIAL and OTHER GOVERNMENTAL AGENCY

F. PUBLIC HEARING TO CONSIDER SETTLEMENT

G. COUNTY ATTORNEY (MICHAEL CRAIG)

6. [Resolution of Necessity authorizing condemnation for Transportation Improvements to Harden Blvd.](#)

Attachment: [HARDEN BLVD. PROJECT PARCELS RES.NEC. 1&2.pdf](#)

Attachment: [RESNEC #2 Harden Blvd-Pipkin Int.pdf](#)

Attachment: [RESNEC #1 Harden Blvd-Pipkin Int.pdf](#)

Minutes: County Attorney Michael Craig gave background information and outlined the condemnation requirements.

Motions:

Adopt Resolution of Necessity No. 08-157 authorizing condemnation of Parcel Nos. 119, 121, 133, 141, 142, 145, 150 and 152 and authorize the County Attorney's Office to bring to bear the resources necessary to the full and final disposition of the parcels.	- PASS
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Vote Results

Motion: Bob English

Second: Randy Wilkinson

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

Motions:

Adopt Resolution of Necessity No. 08-158 authorizing condemnation of Parcel Nos. 105, 110, 122, 123, 129 and 132 and authorize the County Attorney's Office to bring to bear the resources necessary to the full and final disposition of the parcels. - PASS

Vote Results

Motion: Bob English

Second: Randy Wilkinson

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

7. [Consider filing suit against World Wide Heir Locators, Inc. to recover overbid surplus from Tax Deed No. 2006-491.](#)

Minutes: County Attorney Michael Craig estimated the cost of filing suit at \$1,200.00.

Motions:

Authorize the County Attorney's Office to file suit against World Wide Heir Locators, Inc. to recover

the overbid surplus from Tax Deed No. 2006-491 released to World Wide Heir Locators, Inc. if the overbid surplus is not returned prior to December 10, 2008. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

H. COUNTY MANAGER (MICHAEL HERR)

8. [Agreement with Trane U.S. Inc. to Replace Obsolete Mechanical Equipment and maintain the new equipment in certain E. Bartow facilities, utilizing the Guaranteed Energy Performance Agreement.](#)

Attachment: [08-1203 Trane PACT PW FI .pdf](#)

Attachment: [08-1203 Trane One Time Money.pdf](#)

Attachment: [08-1203 Trane PACT Contract.pdf](#)

Attachment: [08-1203 Trane Debt Svc Bud.pdf](#)

Minutes: Director of Facilities Management Terry Pittman reviewed the Performance Contract which, he said, will replace obsolete equipment and allow for energy and operational savings.

Motions:

Approve the Agreement. with Trane U.S., Inc. - PASS

Vote Results

Motion: Edwin Smith

Second: Bob English

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

9. [Discuss Florida Association of Counties' Legislative Guiding Principles as Polk County's Guiding Principles for the 2009 Legislative Committee Weeks, Special Session \(if called\) and 2009 Regular Session.](#)

Attachment: [FAC 2008-09 Guiding Principles.pdf](#)

Motions:

Adopt the Florida Association of Counties' 2009 Legislative Guiding Principles as Polk County's Guiding Principles. - PASS

Vote Results

Motion: Jean Reed

Second: Bob English

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

I. COMMUNITY REDEVELOPMENT AGENCY

J. REQUEST FROM THE GENERAL PUBLIC/AUDIENCE

10. [Reinier Munguia to discuss hunting in Circle B Bar Reserve](#)

Attachment: [Factors to be Considered Before Resuming Hunting in Circle B Bar Reserve.pdf](#)

Attachment: [2008 FFWCC Hunting Are Map.pdf](#)

Attachment: [2008 Space Coast Birding & Wildlife Festival Economic Impact.pdf](#)

Minutes:

Mr. Munguia said he volunteers at the Circle B Bar Reserve and opposes duck hunting being included in the Circle B Bar Reserve Five-Year Management Plan. He emphasized that this County park should be used for educational and recreational activities. He said hunting will have a negative affect on the natural habitat and is not justified since there is no need to control any animal population. He said other areas in the County are more suited to duck hunting.

Dennis Dutcher, United Water Fowlers, said water fowling has a limited and temporary impact on the area. He suggested the Board hold a work session before the next Five-

Year Management Plan for the Circle B Bar Reserve is approved to allow all points of view to be considered.

Director of Natural Resources Jeff Spence outlined the process used in adopting a Five-Year Management Plan for any County recreational facility, noting that the first Five-Year Management Plan for the Circle B Bar Reserve was adopted in 2003, and the second Five-Year Management Plan will be presented for Board approval in 2009.

Environmental Lands Coordinator Gaye Sharpe stated the Plan must also be approved by the Southwest Florida Water Management District Board.

