

04-08-09 Regular BoCC Meeting

April 8, 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 March 18, 2009.

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

INVOCATION

1. [Bishop Anthony Lawrence, Church of God by Faith, Dundee](#)

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: Bob English

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

B. PRESENTATIONS and RECOGNITIONS

3. [Recognize Mark Scott for his years of service on the North Ridge Community Redevelopment Agency Advisory Board from March 5, 2003, to March 4, 2009.](#)

Attachment: [Mark Scott Bio.pdf](#)

Minutes:

Deputy County Manager Jim Freeman reviewed the beneficial efforts of the North Ridge Community Redevelopment Agency Advisory Board and presented a plaque of appreciation to Mark Scott.

4. [Recognize Warren McKnight for his years of service on the North Ridge Community Redevelopment Agency Advisory Board from March 5, 2003, to March 4, 2009.](#)

Attachment: [Warren McKnight Bio.pdf](#)

Minutes:

Deputy County Manager Jim Freeman presented a plaque of appreciation to Warren McKnight.

5. [Mike Carter, CPA Managing Partner, NCT Group CPA's, LLP, to present the results of the annual financial audit for FY 2008.](#)

Attachment: [NCT Financial 09NO NOTES.pdf](#)

Minutes:

Mr. Carter introduced NCT Group CPA's LLP Audit Manager Kevin English.

Mr. Carter presented an overview of the the financial statements in the Annual Financial Report. He stated the County has received an unqualified rating. He reviewed the County's Statement of Net Assets and outlined the revenues on the Statement of Activities.

Clerk's Director of Finance and Accounting Stacy Butterfield reviewed the County's expenditures on the Statement of Net Activities and the change in net assets for all funds. She compared expenses to program revenue. She discussed the activity of the Board General Fund Budget versus Actual Variance. She said there was a \$48 million decrease in fund balance.

Ms. Butterfield said the General Fund Balance on one-time projects was spent down from \$126 million in 2007 to \$78 million in 2008. She said in the 2009 Budget, \$40 million of that \$78 million is Reserves. She explained that according to policy, 16 percent of the Operating Revenue is targeted for Reserves.

Ms. Butterfield thanked her staff, Dee Dee Beaver, Mary Perez and Tom King, for their contribution in the preparation of the Annual Report.

Following discussion, Clerk Richard Weiss stated the 16 percent targeted for Reserves equates to approximately two months of expenses. He explained that the tax revenues come in November, and the budget year starts October 1; therefore the Reserves cover expenses during those two months until the revenue from ad valorem taxes is available.

Mr. Carter discussed the levels of findings in the Financial Report. He reported there were no findings of significant deficiencies or material weaknesses to report. He stated the Management Letter did, however, report two findings of controlled deficiencies involving filing of the SHIP Annual Report and evaluation of fuel inventory and both have been addressed. He said overall, this is a very clean report.

Ms. Butterfield distributed copies of the Popular Annual Report and the Comprehensive Annual Financial Report to the Board.

Clerk Richard Weiss thanked Ms. Butterfield for her leadership.

6. [Shelley Lauten, President, myregion.org, to give an update on the Commuter Rail.](#)

Attachment: [Regional Update to the Polk County Commission Presentation.pdf](#)

Minutes:

The focus of Ms. Lauten's presentation was on the following four areas: Regional Transportation; Regional Growth; State of the Region Report; and the Super Regional Leadership Conference on May 6 and 7, 2009. Discussion followed.

C. PROCLAMATIONS

7. [Proclaim April 2009 as CHILD ABUSE PREVENTION MONTH. Teri Saunders, Executive Director of Heartland for Children, will accept the proclamation.](#)

Attachment: [Child Abuse Prevention Month.pdf](#)

Motions:

Issue Proclamation. - PASS

Vote Results

Motion: Jean Reed

Second: Randy Wilkinson

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

8. [Proclaim April 2009 as WATER CONSERVATION MONTH. Duke Clem representing Polk County Natural Resources and Jacqueline Hollister representing Polk County Utilities, will accept the proclamation.](#)

Attachment: [Water Conservation Month.pdf](#)

Motions:

Issue Proclamation. - PASS

Vote Results

Motion: Randy Wilkinson

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

9. [Proclaim April 2009 as NATIONAL 9-1-1 EDUCATION MONTH. Rosa Driggs, representing Polk County Emergency Management, will accept the proclamation.](#)

Attachment: [National 9-1-1 Education Month.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

10. [Proclaim April 12-18, 2009 as NATIONAL TELECOMMUNICATORS WEEK. Tuesday Persinger and Rosa Driggs, representing Polk County Emergency Management, will accept the proclamation.](#)

Attachment: [National Telecommunicators 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

11. [Proclaim April 11, 2009 as EARTH DAY IN POLK COUNTY. Wendimere Reilly will accept the proclamation.](#)

Attachment: [Earth Day.pdf](#)

Motions:
Issue Proclamation. - PASS

Vote Results
Motion: Sam Johnson
Second: Jean Reed
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)

12. [Disbursements.](#)

Attachment: [Disbursements 040809.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

13. [Minutes of Regular Board meeting held on March 18, 2009.](#)

Attachment: [031809.MIN.pdf](#)

Motions:	
Approve Minutes.	- PASS
Vote Results	
Motion: Jean Reed	
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

F. PUBLIC HEARING TO CONSIDER SETTLEMENT

G. COUNTY ATTORNEY (MICHAEL CRAIG)

14. [Resolutions of Necessity authorizing condemnation for Transportation Improvements to Lakeland Highlands Road from CR540A to South of the Polk Parkway.](#)

- Attachment: [DOCRON 137.pdf](#)
- Attachment: [DOCRON 136.pdf](#)
- Attachment: [RON 141.pdf](#)
- Attachment: [RON 710.pdf](#)
- Attachment: [RON 802.pdf](#)
- Attachment: [DOCRON 135.pdf](#)
- Attachment: [DOCRON 138.pdf](#)
- Attachment: [RON 709.pdf](#)
- Attachment: [Lakeland Highlands Rd Project Limits.pdf](#)
- Attachment: [RON 123.pdf](#)
- Attachment: [RON 166.pdf](#)
- Attachment: [RON 711.pdf](#)
- Attachment: [RON162.pdf](#)

Minutes: County Attorney Michael Craig reviewed the need for adopting the Resolutions of Necessity and the requirement of finding of certain factors to be true. He recommended approval.

Motions:

Adopt the Resolutions of Necessity No. 09-058 through 09-069. - 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)

15. [Creation of a Technology Incubator at the University of South Florida Polytechnic and transfer of \\$1 million from the Business Development General Fund Reserves - Service Improvements Account.](#)

Attachment: [Incubator White Paper 3-25-09.pdf](#)

Attachment: [Executive Summary - Industry Cluster Assessment & Selection for Polk County.pdf](#)

Attachment: [Framework for Polk County Technology Business Incubator 12.18.08.pdf](#)

Minutes:

County Manager Mike Herr recommended approval.

