

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.](#)

**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 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](#)

**Minutes:**

County Manager Mike Herr congratulated the Wellness Center staff for receiving this award.

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

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

**Minutes:**

Ms. Campbell-Domineck reported on the State of the Workforce in Polk County including supply and demand. She said Polk's unemployment rate in June 2009 was 11.5 %. She discussed the economic impact of an educated workforce as well as where people work. She said locally the average annual wage is \$35,000.00. She outlined strategies for creating employment opportunities for citizens.

**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](#)

**Minutes:** The proclamation was not issued at this time

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

6. [Disbursements.](#)

Attachment: [081809 Disbursements.pdf](#)

**Motions:**

Approve and ratify disbursements. - PASS

**Vote Results**

Motion: Bob English

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

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

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

**Motions:**

Approve minutes. - PASS

**Vote Results**

Motion: Jean Reed

Second: Bob English

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

**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](#)

**Motions:**

Approve minutes. - PASS

**Vote Results**

Motion: Bob English

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

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](#)

**Minutes:** County Manager Mike Herr reviewed the Modification to CSA No. 00-20-10 and recommended approval.

**Motions:**

Approve Modification No. 3 to CSA No. 00-20-10 with the Consultant and increase the contract time by 150 calendar days, resulting in a new total contract time of 1,506 calendar days, extending the expiration date to December 31, 2009. No additional fees required. - PASS

**Vote Results**

Motion: Edwin Smith

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

**Motion Minutes:**

In response to questions by Commissioner Reed, Lori Hayes, Transportation Engineering, explained that this modification involves the consultant who completes the design and as-builts.

**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](#)

**Minutes:** County Manager Michael Craig recommended amending the meeting schedule.

**Motions:**

Adopt Resolution No. 09-173, amending Resolution No. 09-168, by amending the 2009 Board Meeting Schedule and rescheduling the December 2, 2009, Board Meeting, to Tuesday, December 1, 2009. - PASS

**Vote Results**

Motion: Jean Reed

Second: Bob English

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

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 OraclePWFI.pdf](#)

**Minutes:**

County Manager Mike Herr reviewed the application for grant funds and recommended approval.

Jennifer Stultz, Long Range Planning, gave a presentation demonstrating the need for additional parking spaces in downtown Bartow. She stated currently the parking shortfall is about 600 spaces. She said the deadline for filing a Transportation Investment Generating Economic Recovery (TIGER) Grant application is September 15, 2009. She said this 100% federal economic stimulus grant would have no local match.

Bartow Community Redevelopment Agency Director James Duane discussed the benefits of this project to Bartow. He said he supports this grant submission.

Ms. Stultz said this project will achieve the primary grant requirements in the categories of Transportation Facilities and Systems, Economic Competitiveness, Livability, Sustainability and Safety. She said it will also achieve the secondary grant requirements including Innovation and Partnership. She explained that Bartow is a strategic intermodal location for the County. She reviewed the existing transit service and gave a project description for the Intermodal Center. She said construction should be completed by December 2011 on this project if the grant application is successful. She emphasized that no bond debt repayment would be incurred if the County is successful in receiving this grant.

Upon question, Deputy County Manager Jim Freeman stated there are currently about 1,400 parking spaces around the Courthouse and Neil Combee Administration Building, and this project would increase the total number of spaces to approximately 2,400.

**Motions:**

Approve Facilities Management submission of application for grant funds through the U.S. Department of Transportation and CSA No. 03-92-15 with Lunz Prebor Fowler Architects for assistance in development of a grant application for a Downtown Bartow Parking Garage. - PASS

**Vote Results**

Motion: Bob English

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

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](#)

**Minutes:**

County Manager Mike Herr stated this will have no fiscal impact to the County.

Director of Fleet Management Bob Stanton stated there are opportunities for efficiencies and economies of scale for both the City of Lake Wales and the County. The operational and financial benefits were discussed.

