

08-18-09 Regular BoCC Meeting Minutes

August 18, 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
Dee Dee Beaver Chief Accountant/Projects
Manager

The Board convened pursuant to adjournment taken on August 05, 2009.

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

INVOCATION

1. [Rabbi Steve Weiler - Messianic Synagogue](#)

PLEDGE OF ALLEGIANCE (SAM JOHNSON, CHAIR)

A. APPROVE CONSENT AGENDA

2. [Approve Consent Agenda.](#)

B. PRESENTATIONS and RECOGNITIONS

3. [Recognize the Wellness Center staff for receiving the Certificate of Recognition from the "Worksite Wellness Committee of the Consortium for a Healthier Miami-Dade", for outstanding efforts to promote wellness and improve the quality of life for employees.](#)

Attachment: [Certificate of Recognition Letter.pdf](#)

4. [Stacy Campbell-Domineck, President/CEO, Polk Works to present the 2009 State of the Workforce.](#)

Attachment: [2009 State of the Workforce.pdf](#)

C. PROCLAMATIONS

5. [Proclaim August 30, 2009 as MOUNT ZION AFRICAN METHODIST EPISCOPAL CHURCH 100th ANNIVERSARY. Barbara White will accept the proclamation.](#)

Attachment: [Mt. Zion AME Church.pdf](#)

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

6. [Disbursements.](#)

Attachment: [081809 Disbursements.pdf](#)

7. [Minutes of regular Board meeting held on August 5, 2009.](#)

Attachment: [080509.MIN.pdf](#)

E. REQUEST FROM ELECTED OFFICIAL and OTHER GOVERNMENTAL AGENCY

HARDEN/PARKWAY COMMUNITY REDEVELOPMENT AGENCY

8. [Approve minutes of CRA meeting held on July 22, 2009.](#)

Attachment: [Harden Parkway CRA Minutes.pdf](#)

9. [Modification No. 3 to CSA No. 00-20-10 with Pitman-Hartenstein and Associates, Inc. \(Consultant\) for the Alamo Drive at SR 37 \(South Florida Avenue\) Intersection Improvement Project.](#)

Attachment: [CSA 002010 Mod3 AlamoSR37 Contract.pdf.pdf](#)

Attachment: [CO-MOD SUMMARY for Alamo and Florida.pdf](#)

Attachment: [Alamo @ SR 37.pdf](#)

Attachment: [CSA 002010 Mod3 AlamoSR37 Approvals.pdf.pdf](#)

F. PUBLIC HEARING TO CONSIDER SETTLEMENT

G. COUNTY ATTORNEY (MICHAEL CRAIG)

H. COUNTY MANAGER (MICHAEL HERR)

10. [Approval to move the Wednesday, December 2, 2009 Board Meeting to Tuesday, December 1, 2009.](#)

Attachment: [BdMeetSchle2009.pdf](#)

Attachment: [Resolution2.pdf](#)

11. [Facilities Management Application for grant funds through the U.S. Department of Transportation \(US DOT\) and CSA No.03-92-15 with Lunz Prebor Fowler Architects for assistance in development of the grant application for a Downtown Bartow Parking Garage.](#)

Attachment: [09 0805 CSA LPFA DT Pkg Garage ContractMap.pdf](#)

Attachment: [09 0805 CSA LPFA DT Pkg Garage ReqForLglAppr.pdf](#)

Attachment: [09 0805 CSA LPFA DT Pkg Garage FedRegGrantInfo.pdf](#)

Attachment: [09 0805 CSA LPFA DT Pkg Garage OraclePWF1.pdf](#)

12. [Memorandum of Understanding between the City of Lake Wales and Polk County Board of County Commissioners for the provision of fleet maintenance services.](#)

Attachment: [LakeWalesMOUFinal.pdf](#)

13. [Approve a Utility Service Agreement between Polk County and Michael Smallridge as Receiver for West Lakeland Wastewater, Inc.](#)

Attachment: [Agreement Project Checklist.pdf](#)

Attachment: [smallridge818.pdf](#)

I. REQUEST FROM THE GENERAL PUBLIC/AUDIENCE

14. [Cary Thomas to discuss County health insurance.](#)

15. [Mildred S. McMillon, Executive Director, Faith in Action North Lakeland, Inc., to request the Board for funding.](#)

90. [Comments](#)

91. [Comments.](#)

J. COMMISSIONER DISTRICT 1 (BOB ENGLISH)

16. [Comments.](#)