Director of Central Florida Development Council of Polk County Tom Patton explained that the County's funding of a Research Technology Incubator will be applied to the University of South Florida's Foundation as the County's match for a grant through the Department of Commerce. Discussion followed.

Motions:

Approve funding for the creation of a Technology Incubator at the University of South Florida Polytechnic and transfer \$1 million from the Business Development General Fund Reserves - Service Improvements Account to the Business Development Operating Account. Funds will then be distributed to the CFDC Inc. to be remitted to the University of South Florida for the creation of the Technology Incubator. - PASS

Vote Results

Motion: Randy Wilkinson

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

16. [Medical Director Contract of Employment – Michael Yanuck, M.D. \(Contract No. 09-135-RM\)](#)

Attachment: [Michael D Yanuck bio.pdf](#)

Attachment: [Physician Contract of Emplymnt.pdf](#)

Attachment: [Med Dir Scope of Service - Attach A.pdf](#)

Minutes:

County Manager Mike Herr recommended approval. Mr. Herr stated the Citizen's HealthCare Oversight Committee has approved this appointment.

Polk County HealthCare Plan Director Jan Howell stated the Medical Director will determine the structure of benefits for the Plan. She outlined the required duties and reviewed the compensation for this position, as outlined in the contract.

Motions:

Approve the Contract for Professional Services with Michael Yanuck, M.D. as recommended by the Citizens HealthCare Oversight Committee. - PASS

Vote Results

Motion: Edwin Smith

Second: Bob English

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

17. [Under the American Recovery and Reinvestment Act which provided stimulus funding to Florida, the Governor designated W.H.A.T. \\$2,454,182.00 based on the urban formula \(Section 5307\). This agenda item is to approve the application for these funds.](#)

Attachment: [FTA Section 5307 ARRA Apportionment.pdf](#)

Minutes:

County Manager Mike Herr stated no match is required to apply for these funds. He recommended approval.

Motions:

Approve and authorize the Director of the Transit Services Division to electronically submit an application for Federal Transit Administration Section 5307 Capital Funding from the American - PASS

Recovery and Reinvestment Act of 2009.

Vote Results

Motion: Jean Reed

Second: Edwin Smith

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

18. [Under the American Recovery and Reinvestment Act which provided stimulus funding to Florida, the County can apply through the FDOT for non-urbanized stimulus funding. This agenda item is to approve the application for these funds and adopt the Resolution.](#)

Attachment: [FTA Section 5311 ARRA Application - a.pdf](#)

Minutes:

County Manager Mike Herr recommended approval and recommended the Board adopt the Resolution. He stated no local match is required.

Director of Transit Services Paul Simmons stated this is a competitive discretionary grant and he would expect to receive approximately \$600,000.00.

Motions:

Approve and authorize the application for Federal Transit Administration Section 5311 Capital Funding from the American Recovery and Reinvestment Act of 2009 and adopt Resolution No. 09-070. - PASS

Vote Results

Motion: Jean Reed

Second: Bob English

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

Randy Wilkinson - Aye

19. [Construction Manager at Risk Authorization \(CMA\) with Rodda Construction Inc. on the Phase I Site Construction for the new Lake Myrtle Polk County Tourism Headquarters to be located at 2701 Lake Myrtle Park Road in Auburndale.](#)

- Attachment: [Lk Myrtle TSM HQ SiteworkMap 09 0408.pdf](#)
- Attachment: [Construction Mgr at Risk backup.pdf](#)
- Attachment: [Lk Myrtle TSM HQ Sitework CMA Rodda PW FI 09 0408.pdf](#)
- Attachment: [Req for Legal Svc and Checklist.pdf](#)
- Attachment: [Lk Myrtle TSM HQ SiteworkOracle 09 0408.pdf](#)

Minutes:

County Manager Mike Herr reviewed the Contract with Rodda Construction Inc. and recommended approval.

Director of Facilities Management Terry Pittman answered Board questions regarding the scope of the contract.

Motions:

Approve CMA with Rodda Construction Inc. in the amount of \$322,606.79, including an owner's allowance amount of \$15,005.00. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

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

I. REQUEST FROM THE GENERAL PUBLIC/AUDIENCE

20. [Sidney Rosenberg to discuss the incorporation of Poinciana as a city.](#)

Minutes:

Mr. Rosenberg, Solivita resident, stated there is a movement to incorporate all of Poinciana as a city; however, the majority of the residents in Solivita do not want to be part of this city. He stated this community will not receive sufficient additional services to warrant the additional property taxes if incorporation of Poinciana occurs.

County Attorney Michael Craig answered questions regarding the Community Development District (CDD) taxing unit. He said the feasibility study which is being conducted by the University of Central Florida (UCF) is a preliminary step and its recommendation does not ensure that incorporation of Poinciana would occur. Discussion followed.

21. [Skip Stellfox to discuss the initiative in Poinciana to form a city.](#)

Attachment: [County Commisioners Meeting 4-8-09.pdf](#)

Minutes:

Mr. Stellfox said there is a potentially huge problem if Poinciana becomes a city. He read a statement and questioned if Solivita can retain it's 55 plus status if this occurs. He reported some resentment over promises of amenities which were never kept. He said it will cost millions of dollars to form a city. He said the residents of Solivita came to Florida to retire and they are satisfied with the way the County is being administered and they don't want the proposed change.

County Attorney Michael Craig referred to paragraph 41 of the deed restrictions for Solivita and a requirement that 80 percent of the homes be occupied by at least one person 55 years of age or older. He said if Poinciana did incorporate, the city could pass an ordinance addressing the age requirement of Solivita.

Upon question, Mr. Craig stated each Community Development District (CDD) is a separate government. He reviewed the CDD's in Polk County, noting that some CDD's are within municipalities while others are in the County.

22. [Comments.](#)

Minutes:

John Heater, Marion Creek Road, stated homes were built on Canal Street in the 1950's, and the developer owned the road. He said the developer has died. He asked about the right-of-way.

County Attorney Michael Craig stated the chain of title of a private road would need to be established. He said this is a civil matter and Mr. Heater would need to retain legal counsel to make this determination.

Mr. Heater then discussed two canals in this community which are full of debris making them unpassable. He asked if these canals could be cleaned out.

County Manager Mike Herr stated he will check with Emergency Management and Natural Resources staff to determine if there are plans to clean the canals to which Mr. Heater referred and report back to Mr. Heater on his findings.