Upon question, Mr. Stanton stated this is a one-year Agreement with automatic renewal options each year after that. He stated the agreement includes a provision which would allow the County to recoup any costs which exceed the revenue within the first year of the Agreement.

**Motions:**

Approve a Memorandum of Understanding between the City of Lake Wales and Polk County for the provision of fleet maintenance services to the City. - PASS

**Vote Results**

Motion: Bob English  
Second: Randy Wilkinson

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

**Motion Minutes:**

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](#)

**Minutes:**

Director of Environmental Resources Bill Beasley reviewed the Utilities Service Agreement with Michael Smallridge. He said this private system is located in a manufactured home community in the Lakeland service area. He gave background information and stated the Court appointed Mr. Smallridge as receiver of the system on June 22, 2009.

Mr. Beasley outlined the provisions of the proposed bridge loan to fund necessary system repairs.

Upon question, County Attorney Michael Craig stated Mr. Smallridge is not the owner of the system; he is an officer of the Court and the receiver of the assets only. He said these improvements need to be made so the system does not fail. He said this emergency loan would allow Mr. Smallridge to make the needed improvements.

Mr. Beasley stated Mr. Smallridge will file for a rate increase through the Public Service Commission. He said it is possible the receivership will continue for several years.

Mr. Smallridge stated because this was a privately owned system, the County is the default custodian, and he is the receiver. He said he has filed for an interim rate increase, and the Public Service Commission will set the rates.

**Motions:**

For the health, safety and welfare of this community, approve the Utility Service Agreement between Polk County and Michael Smallridge as Receiver for West Lakeland Wastewater, Inc., providing for a bridge loan of \$24,000.00 to Michael Smallridge as Receiver to allow him to make vital repairs to the West Lakeland Wastewater utility system. - PASS

**Vote Results**

Motion: Jean Reed

Second: Bob English

Bob English - Aye

Sam Johnson - Aye

Jean Reed	- Aye
Edwin Smith	- Aye
Randy Wilkinson	- Aye

**I. REQUEST FROM THE GENERAL PUBLIC/AUDIENCE**

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

**Minutes:**

Mr. Thomas said he recently retired after working for the Florida Department of Corrections for 30 years. He said he is covered under his wife's County health insurance plan with Aetna, and it is expensive. He asked why County employees don't have more of a choice on their health care coverage, and what the Board can do to offset the cost to the policyholder.

County Manager Mike Herr stated Aetna is a third party administrator, and the County has explored many options to manage health insurance costs. He discussed the benefits and services provided by the County's Wellness Center and stated additional options will be presented for Board approval in the near future. Discussion followed.

Mr. Thomas stated once a person needs more than preventive care, the employee pays a lot of money for health coverage.

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

**Minutes:**

Mildred McMillan said she is the Executive Director of Faith in Action North Lakeland, Inc., which serves over 200 clients and has 50 volunteers who work each week in clients' homes serving people in the 49 to 64 age bracket. She outlined the services provided by Faith in Action and requested financial assistance from the County to fund an office assistant.

Chairman Johnson asked Ms. McMillan to speak with Human Services Director Dr. Elba Cherry on her request for assistance. He said staff will consider the request and will bring back information at a future date. Discussion followed.

90. [Comments](#)

**Minutes:**

Richard White said he lives near Polk City. He discussed problems he has had in obtaining the permits needed to separate his commercial electrical wiring from his residential wiring in order to rent some mobile home sites. He said when he applied for a second permit he was required to pay an additional fee and he refused to pay it. Discussion followed.

Mr. White recommended adding a section to the permit application so customers could make comments in order to give staff feedback on their customer service.

91. [Comments.](#)

**Minutes:**

Jeff Hancock said his mother's business, Hidaway Kennels, was shut down unjustly. He discussed why he feels Sheriff Grady Judd should be fired and should face federal court.

Paula Smith, Hidaway Kennels, said what is being done in Polk County is wrong. She discussed the legal expenses she has incurred to exonerate herself from the unfounded charges made by Sheriff Judd.

