

04-22-09 Regular BoCC Meeting Minutes

April 22, 2009 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 April 8, 2009.

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

INVOCATION

1. [Kandis Baker-Buford, Equal Opportunity Administrator](#)

PLEDGE OF ALLEGIANCE (SAM JOHNSON, CHAIR)

A. APPROVE CONSENT AGENDA

2. [Approve Consent Agenda.](#)

Motions:

Approve Consent Agenda.

- PASS

Vote Results

Motion: Edwin Smith

Second: Randy Wilkinson

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

B. PRESENTATIONS and RECOGNITIONS

3. [Presentation of service certificates to: Teresa Griffis, Ann Hooks, Margaret "Carol" DeHaven, and Emma J. Smith.](#)

Attachment: [2009BoardPresentsApril22.pdf](#)

Minutes:

The Board presented Employee Service Awards to four employees for dedicated service to Polk County.

4. [Sheriff Grady Judd and Dr. Eileen Holden to request locating the Kenneth C. Thompson Institute/Police Academy at the Public Safety Complex.](#)

Attachment: [BOCC Presentation \(4 2\) EH.pdf](#)

Minutes:

Polk County Sheriff Grady Judd stated the Kenneth C. Thompson Institute/Police Academy is the first one to be accredited. He said Polk Community College (PCC) would like to partner with the Sheriff's Office to locate the Police Academy at the Public Safety Complex. He said this would provide co-use of space, parking lots, and resources, and would save the taxpayers money, increase training and increase the level of education provided to students.

Dr. Holden, PCC President, gave historical information about the Academy noting that the Police Academy, which is currently housed on the main PCC campus in Winter Haven, is inadequate. She asked that the County partner with PCC in building a new facility for the Police Academy and re-locate it on the Government Services Complex. She reviewed the estimated project budget totaling \$30,786,909.00.

Dr. Holden asked the Board to donate ten buildable acres for the new Police Academy adjacent to the Polk County Sheriff Operation Center at the Public Safety Complex and provide funding as it becomes available. Discussion followed.

Sheriff Judd asked the Board to commit to build this facility on the County's property at the Government Services Complex. He said if the project does not go forward, the County would retain ownership of the property.

County Attorney Michael Craig stated an agreement could be drawn up, possibly in the form of an Interlocal Agreement, to outline the scope and responsibilities of the County and PCC.

Motions:

Approve locating the Kenneth C. Thompson Institute/Police Academy at the Public Safety Complex. - PASS

Vote Results

Motion: Randy Wilkinson

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

5. [Recognize Reverend Arthur Johnson for his years of service on the Community Relations Advisory Council from March 27, 2005 to March 27, 2009.](#)

Attachment: [Rev Johnson Bio.pdf](#)

Minutes: The Board honored Reverend Johnson by presenting him with a plaque and certificate.

6. [Recognize Reverend Michael Zarle for his years of service on the Community Relations Advisory Council from March 27, 2005 to March 27, 2009.](#)

Attachment: [Rev Zarle Bio.pdf](#)

Minutes: The Board honored Reverend Zarle for his service by presenting him with a plaque and certificate.

110. [Appoint Shandale Terrell to CRAC](#)

Motions:

Appoint Shandale Terrell to the Community Relations Advisory Council for a three-year term beginning March 27, 2009, and ending March 27, 2012. - 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. [Chip Merriam, Deputy Executive Director, Orlando Service Center, South Florida Water Management District, to present the status of the SFWMD's Kissimmee Basin Water Reservation process.](#)

Attachment: [Weaver reservations FINALshort.pdf](#)

Minutes:

Cecelia Weaver, Orlando Services Center Director for the South Florida Water Management District (SFWMD), demonstrated the boundaries of the five Water Management Districts throughout Florida. She gave the SFWMD mission. She discussed the Greater Kissimmee Okeechobee-Everglades Ecosystem Project, noting that 21 percent of this Ecosystem is in Polk County.

Ms. Weaver highlighted the purposes and benefits of the Kissimmee River Basin Water Reservation. She said additional information can be obtained by viewing SFWMD's web site at www.sfwmd.gov/krrreservation.

Chip Merriam responded to Board questions regarding water sources available for consumption. Discussion followed.

8. [Steven Elias, Vice President of Engineering at Envisors, would like to recognize the Polk County Sheriff's Office for their hard work and efforts with the 2008 Candy Canes for Kids charity event, established by Envisors in 2007.](#)

Minutes:

Mr. Elias said the Candy Canes for Kids event provides assistance to families within

municipalities at Christmas. He said in 2008, families in Polk City were helped by this very successful campaign. He thanked the Polk County Sheriff's Office for its support.

9. [Leisure Services' Recreation Unit will present historical attendance stats and highlights of its annual Kids' Fishing Derby and extend an invitation to this year's event at Simmers-Young Park, May 2, 2009.](#)

Attachment: [2009 fishing derby flyer.pdf](#)

Minutes:

Derrick Harpe, Polk County Leisure Services, stated the Kids Fishing Derby will be held May 2, 2009.

Randy Grey, Leisure Services Operations Coordinator, stated this popular family event had 400 attendees in 2008. She reviewed the contests, and other activities featured, noting that this is a "catch and release" event. She said rods and reels will be available for use by the children who do not have fishing equipment, and bait will be available for purchase, or participants can bring their own bait. She thanked Cutrale Citrus in Auburndale for sponsoring this event.