109. [Comment](#)

Minutes:

James Abercrombie said on December 17, 2008, he appeared before the Board and asked to review all attorney's fees and all costs to the County pertaining to the Zebdouie case. He said on February 18, 2009, he went into the County Attorney's Office to pick them up, and the cost was in the neighborhood of \$10,000.00.

Mr. Abercrombie stated Mr. Zebdouie asked for the same public records through December 31, 2008, and the cost given Mr. Zebdouie was in the neighborhood of \$30,000.00; within two weeks there was that much difference.

Mr. Abercrombie stated on February 18, 2009, he came to the County Attorney's Office and looked through the files and found about \$60,000.00 from Peterson and Myers of Tampa. He said he asked for the public records of that portion and was handed a card and a phone number and told to schedule an appointment to look at these records in Tampa. He reported that at the same time in that file were some bills for attorneys from Atlanta. He asked if he would need to also go to Atlanta to check the public records for Polk County. He stated this is supposed to be open government and he should be able to view Polk County's public records in Polk County. He explained that this is not the first time he has had trouble getting public records.

County Attorney Michael Craig stated Peterson & Myers has nothing to do with the Zebdouie litigation. He said regarding all public records requests, staff will make sure Mr. Abercrombie is provided all requested bills. He said attorney John Campbell is the outside counsel responsible for the defense of the lawsuit which Mr. Zebdouie brought, and which Mr. Zebdouie has now withdrawn. He stated voluminous files for this case exist at Mr. Campbell's office in Tampa, not Atlanta; Mr. Campbell is the custodian of those public records.

Following discussion, Mr. Craig stated this is an active ongoing litigation. Upon question, he stated the legal bills for this case total somewhere between \$35,000.00 and \$40,000.00. He said he adheres to Florida's public records laws.

110. [Comment](#)

Minutes:

Jeff Hancock spoke regarding federal violations to Articles 14 and 5 of the United States Bill of Rights and political campaigns in Polk County, Florida. He said he is a registered Independent. He said he has tried for four years to get elected officials to bring in the United States Attorney's Office to conduct an investigation, but that has not

happened. He asked if any of the Board Members have filled out and sent in the complaint forms he handed out previously.

J. COMMISSIONER DISTRICT 1 (BOB ENGLISH)

23. [Comments.](#)

Minutes: Commissioner English stated he has no comments at this time.

K. COMMISSIONER DISTRICT 2 (RANDY WILKINSON)

24. [Discuss appointment of outside counsel.](#)

Minutes:

Outside counsel was not discussed.

25. [Comments.](#)

Minutes:

Commissioner Wilkinson displayed a copy of the 2008 Fire Tax Roll. He discussed the single-family permits issued since 2005. He said unlike the fuel and sale tax, the fire tax is based on all homes built to date. He read from a transcript of a meeting held in 2008, at which a ten-year spending plan for Fire Services was presented and the Fire Assessment rate for single-family dwellings was set at \$148.00 per year.

Commissioner Wilkinson read from additional material which he said was from the Board Retreat regarding Fire Assessment Revenues. He said he will talk more about this at a future meeting.

L. COMMISSIONER DISTRICT 3 (EDWIN V. SMITH)

26. [Comments.](#)

Minutes:

Commissioner Smith thanked Assistant County Manager Lea Ann Thomas and staff for the County Seal on the wall behind the dias. He said it looks great.

Commissioner Smith congratulated the winners of the municipal elections held yesterday.

M. COMMISSIONER DISTRICT 4 (JEAN REED)

27. [Proposed Resolution setting up Guiding Principles for Connectivity.](#)

Attachment: [Regional Connectivity Resolution 2009.pdf](#)

Minutes:

At a time earlier in the meeting, Commissioner Reed said that she is still gathering information on this issue and will report at a later date.

28. [Request the Impact Fee Advisory Committee to explore the issue of when Impact Fees should be paid.](#)

Minutes:

Commissioner Reed said that she would like the Impact Fee Advisory Committee to explore the issue of when impact fees should be paid.

Discussion followed, and the Board agreed to direct the Impact Fee Advisory Committee to explore the issue of when impact fees should be paid.

29. [Comments.](#)

Minutes:

Commissioner Reed thanked the Kissimmee River Valley Sportsmen's Association for the cleanup.

Discussion followed on concerns that Polk County is becoming a center for the high speed boat races.

Commissioner Reed said 2,108 pounds of trash were collected. She said the Association has been doing this for the past 20 years. She said they would like to do some work at Lake Hancock.

The Board agreed to schedule a cleanup and Mike Herr, County Manager, will coordinate this with staff.

N. COMMISSIONER DISTRICT 5 (SAM JOHNSON, CHAIR)

107. [Approve \\$10,000.00 to Kathleen Historical Society; \\$20,000.00 to 4-H; and \\$20,000.00 to Achievement Academy.](#)

Minutes:

Chairman Johnson said the dollars he is recommending for the three projects represent the remaining balance from the "Community Center" dollars. He explained that last year, he allocated funding for the Combee Community Center and later it was decided not to start that project. Discussion followed.

Chairman Johnson stepped down as Chair to make a motion.

Motions:

Approve \$10,000.00 to Kathleen Historical Society; \$20,000.00 to 4-H; and \$20,000.00 to Achievement Academy. - PASS

Vote Results

Motion: Sam Johnson

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

Motion Minutes: Todd Bond, Director of Budget and Management Services, requested that the Board also approve budget transfers for two of these items. He said the Kathleen Historical Society requires a transfer from Reserves for Budget Stabilization, Current Year and then it would be reimbursed from the original Combee Community Center money through the budget process. Then also, for the Achievement Academy, it would be the same situation. A transfer of \$20,000 would be required from Reserves for Budget Stabilization, Current Year, and that would be replenished through the budget process in Fiscal Year 2009-2010.

108. [Consider funding request from Poinciana YMCA.](#)

Minutes:

Mike Herr, County Manager, stated that he received a letter from Alice Collins, CEO, and Alicia Sentner, CFO, of the Poinciana YMCA requesting financial assistance. He said the Board had approved \$250,000 over a three-year period, but the current economic conditions caused less contributions to the YMCA and Ms. Collins and Ms. Sentner are asking the Board for an additional \$80,000 which, they say, will last until December 2009, when their budget year ends. He said that the money could come from General Fund Contingency if the Board approves this request. Discussion followed.

Motions:

Donate \$80,000.00 to the Poinciana YMCA for the remainder of its budget year which ends December 2009. - PASS

Vote Results

Motion: Bob English

Second: Randy Wilkinson

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

105. [Appoint Jeff Kincart to Board of Adjustment.](#)

Minutes: Chairman Johnson said he is going to step down so that he may make an appointment.