**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.](#)

**Minutes:**

Commissioner Reed presented a resolution supporting the Florida High Speed Rail Program Grant Application. Discussion followed.

Commissioner Reed appointed Kathryn Jeri Hammond to the Charter Review Commission to replace Robert Conners who resigned.

Commissioner Reed said she visited Simmers-Young Park for the Mid-Florida Youth Football Jamboree, a gathering of children cheerleading and playing football.

**Motions:**

Send resolution supporting High Speed Rail. - PASS

**Vote Results**

Motion: Jean Reed

Second: Edwin Smith

Bob English - Not Present

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Not Present

**N. COMMISSIONER DISTRICT 5 (SAM JOHNSON, CHAIR)**

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

**Minutes:**

Chairman Johnson requested a review of the disconnect and reconnect fees. He suggested lowering fees for the first and second citations. Discussion followed.

Bill Beasley, Director of Environmental Services, discussed the calculations of the costs of the disconnect and reconnect service fees. He stated that arrangements can be made to make payments more flexible for customers. Discussion followed.

County Manager Mike Herr stated that the fees are used to cover the costs of services.

Commissioners Smith and Reed stated they would like to leave the disconnect and reconnect fees as they currently are.

Mr. Beasley stated that there is a one time exemption of fees for customers. Discussion followed.

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](#)

**Minutes:**

Chairman Johnson discussed the Leland Family Ministries and how they work in jails for those with addictions. Discussion followed on the funding of this project, and it was decided to table this item.

**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](#)

**Motions:**

Re-appoint Nancy Guran to serve on the Tourist Development Council for a four-year term expiring - PASS August 31, 2013.

**Vote Results**

Motion: Edwin Smith

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Not Present

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](#)

**Motions:**

Appoint Barbara W. Davis, Esquire as a Code Enforcement Special Magistrate for a two year term starting September 1, 2009 and ending August 31, 2011 and approve the Code Enforcement Agreement with Barbara W. Davis Esquire. - PASS

**Vote Results**

Motion: Edwin Smith

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Not Present

**\*\*\* 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](#)

**Minutes:**

County Attorney Michael Craig reviewed the procedures for Public Hearings and swore in those who will be speaking.

Wade Allen, Chief Right-of-Way Agent, gave background information and noted there are no objections to the closure. He showed slides of the area and stated that staff recommends approval. Discussion followed.

The Chairman opened a public hearing; no one spoke.

**Motions:**

Adopt Resolution No. 09-174 to vacate maintained right-of-way and authorize the conveyance of deeded right-of-way commonly known as Barcola Road. - PASS

**Vote Results**

Motion: Bob English

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

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](#)

**Minutes:**

Wade Allen, Chief Right-of-Way Agent, gave background information and noted there are no objections to the closure. He showed slides of the area and stated that staff recommends approval. Discussion followed.

The Chairman opened a public hearing; no one spoke.

**Motions:**

Adopt Resolution No. 09-175 to vacate an unnamed portion of the unopened, unmaintained, platted right-of-way, shown on the plat of Florida Development Co. Tract. - PASS

**Vote Results**

Motion: Bob English

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

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](#)

**Minutes:**

Wade Allen, Chief Right-of-Way Agent, gave background information and noted there are no objections to the closure. He showed slides of the area and stated that staff recommends approval.

Commissioner Reed stated she is concerned with public access to lakes. Discussion followed.

The Chairman opened a public hearing; no one spoke.

<b>Motions:</b>	
Adopt Resolution No. 09-176 to vacate the unopened, unmaintained, platted right-of-way, known as Broad Street, shown on the Replat of Davenport Terminals.	- PASS
<b>Vote Results</b>	
Motion: Bob English	
Second: Edwin Smith	
Bob English	- Aye
Sam Johnson	- Aye
Jean Reed	- Aye
Edwin Smith	- Aye
Randy Wilkinson	- Aye

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](#)

**Minutes:**

Wade Allen, Chief Right-of-Way Agent, gave background information and noted there are no objections to the closure. He showed slides of the area and stated that staff recommends approval.