10. [Jeff Bagwell, President, Keystone Challenge Fund, Inc. to present an overview of the one-year anniversary of the First Down Program for affordable housing down payment assistance.](#)

Attachment: [FirstDownto bocc.pdf](#)

Minutes:

Mr. Bagwell gave an update on the innovative and highly successful First Down Program. He stated the average home sale price was \$161,000.00. He outlined the economic impact of this program and asked the Board to continue to fund this Program since SHIP funds may not be available in the future. Discussion followed.

C. PROCLAMATIONS

11. [Proclaim April 20-24, 2009 as ADMINISTRATIVE PROFESSIONALS WEEK. Patti James, International Association of Administrative Professionals \(IAAP\) Bartow Chapter President, will accept the proclamation.](#)

Attachment: [Administrative Professionals Week.pdf](#)

Motions:

Issue Proclamation. - PASS

Vote Results

Motion: Bob English

Second: Jean Reed

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

12. [Proclaim April 26-May 2, 2009 as CRIME VICTIMS' RIGHTS WEEK. Harold Silas, Lakeland Police Department Victim Assistance Program Coordinator, will accept the proclamation.](#)

Attachment: [Crime Victims Rights Week.pdf](#)

Motions:

Issue Proclamation. - PASS

Vote Results

Motion: Edwin Smith

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

13. [Proclaim May 2009 as TEEN PREGNANCY PREVENTION AWARENESS MONTH. Terri Chambers representing the Healthy Start Coalition of Hardee, Highlands & Polk Counties, Inc., will accept the proclamation.](#)

Attachment: [Teen Pregnancy Prevention Awareness.pdf](#)

Motions:

Issue Proclamation. - PASS

Vote Results

Motion: Jean Reed

Second: Bob English

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith	- Aye
Randy Wilkinson	- Aye

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

14. [Disbursements.](#)

Attachment: [Disbursements 042209.pdf](#)

Motions:

Approve and Ratify Disbursements. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

15. [Minutes of Regular Board meeting held on April 8, 2009.](#)

Attachment: [040809.MIN.pdf](#)

Motions:

Approve minutes. - PASS

Vote Results

Motion: Randy Wilkinson

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

E. REQUEST FROM ELECTED OFFICIAL and OTHER GOVERNMENTAL AGENCY

NORTH RIDGE COMMUNITY REDEVELOPMENT AGENCY

16. [Minutes of North Ridge meeting held on February 18, 2009.](#)

Attachment: [021809 NRCRA minutes.pdf](#)

Minutes: See separate minutes for the North Ridge Community Redevelopment Agency Meeting.

17. [Mitigation/Reservation Purchase Agreement between the North Ridge CRA and CHM, LLC \(Seller\) for the Pine Tree Trail and Ernie Caldwell Boulevard Phase 2A Projects.](#)

Attachment: [Pine Tree Trail Aerial.pdf](#)

Attachment: [ECB Ph 2A.pdf](#)

Attachment: [04-22-09 MRPA PTT_ECBP2A_Contract.pdf](#)

Attachment: [PWFI Info Form.pdf](#)

Minutes: See separate minutes for the North Ridge Community Redevelopment Agency Meeting.

F. PUBLIC HEARING TO CONSIDER SETTLEMENT

18. [Public Hearing to Consider Settlement in the case of Polk v. Constant, Parcels 117 and 118 of the Berkley Road Phases II and III Project.](#)

Attachment: [Parcels 117 118 Backup.pdf](#)

Minutes:

County Attorney Michael Craig outlined the provisions of the proposed settlement and recommended approval.

The Chairman opened a public hearing; no one spoke.

Motions:

(1) Approve the settlement totalling \$140,145.76 for the 5 claims relating to Parcels 117 and 118 plus attorney's fees and expert costs; (2) authorize payment of the balance of \$113,045.76 to the Trust Account of Broad & Cassel, P.A. in Orlando; and (3) authorize the County Attorney or outside counsel to enter into a Stipulated Final Judgment to bring this litigation to a close. - PASS

Vote Results

Motion: Edwin Smith

Second: Bob English

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

19. [Public Hearing to consider approval of a mediated settlement in the case of Polk v. Dillydilly, Inc., Parcels 121 and 755 of the Berkley Road, Phases II and III Project.](#)

Attachment: [Parcels 121 755 backup.pdf](#)

Minutes:

County Attorney Michael Craig outlined the provisions of the proposed settlement and recommended approval.

The Chairman opened a public hearing; no one spoke.

Motions:

(1) Approve the mediated settlement with the business owner in the total amount of \$19,645; (2) authorize payment of the amount of \$19,645 to the law firm of Dorman & Gutman, P.A. on behalf of the business owner; (3) approve the mediated settlement with the landowner in the total amount of \$71,725; (4) authorize payment of the balance due of \$64,225 to the lawfirm of Miller, Crosby & Miller, P.A.; (5) authorize the County Attorney or outside counsel to bring this litigation to a close with the entry of Stipulated Final Judgments with the business owner and the landowner. - PASS

Vote Results

Motion: Edwin Smith

Second: Jean Reed

Bob English	- Aye
Sam Johnson	- Aye
Jean Reed	- Aye

Edwin Smith	- Aye
Randy Wilkinson	- Aye

20. [Public Hearing to consider approval of a mediated settlement in the case of Polk v. Latter, Parcels 133 and 800 of the Harden Blvd. Project.](#)

Attachment: [04-22-09 Parcel 133 800 Backup.pdf](#)

Minutes:

County Attorney Michael Craig outlined the provisions of the proposed settlement and recommended approval.