K. COMMISSIONER DISTRICT 2 (RANDY WILKINSON)

17. [Comments.](#)

L. COMMISSIONER DISTRICT 3 (EDWIN V. SMITH)

18. [Comments.](#)

M. COMMISSIONER DISTRICT 4 (JEAN REED)

19. [Comments.](#)

N. COMMISSIONER DISTRICT 5 (SAM JOHNSON, CHAIR)

20. [Discuss utility reconnect fees.](#)

21. [Approve funding for the Meth Free Project/Leland Family Ministries in the amount of \\$23,000.](#)

Attachment: [01_07_09 Meth Free Project Agenda.pdf](#)

Attachment: [Transfer - Meth Free Project.pdf](#)

Attachment: [Meth Free Project Funding Request.pdf](#)

O. LAY BOARD APPOINTMENTS

22. [Reappoint Nancy Guran to serve on the Tourist Development Council for a four-year term expiring August 31, 2013.](#)

Attachment: [Bio- Nancy Guran.pdf](#)

23. [Appoint Barbara W. Davis, Esquire as a Code Enforcement Special Magistrate and approve Code Enforcement Special Magistrate Agreement](#)

Attachment: [B Davis Special Mag Agreement.pdf](#)

Attachment: [Magistrate Bio info Barbara Davis.pdf](#)

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

P. PUBLIC HEARINGS

24. [Consider a Petition to adopt a Resolution to vacate maintained right-of-way and authorize the conveyance of deeded right-of-way, known as Barcola Road, southeast of Mulberry.](#)

Attachment: [Barcola Rd Moretrench Backup.pdf](#)

25. [Consider a Petition to adopt a Resolution to vacate an unnamed portion of unopened, unmaintained, platted right-of-way, shown on the plat of Florida Development Co. Tract, west of Davenport.](#)

Attachment: [PH ROW Fla Dev Co Clayton Backup.pdf](#)

26. [Consider a Petition to adopt a Resolution to vacate the unopened, unmaintained, platted right-of-way, known as Broad Street, shown on the Replat of Davenport Terminals.](#)

Attachment: [PH ROW Broad Street Frericks Backup.pdf](#)

27. [Consider a Petition to adopt a Resolution to vacate unopened, unmaintained, platted right-of-way shown as Shore Boulevard on the plat of Alturas.](#)

Attachment: [PH ROW Shore Blvd Alturas Smith.pdf](#)

28. [Consider adoption of an Ordinance amending Polk County Ordinance 06-024, the Polk County Procurement Ordinance, as amended by Ordinance 08-63.](#)

Attachment: [FinOrdProcurementAmnd.pdf](#)

29. [LDC 08T-12 \(Farmworker Housing\) to consider the Adoption of an ordinance amending the Land](#)

Development Code.

Attachment: [LDC 08T 12 staff report.pdf](#)

Attachment: [LDC 08T 12 ordinance.pdf](#)

30. [PD 00-23M - Planned Development Modification request to separate out a previously approved non-phosphate mine use, and modify the overall unit count and permitted retail space.](#)

Attachment: [PD 00 23M correspondence.pdf](#)

Attachment: [PD 00 23M staff report.pdf](#)

31. [CU 09-14 - Conditional Use request to separate out a previously approved non-phosphate mine use from an approved Planned Development \(PD 00-23\).](#)

Attachment: [CU 09 14 correspondence.pdf](#)

Attachment: [CU 09 14 staff report.pdf](#)

32. [LDC 09D-02 \(School Site "K"\) to consider a change in the sub-district from Institutional -1 to Institutional-2.](#)

Attachment: [LDC 09D 02 staff report.pdf](#)

Attachment: [LDC 09D 02 ordinance.pdf](#)

33. [LDC 09T-27 \(Shipping Containers\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 09T 27 Ordinance.pdf](#)

Attachment: [LDC 09T 27 Staff Report.pdf](#)

34. [LDC 09T-24 \(Heavy Machinery Equipment Sales & Service\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 09T 24 Ordinance.pdf](#)

Attachment: [LDC 09T 24 Staff Report.pdf](#)

35. [LDC 09T-25 \(RHX within the US 27 SAP & Ridge SPA\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 09T 25 Ordinance.pdf](#)

Attachment: [LDC 09T 25 Staff Report.pdf](#)

36. [LDC 09T-26 \(Definitions\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 09T 26 Staff Report.pdf](#)

Attachment: [LDC 09T 26 Ordinance.pdf](#)

37. [LDC 09T-19 \(Vehicle Recovery Service/Agency\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 09T 19 Staff Report.pdf](#)