Motions:

Appoint Jeff Kincart to the Board of Adjustment as an alternate or to the available position. - PASS

Vote Results

Motion: Sam Johnson

Second: Edwin Smith

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

106. [Appoint Robert Dummett to the Lakes Access Advisory Committee.](#)

Motions:

Appoint Robert Dummett to replace Ron Tomlin on the Lakes Access Advisory Committee. - PASS

Vote Results

Motion: Sam Johnson

Second: Edwin Smith

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

O. LAY BOARD APPOINTMENTS

31. [Appoint Lt. Col. Charles E. "Buck" MacLaughlin, Commander of the Avon Park Air-Ground Training Complex, to the Planning Commission as an ex officio member.](#)

Attachment: [Lt Col Charles MacLaughlin Bio.pdf](#)

Minutes:

Chairman Johnson asked if all of the Lay Board appointments could be made in one motion.

Michael Craig, County Attorney, replied in the affirmative.

Motions:

Appoint Lt. Col. Charles E. "Buck" MacLaughlin, Commander of the Avon Park Air-Ground Training Complex (AAGTC) as an ex officio, non-voting member to the Planning Commission representing the AAGTC; appoint Ronald J. Riedel, Range Support Manager at the Avon Park Air-Ground Training complex, to the Planning Commission as an alternative, ex officio member; appoint Larry J. Helton, Director of Planning and Concurrency of the Polk County School Board, to the Planning Commission as an ex officio member; appoint Pamela L. Luce, Facilities Planning Specialist for the Polk County School Board, as an Alternate, ex officio member to the Planning Commission; reappoint John Scott and Les Pickett to the Contractor Licensing Board each for a three-year expiring December, 2011. - PASS

Vote Results

Motion: Edwin Smith

Second: Jean Reed

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

32. [Appoint Ronald J. Riedel, Range Support Manager at the Avon Park Air-Ground Training Complex, to the Planning Commission as an alternate, ex officio member.](#)

Attachment: [Ron Riedel Bio.pdf](#)

Minutes: See No. 31.

33. [Appoint Larry J. Helton, Director of Planning and Concurrency of the Polk County School Board, to the Planning Commission as an ex officio member.](#)

Attachment: [Larry Helton Bio.pdf](#)

Minutes: See No. 31.

34. [Appoint Pamela L. Luce, Facilities Planning Specialist for the Polk County School Board, as an Alternate, ex officio member to the Planning Commission.](#)

Attachment: [Pamela Luce Bio.pdf](#)

Minutes:

See No. 31.

35. [Reappoint John Scott to the Contractor Licensing Board for a three-year term expiring December 30, 2011.](#)

Attachment: [John Scott Bio Contractor Lic.pdf](#)

Minutes: See No. 31.

36. [Reappoint Les Pickett to the Contractor Licensing Board for a three-year term expiring December 30, 2011.](#)

Attachment: [Les Pickett Bio.pdf](#)

Minutes: See No. 31.

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

P. PUBLIC HEARINGS

37. [Petition to adopt a Resolution to vacate unopened, unmaintained, platted right-of-way, shown as a Parkway on the Plat of Mariana Heights Unit No. 1, near Winter Haven.](#)

Attachment: [04 08 09 PH_ROW_Vacation_Mariana Heights_Backup_SRL.pdf](#)

Minutes:

Michael Craig, County Attorney, explained the Board's procedures for public hearings, and swore in those present who will be speaking.

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

The Chairman opened a public hearing.

Darryl Serocky said he lives across the street from the subject property. He said the owner of the property lives in Georgia and has the property up for sale. He said neighbors cleared this property to have access to the lake. He requested that this be kept as is, and the neighbors would take care of it.

Stacy Reynolds said he lives on Lake Marianna Drive and discussed another easement that has been maintained by his family. He said there are several like this in the area. He requested this remain open.

Fred Sekorey said he has used the subject property for almost 10 years to walk to the lake

to fish. He said it has been maintained by the neighbors.

Steve Robinson said he is the petitioner and would like to have this property released to him. He said his house is only a few feet from the property line and he would like the additional property. He said the property owner on the other side is also in favor of the closure.

Dick Cone said there are many trespassing problems now. He said it hasn't been cleared for many years and people didn't use it. He said the bursh has been cleared away only within the past few months.

Gary Townsend said he lived on Lake Marianna Drive about four years and he was the one who initiated the clean up. He said he was unaware of any people causing problems on this property. Discussion followed.

The Chairman closed the public hearing.

Motions:

Adopt Resolution No. 09-071 to vacate the unopened, unmaintained, platted right-of-way shown as a Parkway on the Plat of Mariana Heights Unit No. 1. - PASS

Vote Results

Motion: Bob English

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Nay

Edwin Smith - Aye

Randy Wilkinson - Nay

38. [Petition to adopt a Resolution to vacate a portion of the 10-foot platted utility and drainage easement in Poinciana, as shown on the Plat of Neighborhood 3 South, Village 7, near Poinciana.](#)

Attachment: [04 08 09 PH Esmt PoncianaCarawayDr Bongiorno Backup.pdf](#)

Minutes:

Wade Allen, Chief right of Way Agent, gave sthe staff report and reported that there have been no objections to the closure. He showed slides of the area and said that staff recommends approval.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Resolution No. 09-072 to vacate a portion of the 10-foot platted utility and drainage easement located along the rear portion of Lot 4, Block 3597, as shown on the Plat of Poinciana Neighborhood 3 South, Village 7. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

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

39. [LDC 08T-11 \(Grenelefe\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC08T 11 Staff Report.pdf](#)

Attachment: [LDC 08T 11 Ordinance.pdf](#)

Attachment: [Alternative LDC 08T 11 Ordinance.pdf](#)

Minutes:

Eric Peterson, Principal Planner, said he would like to present the text amendment and the appeal hearing together. Michael Craig, County Attorney, agreed.

Mr. Peterson reviewed the proposed text amendment for the Grenelefe area. He said this is the second reading for this ordinance. He discussed changes proposed by the nearby residents. He said there is a 50 foot setback and the residents are requesting a 200 foot setback for the buildings along Lake Marion Road.

Mr. Peterson gave background information on the appeal to Planned Development PD 73-19M. He gave a history of the project and discussed the modification being requested. He showed slides of the area and discussed the development limitations. He said the wetlands are not to be disturbed, and the tree lines are conditioned to remain. He said there is a wastewater treatment plant on the property which needs some maintenance; however, a representative of the City of Haines City is present to discuss conditions on the plant. He said the developer has backed out of the project. He said the Planning Commission modified Condition No. 14 so that the higher buildings were on the golf course side of the property. He also showed a site plan. He reviewed some proposed changes in the conditions. Discussion followed on advertising and whether advertising

could be placed on line and Mr. Peterson said there is a group reviewing this possibility. There was also discussion on minor collector and major collector roads.