The Chairman opened a public hearing; no one spoke.

Motions:

(1) approve the mediated settlement with the landowners in the total amount of \$112,395, including all fees and costs; (2) authorize payment of the balance due of \$58,895 to the law firm of Fowler, White, Boggs and Banker, P.A. on behalf of the landowners; and (3) authorize the County Attorney or outside counsel to conclude this litigation with the entry of a Stipulated Final Judgment. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

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

21. [Public Hearing to consider approval of a mediated settlement in the case of Polk v. U.S. Nineteen, Inc., Parcels 224, 247, 249, 252, 253, and 822 of the Ernie Caldwell Blvd. Project.](#)

Attachment: [US 19 Backup.pdf](#)

Minutes:

County Attorney Michael Craig outlined the provisions of the proposed settlement and recommended approval.

The Chairman opened a public hearing; no one spoke.

Motions:

(1) approve the mediated settlement with landowners U.S. Nineteen, Inc. in the total amount of \$115,824.75, including all fees and costs; (2) authorize payment of \$75,974.75 to the law firm of Gaylord, Merlin, Ludovici, Diaz and Bain, P.A. on behalf of the landowners; and (3) authorize the County Attorney or outside counsel to conclude this litigation with the entry of a Stipulated Final Judgment. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

22. [Public Hearing to consider approval of a settlement with the landowners in the case of Polk County v. Fountain, et al., Parcel Nos: 145, 146 A&B, 711, 805 and 808.](#)

Attachment: [04-22-09 Parcels 145, 146, 711, 805, 808 Backup.pdf](#)

Minutes:

County Attorney Michael Craig outlined the provisions of the proposed settlement and recommended approval.

The Chairman opened a public hearing; no one spoke.

Motions:

(1) approve the settlement with the landowners, the Estate of Louise Coker Nelson, for a total of \$450,885 including attorney's fees, in settlement

for Parcels 145, 146 A and B, 711, 805 and 808; (2) authorize issuance of a check in the amount of \$885.00 to the trust account of Troiano & Roberts, P.A. in payment for attorney's fees; (3) authorize issuance of a check to the trust account of Pilka & Wells, P.A., Brandon, Florida, in the amount of \$85,600 on behalf of the Estate of Louise Coker Nelson; and (4) authorize the County Attorney or outside counsel to take all steps necessary to conclude litigation with this landowner through the entry of a Stipulated Final Judgment. - PASS

Vote Results

Motion: Randy Wilkinson

Second: Bob English

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

G. COUNTY ATTORNEY (MICHAEL CRAIG)

23. [Consider adoption of a Resolution approving the exchange of property between Polk County and the Sun Ray Homes Property Owners Association, Inc. and acceptance of donated utility easement.](#)

Attachment: [SunRayExchDocs.draft.pdf](#)

Attachment: [SunRayExchLegals.pdf](#)

Attachment: [Resolution.SunRay.pdf](#)

Minutes: Gary Fries, Utilities Division, stated the property swap is needed to accommodate a park previously approved by the County.

Motions:

Adopt Resolution No. 09-076 approving the exchange of property between Polk County and the Sun Ray Homes Property Owners Association, Inc. - PASS

Vote Results

Motion: Edwin Smith

Second: Jean Reed

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

H. COUNTY MANAGER (MICHAEL HERR)

24. [Grant Application for Homelessness Prevention and Rapid Re-Housing Program \(HPRP\) as part of the federal stimulus package.](#)

Attachment: [HPRP Application.pdf](#)

Minutes:

County Manager Mike Herr reviewed the provisions of the Grant and recommended that the Board approved submitting the application.

Motions:

Approve the submission of the application for the HPRP as part of the federal stimulus package. - PASS
There is no local match or fiscal impact.

Vote Results

Motion: Jean Reed

Second: Randy Wilkinson

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

25. [Grant application for funds from the U.S. Department of Energy's \(DOE\) Energy Efficiency and Conservation Block Grant \(EECBG\) program to reduce total energy use, fossil fuel emissions and improve energy efficiency.](#)

Attachment: [09 0422 Energy Stimulus Simplex Quotation.pdf](#)

Attachment: [09 0422 Energy Stimulus Trane Estimate.pdf](#)

Attachment: [09 0422 Energy Stimulus DOE.pdf](#)

Attachment: [09 0422 Energy Stimulus Trane Audit Ltr of Intent.pdf](#)

Minutes:

County Manager Mike Herr outlined the provisions of the EECBG Grant and recommended the Board approve submitting the application. He reviewed the three projects which will be included in this grant application, and stated no local dollars are required.

Director of Facilities Management Terry Pittman stated the projects included in this non-competitive grant will improve energy efficiency. He stated there are several unfunded projects in the County's Community Improvement Program (CIP). Discussion followed.

Upon question, Greg Alpers stated the three projects identified will qualify for the grant funds. Additional discussion followed.