Steven Simpson, United Water Fowlers, spoke in favor of duck hunting.

Brian Jones said he enjoys the sport of water fowling with his son. He said quality areas for this sport are dwindling in Polk County. He said the Circle B Bar Reserve is a multi-use area and this activity should be allowed.

Charles Geanangel said he volunteers at the Circle B Bar Reserve. He praised the County for purchasing this property and for developing the Nature Center. He stated duck hunting should be eliminated because it will diminish the bird population at this location.

Shawn McDonough emphasized that the Circle B Bar Reserve is a County recreational facility close to urban areas, and citizens should be allowed to enjoy all aspects of nature, including duck hunting.

K. COMMISSIONER DISTRICT 1 (BOB ENGLISH)

11. [Comments](#)

Minutes:

Commissioner English stated he has nothing to discuss today.

L. COMMISSIONER DISTRICT 2 (RANDY WILKINSON)

12. [Comments](#)

Minutes:

Commissioner Wilkinson stated the Board should consider approving a donation to the University of South Florida before the end of the year because the County's donation would affect State matching funds.

County Manager Mike Herr said he plans to present information regarding this issue at the December Finance Committee Meeting so the Board can consider taking action at its December 17th Board Meeting.

Commissioner Wilkinson stated he plans to hold a Coffee "Chautauqua" type Town Hall Meeting on Monday, December 8, 2008, from 4:00 p.m. to 6:00 p.m. at the Good Measure Coffee Shop. He asked if PGTV could list this meeting, and the Board concurred. He also asked that it be listed on the calendar on the County's web site.

M. COMMISSIONER DISTRICT 3 (EDWIN V. SMITH)

13. [Comments](#)

Minutes: Commissioner Smith stated his Commissioner Orientation is in progress. He thanked County Manager Mike Herr for providing assistance to a small community recently.

N. COMMISSIONER DISTRICT 4 (JEAN REED)

14. [Support our Local Florida National Guard 356th Combat Unit](#)

Minutes:

Commissioner Reed introduced John Hopkins, Director of Polk County Veteran's Services, noting that Mr. Hopkins has assisted in developing an effort to help service members and their families.

Mr. Hopkins stated Polk County has about 115 service personnel serving in Afghanistan and Iraq. He listed items being collected to send to the troops and stated items for the military families will also be collected, as will monetary donations. He thanked the Board for its support of veterans in Polk County.

Commissioner Reed encouraged citizens to send cards and letters to the troops serving abroad.

Commissioner Reed mentioned a fundraiser being conducted for the Gordonville community.

Commissioner Reed stated staff did a wonderful job decorating the foyer of the Administration Building.

15. [Comments](#)

O. COMMISSIONER DISTRICT 5 (SAM JOHNSON, Chairperson)

16. [Comments](#)

Minutes: Chairman Johnson stated he will be ringing a Salvation Army bell at the North Lakeland Wal-Mart tonight. He stated many fellow citizens are hurting this season. He urged everyone to help out wherever possible.

P. LAY BOARD APPOINTMENTS

***** RECESS - The Board of County Commissioners will recess from 12:30 p.m. until 1:30 p.m. or soon thereafter. *****

Q. PUBLIC HEARINGS

17. [Petition to adopt a Resolution to vacate a portion of the 40' unmaintained, platted right-of-way shown on the Plat of Bayview Park Subdivision, near Frostproof.](#)

Attachment: [12-03-08 PH - Bayview Park \(McKinsey\) - Backup.pdf](#)

Minutes:

Wade Allen, Chief Right-of-Way Agent, presented the staff report and showed slides of the area. He reported there are no objections to the closure and staff recommends adoption of the resolution. Discussion followed.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Resolution No. 08-159 vacating a 40' unmaintained, platted right-of-way shown on the Plat of Bayview Park Subdivision. - PASS

Vote Results

Motion: Bob English

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith	- Aye
Randy Wilkinson	- Not Present

18. [Consider, by its own motion, adopting a Resolution to vacate unmaintained, platted rights-of-way shown on the plat of Pinedale Subdivision - Unit No. 3, near Winter Haven. Continued from the November 5, 2008 Board Meeting.](#)

Attachment: [12-03-08 PH - Pinedale Subd \(Bd's Motion\) - JH - Backup.pdf](#)

Minutes:

Wade Allen, Chief Right-of-Way Agent, presented the staff report. He showed slides of the area and reported that there are no objections and staff recommends adoption of the resolution.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Resolution No. 08-160 vacating the unmaintained, platted rights-of-way shown on the plat of Pinedale Subdivision – Unit No. 3. - PASS

Vote Results

Motion: Edwin Smith

Second: Randy Wilkinson

Bob English	- Aye
Sam Johnson	- Aye
Jean Reed	- Aye
Edwin Smith	- Aye
Randy Wilkinson	- Aye

