

12-01-09 Regular BoCC Meeting Minutes

December 1, 2009 Regular BoCC meeting

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

ALSO PRESENT: Mike Herr County Manager
 Michael Craig County Attorney
 Richard M. Wiess Clerk and Ex Officio Auditor

The Board convened pursuant to adjournment taken on November 17, 2009.

CALL TO ORDER - 9:00 a.m. (BOB ENGLISH, CHAIR)

INVOCATION

1. [Pastor Donald Smith - Winter Haven First Church of the Nazarene](#)

PLEDGE OF ALLEGIANCE (BOB ENGLISH, CHAIR)

A. APPROVE CONSENT AGENDA

2. [Approve Consent Agenda.](#)

Minutes:

Motions:

Approve Consent Agenda. - PASS

Vote Results

Motion: Sam Johnson

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

B. PRESENTATIONS and RECOGNITIONS

3. [Recognize Michael L. Gay, Survey Technician III, Transportation Division for saving the life of a fellow County citizen.](#)

Minutes: The Board recognized Mr. Gay for his courage and heroic acts which resulted in him saving the life of a fellow County citizen on November 12, 2009.

C. PROCLAMATIONS

4. [Proclaim December 1, 2009 as Polk County Disability Mentoring Awareness Day. Dick Pellegrini, representing the Business Leadership Network \(BLN\), will accept the proclamation.](#)

Attachment: [Disability Mentoring Awareness.pdf](#)

Motions:

Issue the Proclamation. - PASS

Vote Results

Motion: Jean Reed

Second: Sam Johnson

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)

5. [Disbursements.](#)

Attachment: [120109 Disbursements.pdf](#)

Motions:

Approve and ratify disbursements.	- PASS
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Vote Results

Motion: Sam Johnson

Second: Jean Reed

Bob English	- Aye
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Edwin Smith	- Aye
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Randy Wilkinson	- Aye
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Sam Johnson	- Aye
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Jean Reed	- Aye
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6. [Minutes of Regular Board meeting held on November 17, 2009.](#)

Motions:

Approve minutes.	- PASS
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Vote Results

Motion: Sam Johnson

Second: Edwin Smith

Bob English	- Aye
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Sam Johnson	- Aye
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Jean Reed	- Aye
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Edwin Smith	- Aye
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Randy Wilkinson	- Aye
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Motion Minutes: The Chairman announced that the Board will now recess in order to convene as the North Ridge Community Redevelopment Agency (CRA).

E. REQUEST FROM ELECTED OFFICIAL and OTHER GOVERNMENTAL AGENCY

NORTH RIDGE COMMUNITY REDEVELOPMENT AGENCY

7. [Approve minutes of CRA meeting held on June 17, 2009.](#)

Attachment: [061709 NRCRA.pdf](#)

Motions:

Approve minutes. - PASS

Vote Results

Motion: Sam Johnson

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

8. [Lighting Service Contract with Progress Energy for Roadway Lighting on Ernie Caldwell Boulevard Section 2A and the Pine Tree Trail Extension. \(\\$200,867.08 one-time expense and \\$78,248.76 annual expense\)](#)

Attachment: [ECB S2A PTT Lighting Svc Contract.pdf](#)

Attachment: [ECB and Pinetree map.pdf](#)

Attachment: [PWFI Info Form Lighting Svc Contract ECB S2A PTT.pdf](#)

Attachment: [ECB S2A PTT Lighting Proposals.pdf](#)

Attachment: [ECB S2A PTT Lighting Svc Contract Approval.pdf](#)

Minutes: Director of Transportation Engineering Wendy Kluge reviewed the Lighting Services Contract with Progress Energy and the rental fees associated with this Contract. She recommended approval.

Motions:

Approve the Lighting Service Contract with Progress Energy for Roadway Lighting on Ernie Caldwell Boulevard Section 2A and the Pine Tree Trail Extension with the County's construction funding being \$103,904.39 for Ernie Caldwell

Boulevard Section 2A and \$96,962.69 for the Pine Tree Trail extension. and monthly rental payments to Progress Energy in the amount of \$4,084.23 for Ernie Caldwell Boulevard Section 2A and \$2,436.50 for the Pine Tree Trail extension. - 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: The Chairman stated the Board will now reconvene as the Board of County Commissioners.