Motions:

Approve and authorize County staff to apply for grant funds from the U.S. Department of Energy's (DOE) Energy Efficiency and Conservation Block Grant (EECBG) program to reduce total energy use, fossil fuel emissions and improve energy efficiency. - PASS

Vote Results

Motion: Bob English

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

26. [Amend CIP Intersection Projects to include Traffic Engineering studies for US 27 at Citrus Ridge/Minute Maid Ramp 2 and Marigold Ave. at Walnut St. Intersection Projects including associated CIP Amendment and Budget Transfers.](#)

Attachment: [US27-Citrus Ridge Intersection.pdf](#)

Attachment: [Marigold-Walnut Intersection.pdf](#)

Attachment: [Lynchburg US92 CIP Detail.pdf](#)

Attachment: [Stadium at Lake Alfred CIP Detail.pdf](#)

Attachment: [PWFI Info Form.pdf](#)

Attachment: [Budget Revision Journal1.pdf](#)

Minutes:

County Manager Mike Herr outlined the two projects and recommended the Board approve the amendment to the Community Improvement Program (CIP) and the transfer of funds.

Director of Traffic Engineering Paul Grose responded to questions regarding safety issues at these two intersections.

Motions:

Approve CIP Amendment and Budget Transfers to replace Lynchburg Rd. at US 92 and Stadium Rd at Lake Alfred Rd Intersection Projects with US 27 at Citrus Ridge/Minute Maid Ramp 2 and Marigold Ave. at Walnut St. Intersection Projects. - PASS
Upon approval, request transfer of \$100,000.00 from the Transportation Engineering CIP Road Project Fund 317 Reserve for Future Capital.

Vote Results

Motion: Jean Reed

Second: Bob English

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

I. REQUEST FROM THE GENERAL PUBLIC/AUDIENCE

27. [Carol Castagnero to discuss lifting the ban on yard sales.](#)

Attachment: [Time limitations for garage sales.pdf](#)

Minutes:

Ms. Castagnero discussed the Code Enforcement regulations allowing homeowners to hold four yard sales per year noting that because of the current local economy, these restrictions need to be lifted. Discussion followed.

111. [Comments](#)

Minutes:

Richard Howser discussed a financial settlement he feels is due him.

County Attorney Michael Craig stated if this issue involves a Tax Deed Sale, that is a civil issue. He said the Constitutional Officers are independent from the Board of County Commissioners, and Mr. Howser should consult with an Attorney regarding his legal rights.

J. COMMISSIONER DISTRICT 1 (BOB ENGLISH)

28. [Comments.](#)

Minutes: Commissioner English encouraged everyone to attend Sun n' Fun which started on Tuesday and is located at Lakeland Linder Regional Airport.

K. COMMISSIONER DISTRICT 2 (RANDY WILKINSON)

29. [\\$4.48 million grant to Polk County for renewable energy.](#)

30. [Comments.](#)

Minutes:

Commissioner Wilkinson showed a slide entitled Building Fund. He said Fran McAskill, Director of Financial and Strategic Planning, is reviewing what happened to the nine million dollars received from the fire tax which was increased almost 40%. He said the fire tax is not going to accomplish what was promised because of the current economy. He discussed the number of permits expected and received.

He asked that Ray Ready be allowed to speak about renewable energy.

Ray Ready said he was excited about the grant funding for renewable energy approved by the Board this morning. He suggested the money be deferred to maintenance type projects which currently lack funding. He also suggested that solar panels would save additional money. He said he is a consultant in that field. He said solar panels would be visible to the public and show tangible efforts by the County to attempt to save money.

Terry Pittman, Director of Facilities Management, said that his recommendation from this

morning still stands. However, he said, staff is looking forward to public and private partnerships. He said the County does have a deferred maintenance challenge. Discussion followed.

Don Stephenson, Maintenance Manager, said staff is looking at several vendors who will be making presentations on solar energy. Discussion followed.

L. COMMISSIONER DISTRICT 3 (EDWIN V. SMITH)

31. [Comments.](#)

Minutes:

Commissioner Smith stated there is still a parking problem in Bartow and, ultimately, the County will have to build a parking garage. He said the County's two permitting sites are being shut down and staff from those offices are being returned to the Administration Building so the parking problem will increase. He said the problem is not going to go away so the Board needs to do some long range planning.

Upon question, Mike Herr, County Manager, said he sent a letter to the City of Bartow regarding the closing of Boulevard Street, but he has not yet heard back from the City, nor has he heard from the property owners regarding the property that was suggested to be used as a parking lot. Discussion followed.

Upon question, Mr. Herr said Lake County built a parking garage at a cost of about \$47 million dollars. Discussion followed.

M. COMMISSIONER DISTRICT 4 (JEAN REED)

32. [Comments.](#)

Minutes:

Commissioner Reed wished everyone a Happy Earth Day.

Commissioner Reed mentioned that the Agri-Fest starts next week. She said it begins on Monday and ends on Friday at the Polk County Agricultural Center on Highway 17 South.

Commissioner Reed mentioned the Affordable Housing Advisory Committee and said a commissioner should be appointed to this Committee. She said she would volunteer if the Board agreed.

The Board agreed that Commissioner Reed should attend the Affordable Housing

Advisory Committee meetings and give the Board periodic reports.

N. COMMISSIONER DISTRICT 5 (SAM JOHNSON, CHAIR)

33. [Lay Board Appointment - Lakes Access Advisory Committee.](#)

Attachment: [Pat Kelly Bio.pdf](#)

Minutes: Chairman Johnson stepped down as Chairman.

Motions:

Reappoint Pat Kelly to the Lakes Access
Advisory Committee for a one-year term ending - PASS
May 31, 2010.

Vote Results

Motion: Sam Johnson

Second: Randy Wilkinson

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

34. [Comments.](#)

Minutes: Chairman Johnson reassumed the Chair.