Attachment: [LDC 09T 19 Ordinance.pdf](#)

Q. CONSENT AGENDA ITEMS

ACCOUNTANT, AUDITOR and CLERK TO THE BOARD

38. [Removal of equipment from inventory as listed on Blanket Removal Form 1841.](#)

Attachment: [Blanket Removal Form 1841.pdf](#)

39. [Satisfaction of road assessment liens for Lewis King and James Davis.](#)

Attachment: [Satisfaction Davis and King.pdf](#)

40. [Accept minutes from Golden Lakes Community Development District.](#)

41. [City of Lake Wales Comprehensive Plan Amendment Capital Improvements Element.](#)

42. [Letter from Progress Energy suspending its Polk Industry Community Advisory Panel membership.](#)

Attachment: [Hines Energy Complex Letter.pdf](#)

COUNTY ATTORNEY

43. [Authorize the County Attorney's Office to file suit against Jomari Pagan and Santiago Fernando to recover damages resulting from a motor vehicle owned by Polk County colliding with a motor vehicle owned by Santiago Fernando and operated by Jomari Pagan.](#)

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

Attachment: [Fiscal Impact Hud Parcel.pdf](#)

Attachment: [08 18 09 Back up.pdf](#)

Attachment: [08 18 09 CoAtty KathleenRdPh2 HUD Fiscal Impact.pdf](#)

45. [Approve Subordination Agreements between Polk County and the City of Lakeland for parcels acquired for the CR 37B \(Lakeland Highlands Road\) project.](#)

Attachment: [08 18 09 CoAtty Subordination City of Lakeland CR 37B Fiscal Impact.pdf](#)

Attachment: [08 18 09 CoAtty Subordination City of Lakeland CR 37B Backup.pdf](#)

46. [Reimburse Polk County School Board for costs incurred for additional Right-of-Way for County Road 547 in conjunction with proposed new Middle School.](#)

Attachment: [08 18 09 CoAtty AddIRW CR547 SchoolBoard FiscalImpact.pdf](#)

Attachment: [08-18-09 CoAtty AddIRW CR547 SchoolBoard Backup.pdf](#)

47. [Additional Right-of-Way for Helena Road Bridge Improvement Project, Parcel 100.](#)

Attachment: [Backup Helena Rd Prcl 100.pdf](#)
Attachment: [CoAtty AddIRW Helena Rd Bridge Pcl 100 Fiscal.pdf](#)

48. [Additional Right-of-Way for Ewell Road at Yates Road Intersection, Parcel 103 and TCE Parcel 703.](#)

Attachment: [08 18 09 CoAtty AddIRW Ewell at Yates Pcls 103-703 McDonald Backup.pdf](#)
Attachment: [08 18 09 CoAtty AddIRW Ewell at Yates Pcls 103-703 McDonald Fiscal Impact.pdf](#)

49. [Additional Right-of-Way for Ewell Road at Yates Road Intersetion, Parcel 107.](#)

Attachment: [08 18 09 CoAtty AddIRW Ewell at Yates Pcl 107 Davis Backup.pdf](#)
Attachment: [08 18 09 CoAtty AddIRW Ewell at Yates Pcl 107 Davis Fiscal Impact.pdf](#)

50. [SET HEARING to consider adoption of an ordinance amending the Polk County Alarm Control Ordinance, No. 97-36, as amended. \(Suggested hearing date: September 2, 2009, at 1:30 p.m.\)](#)

Attachment: [Notice of Intention re Alarm Control Ord.pdf](#)

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

Attachment: [08-18-09 CO ATTY - \(Addl RW\) Kathleen Rd \(BELCH ASHLEY\) - Fiscal Impact.pdf](#)
Attachment: [08 18 09 CoAtty Addl RW Kathleen Rd Ph II Belch Ashley Back up CP1.pdf](#)

52. [Right-of-Way purchase for Harden Boulevard Improvement Project, Parcels 101, 102, 103 and 104 and Project CIP Amendment.](#)

Attachment: [CoAtty AddIRW HardenBlvd Pcls 101-102-103-104 Medulla Firefighters Fiscal Impact AC.pdf](#)
Attachment: [CoAtty AddIRW Harden Blvd Pcls 101 102 103 104 Medulla Firefighters Backup.pdf](#)
Attachment: [Budget Revision Journal1.pdf](#)

53. [SET HEARING to consider adoption of an ordinance amending the Polk County Animal Control Ordinance, No. 05-047. \(Suggested hearing date: September 2, 2009, at 1:30 p.m.\)](#)