The Chairman opened a public hearing; no one spoke.

**Motions:**

Adopt Resolution No. 09-177 to vacate the unopened, unmaintained, platted right-of-way shown as Shore Boulevard on the plat of Alturas. - PASS

**Vote Results**

Motion: Jean Reed

Second: Bob English

Bob English	- Aye
Sam Johnson	- Aye
Jean Reed	- Aye
Edwin Smith	- Aye
Randy Wilkinson	- Not Present

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](#)

**Minutes:**

Ellis Watson, Assistant County Attorney, gave background information on the Polk County Procurement Ordinance. He stated that this amendment would benefit the County by increasing minority participation.

Buddy Storey, Director of Purchasing, reviewed the proposed amendment and said this will provide a sheltered market and vendor preference program. He stated that this gives Women/Minority Business Enterprises (W/MBE) an advantage when there are lower bids outside of Polk County. Discussion followed.

Cedric Joseph, Manager of Office of Supply Diversity, reviewed the Shelter Market Program aspects of the amendment. He said that the W/MBE does not exclude local companies. Discussion followed.

Commissioner Wilkinson stated the County should be more active in allowing opportunities for local companies.

The Chairman opened a public hearing.

Sam Killebrew, Winter Haven resident, stated that W/MBE's should be clearly defined. He questioned if assistance is provided to non W/MBE companies. He said he is concerned with the bidding process. Discussion followed.

The Chairman closed the public hearing.

Discussion followed on Peter Brown Construction for the South County Jail.

Commissioner English stated that he would like to continue this item to a later date. Discussion followed on continuing this to the September 2nd meeting or to table.

Commissioner Smith stated that the best applicants are chosen and it is not known whether a company is a W/MBE. Discussion followed.

**Motions:**

Table the proposed amendment to the Procurement Ordinance. - PASS

**Vote Results**

Motion: Randy Wilkinson

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

**Motion Minutes:**

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](#)

**Minutes:**

Les Dunson, Farm Labor Housing Task Force Committee, discussed the Farm Labor

Housing Task Force.

Erik Peterson, Land Development, reviewed the proposed ordinance to add a category to the Land Development Code for apartment style farm worker dormitory and barracks style farm worker dormitory and delete the category of farm worker housing. He showed slides and stated that this is the first of two hearings, with the second hearing scheduled for September 2, 2009. Discussion followed.

Commissioner Smith said that washers and dryers should be provided in the dormitories.

Mr. Peterson noted that the Planning Commission recommended denial.

The Chairman opened a public hearing.

Robert McConnel questioned whether fair input was given. He asked what would happen to the facility when it becomes vacant.

Noel Campbell, Fort Meade resident, stated he has no problem with farmworker housing but questioned whether it is needed with the economic downfall.

Larry Black, Lakeland resident, spoke in support of the amendment.

Sylvia Watson, Fort Meade resident, expressed her concerns with Farmworker Housing.

Kay McConnel, Campbell Road Resident, discussed negative impacts of Farmworker Housing. She stated that the citrus industry should be held to the same standards as other industries.

Angel Herrera, resident of Frostproof, spoke in favor of the amendment.

John Strang, resident of Winter Haven, stated that there is precedence for staff level and lower level reviews. He listed different uses for permits.

The Chairman closed the public hearing.

Upon question, Mr. Peterson stated that if the facility was vacated, the future use would be based on the land designation of the facility. Discussion followed.

Upon question, Mr. Peterson discussed the standard of living conditions for workers, and stated that the proposed LDC amendment raises the standard by allowing private space for each worker. Discussion followed.

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](#)

**Minutes:**

Brigitte D'Orval, Land Development, reported that the request is to modify PD 00-23 from

132 single family lots and 288 multi-family dwelling units to 380 multi-family dwelling units and 162,000 square feet of retail and office space. She showed slides and stated that staff recommends approval, and the Planning Commission recommends approval with conditions. She stated that conditions No. 8, 9 and 10 have been revised. Discussion followed.