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

35. [LDC 08T-10 \(Electronic Message Boards\) to consider the Adoption of an ordinance amending Chapter 7, Section 760, Signs, to eliminate the prohibition.](#)

Attachment: [LDC 08T 10 staff report.pdf](#)

Attachment: [LDC 08T 10 Ordinance.pdf](#)

Minutes:

Erik Peterson, Land Development, reported that the proposed amendment is to eliminate the prohibition of electronic message boards in billboard advertising. He said staff and the Planning Commission recommend approval of the amendment and adoption of the ordinance. Discussion followed.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 09-017 adopting LDC 08T-10. - PASS

Vote Results

Motion: Bob English

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

36. [LDC 09T-08 \(Waivers\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 09T 08 Staff Report.pdf](#)

Attachment: [LDC 09T 08 DRAFT Ordinance.pdf](#)

Minutes:

John Bohde, Land Development Division, presented the staff report noting that this is a staff initiated request to clarify who has the authority to grant eligible waivers to the specific sections of the Land Development Code. He said this amendment will also clarify and outline the approval process for the waivers and it will be the Development Review Committee that has the authority to grant or deny waivers. He said the Planning Commission approved the amendment.

Mr. Bohde stated this is the first hearing and no action is required. He said the second hearing is scheduled for May 6, 2009.

The Chairman opened a public hearing; no one spoke.

37. [LDC 09T-09 \(RS Multifamily Reference\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 09T 09 Staff Report.pdf](#)

Attachment: [LDC 09T 09 DRAFT Ordinance.pdf](#)

Minutes:

John Bohde, Land Planning, stated this proposed text amendment would delete the reference to multi-family and add single-family in the Residential Suburban (RS) land use district. He stated staff and the Planning Commission recommend approval.

Mr. Bohde said this is the first hearing, and the second hearing is scheduled for May 6, 2009.

The Chairman opened a public hearing; no one spoke.

38. [LDC 09T-10 \(Conditional Use Definition\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 09T 10 Staff Report.pdf](#)

Attachment: [LDC 09T 10 DRAFT Ordinance.pdf](#)

Minutes:

John Bohde, Land Development, reviewed the staff report noting that this is a proposed text amendment to add a definition for conditional use which was left out of the Land Development Code when it was adopted in 2000. He reviewed the proposed definition and stated that staff and the Planning Commission recommend approval.

Mr. Bohde said that this is the first hearing, and the second hearing is scheduled for May 6, 2009.

The Chairman opened a public hearing; no one spoke.

39. [LDC 09T-11 \(Scrivener's Error\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 09T 11 Staff Report.pdf](#)

Attachment: [LDC 09T 11 DRAFT Ordinance.pdf](#)

Minutes:

John Bohde, Land Development, reviewed the staff report stating that this is a staff initiated request to correct scrivener's errors which he itemized. He stated that staff and the Planning Commission recommend approval.

Mr. Bohde stated this is a first hearing and no action is required. He said the second hearing is scheduled for May 6, 2009.

The Chairman opened a public hearing; no one spoke.

Q. CONSENT AGENDA ITEMS

ACCOUNTANT, AUDITOR and CLERK TO THE BOARD

40. [Removal of equipment from inventory as listed on Blanket Removal Form 1833.](#)

Attachment: [Blanket Removal Form 1833.pdf](#)

41. [Accept list of Lands Available for Taxes.](#)

Attachment: [Lands Available - Tax Deed Sale 031909.pdf](#)

42. [Accept Plan of Termination for VillaMar Community Development District.](#)

43. [Accept the Auditor General's Report No. 2009-159, Operational Audit ; and the Auditor General's Report No. 2009-183, Financial Audit, for Fiscal Year Ended June 30, 2008, for Polk Community College.](#)

44. [Appointment of Property Custodian Janette Morales for Waste Resource Management Division.](#)

Attachment: [Property Custodian-Morales.pdf](#)

COUNTY ATTORNEY

45. [Additional Right-of-Way for CR 37B \(Lakeland Highlands Road\), Parcel 150.](#)

Attachment: [AddIRW CR37B Chancey Fiscal Impact.pdf](#)

Attachment: [AddIRW CR37B Chancey Backup.pdf](#)

46. [Additional Right-of-Way for CR 37B \(Lakeland Highlands Road\), Parcel 141.](#)

Attachment: [AddIRW CR37B Adcock Fiscal Impact.pdf](#)

Attachment: [AddIRW CR37B Adcock Backup.pdf](#)

47. [Additional Right-of-Way for CR 37B \(Lakeland Highlands Road\), Parcel 149.](#)

Attachment: [AddIRW CR37B Stein Backup.pdf](#)

Attachment: [AddIRW CR37B Stein Fiscal Impact.pdf](#)

48. [Additional Right-of-Way for CR 37B \(Lakeland Highlands Road\), Parcel 151.](#)

Attachment: [AddIRW CR37B Lacey Fiscal Impact.pdf](#)

Attachment: [AddIRW CR37B Lacey backup.pdf](#)

49. [Additional Right-of-Way for CR 37B \(Lakeland Highlands Road\), Parcel 138 and TCE Parcel 711.](#)

Attachment: [AddIRW CR37B Kruse Backup.pdf](#)
Attachment: [AddIRW CR37B Kruse Fiscal Impact.pdf](#)

50. [Accept an instrument for Additional Right-of-Way as requested through the Development Review Process.](#)

Attachment: [DRC Longfellow Backup.pdf](#)
Attachment: [DRC Longfellow Fiscal Impact.pdf](#)

51. [Additional Right-of-Way for CR 37B \(Lakeland Highlands Road\), Parcel 186.](#)