19. [Petition from 356b, LLC to adopt a Resolution to vacate a portion of County maintained right-of-way known as Scott Lane, near Davenport. Continued from the November 5, 2008 Board Meeting](#)

Attachment: [11-05-08 PH - Scott Ln \(356B LLC\) - DR - Backup.pdf](#)

Minutes:

Wade Allen, Chief Right-of-Way Agent, gave the staff report and showed slides of the area. He reported there are no objections to the closure and staff recommends adoption of the resolution.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Resolution No. 08-161 vacating a portion of County maintained right-of-way known as Scott Lane. - PASS

Vote Results

Motion: Bob English

Second: Jean Reed

Bob English	- Aye
Sam Johnson	- Aye
Jean Reed	- Aye
Edwin Smith	- Aye
Randy Wilkinson	- Aye

20. [An ordinance consolidating, amending and restating nonconsensual towing services.](#)

Attachment: [Towing Ordinance.pdf](#)

Minutes:

Michael Craig, County Attorney, presented the proposed ordinance and gave background information. He said rates are handled by resolution and will not be discussed at this time. He said the proposed changes involve enforcement issues and what can or cannot be charged. He reviewed the proposed changes, and discussion followed.

Chief Richard Sloan, Polk County Sheriff's Office, answered questions, and discussion followed.

The Chairman opened a public hearing.

Heather Kalitson said she would like to see a formula developed when fuel charges need to be increased. She also discussed automatic cost of living increases.

Joe Bolton discussed his concern regarding charges for the first six hours of impoundment; he said towers would like to be able to charge from the first hour that the car is stored.

Steve Webb discussed insurance issues and electronic fencing. He mentioned equipment used for large tractor trailers that is not listed in the rate resolution and said the proposed ordinance would not allow towers to charge for that equipment. Discussion followed.

Bill Webb said 22.75% is the national average for fuel surcharges.

Darwin Ryan said he is against the fuel surcharge and discussed some exclusions.

Chief Sloan said the changes that are proposed are in the best interest of all those involved, including the citizens. He discussed enforcement of the ordinance and the fines involved. He recommended adoption of the ordinance.

The Chairman closed the public hearing.

Mr. Craig distributed copies of the revised ordinance. Discussion followed on the rate resolution and the use of heavier equipment.

Upon question, Bob Stanton, Director of Fleet Management, reported there are about 25 towing companies on the County's rotation list. He explained the process.

Motions:

Adopt Ordinance No. 08-065, the Towing Ordinance. - PASS

Vote Results

Motion: Randy Wilkinson

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

21. [De Novo Hearing for CU 08-26 \(Jim Rash, Inc.\)](#)

Attachment: [CU 08-26.De Novo.PC order.pdf](#)

Attachment: [CU 08-26.De Novo.public comment.pdf](#)

Attachment: [CU 08-26 DeNovo Staff Report.pdf](#)

Minutes:

Todd Zeiller, Current Planning Division, presented the staff report. He said the applicant has withdrawn the request for a variance, and is also withdrawing Condition No. 9 from the conditions listed in the staff report. He showed slides of the area and read the eight remaining conditions.

Mike Gallaher, attorney with Peterson & Myers, said he represents the applicant. He

explained why his client erected buildings without a permit. He explained the process of planting watermelons and vegetables. He showed slides of the site and a revised site plan. He suggested adding some conditions such as no operations on weekends, operating only from 8 am to 6 pm. He spoke about trips generated, and discussion followed.

The Chairman opened a public hearing.

The following individuals spoke in support of the project: John Van Garten, Sandra Lynn Trejo, Thomas Harvey, Christopher Birch, Charles Elan, Jerry Revel, Stuart Thompson, Kenny Devane, Ryan Valentine, Donald Mosley, Danny Shawl, Cheryl Praedo, Wayne Berry, Ashley Waters, Dina Rouse, Randall Simpson, Ramon Ramiero, Seth Hunt, Jose Rameriz, John Munday, Raquel Rameriz, and Rosa Vasquez.

The following individuals spoke in opposition to the project: Joel Britt, Howard Gibson, Kathy Gibson, Marilyn Gibson, Howard Gibson, Sr., David Brown, Jim Albritton, Toni Albritton, Art Albritton, John Baker, Michael Joachim and Tracy Mullins. Discussion followed.

Mr. Gallaher spoke in rebuttal to the comments made by others, and discussion followed.

Bobby Barton, applicant, explained his operation, and discussion followed.

Chandra Frederick, Director of Long Range Planning, reviewed the building permit issue, and discussion followed.

The Chairman closed the public hearing.