54. [Authorize the County Attorney's Office to formally request alternative dispute resolution procedures and/or formal mediation with the Department of Community Affairs \(DCA\) regarding CPA 09A-08, which was found not in compliance by DCA.](#)

55. [Consider approval of the Tolling Agreement between Polk County Board of County Commissioners, Envisors, LLC., and Steve Shealey.](#)

Attachment: [TollingAgr.pdf](#)

CENTRAL FLORIDA DEVELOPMENT COUNCIL

56. [Sports Marketing "Sports Partner" Corporate Sponsorship Two Year Agreement with Country Inn & Suites](#)

Attachment: [Country Inn & Suites 2 year-pink purple.pdf](#)

Attachment: [Country Inn & Suites 2009-2011.pdf](#)

Attachment: [Country Inn & Suites Agreement 2009-2011.pdf](#)

57. [Sports Marketing "Sports Partner" Corporate Sponsorship Two Year Agreement with Best Western Auburndale Inn & Suites](#)

Attachment: [Best Western Auburndale Inn 2 year sponsorship- pink purple.pdf](#)

Attachment: [Best Western Auburndale Inn & Suites Agreement 2009-2011.pdf](#)

Attachment: [Best Western Auburndale 2009-2011.pdf](#)

ENVIRONMENTAL RESOURCES

58. [Budget amendment to transfer funds from Reserves for Utilities' share of Avolve Software Corporation Projectdox software purchase and additional scanning of engineering records.](#)

Attachment: [Utilities Budget Amendment Attachment A.pdf](#)

Attachment: [Utilities Budget Amendment Project Checklist.pdf](#)

Attachment: [Utilities Amendment Budget Revision Journal.pdf](#)

59. [Request amendment to DEP State Assistance Grants for the IPet Container Collection S0430 and EPS Densification Project S0432.](#)

Attachment: [DEP AGREEMENT NO.S0432 AMENDMENT NO. 1.pdf](#)

Attachment: [DEP Agreement No S0430 Amendment No 1.pdf](#)

GROWTH MANAGEMENT

60. [42nd Street Warehouse Center Subdivision Plat Conditional Approval.](#)

Attachment: [42nd Street Warehouse Center.pdf](#)

61. [SET HEARING to consider the adoption of an ordinance \(LDC 09T-29\) amending the Land Development Code. \(Suggested hearing dates: September 2, 2009, and September 16, 2009\)](#)

62. [SET HEARING to consider the adoption of an ordinance \(LDC 09T-28\) amending the Land Development Code. \(Suggested hearing dates: September 2, 2009, and September 16, 2009\)](#)

HUMAN SERVICES

63. [Letter of support for the proposed allocation of \\$310,402.00 in Edward Byrne](#)

[Memorial Justice Assistance Grant Program funds for Fiscal Year 2009/10.](#)

Attachment: [Polk JAG Distribution.pdf](#)

64. [Provider Agreement between Polk County Adult Day Care Service and Neighborly Care Network, Inc.](#)

Attachment: [Long-Term Care Diversion Program Provider Agreement.pdf](#)

Attachment: [Neighborly Care Network Schedule A.pdf](#)

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

Attachment: [08-18-09 Municipality Lien CE 2009-002.pdf](#)

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

Attachment: [08-18-09 Order Imposing Lien.pdf](#)

67. [Tenant-Based Rental Assistance \(TBRA\) Payments Contracts for the families listed.](#)

Attachment: [TBRA Contracts.pdf](#)

68. [Housing Choice Voucher \(Section 8\) Housing Assistance Payments \(HAP\) contracts for the families listed with a Utility Reimbursement as indicated.](#)

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

69. [HOME Investment Partnership Program Rehabilitation/Replacement Agreements for Natividad Cedeno.](#)

Attachment: [Cedeno Natividad 81809 HOME.pdf](#)

70. [State Housing Initiatives Partnership \(SHIP\) Program Addendum No. 1 for Albert Williams and Leola Mae Williams.](#)

Attachment: [Williams Albert Add 1 81809 SHIP.pdf](#)

71. [Hurricane Housing Recovery \(HHR\) Down Payment Assistance Program Subordination Agreement for Jennifer L. McCool.](#)

Attachment: [McCool Jennifer DPA 81809 HHR.pdf](#)

72. [Allow the Human Services Department to apply for the Volunteer Impact, Retention and Expansion \(VIRE\) Grant.](#)