Attachment: [AddIRW CR37B Peace ELC Backup.pdf](#)
Attachment: [AddIRW CR37B Peace ELC Fiscal Impact.pdf](#)

52. [Additional Right-of-Way for CR 37B \(Lakeland Highlands Road\), Parcel 107.](#)

Attachment: [AddIRW CR37B Evangelical Lutheran Backup.pdf](#)
Attachment: [AddIRW CR37B Evangelical Lutheran Fiscal Impact.pdf](#)

53. [Accept an Instrument for Additional Right-of-Way as requested through the Development Review Process.](#)

Attachment: [DRC N Chestnut Rd Southern Land Fiscal Impact.pdf](#)
Attachment: [DRC N Chestnut Rd Southern Land Backup.pdf](#)

54. [Authorize the conveyance to Sharon F. Iafrate of the County's Interest in Parcel ID Number 232628-000000-044150.](#)

Attachment: [Private Sale Iafrate Backup.pdf](#)
Attachment: [Private Sale Iafrate Fiscal Impact.pdf](#)

55. [Quit Claim Deed from Dorothy O. Miller for property being donated for Conservation.](#)

Attachment: [Donation Miller Fiscal Impact.pdf](#)
Attachment: [Donation Miller Backup.pdf](#)

56. [Additional Right-of-Way for CR 37B \(Lakeland Highlands Road\), Parcel 146 and remainder.](#)

Attachment: [AddIRW CR37B Gebhard Backup.pdf](#)
Attachment: [AddIRW CR37B Gebhard Fiscal Impact.pdf](#)

57. [Quit Claim Deed from Marie E. Peters for property to be used as additional right-of-way for Browning Road.](#)

Attachment: [Donation Peters Browning Rd Fiscal Impact.pdf](#)
Attachment: [Donation Peters Browning Rd Backup.pdf](#)

58. [Additional Right-of-Way for CR 37B \(Lakeland Highlands Road\), Parcel 139 and TCE Parcel 712.](#)

Attachment: [AddIRW CR 37B Dandridge Fiscal Impact.pdf](#)

Attachment: [AddIRW CR37B Dandridge Backup.pdf](#)

59. [Additional Right-of-Way for CR 37B \(Lakeland Highlands Road\), Parcel 140 and TCE Parcel 714.](#)

Attachment: [AddIRW CR37B Harris Fiscal Impact.pdf](#)

Attachment: [AddIRW CR37B Harris Backup.pdf](#)

60. [Additional Right-of-Way for CR 37B \(Lakeland Highlands Road\), Parcel 131 and TCE Parcel 708.](#)

Attachment: [AddIRW CR37B Sathianathan Backup.pdf](#)

Attachment: [AddIRW CR37B Sathianathan Fiscal Impact.pdf](#)

61. [Adopt a Resolution establishing Polk County Identity Theft Prevention Program.](#)

Attachment: [Polk County Identity Theft Prevention Program.pdf](#)

Attachment: [Resolution for Polk County Identity Theft Prevention Program.pdf](#)

CENTRAL FLORIDA DEVELOPMENT COUNCIL

62. [Amendment of SRI International Service Agreement with the Central Florida Development Council.](#)

Attachment: [Amended SRI Contract.pdf](#)

Attachment: [Original SRI Contract.pdf](#)

63. [Sports Marketing "Sports Partner" Corporate Sponsorship Two Year Agreement with Holiday Inn Winter Haven](#)

Attachment: [Holiday Inn Winter Haven 2008-2010.pdf](#)

Attachment: [Holiday Inn Winter Haven Agreement 2008-2010.pdf](#)

64. [Agreement with Bringing Home the Wall to display a replica of the Vietnam Veterans Memorial at Outpost 27 for 2009-2011](#)

Attachment: [Bring Home the Wall OP27 2009-2011.v2.pdf](#)

65. [Sponsorship Funding Assistance for Super Series Baseball of America to host the Super Series Qualifying, Regional and National Tournaments.](#)

Attachment: [Super Series Baseball of America agreement.pdf](#)

Attachment: [Super Series Baseball of America -Pink Purple.pdf](#)

ENVIRONMENTAL RESOURCES

66. [Funding Agreement for the Grow Smart in Polk Project, Southwest Florida Water Management District](#)

Attachment: [GrowSmartProjectFundAgreement.pdf](#)

67. [Construction Agreement with Jack M. Berry, Inc. \("Berry"\), as part of the Saddlebag Lake Outfall Improvements Project.](#)

Attachment: [ConstructionAgreementJBerry Saddlebag Lake.pdf](#)

68. [Agreement for Sale and Purchase with Gentilly Corporation for the purchase of 4.18 +/- Acres, Woodland Avenue Drainage Improvement Project.](#)

Attachment: [GentillyAgreementWoodlandAveProject.pdf](#)

Attachment: [WoodlandDrainageImprovements Map.pdf](#)

69. [CSA No. 02-97-11, Modification No. 3, with Post, Buckley, Schuh & Jernigan, Inc. \(PBS&J\) for design and construction administration services for the Sun Ray Wastewater Treatment Facility Expansion for the Southeast Regional Utility Service Area, and amendment to and transfer within the Utilities CIP budget.](#)

Attachment: [CSA 029711 Mod 3 Contract.pdf](#)

Attachment: [CSA 029711 Mod 3 Budget Journal.pdf](#)

Attachment: [CSA 029711 Mod 3 Approvals.pdf](#)