F. PUBLIC HEARING TO CONSIDER SETTLEMENT

9. [Public Hearing to consider approval of a settlement in the case of Polk vs. Poole, et al, Parcels 164, 165 and 719, an eminent domain lawsuit filed to acquire needed rights-of-way for Lakeland Highlands Blvd. \(\\$206,400 one-time expense\)](#)

Attachment: [12 1 09 PARCELS 164 165 719 Settlement.pdf](#)

Minutes:

County Attorney Michael Craig reviewed the settlement and recommended approval.

The Chairman opened a public hearing; no one spoke.

Motions:

Approve the settlement with Village at Lake Highland Limited Partnership and Village Partners, a Florida General Partnership in the total amount of \$738,000; (2) authorize deposit of the amount of \$168,400, on behalf of the owners, into the Court Registry; (3) authorize payment of \$38,000 to the Trust Account of Troiano & Roberts, P.A. in payment of attorney's fees and costs; and (4) authorize the County Attorney or outside counsel to bring this litigation to a close - PASS

with the entry of a Stipulated Final Judgment with the landowners.

Vote Results

Motion: Sam Johnson

Second: Edwin Smith

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

10. [Public Hearing to consider approval of a mediated settlement in the case of Polk County Board of County Commissioners vs. Envisors, LLC, et al., Case No. 2009CA-009691-0000-LK. \(\\$700,000 one-time revenue\)](#)

Attachment: [Settlement Agreement.pdf](#)

Minutes:

County Attorney Michael Craig reviewed the mediated settlement and recommended approval.

The Chairman opened a public hearing; no one spoke.

Motions:

Approve the mediated settlement in the amount of \$700,000.00. - PASS

Vote Results

Motion: Sam Johnson

Second: Randy Wilkinson

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

G. COUNTY ATTORNEY (MICHAEL CRAIG)

11. [Right-of-Way Purchase for Berkley Road Phase IV and County Road 559-A Improvement Project. \(\\$163,100 one-time expense\)](#)

Attachment: [AddIRW 559A Mincey NP.pdf](#)

Attachment: [AddIRW 559A Mincey NP.pdf](#)

Minutes: Chief Right-of-Way Agent Wade Allen reviewed the purchase Agreement and recommended approval.

Motions:

Accept the Right-of-Way Agreement from Richard Mincey, for Parcel Tax ID Number 172725-000000-011110, and authorize the issuance of a check for \$161,600.00 for the purchase. Also, approve hiring American Government Services Corporation to close the acquisition of the parcel, approve paying estimated closing costs of \$1,500.00, and approve the Chief Right-of-Way Agent to execute the documents on behalf of the Board at closing. - PASS

Vote Results

Motion: Sam Johnson

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

12. [Right-of-Way Purchase, Parcels 156 and 157 for Kathleen Road Phase II Improvement Project. \(\\$309,300 one-time expense\)](#)

Attachment: [Kathleen Rd Ph II HILL Parcel Backup 1.pdf](#)

Attachment: [Kathleen Rd Ph II HILL Parcel Fiscal.pdf](#)

Minutes: Chief Right-of-Way Agent Wade Allen reviewed the Purchase Agreement and recommended approval.

Motions:

Accept the Right-of-Way Agreement from Jimmy

E. Hill and Martha D. Hill, for Parcels 156 and 157, and authorize the issuance of a check for \$306,300.00 for their purchase. Also, approve hiring American Government Services Corporation to close the acquisition of the parcel, approve paying estimated closing costs of \$3,000.00, and approve the Chief Right-of-Way Agent to execute the documents on behalf of the Board at closing. - PASS

Vote Results

Motion: Sam Johnson

Second: Edwin Smith

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

13. [Authorize the Sale of Remnant Parcels associated with Griffin Road Improvement Project. \(\\$130,500 one-time revenue\)](#)

- Attachment: [Back Up.pdf](#)
- Attachment: [FiscalImpact.pdf](#)

Minutes:

Chief Right-of-Way Agent Wade Allen reviewed the Purchase Agreement and recommended approval.

There was discussion regarding the per square foot sale price.

Commissioner Smith stated he would like to see an appraisal and Commissioner Wilkinson concurred.

Motions:

Authorize the sale of remnant parcels, having Parcel ID Numbers 232801-000000-033110, 033310, 033030, 033040, 033390 to Bobby L. Moore and William M. Moore, Co-Trustees for the Louise W. Moore Family Trust with the parcels being sold in "as-is" condition, conveyance being made by County Deed and the proceeds from the sale being deposited into the 317 Road Projects -

Fund.

Vote Results

Motion: Sam Johnson

Second:

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

Motion Minutes: The motion died for lack of a second.

Motions:

Decline to approve the sale of this property at this time and order an appraisal. -

Vote Results

Motion: Edwin Smith

Second:

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

Motion Minutes:

The motion died for lack of a second.