Motions:

Approve CU 08-26 with conditions. -

Vote Results

Motion: Bob English

Second: Randy Wilkinson

Bob English -

Sam Johnson -

Jean Reed -

Edwin Smith -

Randy Wilkinson -

Motion Minutes:

Commissioner English said his motion is to approve with conditions and adding the two additional conditions stated by the applicant which are the trip generation and restricting

the business hours. Discussion followed.

Mr. Gallaher said his client would agree to start at 9 am for commercial trucks until 6 pm while school is in session.

Commissioner English amended his motion to include this time frame, and Commissioner Wilkinson seconded the amendment.

Motions:

The amended motion is to approve CU 08-26, with new conditions as presented by staff, and adding a new condition that, during school sessions, commercial trucks will start at 9:00 a.m. and run until 6:00 p.m. - PASS

Vote Results

Motion: Bob English

Second: Randy Wilkinson

Bob English	- Aye
Sam Johnson	- Aye
Jean Reed	- Aye
Edwin Smith	- Aye
Randy Wilkinson	- Aye

22. [Ordinance adopting CPA 08B-01](#)

Attachment: [08B-01.Adoption Staff Report.pdf](#)

Attachment: [CPA 08B-01.Ordinance.pdf](#)

Minutes:

Aaron Flint, Case Planner, presented the staff report and showed slides of the area. He reported that staff and the Planning Commission recommend approval.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 08-066 adopting CPA 08B-01. - PASS

Vote Results

Motion: Bob English

Second: Randy Wilkinson

Bob English	- Aye
Sam Johnson	- Aye
Jean Reed	- Aye
Edwin Smith	- Aye
Randy Wilkinson	- Aye

Motions:

Approve staff report as the written order for CPA 08B-01. - PASS

Vote Results

Motion: Jean Reed

Second: Bob English

Bob English	- Aye
Sam Johnson	- Aye
Jean Reed	- Aye
Edwin Smith	- Aye
Randy Wilkinson	- Aye

23. [Ordinance adopting CPA 08B-02](#)

Attachment: [CPA 08B-02.Adoption Staff Report.pdf](#)

Attachment: [CPA 08B-02.Ordinance.pdf](#)

Minutes:

Aaron Flint, Case Planner, reviewed the staff report and showed slides. He said staff and the Planning Commission recommend approval. Discussion followed.

The Chairman opened a public hearing.

Steve Strader spoke in opposition to the CPA.

Mike Saltzman said he is an engineer representing the applicant. He discussed land use.

The Chairman closed the public hearing, and discussion followed.

Motions:

Adopt Ordinance No. 08-067 adopting CPA 08B-02. - PASS

Vote Results

Motion: Edwin Smith

Second: Bob English

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

Motions:

Adopt staff report as the written order for CPA 08B-02. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

24. [Ordinance adopting CPA 08B-03](#)

Attachment: [CPA 08B-03.AdoptionStaffReport.pdf](#)

Attachment: [CPA 08B-03 Ordinance.pdf](#)

Minutes:

Aaron Flint, Case Planner, presented the staff report and showed slides. He reported that staff and the Planning Commission recommend approval. Discussion followed.

The Chairman opened a public hearing.

Mike Saltzman said he is an engineer representing the applicant. He spoke in support of the CPA noting that this site will not become a landfill.

The Chairman closed the public hearing.

Motions:

Adopt Ordinance No. 08-068 adopting CPA 08B-03. - PASS

Vote Results

Motion: Randy Wilkinson

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

Jean Reed - Aye

Motions:

Adopt staff report as the written order for CPA 08B-03. - PASS

Vote Results

Motion: Randy Wilkinson

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

25. [Ordinance adopting CPA 08B-05](#)

Attachment: [CPA 08B-05.Ordinance.pdf](#)
Attachment: [CPA 08B-05.Adoption Staff Report.pdf](#)

Minutes:

Aaron Flint, Case Planner, reviewed the staff report and showed slides. He said that staff and the Planning Commission recommend approval.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 08-069 adopting CPA 08B-05. - PASS

Vote Results

Motion: Jean Reed

Second: Randy Wilkinson

Bob English	- Aye
Sam Johnson	- Aye
Jean Reed	- Aye
Edwin Smith	- Aye
Randy Wilkinson	- Aye

Motions:

Adopt staff report as written order for CPA 08B-05. - PASS

Vote Results

Motion: Jean Reed

Second: Bob English

Bob English	- Aye
Sam Johnson	- Aye
Jean Reed	- Aye
Edwin Smith	- Aye
Randy Wilkinson	- Aye

26. [Ordinance adopting CPA 08B-06](#)

Attachment: [CPA 08B-06.Adoption Staff Report.pdf](#)

Attachment: [CPA 08B-06.Ordinance.pdf](#)

Minutes:

Aaron Flint, Case Planner, presented the staff report and showed slides. He reviewed the comments made by the Department of Community Affairs as well as the responses made by staff and the applicant. Discussion followed.