70. [CSA No. 02-97-14, Modification No. 3, with Post, Buckley, Schuh & Jernigan, Inc. \(PBS&J\), for design services for the South County Jail Regional Water Treatment Facility Expansion.](#)

Attachment: [PBSandJCSA029714Mod3Contract.pdf](#)

Attachment: [PBSandJCSA029714Mod3Approvals.pdf](#)

71. [Acceptance of Homes at Cherry Pocket utility systems for ownership, operation, and maintenance.](#)

Attachment: [HomesatCherryPocketBackup.pdf](#)

72. [Acceptance of a utility easement from Smithland Development, LTD, and acceptance of the system improvements at the Lexington Center at US 98 and Duff Road for ownership, operation, and maintenance.](#)

Attachment: [LexingtonCenterBackup.pdf](#)

73. [CSA No. 02-101-23, with Chastain-Skillman, Inc., for Northwest Regional Utility Service Area Water System Improvements and amendment to and transfer within the Utilities CIP budget](#)

Attachment: [CSA 0210123 Budget Journal.pdf](#)

Attachment: [CSA 0210123 Approvals.pdf](#)

Attachment: [CSA 0210123 Contract.pdf](#)

74. [Acceptance of the Anglo Investments, Inc., temporary construction and utility easement associated with the potable water, wastewater, and reclaimed water improvements of the Dunson Road Extension Utility Improvements](#)

Attachment: [West Haven Easement Legal Review.pdf](#)

Attachment: [West Haven Easement.pdf](#)
Attachment: [West Haven Easement Approvals.pdf](#)

GROWTH MANAGEMENT

75. [Towns of Legacy Park Amendment to Surety.](#)

Attachment: [Towns of Legacy Park.pdf](#)

76. [RESET HEARING DATE to consider the adoption of an Ordinance \(LDC 09T-13\) amending the Land Development Code in its entirety. \(Suggested hearing dates: May 6, 2009, and May 20, 2009\)](#)

77. [SET HEARING DATE to consider the adoption of an Ordinance \(LDC 09T-15\) amending Section 760, Signs, of the Land Development Code. \(Suggested hearing dates: May 6, 2009, and May 20, 2009\)](#)

78. [Tierra Del Sol Draw Down of Irrevocable Letter of Credit.](#)

Attachment: [Tierra Del Sol.pdf](#)

HUMAN SERVICES

79. [Hurricane Housing Recovery \(HHR\) Program Housing Rehabilitation/Reconstruction Agreements for Sarah H. Soderquist.](#)

Attachment: [Soderquist Sarah 42209 HHR.pdf](#)

80. [Hurricane Housing Recovery \(HHR\) Program Housing Rehabilitation/Reconstruction Agreements for Dorothy Crockett.](#)

Attachment: [Crockett Dorothy 42209 HHR.pdf](#)

81. [Hurricane Housing Recovery \(HHR\) Program Housing Rehabilitation/Reconstruction Agreements for Dollie Mae Gordon.](#)

Attachment: [Gordon Dollie 42209 HHR.pdf](#)

82. [HOME Investment Partnership Program Rehabilitation/Replacement Agreements for Frances Collins.](#)

Attachment: [Collins Frances 42209 HOME.pdf](#)

83. [HOME Investment Partnership Program Rehabilitation/Replacement Agreements for Lucy B. Peterson and Sonia R. Peterson, aka Sonia Peterson Pearsall.](#)

Attachment: [Peterson and Pearsall 42209 HOME.pdf](#)

84. [HOME Investment Partnership Program Rehabilitation/Replacement Agreements for Walter Archer and Gisela C. Morgan.](#)

Attachment: [Archer and Morgan 42209 HOME.pdf](#)

85. [HOME Investment Partnership Program Rehabilitation/Replacement Agreements for Robert Perry, Betty J. Perry and Brian K. Perry, aka Keith Perry.](#)

Attachment: [Perry Robert 42209 Home.pdf](#)

86. [Hurricane Housing Recovery \(HHR\) Program Housing Rehabilitation/Reconstruction Agreements for Brenda Wilson, Frank Jones Wilson, Eddrin Carlson Wilson, Woodrow Harvey Jr. and Beverly Latrice Wilson.](#)

Attachment: [Wilson and Harvey 42209 HHR.pdf](#)

87. [State Housing Initiatives Partnership \(SHIP\) Program Housing Rehabilitation/Replacement Agreements for Brett L. Uthagrove.](#)

Attachment: [Uthagrove Brett 42209 SHIP.pdf](#)

88. [Hurricane Housing Recovery \(HHR\) Program Housing Rehabilitation/Reconstruction Agreements for Rhonda J. Woods and Samantha L. Woods, aka Samantha L. Brown, Life Estate.](#)

Attachment: [Woods Brown 42209 HHR.pdf](#)

89. [Tenant-Based Rental Assistance \(TBRA\) Payments Contract for Marquita Banks.](#)

Attachment: [TBRA Contract.pdf](#)

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

Attachment: [Section 8 Contracts.pdf](#)

91. [HOME Investment Partnership \(HOME\) Program Rehabilitation/Reconstruction Agreements for Carol Roberts.](#)

Attachment: [Carol Roberts change order.pdf](#)

92. [State Housing Initiatives Partnership \(SHIP\) Program Satisfactions of Mortgage and Security Agreements for the families listed. These families were assisted by the SHIP Down Payment Assistance Program.](#)