Richard Greenwood, Director of Community Development for the City of Haines City, said he requested that conditions 10 and 11 be added back into the conditions for the PD. He said the reason was to facilitate joint planning related to transportation. He said Haines City would like to participate in the monitoring and the applicant does not object to adding 10 and 11 back into the conditions. He said one of the areas in the west of the property is in the utility service area of the City of Haines City where the City intends to provide services.

The Chairman opened a public hearing.

Tommy Addison, applicant for the de novo hearing, presented a slide show, and said it is his intent to present a solution for the Grenelefe redevelopment. He said he filed the de novo on behalf of the area residents. He said the developer, Feltrim, has withdrawn and he believes the PD should also be withdrawn. He said he is asking the Board to deny approval of the modification of the PD and to approve the text amendment. He showed slides of the proposed development.

Mr. Addison read from various sections of the staff report regarding gradual designs of density and intensity, that it is imperative that there be a smooth and gradual development and height of the structures. He discussed the proposed table 4.25 regarding permitted uses and reviewed his suggested changes to this table. He said he is not asking to stop the development, but only for equity. He is requesting there be no short-term rentals allowed in Sections G, H or I of the proposed development. He again asked that the PD be denied and that his version of the text amendment be adopted in lieu of that of the former developer.

Upon question, Mr. Peterson said that the ordinance states that any further development, redevelopment or changes shall be processed in accordance with Section 902(G) of the Land Development Code and shall go to the Planning Commission, but not the Board, unless it is appealed.

Mark Walsh, Chief Operating Officer of Westgate Resorts, discussed the objectives of Westgate Resorts. He said Grenelefe was acquired several years ago with the intent of being developed. He said Westgate is the owner and the developer of Grenelefe and Feltrim was simply an applicant acting on behalf of Westgate. He discussed the text amendment specifying height and setbacks. He showed the "true" development plan and a master plan. He discussed density and location. Upon question, he said other than the hotel, he does not have a problem stipulating a height of 60 feet.

Upon question, Mr. Walsh stated this development has not been withdrawn; when financing is available, this project will go forward. Discussion followed.

George Myer said he lives on West Lake Marion Road. He said that the homes in his neighborhood are on one acre lots close to the Grenelefe border. He said people who live in Grenelefe in condos just look down upon his home and he has no privacy. Discussion followed on the RLX land use category and what it allows.

Kim Carter lives on Jim Edwards Road and she said she concurs with Mr. Addison's presentation. She said she has 32 acres and Phase 2 is right next to her property. She

said now she has a lot of wildlife but she would have to face the buildings if this is allowed.

Robert McCloud said he lives in Haines City and discussed the wetlands in Phase 2. He said the exit is on a curve which is not good. He said the setback needs to be about 200 feet for everything. He said the road needs to be widened.

Michael Carter said he agrees with Mr. Addison.

Carol Murphy said she lives on West Lake Marion Road. She said she supports Mr. Addison and the other speakers like him. She said there has been a lack of steady investment in Grenelefe by Westlake. She said that everything that was there has just vanished, the cars, the restaurant, etc. She said that today's decision is premature.

Bob Wilcox said he lives on the west course. He said Mr. Waldrup purchased the problems with the property, and nothing was done for three years at least. He discussed all the things wrong with the property. He said there is still debris left from the hurricanes and the whole property is a disaster.

Jo Finiky said her family has been in the area since 1956. She said her main concerns are setbacks and the TCCX land use designation. She said she wants a greater setback because the road will be widened and she doesn't want only the residents to have to give up property for road widening. She said she doesn't even want 60 foot buildings across the road from her.

Steven Carter said he has attended all of the meetings and the one dissenting vote in the Planning Commission was due to the narrow roads and the extra traffic that will occur. He said this will bring up more complications for the future. He said he gives his support to the plan presented by Mr. Addison.

Harley Carter said he lives in Haines City. He said the economy is bad and it will take a while to overcome this. He said more and more homes are for sale. He said the roads are terrible and should be repaired first. He discussed traffic issues and crime.

Ben Longhorn discussed proposed changes on the chart submitted to the Board. He said a height of 45 feet would be more suitable. He said the people who live on the lake own the property to the edge of the lake and right of way. He said TCC allows buildings up to 85 feet and he would like to see that reduced. He said there seems to be a divide between the residents who live in Grenelefe and those who live outside. He said he wants something suitable for both sides. He said most of the residents who live in Grenelefe are part-time but the residents outside live there year round.

Dan Reed said he is a resident of Grenelefe for over 20 years. He said he understands the problems, but he hopes that Westgate will take an active interest in how the property fares. He said there are some safety issues, some resulting from the hurricanes. He said most of the buildings are in terrible disrepair.

Mr. Addison said he had not seen the map presented by Mr. Walsh before, but it is a much more palatable plan. He suggested moving the golf course holes closer to the road and the buildings farther away. He discussed building heights. He said the PD should be denied and his recommendations on the LDC text amendment should be approved. He said the proposed short-term rentals in Phase 2 also need to be addressed.

The Chairman closed the public hearing.

Motions:

Adopt Ordinance No. 09-012 adopting LDC 08T-11, and adopt the staff report as the development order. - PASS

Vote Results

Motion: Bob English

Second: Randy Wilkinson

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

Motion Minutes:

Motions:

Approve PD 73-19M with the following additional conditions: all structures within the TCCX land use designation shall be limited to a maximum building height of 65 feet above average area grade and one hotel structure shall be permitted within the TCCX land use designation with a maximum building height of 85 feet above average area grade. Provided further that the hotel structure shall be set back at a minimum of 200 feet from the County Road 544.

Commissioner Wilkinson requested a change in height to be limited to 60 feet instead of 65.

Commissioner English amended his motion to change the height to 60 feet instead of 65 feet, and Commissioner Smith, second to the motion, agreed. Commissioner English further amended his motion to include Conditions 10 and 11 as recommended by Haines City, and Commissioner Smith, second to the motion, agreed. - PASS

Commissioner English amended his motion to include a Level 4 Review for Phase 2, and Commissioner Smith, second to the motion, agreed. After discussion, Commissioner English withdrew this amendment to include a Level 4

Review.

Vote Results

Motion: Bob English

Second: Edwin Smith

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

40. [PD 73-19M Modification for Grenelefe Resort De Novo Hearing.](#)

Attachment: [OPPOSITION.pdf](#)

Attachment: [SUPPORT.pdf](#)

Attachment: [Staff Report PD73 19.pdf](#)

Attachment: [SUPPORT TO CONTINUE.pdf](#)

Minutes: See No. 39 above.