73. [Community Care for Disabled Adults Program \(CCDA\) Attachment I, Amendment 01 to Direct Order No. AOC34B.](#)

Attachment: [ATTACHMENT 1, Amendment 01 to Direct Order.pdf](#)

74. [Change Order and Addendum No. 1 to the SHIP Program Rehabilitation/Reconstruction Agreements for Dorothy Chambers.](#)

Attachment: [Pink Checklist DOROTHY CHAMBERS.pdf](#)

Attachment: [Chambers,Dorothy Addendum No.1.pdf](#)

PUBLIC SAFETY

75. [Adopt a Resolution naming a previously unnamed private roadway, Betsy Lane.](#)

Attachment: [Betsy Lane Map Attachment 1.pdf](#)

Attachment: [Betsy Lane Resolution.pdf](#)

76. [Adopt a Resolution naming a previously unnamed private roadway, Steve Lane.](#)

Attachment: [Steve Lane Resolution.pdf](#)

Attachment: [Steve Lane Map Attachment 1.pdf](#)

77. [Polk County E9-1-1 Addressing Services Interlocal Agreement with Dundee and Highland Park.](#)

Attachment: [Addressing Interlocal Dundee.pdf](#)

Attachment: [Addressing Interlocal Highland Park.pdf](#)

78. [Citizens Corps - Community Emergency Response Team Grant Application.](#)

Attachment: [CERT grant application.pdf](#)

PUBLIC WORKS

79. [Adopt Resolution Setting Speed Limits on Minute Maid Ramp Road Two \(near Davenport\); Lake Lulu Drive and Sixth Street SE \(near Winter Haven\).](#)

Attachment: [Speed Limits Fiscal Impact.pdf](#)

Attachment: [Speed Limits Resolution 081809.pdf](#)

Attachment: [Speed Limits Sixth Street SE.pdf](#)

Attachment: [Speed Limits Lake Lulu Drive.pdf](#)

Attachment: [Speed Limits Minute Maid Ramp Road Two.pdf](#)

Attachment: [Speed Limits Approved Legal Review.pdf](#)

80. [Adopt Resolution Setting Parking Restrictions on Avenue Q NW \(near Auburndale\).](#)

Attachment: [Parking Restrictions Fiscal Impact.pdf](#)

Attachment: [Parking Restrictions Avenue Q NW.pdf](#)

Attachment: [Parking Restrictions Resolution 081809.pdf](#)

Attachment: [Parking Restrictions Approved Legal Review.pdf](#)

81. [Release of Sublease Agreement No. 3963/3995-01 with Florida Department of Environmental Protection \(FDEP\) for a canoe launch on the Peace River in Homeland.](#)

Attachment: [Release of Sublease Agreement No. 3963-3995-01.pdf](#)

Attachment: [Location Map.pdf](#)

Attachment: [PW Fiscal Impact Form.pdf](#)

SUPPORT SERVICES

82. [Modification No. 3 for Consultant Service Authorization \(CSA\) 02-98-03 with Keith and Schnars, P.A.](#)

Attachment: [02-98-03-3.pdf](#)

83. [Modification No. 4 for Consultant Service Authorization \(CSA\) 02-101-16 with Chastain-Skillman, Inc.](#)

Attachment: [02-101-16-4.pdf](#)

84. [Amendment No. 2 to Lease Agreement No. 274 with GS Equipment.](#)

Attachment: [GS Equipment Extension.pdf](#)

85. [Therapy Services Agreement for The Rohr Home.](#)

Attachment: [TherapyAgreement.pdf](#)

86. [Report Bid Award by Purchasing Director for Bid No. 09-105-CJC.](#)

Attachment: [Lake Belle Bid Analysis.pdf](#)

87. [Oracle Learning Management License Agreement.](#)

Attachment: [oracle.pdf](#)

POLK COUNTY SHERIFF

88. [Approve \\$189,764 Recovery Act Edward Byrne Memorial Justice Assistance Grant to fund the Polk County Sexual Predator/Offender Tracking Grant and sign the Certificate of Acceptance of Subgrant Award document.](#)

Attachment: [PCSO Sexual Pred Offender Tracking Grant 2009.pdf](#)

89. [Approval of Sheriff's request for the appropriation and expenditure of \\$15,000 from the Law Enforcement Trust Fund to the support the Crime Stoppers program.](#)

Attachment: [LAW ENF TRUST FUND 2009 \\$15,000.pdf](#)

The chairman adjourned the meeting at 5:15 p.m.