Chairman English stepped down as Chair at this point in the meeting.

Motions:

Authorize the sale of remnant parcels, having Parcel ID Numbers 232801-000000-033110, 033310, 033030, 033040, 033390 to Bobby L. Moore and William M. Moore, Co-Trustees for the Louise W. Moore Family Trust with the parcels - PASS

being sold in "as-is" condition, conveyance being made by County Deed and the proceeds from the sale being deposited into the 317 Road Projects Fund.

Vote Results

Motion: Bob English

Second: Sam Johnson

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

Motion Minutes: The Chairman resumed his position as Chairman.

H. COUNTY MANAGER (MICHAEL HERR)

14. [Lobbying contract for Holland and Knight LLP. \(\\$102,000 annual expense\)](#)

Attachment: [Proposal for Services.pdf](#)

Attachment: [History of Polk County Federal Funding.pdf](#)

Minutes:

County Manager Mike Herr reviewed the contract with Holland and Knight LLP and recommended approval.

Discussion followed on the County's lobbyists in Tallahassee.

Motions:

Approve the contract with Holland and Knight LLP for an amount not to exceed of \$102,000 with a monthly payment of \$8,500 as Polk County's Federal Funding Program for 2010. - PASS

Vote Results

Motion: Jean Reed

Second: Sam Johnson

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

15. [CSA No. 04-12-07 with URS Corporation Southern \(URS\) for continuing program and project management services supporting the Community Investment Program management for Polk County Utilities. \(\\$2,663,470 not to exceed cost\)](#)

Attachment: [URS CSA 04 12 07 Contract.pdf](#)
 Attachment: [URS CSA 04 12 07 Approvals.pdf](#)

Minutes:

County Manager Mike Herr reviewed the Consulting Services Agreement and recommended approval.

Utilities Director Gary Fries said this would extend the current URS contract for two years. He stated there are 105 active Utilites Community Improvement Projects (CIP's) and the value of these active projects is \$74 million. He reviewed recent program highlights, CIP challenges, new initiatives which will be implemented and achievements by URS.

Motions:

Approve CSA No. 04-12-07 with URS Corporation Southern through December 31, 2011, at a cost not to exceed \$2,663,470.00. - PASS

Vote Results

Motion: Sam Johnson

Second: Randy Wilkinson

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

16. [CSA No. 06-235-05 with PBS&J \(Consultant\) for Construction Engineering and Inspections \(CEI\) Services for the Harden Boulevard/Pipkin Road West/Old Highway 37 Intersections and Harden Boulevard 3-Laning Improvements Project. \(\\$499,855 not to exceed cost\)](#)

- Attachment: [HP37 HB3Laning Approvals.pdf](#)
- Attachment: [HP37 HB3Laning PWFI Info Form.pdf](#)
- Attachment: [HP37 HB3Laning Justification.pdf](#)
- Attachment: [HP37 HB3Laning Contract CSA 0623505.pdf](#)
- Attachment: [HP37 HB3Laning Map.pdf](#)

Minutes:

County Manager Mike Herr reviewed the Consulting Services Agreement and recommended approval.

Director of Transportation Engineering Wendy Kluge stated construction will commence next year.

Motions:

Approve CSA No. 06-235-05 with the Consultant for CEI Services for the Harden Boulevard/Pipkin Road West/Old Highway 37 Intersections and Harden Boulevard 3-Laning Improvements Project, for a total not-to-exceed fee of \$499,855.00. - PASS

Vote Results

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

20. [Adopt Resolution Setting Parking Restrictions on Palmetto Street and Walnut Street. \(\\$973.16 expense\)](#)

- Attachment: [No Park Stop Stand Request Palmetto St.pdf](#)
- Attachment: [PWFI Form.pdf](#)
- Attachment: [no parking Resolution Walnut.pdf](#)
- Attachment: [no parking Resolution Palmetto.pdf](#)
- Attachment: [Walnut St Parking Restriction.pdf](#)
- Attachment: [No Park Stop Stand Request Walnut St.pdf](#)
- Attachment: [Palmetto St Parking Restriction.pdf](#)

Minutes: Director of Transportation Engineering Wendy Kluge said vendors who are in the right-of-way along Palmetto Street and Walnut Street are causing hazardous traffic

conditions. She recommended the Board adopt Resolutions restricting parking on both sides of Palmetto Street and Walnut Street.