41. [Consider adoption of an ordinance amending Ordinance 07-018, the Polk County Amended, Restated and Consolidated Comprehensive Impact Fee Ordinance.](#)

Attachment: [IMPACT FEE AMENDMENT with RTF land use DRAFT 3-24-09.pdf](#)

Minutes:

Linda McKinley, Deputy County Attorney, reviewed the proposed ordinance to add a new land use category for "Rail Terminal Facility" and to impose an impact fee for Road Impact Construction undertaken in that land use. She said the Impact Fee Advisory Committee did hear this last week and tentatively approved it based on the Tindale-Oliver study. She said two members voted against it thinking it was moving too fast. She mentioned the request to continue this hearing to a date certain so that Mr. Tindale could meet with the railroad representatives to work out more issues.

Chairman Johnson stated he received letters from Polk County Farm Bureau, Florida Farm Bureau Federation and Florida Citrus Mutual regarding a fee by acre with which they have concerns they would like to address.

Commissioner Smith said he has the same concerns and he recieved the same letters. He said it would be starting a bad precedent basing impact fees on acreage. He said he feels in this instance more time to consider this ordinance would be prudent.

Upon question, Mr. Tindale said the proposed fee, based on the Tindale-Oliver study for a rail terminal facility is \$11,981 per acre.

Ms. McKinley said no permits are anticipated any time soon so a continuance of this hearing would not present any problems. She said approving this continuance to allow more data to be gathered would not hurt and may prevent legal battles.

Duke Woodson of Foley & Lardner stated his firm represents Evansville Western Railway and would be happy to admit his client would not request a permit prior to October and would be happy to work with staff and consultants on this ordinance. He said an ordinance needs to be adopted on a strong basis; he said there are some issues he would like to discuss with Mr. Tindale.

Motions:

Continue proposed ordinance amending the impact fee ordinance to add a new land use category for "Rail Terminal Facility" to June 3, 2009, at 1:30 p.m. - PASS

Vote Results

Motion: Edwin Smith

Second: Bob English

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

42. [LDC 08T-10 \(Electronic Message Boards\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

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

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

Minutes:

Erik Peterson, Principal Planner, said this is a first reading and does not require action. He said this is an amendment to the LDC regarding electronic message boards. He reviewed the proposed amendment noting that text is not added, but text is being stricken. He said electronic message boards would be allowed in the County if this ordinance is adopted. He showed slides of various message boards, and said the second reading is April 22nd. Discussion followed.

The Chairman opened a public hearing; no one spoke.

43. [Ordinance adopting CPA 09S-05 \(from RS to ROS\) and amending the Polk County Comprehensive Plan.](#)

Attachment: [CPA 09S 05 Adoption Staff Report.pdf](#)

Attachment: [CPA 09S 05 Ordinance.pdf](#)

Minutes:

Albert Frederick, Long Range Planning, reviewed the staff report and showed slides of the area. He said this is a County initiated amendment and staff recommends approval. He showed slides of the area.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 09-013 adopting CPA 09S-05. - PASS

Vote Results

Motion: Bob English

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

44. [Ordinance adopting CPA 09S-06 \(from DRI to IND\) and amending the Polk County Comprehensive Plan.](#)

Attachment: [CPA 09S 06 Adoption StaffReport.pdf](#)

Attachment: [CPA 09S 06 Ordinance.pdf](#)

Minutes:

Chanda Bennett, Long Range Planning, reviewed the staff report noting that this amendment will correct a mapping error. She showed slides of the area noting that staff and the Planning Commission recommend approval.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 09-014 adopting CPA 09S-06. - PASS

Vote Results

Motion: Edwin Smith

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

45. [Ordinance adopting CPA 09S-03 \(RDA to UGA\) and amending the Polk County Comprehensive Plan.](#)

Attachment: [CPA 09S 03 Adoption Staff Report.pdf](#)

Attachment: [CPA 09S 03 Ordinance.pdf](#)

Minutes:

Thado Hayes, Long Range Planning, gave the Staff Report and showed slides of the area. He said the Planning Commission and staff recommend approval. Upon question, he reviewed the environmental conditions.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 09-015 adopting CPA 09S-03. - PASS

Vote Results

Motion: Bob English

Second: Edwin Smith

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

Bob English - Aye

46. [Ordinance amending Ordinance No. 05-011, Krenson Oaks Special Street Lighting District.](#)

Attachment: [Ordinance amending 05-011 Krenson Oaks SSLD.pdf](#)

Minutes:

Michael Craig, County Attorney, presented the ordinance for Krenson Oaks Special Street Lighting District, and reviewed the proposed changes.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 09-016 amending Ordinance No. 05-011, Krenson Oaks Special Street Lighting District. - PASS

Vote Results

Motion: Jean Reed

Second: Randy Wilkinson

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

Q. CONSENT AGENDA ITEMS

ACCOUNTANT, AUDITOR and CLERK TO THE BOARD

47. [Removal of equipment from inventory as listed on Blanket Removal Form 1832.](#)

Attachment: [Blanket Removal form 1832.pdf](#)

48. [Approve Satisfaction of Road Improvement Assessment Lien.](#)

Attachment: [Satisfaction-Valderrama.pdf](#)

49. [Accept Annual Financial Audit Report for Bridgewater Community Development District.](#)

COUNTY ATTORNEY

50. [Approve acquisition of additional Right-of-Way for CR 37B \(Lakeland Highlands Road\), Parcels 114 and 801.](#)

Attachment: [AddIRW CR37B Pcl114 Fiscal Impact.pdf](#)

Attachment: [AddIRW CR 37B Pcl 114 Backup.pdf](#)

51. [Accept an Instrument for donated, additional, Right-of-Way on County maintained Crump Road.](#)

Attachment: [04_08_09 CoAtty_ROW Donation_Crump Rd At SR27_Fiscal Impact_SCL.pdf](#)

Attachment: [04_08_09 CoAtty_ROW Donation_Crump Rd At SR27_Backup_SCL.pdf](#)

52. [Approve acquisition of additional Right-of-Way and Temporary Construction Easement for CR 37B \(Lakeland Highlands Road\), Parcels 133 and 713A&B.](#)

Attachment: [CR37B Pcl133 and 713ab Backup.pdf](#)

Attachment: [AddIRW CR37B Pcl133 and 713ab Fiscal Impact.pdf](#)

53. [Declare Surplus and Authorize the Public Sale of Remnant Parcels associated with 540-A Road Improvement Project.](#)

Attachment: [04_08_09 CoAtty_Surplus_540A RemnatePcls_Backup_CP.pdf](#)

54. [Accept Deeds for Additional Right-of-Way for South Pipkin Road.](#)

Attachment: [South Pipkin Rd Backup.pdf](#)

Attachment: [South Pipkin Rd Fiscal Impact.pdf](#)

55. [Authorize the Release and Conveyance of the County's Interest in a Parcel by County Deed.](#)

Attachment: [04_08_09 CoAtty_Unopened Deeded County RW_Backup_CP.pdf](#)