Attachment: [SHIP DPA Sat 42209.pdf](#)

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

Attachment: [04-22-09 Order Imposing Liens.pdf](#)

94. [HOME Investment Partnership Program Rehabilitation/Replacement Agreements for Robert Thomas Brinson, Jr. aka Robert Thomas Brinson and Heidi Sue Thomas.](#)

Attachment: [Brinson Robert 42209 HOME.pdf](#)

95. [Addendum No. 1 to the CDBG Agreement between Polk County and Talbot House Ministries, Inc.](#)

Attachment: [Addendum No 1 Talbot House CDBG Agmt.pdf](#)

96. [Satisfaction of HOME Investment Partnership Program Rehabilitation/Replacement Agreements for Rena M. Suggs.](#)

Attachment: [Suggs Rena 42209 HOME.pdf](#)

97. [Application for the Justice and Mental Health Collaboration Program Grant from the U.S. Department of Justice Bureau of Justice Assistance.](#)

98. [Agreement between the Board and The First Baptist Church of Bartow for two Healthy Families events.](#)

Attachment: [Ministry Center Request Form.doc2.pdf](#)

Attachment: [Ministry Center Request Form for W Lake.doc2.pdf](#)

99. [Amendment No. 1 to the State Housing Initiatives Partnership \(SHIP\) Agreement between Polk County and Winter Haven Housing Authority.](#)

Attachment: [ADDENDUM No. 1 WHHA.pdf](#)

PUBLIC WORKS

100. [Amendment No. 3 to Lease Agreement No. 219 between the Board and the Winter Haven Hospital, Inc. for approximately 39,906 square feet of office space in the Gil Jones Campus Building.](#)

Attachment: [09 0422 Lease 219 Winter Haven Govt Ctr contract.pdf](#)

Attachment: [09 0422 Lease 219 Winter Haven Govt Ctr lgl.pdf](#)

Attachment: [09 0422 Lease 219 Winter Haven Govt Ctr FM Oracle.pdf](#)

Attachment: [09 0422 Lease 219 Winter Haven Govt Ctr map.pdf](#)

Attachment: [09 0422 Lease 219 Winter Haven Govt Ctr FM PW FI .pdf](#)

101. [Termination of Lease Agreement No. 79 between the Board and the City of Mulberry for use of the property located at 109 N.W. 9th Avenue in Mulberry as the City's Fire Station.](#)

Attachment: [09 0422 Lease 79 City of Mulberry contract.pdf](#)

Attachment: [09 0422 Lease 79 City of Mulberry map.pdf](#)

Attachment: [09 0422 Lease 79 City of Mulberry lgl.pdf](#)

102. [Adopt Resolution setting Parking Restrictions on Twenty-sixth Street N.W. and Thirty-fourth Street N.W. \(near Winter Haven\); Orchid Drive, South Boulevard, and Minute Maid Ramp Road Two \(near Haines City\)](#)

Attachment: [Parking Restrictions 26 Street NW.pdf](#)

- Attachment: [Parking Restrictions Minute Maid Ramp Rd 2.pdf](#)
- Attachment: [Parking Restrictions South Blvd.pdf](#)
- Attachment: [Parking Restrictions 34 Street NW.pdf](#)
- Attachment: [Parking Restrictions Orchid Drive.pdf](#)
- Attachment: [Parking Restrictions Fiscal Impact.pdf](#)
- Attachment: [Parking Restrictions Legal Approvals.pdf](#)
- Attachment: [Parking Restrictions Resolution.pdf](#)

103. [CSA No. 06-234-04 with HDR Engineering, Inc. for Engineering Services for the Replacement of the Rock Ridge Road Bridge No. 164146.](#)

- Attachment: [04-22-09 RRR BridgeReplcmt Approvals.pdf](#)
- Attachment: [04-22-09 RRR BridgeReplcmt Contract.pdf](#)
- Attachment: [Rockridge Bridge.pdf](#)
- Attachment: [PWFI Info Form.pdf](#)

104. [Modification No. 1 to CSA No. 06-134-01 with Pitman, Hartenstein and Associates, Inc. for the Thompson Nursery Road Extension, Phase 1 Project.](#)

- Attachment: [04-22-09 TNR Phase1 Approvals.pdf](#)
- Attachment: [04-22-09 TNR Phase1 Contract.pdf](#)
- Attachment: [TNR Phase1 Map.pdf](#)
- Attachment: [PWFI Info Form.pdf](#)

SUPPORT SERVICES

105. [Amendment to Lease Agreement No. 271 with A & B Tax, Inc.](#)

- Attachment: [271ext3.pdf](#)

106. [Modification No. 3 for Consultant Service Authorization \(CSA\) 02-97-06 with Post Buckley, Schuh and Jernigan, Inc. \(PBS&J\).](#)

- Attachment: [029706.pdf](#)

107. [Amendment No. 1 to Advertising and Related Marketing Services Agreement No. 06-103 with Clark/Nikdel, Inc., dba Clark/Nikdel/Powell.](#)

- Attachment: [Contract 06_103 Amendment 1.pdf](#)

108. [Report Bid Award by Purchasing Director for Bid No. 09-037-CAR, Alamo Drive at SR 37 Intersection Improvements.](#)

- Attachment: [Bid analysis 09 037 CAR.pdf](#)

109. [Report Bid Award by Purchasing Director for Bid No. 09-048-CAR, Hardee County Line Road Bridge Replacement.](#)

- Attachment: [Bid analysis 09-048-CAR.pdf](#)