The Chairman opened a public hearing.

Stuart Ardman, engineer representing the applicant, stated he was present to answer questions.

The Chairman closed the public hearing, and discussion followed.

Michael Craig, County Attorney, explained that there are two parts to this CPA and two ordinances are required. The first, he said, is a future land use change, and the second is a text amendment.

Motions:

Adopt Ordinance No. 08-070 adopting CPA 08B-06, Part 1. - PASS

Vote Results

Motion: Randy Wilkinson

Second: Bob English

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Nay

Edwin Smith - Nay

Randy Wilkinson - Aye

Motions:

Adopt Ordinance No. 08-072 adopting CPA 08B-06, Part 2 - PASS

Vote Results

Motion: Bob English	
Second: Randy Wilkinson	
Bob English	- Aye
Sam Johnson	- Aye
Jean Reed	- Nay
Edwin Smith	- Nay
Randy Wilkinson	- Aye

Motions:

Adopt staff report as the written order for CPA 08B-06, Parts 1 and 2.	- PASS
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Vote Results

Motion: Randy Wilkinson	
Second: Bob English	
Bob English	- Aye
Sam Johnson	- Aye
Jean Reed	- Nay
Edwin Smith	- Nay
Randy Wilkinson	- Aye

27. [Ordinance adopting CPA 08B-07](#)

Attachment: [CPA 08B-07.Adoption Staff Report.pdf](#)

Attachment: [CPA 08B-07.Ordinance.pdf](#)

Minutes:

Aaron Flint, Case Planner, reviewed the staff report and showed slides. He said that staff and the Planning Commission recommend approval.

The Chairman opened a public hearing.

Sarah Case said she is a consultant to the applicant and was present to answer any questions.

The Chairman closed the public hearing.

Motions:

Adopt Ordinance No. 08-072 adopting CPA 08B-07. - PASS

Vote Results

Motion: Jean Reed

Second: Randy Wilkinson

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

Motions:

Adopt staff report as the written order for CPA 08B-07. - PASS

Vote Results

Motion: Jean Reed

Second: Randy Wilkinson

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

R. CONSENT AGENDA ITEMS

ACCOUNTANT, AUDITOR and CLERK TO THE BOARD

28. [Public Official Bond for Commissioner Bob English.](#)

Attachment: [BOND - ENGLISH.pdf](#)

29. [Public Official Bond for Commissioner Edwin V. Smith.](#)

Attachment: [BOND - SMITH.pdf](#)

30. [Public Official Bond for Commissioner Sam Johnson.](#)

Attachment: [BOND - JOHNSON.pdf](#)

31. [Satisfaction of Assessment Liens.](#)

Attachment: [SATISFACTIONS.pdf](#)

32. [Removal of equipment from inventory as listed on Form 1824.](#)

Attachment: [Equipment from Inventory.pdf](#)

COUNTY ATTORNEY

33. [SET HEARING DATE to consider adoption of Ordinance increasing Commissioners' salaries. \(Suggested Hearing Date: December 17, 2008, at 1:30 p.m.\)](#)

Attachment: [COMMSALINCNOTfor.09.pdf](#)

34. [Additional Right-of-Way for CR37B \(Lakeland Highlands Road\) Parcel 117.](#)

Attachment: [12-03-08 CO ATTY - \(Addl RW\) CR 37B Pcl 117 \(Winkler\) - Location Map - SL.pdf](#)

Attachment: [12-03-08 CO ATTY - \(Addl RW\) CR 37B Pcl 117 \(Winkler\) - ROW Agreement - SL.pdf](#)

Attachment: [12-03-08 CO ATTY - \(Addl RW\) CR 37B Pcl 117 \(Winkler\) - Parcel Map - SL.pdf](#)

35. [Right-of-Way Purchase for Kathleen Road Phase II Improvement Project](#)

Attachment: [12-03-08 CO ATTY - \(RW Agmt.\) Kathleen Ph II \(Burgess\).pdf](#)

Attachment: [12-03-08 CO ATTY - \(Delorme\) Kathleen Ph II \(Burgess\) CMP.pdf](#)

36. [Resolution of Necessity authorizing condemnation of perpetual, non-exclusive utility easements needed for water and wastewater facility improvements to the Skyview neighborhood in Lakeland.](#)

Attachment: [Resolution of Necessity.pdf](#)

Attachment: [Exhbits A B C.pdf](#)

37. [Right-of-Way Agreement from Jack D. Guinn, Jr. and Patricia Gal Guinn, his wife, Parcels 106A, 106B and 707 for Ernie Caldwell Boulevard Project, Phase I.](#)