56. [Accept Deeds for Additional Right-of-Way for Sutton Road.](#)

Attachment: [04_22_09 CoAtty_Donation RW_Sutton Rd_Backup.pdf](#)

Attachment: [04_22_09 CoAtty_Donation RW_Sutton Rd_FiscalImpact.pdf](#)

57. [SET HEARING DATE to consider Petitions to vacate easements for Public Highway Purposes and maintained right-of-way, known as Mullinsville Church Road. \(Suggested hearing date: May 6, 2009, at 1:30 p.m.\)](#)

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

Attachment: [04_08_09 CoAtty_Addl RW_Kathleen Rd Ph2_Salsbery_Fiscal.pdf](#)

Attachment: [04_08_09 CoAtty_Addl RW_Kathleen Rd](#)

[Ph2_Salsbery_Backup_cp.pdf](#)

59. [Accept Warranty Deed for Additional Right-of-Way for Bella Citta Boulevard.](#)

Attachment: [AddlRW Bella Citta Blvd Fiscal Impact.pdf](#)

Attachment: [AddlRW Bella Citta Blvd Backup.pdf](#)

60. [Right-of-Way Purchase for Berkley Road Phase IV and County Road 559-A Improvement Project, Parcel 107.](#)

Attachment: [AddlRW 559A Pcl107 Backup.pdf](#)

Attachment: [AddlRW 559A Pcl107 Fiscal Impact.pdf](#)

61. [Approve and execute an Amendment to Pace Road Interchange/Polk Parkway Agreement by and among State of Florida Department of Transportation, Polk County, City of Lakeland and Williams Acquisition Holding Company, Inc.](#)

Attachment: [Pace Rd Turnpike Agree Amend 4-09.pdf](#)

CENTRAL FLORIDA DEVELOPMENT COUNCIL

62. [Sponsorship Funding Assistance for Momentum Sports for the 2009 Florida State High School 7 v 7 Flag Football Championships.](#)

Attachment: [2009 7v7 Flag Football Championships_pink-purple.pdf](#)

Attachment: [2009 7v7 Flag Football Championships.pdf](#)

ENVIRONMENTAL RESOURCES

63. [Assignment of Lease and Assumption for the Cell Tower Located on the Stuart/Crooked Lake West Environmental Land Property.](#)

Attachment: [CellTowerAssignmentLeaseAssumption.pdf](#)

Attachment: [StuartProperty Map.pdf](#)

64. [Management Agreement with Southwest Florida Water Management District on the Stuart/Crooked Lake West Project.](#)

Attachment: [CrookedLakeManagementAgreement.pdf](#)

Attachment: [StuartProperty Map.pdf](#)

65. [Change Order No. 2 with Vogel Brothers Building Company to extend the contract time for the New Oak Hills Water Production Facility and Storage Tanks.](#)

Attachment: [VogelBrosCO2Contract.pdf](#)

Attachment: [VogelBrosCO2Approvals.pdf](#)

66. [Purchase Agreement with MX Properties, Inc., to acquire a 4.39 acre site to be used as a spray field for reclaimed water, and amendment to and transfer within the Utilities CIP budget.](#)

Attachment: [MX Prop Approvals.pdf](#)
Attachment: [MX Prop Budget Journal.pdf](#)
Attachment: [MX Prop Contract.pdf](#)

67. [Approval of an Easement Agreement with Osceola County.](#)

Attachment: [STOPR Approvals.pdf](#)
Attachment: [STOPR Contract.pdf](#)

FINANCIAL AND STRATEGIC PLANNING

68. [Adopt a Resolution to amend the FY08-09 Budget of the Special Revenue Grant Fund for the Solid Waste Division approved FDEP Grant Program Agreements.](#)

Attachment: [Resolution 4-8-09 Special Revenue Solid Waste Grant Agreements.pdf](#)
Attachment: [Budget Revision for Solid Waste 4-8-09 FDEP Grant Transfers.pdf](#)

69. [Service Agreement with Numara for Software Implementation.](#)

Attachment: [Numara Software Agreement.pdf](#)
Attachment: [HP OpenView Cost Projection Table.pdf](#)

70. [Temporarily waive the registration fee for Constitutional Offices and Polk County municipalities to enroll employees in OED's Employee Development Courses.](#)

GROWTH MANAGEMENT

71. [Audubon Reserve Conditional Plat Approval.](#)

Attachment: [Audubon Reserve.pdf](#)

72. [Eloise Cove West Conditional Plat Approval.](#)

Attachment: [Eloise Cove West.pdf](#)

73. [Harwell Estates Conditional Plat Approval.](#)

Attachment: [Harwell Estates.pdf](#)

74. [SET HEARING DATE to consider an appeal to a Legal Non-Conforming Use Determination \(NCU 08-01\) for Lake Rosalie Marina. \(Suggested Hearing Date: May 6, 2009, at 1:30 p.m.\)](#)

75. [Belmont Park Release of Surety.](#)

Attachment: [Belmont Park.pdf](#)

76. [Cannon Borrow Pit Release of Surety.](#)

Attachment: [Cannon Borrow Pit.pdf](#)

77. [Amendment to Resolution Number 07-023.](#)

Attachment: [Proposed Resolution.pdf](#)

HUMAN SERVICES

78. [State Housing Initiatives Partnership Program Housing Rehabilitation/Reconstruction Agreements for Essie Mae Jordan.](#)

Attachment: [Jordan, Essie Mae 4-8-09.pdf](#)

79. [HOME Investment Partnership Program Housing Rehabilitation/Reconstruction Agreements for Edward E. West, Sr. and Bertha West.](#)

Attachment: [West, Edward 4-8-09.pdf](#)

80. [Hurricane Housing Recovery \(HHR\) Program Housing Rehabilitation/Reconstruction Agreements for Brandy L. Catalano and Alane L. Cannon, aka Alane L. Hendrix.](#)

Attachment: [Catalano, Brandy and Cannon 4-8-09.pdf](#)

81. [Hurricane Housing Recovery \(HHR\) Program Housing Rehabilitation/Reconstruction Agreements for Eddie L. Miller.](#)

Attachment: [Miller, Eddie 4-8-09.pdf](#)

82. [Tenant-Based Rental Assistance \(TBRA\) Payments Contract for Jelaina Morgan.](#)

Attachment: [TBRA Contract.pdf](#)

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

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

84. [State Housing Initiatives Partnership Program Housing Rehabilitation/Reconstruction Agreements for Raymond Dale Mullis and Clara Jean Mullis.](#)

Attachment: [Mullis, Raymond 4-8-09.pdf](#)

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

Attachment: [04-08-09 Order Imposing Liens.pdf](#)