The Chairman opened one public hearing, to receive public comment on PD 0023M (P. 30) as well as CU-09-14 (P.31).

Les Dunson, Dykes Everett and Company, spoke in favor of PD 00-23. He showed slides of the area and reviewed the site plan. Discussion followed.

Aaron Michaelson, Osceola County Planning Department, spoke in support of PD 00-23.

The Chairman closed the public hearing.

**Motions:**

Approve PD 00-23M with the revised conditions. - PASS

**Vote Results**

Motion: Jean Reed

Second: Bob English

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Not Present

**Motion Minutes:**

Upon question, Growth Management Director Tom Deardorff, stated that Lake Wilson Road is scheduled to be widened to four lanes.

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](#)

**Minutes:**

Todd Vargo, Land Development, stated the applicant is requesting to separate out a previously approved non-phosphate mine use from an approved planned development (PD 00-23). He showed slides of the area and stated that staff and the Planning Commission recommend approval. Discussion followed.

This public hearing was conducted in conjunction with PD 00-23 (P 30).

**Motions:**

Approve CU 09-14. - PASS

**Vote Results**

Motion: Bob English

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Not Present

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](#)

**Minutes:**

Brigitte D'Orval, Land Development, stated the applicant, Polk County School Board, is requesting a change in the sub-district from Institutional-1 to Institutional-2 on 103 acres to construct a high school. She showed slides of the area and reported that staff and the Planning Commission recommend approval.

The Chairman opened a public hearing; no one spoke.

**Motions:**

Adopt Ordinance No. 09-051 approving LDC 09D-02. - PASS

**Vote Results**

Motion: Randy Wilkinson

Second: Bob English

Randy Wilkinson

- Aye

Bob English

- Aye

Sam Johnson

- Aye

Jean Reed

- Aye

Edwin Smith

- Not Present

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](#)

**Minutes:**

John Bohde, Land Development, stated that this is a staff initiated request to provide regulations for cargo containers, eliminating the current prohibition on the use of shipping containers and to add an accompanying definition. He showed slides noting that staff and the Planning Commission recommend approval. He stated this is the first hearing, and the second hearing is scheduled for September 2, 2009. Discussion followed.

Commissioners Reed stated she is concerned with buffering and screening. Discussion followed.

The Chairman opened a public hearing; no one spoke.

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](#)

**Minutes:**

Corey Stutte, Land Development, stated this is a request to revise the "Equipment Repair Major" land use to "Heavy Machinery Equipment Sales and Services." He showed slides and reported that staff and the Planning Commission recommend approval. He said this is the first of two hearings, and the second hearing will be held on September 2, 2009.

The Chairman opened a public hearing; no one spoke.

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](#)

**Minutes:**

John Bohde, Land Development, stated that this is an applicant initiated request to allow for and address the Residential High-X (RHX) land use district in the US 27 Selected Area Plan (SAP) and the Green Swamp Area of Critical State Concern. He said staff and the Planning Commission recommend approval. He said this is the first of two hearings, and the second hearing will be held on September 2, 2009. Discussion followed.

The Chairman opened a public hearing; no one spoke.

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](#)

**Minutes:**

John Bohde, Land Development, stated this is a staff initiated request to add a definition for "Plaza Sign" and amend the definitions for "Specified Anatomical Areas" and "Specified Sexual Activities". He stated that staff and the Planning Commission recommend approval. He said this is the first hearing, and the second hearing is scheduled for September 2, 2009. Discussion followed.

The Chairman opened a public hearing; no one spoke.

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](#)

**Minutes:**

Staff recommended this item be continued to September 2nd for the first reading and to September 16th for the second reading.

**Motions:**

Continue LDC 09T-19 to September 2nd and September 16th. - PASS

**Vote Results**

Motion: Jean Reed

Second: Bob English

Bob English - Aye

Sam Johnson	- Aye
Jean Reed	- Aye
Edwin Smith	- Aye
Randy Wilkinson	- Not Present

## 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 FiscallImpact.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 Backup 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.**