Attachment: [12-03-08 CO ATTY - \(Addl RW\) ECBlvd Ph-1 \(Guinn Pcl 106A,B, 707\) - Backup - DS.pdf](#)

38. [Encroachment Agreement between Polk County and Florida Gas Transmission Company, LLC for Simmers-Young Park.](#)

Attachment: [12-03-08 CO ATTY - Encroachment Agmt \(Simmers-Young Park\) - Backup.pdf](#)

39. [Right-of-Way Purchase for Harden Boulevard Improvement Project, Parcel 127.](#)

Attachment: [12-03-08 CO ATTY \(Addl RW\) Harden Blvd Pcl 127 \(Hoffman\) - Backup.pdf](#)

40. [Deeds for Additional Right-of-Way as requested through the Development Review Process for Overlook Drive.](#)

Attachment: [12-03-08 CO ATTY \(DRC DEEDS OVERLOOK\) - Backup.pdf](#)

CENTRAL FLORIDA DEVELOPMENT COUNCIL

41. [License Agreement with CoStar Group.](#)

Attachment: [CoStar Backup.pdf](#)

Attachment: [CoStar Agreement.pdf](#)

ELECTED OFFICIAL AND OTHER GOVERNMENTAL AGENCY

42. [Edward Byrne Memorial Justice Assistance Grant award from the Florida Department of Law Enforcement for the Polk County Mental Health Court.](#)

Attachment: [2008-EDWARD BYRNE GRANT FOR MENTAL HEALTH COURT.pdf](#)

ENVIRONMENTAL RESOURCES

43. [Asset Transfer of a 1995 Ford Pick-up Truck from the Polk County Sheriff's Office](#)

Attachment: [ag120308.MC1995FordPCSOletter.nrd.pdf](#)

Attachment: [ag120398.MC1995FordPCSO.nrd FAChecklist.pdf](#)

44. [Acceptance of the Hatchwood Estates Phase Four subdivision utility systems for ownership, operation, and maintenance](#)

Attachment: [Hatchwood Estates Phase 4 Backup.pdf](#)

45. [Acceptance of the Jan Phyl Fire and EMS Station utility systems for ownership, operation, and maintenance](#)

Attachment: [Jan Phyl Fire and EMS Station backup.pdf](#)

46. [Settlement agreement with the Florida Department of Environmental Protection \(FDEP\) in the amount of \\$5,000.00 for a 0.7 acre wetland encroachment.](#)

Attachment: [FDEP SETTLEMENT LETTER UNAUTHORIZED WETLAND.pdf](#)

GROWTH MANAGEMENT

47. [SET HEARING DATE for LDC 07D-04 \(I-4 NE Selected Area Plan\). Suggested hearing date is December 17, 2008, at 1:30 p.m.](#)

48. [Fort Witter Conditional Plat Approval](#)

Attachment: [Fort Witter.pdf](#)

49. [Lake Enderly Estates Release of Surety](#)

Attachment: [Lake Enderly Estates.pdf](#)

50. [Blackwater Oaks Reduction of Surety](#)

Attachment: [Blackwater Oaks.pdf](#)

51. [SET HEARING DATE for Joint Planning and Interlocal Service Boundary Agreement Between Haines City and Polk County. \(Suggested hearing date: December 17, 2008, at 1:30 p.m.\)](#)

52. [Solivita West Phase 7B-2 Release of Surety](#)

Attachment: [Solivita West 7B2.pdf](#)

53. [Windwood Bay Phase One Reduction of Surety](#)

Attachment: [Windwood Bay Phase One.pdf](#)

HUMAN SERVICES

54. [Community Clean-up Fund \(413\) FY2008-2009 distribution to municipalities and accomplishments](#)

Attachment: [Fund Balance Analysis.pdf](#)

Attachment: [2008_11_17_09_Letters for Clean-up fund.pdf](#)

Attachment: [Municipal Disbursement of 413 Fund FY2007-08.pdf](#)

55. [Transfer in operating funds for the Special Needs Shelter Program from the Human Services Department to the Public Safety Department, Emergency Management Division.](#)

Attachment: [Budget Revision Journal-GA.pdf](#)

56. [Satisfaction of Lien between Polk County and Lionel Hernandez, Jr. and Merrele Hernandez.](#)

Attachment: [12-03-08 Agenda Documents \(Satisfaction CE 02-1828\).pdf](#)

57. [Imposition of Liens to recover costs associated with demolishing dilapidated structures through the County's Demolition and Clearance Program.](#)

Attachment: [12-03-08 Agenda Documents Order Imposing Liens for CE 07-](#)

[3006, 07-11189, 07-11488, 07-11540, 07-11782, 07-12777, 07-12780, 08-1276.pdf](#)

58. [State Housing Initiatives Partnership \(SHIP\) Program Satisfaction of Mortgage and Security Agreement between Polk County and the listed homeowners.](#)