86. [Imposition of Lien for demolition of dilapidated structure\(s\) within the Municipality of the City of Polk City to recover costs associated through the County's Demolition and Clearance Program.](#)

Attachment: [04-08-09 Municipality Lien CE 2008-004.pdf](#)

87. [Resolution approving Polk County's amended Local Housing Assistance Plan \(LHAP\) for Fiscal Years 2005-06, 2006-07, and 2007-08.](#)

Attachment: [FY 05-06 through 07-08 LHAP amendment.pdf](#)

Attachment: [LHAPHousingcharts.pdf](#)

PUBLIC SAFETY

88. [Polk County E9-1-1 Addressing Services Interlocal Agreement with the City of Lake Alfred.](#)

Attachment: [Addressing Interlocal Agreement Lake Alfred.pdf](#)

89. [Via Radio FM Station Agreement.](#)

Attachment: [FM Station Agreement.pdf](#)

90. [Amendment of the Florida Department of Agriculture and Consumer Services Contract Number 1936.](#)

Attachment: [FDOF 125.27.pdf](#)

Attachment: [AmendmentOfFDACS_ContractNumber1936.pdf](#)

PUBLIC WORKS

91. [Renewal of Sublease Agreement No. 118 between the Board and the Bartow Municipal Airport Development Authority for Suites 1 and 2 in Building No. 250 used for office space by Fire Services Administration.](#)

Attachment: [Lease 118 Bldg 250 FS 1 2 purp.pdf](#)

Attachment: [09 0408 Lease 118 Bartow Airbase 250 1 2 FS PW FI .pdf](#)

Attachment: [09 0408 Lease 118 Bartow Airbase 250 1 2 FS Oracle.pdf](#)

Attachment: [Bartow Airbase Bldg 250 map.pdf](#)

Attachment: [Lease 118 Bldg 250 FS 1 2 contract.pdf](#)

Attachment: [Lease 118 Bldg 250 FS 1 2 fiscal appr.pdf](#)

92. [Lease Extension and Amendment to Lease No. 268 between the Board and B & H Properties of Polk County for a house located at 630 Main Street in Bradley Junction for use by Fire Services.](#)

Attachment: [Lease 268 Bradley Junction FS fiscal appr.pdf](#)

Attachment: [09 0408 Lease 268 Bradley Junction FS PW FI .pdf](#)

Attachment: [Lease 268 Bradley Junction FS map.pdf](#)

Attachment: [Lease 268 Bradley Junction FS purp.pdf](#)

Attachment: [09 0408 Lease 268 Bradley Junction FS Oracle.pdf](#)

Attachment: [Lease 268 Bradley Junction FS contract.pdf](#)

93. [Renewal of Memorandum of Agreement Number 08-046-54550 Q09-61207 with Corporation for National and Community Service to continue AmeriCorps*VISTA Project Number 06VSSFL008.](#)

Attachment: [Public Works Fiscal Impact Info Form.pdf](#)
Attachment: [VISTA MOA.pdf](#)

94. [Change Order No. 1 to Contract No. 08-044 with Cornerstone Businesses, Inc. for additional construction costs on the Bridge Barrier/Guardrail Retrofit, Phase III Project.](#)

Attachment: [PWFI Info Form.pdf](#)
Attachment: [04 08 09 CO 1 Contract 08_044 BridgeBarrierGuardrailRetrofit Ph3 Approvals.pdf](#)
Attachment: [04 08 09 CO 1 Contract 08_044 BridgeBarrierGuardrailRetrofit Ph3 Contracts.pdf](#)
Attachment: [CO-MOD SUMMARY.pdf](#)
Attachment: [Sutton Road.pdf](#)
Attachment: [Rockridge.pdf](#)

95. [Change Order No. 3 to Contract No. 07-051 with Kamminga and Roodvoets, Inc. \(Contractor\) for the CR 540A \(CR 37B to US 98\) Phase II Project Traffic Signal at Smith Lane and US 98.](#)

Attachment: [CO MOD SUMMARY for Kamminga.pdf](#)
Attachment: [04 08 09 CO 3 Contract 07_051 CR540A Ph2 Contracts.pdf](#)
Attachment: [PWFI Info Form.pdf](#)
Attachment: [04 08 09 CO 3 Contract 07_051 CR540A Ph2 Approvals.pdf](#)
Attachment: [Connector Rd US98 Intersection.pdf](#)

96. [Easement Agreement with Progress Energy to install, operate and maintain those facilities necessary to provide electric energy, service and communication systems for the Lake Wales Health Clinic project located at 642 Lake Wales Plaza in Lake Wales.](#)

Attachment: [09 0408 Prog Energy Easement Agree Lk Wales Health Clinic Agree.pdf](#)
Attachment: [09 0408 Prog Energy Easement Agree Lk Wales Health Clinic Lgl.pdf](#)
Attachment: [09 0408 Prog Energy Easement Agree Lk Wales Health Clinic Ex A.pdf](#)
Attachment: [09 0408 Prog Energy Easement Agree Lk Wales Health Clinic map.pdf](#)

97. [CSA No. 06-141-04 with Kisinger Campo & Associates, Corp. \(Consultant\) for engineering services for the Bridge Rehab Program – Routine Bridge Inspection Project.](#)

Attachment: [CSA 0614104 Approvals.pdf](#)
Attachment: [CSA 0614104 Fiscal Impact.pdf](#)
Attachment: [CSA 0614104 Contract.pdf](#)

SUPPORT SERVICES

98. [Modification No. 2 for CSA No. 02-105-01 with Professional Engineering Consultants, Inc. \(PEC\).](#)

Attachment: [CSA 02-105-01Mod no 2.pdf](#)

99. [Amendment No. 1 for Maintenance Services Agreement No. 04-13 with AK Associates 9-1-1, Inc.](#)

Attachment: [AK Associates Agreement 04_13 Amendment 1.pdf](#)

100. [Amendment No. 2 for Software and Hardware Maintenance Service Agreement No. 07-28 with Image One.](#)

Attachment: [ImageOne Agreement 07_28 Amendment 2.pdf](#)

101. [Modification Agreement to the First Down Mortgage and Mortgage Note for Nerissa N. Felder to correct the legal description.](#)

Attachment: [NerissaFelder_Modification Agreement.pdf](#)

102. [Modification Agreement to the First Down Mortgage and Mortgage Note for Andrea C. Mennell to correct the legal description.](#)

Attachment: [AndreaMennell_Modification Agreement.pdf](#)

103. [Construction Manager At Risk Master Agreements for Facilities Management .](#)

Attachment: [DOC005.pdf](#)

Attachment: [cmagreement.pdf](#)

104. [Property Insurance Renewal effective April 1, 2009, through March 31, 2010.](#)

Attachment: [Polk BOCC Premium Rate Comparison 040109.pdf](#)