Attachment: [SHIP Satis Tanner-Benitez.pdf](#)

59. [HOME Satisfaction of Rehabilitation Lien for Robert Garrison and Noval J. Garrison aka Jewel A. Garrison.](#)

Attachment: [HOME Rehab Garrison.pdf](#)

60. [HOME Satisfaction of Mortgage and Security Agreement for Sandra J. Nelson, Barbara Jean Norton, and Heidi L. Podwin.](#)

Attachment: [HOME Satis Nelson-Norton-Podwin.pdf](#)

61. [HOME Satisfaction of Rehabilitation Lien between Polk County and Lottie Ruth Smith.](#)

Attachment: [HOME Rehab Smith.pdf](#)

62. [Section 8 Housing Assistance Payments \(HAP\) contracts for the families listed.](#)

Attachment: [December 3, 2008 Section 8 backup.pdf](#)

63. [Emergency Shelter Grant \(ESG\) Subrecipient Agreement between Polk County and the Talbot House Ministries, Inc.](#)

Attachment: [Bud Rev 12-3ESG Talbot \(2\).pdf](#)

Attachment: [December 3, 2008 ESG Talbot House backup.pdf](#)

64. [Community Development Block Grant \(CDBG\) Subrecipient Agreement between Polk County and the Talbot House Ministries, Inc.](#)

Attachment: [December 3, 2008 CDBG Talbot House backup.pdf](#)

Attachment: [Bud Rev12-3CDBG Talbot House.pdf](#)

65. [Community Development Block Grant \(CDBG\) Subrecipient Agreement between Polk County and The Wilson House, Inc.](#)

Attachment: [Bud Rev12-3CDBG Wilson House \(2\).pdf](#)

Attachment: [December 3, 2008 Wilson House backup.pdf](#)

66. [Community Development Block Grant \(CDBG\) Subrecipient Agreement between Polk County and Tampa Lighthouse for the Blind, Inc.](#)

Attachment: [December 3, 2008 Tampa Lighthouse for the Blind backup.pdf](#)

Attachment: [Bud Rev12-3CDBG Tampa Lighthouse \(2\).pdf](#)

67. [Community Development Block Grant \(CDBG\) Subrecipient Agreement between Polk](#)

County and Big Brothers Big Sisters of Tampa Bay, Inc.

Attachment: [December 3, 2008 Big Brothers Big Sisters backup.pdf](#)

Attachment: [Bud Rev12-3CDBG Big Brothers \(2\).pdf](#)

68. Hurricane Housing Recovery (HHR) Program, Amendment No. 1 to Rehabilitation/Reconstruction Agreements for David W. Shaw.

Attachment: [Shaw,David AMENDMNT.pdf](#)

69. Tenant-Based Rental Assistance (TBRA) Payments Contracts for the families listed.

Attachment: [December 3, 2008 TBRA backup.pdf](#)

70. Community Development Block Grant (CDBG) Subrecipient Agreement between Polk County and the City of Lake Alfred.

Attachment: [December 3, 2008 Lake Alfred ADA Restrooms backup.pdf](#)

Attachment: [Bud Rev12-3Lake Alfred.pdf](#)

71. Community Development Block Grant (CDBG) Subrecipient Agreement between Polk County and the City of Polk City.

Attachment: [December 3, 2008 Polk City Skateboard Park backup.pdf](#)

Attachment: [Bud Rev12-3Polk City.pdf](#)

72. Community Development Block Grant (CDBG) Subrecipient Agreement between Polk County and The Mission.

Attachment: [The Mission Insurance.pdf](#)

Attachment: [December 3, 2008 The Mission backup.pdf](#)

Attachment: [Bud Rev 12-3 The Mission.pdf](#)

PUBLIC SAFETY

73. County Grant Application, Resolution and Request for Grant Fund Distribution, Florida Department of Health, Bureau of Emergency Medical Services (EMS).

Attachment: [EMS attachment. Grant Appl, Resolution, Distribution.pdf](#)

PUBLIC WORKS

74. Setting Speed Limit on Combee Road South near Lakeland

Attachment: [SPEED LIMIT RESOLUTION 12 3 08.pdf](#)

Attachment: [CombeeRoadSouth.pdf](#)

Attachment: [Combee Rd S.pdf](#)

Attachment: [Fiscal Impact dec 3 08.pdf](#)

Attachment: [PURPLE FOR SPEED.pdf](#)

75. Setting Parking Restrictions on Harrells Nursery Road near Lakeland

Attachment: [PARKING RESOLUTION 12 3 08.pdf](#)
Attachment: [Fiscal Impact Parking dec 08.pdf](#)
Attachment: [HarrellsNurseryRoad.pdf](#)
Attachment: [Harrells Nursey Rd.pdf](#)
Attachment: [PURPLE FOR PARKING.pdf](#)

76. [Lease Extension and Amendment to Lease No.267 between the Board \(the "Lessee"\) and Ashley Ramcharran \(the "Lessor"\) for a 1236 square foot house located at 421 Smith Road in Lake Hamilton, Florida for use by Fire Services.](#)

Attachment: [2008-1203 #267 Lk Hamilton House FS PW FI .pdf](#)
Attachment: [2008-1203 #267 Lk Hamilton House FS Lgl doc.pdf](#)
Attachment: [2008-1203 #267 Lk Hamilton House FS purp.pdf](#)
Attachment: [2008-1203 #267 Lk Hamilton House FS email.pdf](#)
Attachment: [2008-1203 #267 Lk Hamilton House FS Oracle.pdf](#)

77. [Modification No. 1 to CSA No. 06-132-01 with Johnson Engineering, Inc. \(Consultant\) to continue providing engineering services for the Yates Road at Ewell Road Intersection Improvement Project.](#)

Attachment: [12-3-08 BoCC Mod 1 SUMMARY.pdf](#)
Attachment: [12-03-08 CSA 06-132-01 Mod. #1 Yates Rd @ Ewell Rd - Backup.pdf](#)
Attachment: [12-3-08 PWF I Info Form for Yates Rd @ Ewell Rd Intersection Project.pdf](#)
Attachment: [Yates@Ewell.pdf](#)

78. [Modification No. 1 to CSA No. 06-140-01 with PB Americas, Inc. \(Consultant\) to increase the contract time by 180 calendar days for the Design of Shepherd Road at Bailey Road Intersection Improvement Project.](#)

Attachment: [12-03-08 CSA #06.140.01 Mod. #1 Shepherd Rd @ Bailey Rd - Backup.pdf](#)
Attachment: [12-3-08 PWF I Info Form - CSA #06-140-01 Mod. #1 Shepherd Rd @ Bailey Rd.pdf](#)
Attachment: [Shepherd Rd @ Bailey Rd.pdf](#)
Attachment: [12-03-08 CO-MOD SUMMARY Form - CSA #06-140-01 Mod. #1 Shepherd Rd @ Bailey Rd.pdf](#)

79. [Modification No. 3 to CSA No. 00-21-06 with Professional Engineering Consultants, Inc. \(PEC\) to increase the contract amount for post design services for the CR 655 \(Berkley Road\) Phases 2 and 3 Improvement Project.](#)

Attachment: [12-03-08 CSA #00.21.06 Mod 3 CR655 Ph 2 & 3 - Backup.pdf](#)
Attachment: [12-3-08 CO-MOD Summary Form - CSA #00.21.06 Mod. #3 CR 655 \(Berkley Rd\) Ph. 2&3.pdf](#)
Attachment: [12-3-08 PWF I Info Form - CSA #00.21.06 Mod. #3 CR 655 \(Berkley Rd\) Ph. 2&3.pdf](#)
Attachment: [Berkley Rd Phase 2 and 3 Map.pdf](#)

SUPPORT SERVICES

80. [Professional Services Agreement for Impact Fee Study with Duncan Associates.](#)

Attachment: [impact.pdf](#)

81. [Amendment No. 7 to Master Consulting Agreement No. 02-104 with Jones Edmunds and Associates Inc.](#)

Attachment: [02-104-7.pdf](#)

82. [Amendment No. 7 to Master Consulting Agreement No. 02-105 with Professional Engineering Consultants, Inc. \(PEC\)](#)

Attachment: [02-105-7.pdf](#)

83. [Amendment No. 4 for Master Consulting Agreement No. 04-46 with Jones Edmunds & Associates, Inc.](#)

Attachment: [04-46-4.pdf](#)

84. [Amendment No. 2 for Master Services Agreement No. 05-08 with Keith and Schnars, P.A.](#)

Attachment: [05-08-2.pdf](#)

85. [Polk HealthCare Medical Services Agreement Renewals](#)

Attachment: [CentralFloridaKidneyCarePA no 09-101-CHSS.pdf](#)

Attachment: [CardiovascularAssociatesInc no 09-106-CHSS.pdf](#)

Attachment: [DevendraKahlonMD no 09-107-CHSS.pdf](#)

Attachment: [AttachmentPHP_MSA_Renewals-BoCC_12-03-08.pdf](#)

Attachment: [LakelandPhysiciansGroup no 09-105-CHSS.pdf](#)

Attachment: [AdvancedCareHospitalistsPL no 09-058-CHSS.pdf](#)

Attachment: [SergioSeoaneMD no 09-108-CHSS.pdf](#)

The Chairman adjourned the meeting at 7:10 p.m.