Motions:

Adopt Resolution No. 09-223 establishing parking restrictions on Palmetto Street; from Marigold Avenue (Mile Post 0.0) to 500 feet east (Mile Post 0.095) along both sides of the street; and Resolution No. 09-224 establishing parking restrictions on Walnut Street from 500 feet west of Marigold Avenue intersection (Mile Post 0.135) to 500 feet east of Marigold Avenue intersection (Mile Post 0.325) along both sides of the street. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

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

17. [Purchase of approximately 5 acres of land from R.J. Keen and Son, Inc. located at 11779 Highway 60 East, eight miles east of Lake Wales for the future site of the Ranchlands Fire Station. \(\\$100,018.50 one-time expense\)](#)

Attachment: [09 1201 Ranchlands Fire Station OraclePWFIFiscApprReqForLgl.pdf](#)

Attachment: [Ranchlands Map.pdf](#)

Attachment: [Purchase Agreement.pdf](#)

Minutes:

County Manager Mike Herr reviewed the proposed land purchase and recommended approval.

Fire Chief David Cash stated this is part of the five-year business plan.

Chief Right-of-Way Agent Wade Allen discussed the going price for commercial property in this area and stated this is competitive.

Motions:

Approve the purchase of approximately 5 acres of

land from R.J. Keen and Son, Inc. for the future site of the Ranchlands Fire Station at a purchase price of \$100,000.00, and approve Facilities Management staff to close on the purchase on behalf the County, approve paying closing costs of \$18.50, execute the documents at closing on behalf of the County and approve the recording of executed instruments which will allow the County to take ownership of the property. - PASS

Vote Results

Motion: Jean Reed

Second: Randy Wilkinson

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

18. [Proposed Board Policy pertaining to the Issuance of Waivers for distribution and consumption of alcohol at specified County recreational facilities. \(No fiscal impact\)](#)

- Attachment: [AlcoholResolution.pdf](#)
- Attachment: [Quote Sheet.pdf](#)
- Attachment: [Policy and Procedure.pdf](#)
- Attachment: [Alcohol Waiver Application.pdf](#)
- Attachment: [Board Presentation.pdf](#)
- Attachment: [Waiver checklist.pdf](#)

Minutes:

Parks Superintendent Derek Harpe reviewed the proposed policy noting the changes which have been made since the Board considered this policy previously. Enforcement was discussed.

Commissioner English asked if all applications for events at which alcohol will be served would come before the Board, and Mr. Harpe stated that is not in the proposed policy; Director of Parks and Natural Resources Jeff Spence will review all applications.

Commissiner Reed stated this policy will be approved for one year only, after which it will be reviewed before being continued.

Commissioner Wilkinson stated there are ways to get around the two-drink limit. He stated the policy must be strictly enforced.

Motions:

Approve the Policy for the use of alcohol in specified County recreational facilities and adopt Resolution No. 09-222. - PASS

Vote Results

Motion: Jean Reed

Second: Randy Wilkinson

Bob English - Nay

Sam Johnson - Not Present

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

19. [Request Board permission to apply for new competitive funding from the Department of Energy \(DOE\) with which to improve the energy efficiency of privately owned homes. \(Grant application is for \\$55,000,000\)](#)

Minutes:

County Manager Mike Herr highlighted the Grant Application to retrofit homes to make them more energy efficient.

Ray Ready, Polk Center for Renewable Energy and Conservaiton Services, Inc., stated the average energy system would save the homeowner approximately \$700.00 per year with a life span of about 14 years.

Motions:

Approve submitting application for the Department of Energy (DOE) Energy Efficiency Conservation Block Grant (EECBG) Competitive Stimulus Funding for Retrofit Ramp-up and General Innovation Fund Grant. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

Bob English - Aye

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

21. [CSA No. 04-46-24 with Jones Edmunds & Associates, Inc. \(JEA\) for design, permitting, and construction document preparation for Phase IV of the North Central Landfill. \(\\$225,555.80 one-time expense\)](#)

Attachment: [Request for Legal Services Phase IV Permit Application.pdf](#)

Attachment: [Phase IV Environmental Resource Permit Application.pdf](#)

Minutes:

County Manager Mike Herr reviewed the Consulting Services Agreement with Jones Edmunds and Associates, Inc. and recommended approval.

Director of Solid Waste Brooks Stayer reviewed four stages of Phase Four of the Landfill Development noting that currently the County is in Stage Two, Environmental Resource Permitting.

Motions:

Approve CSA No. 04-46-24 with Jones Edmunds & Associates, Inc. in the amount of \$225,555.80. - PASS

Vote Results

Motion: Edwin Smith

Second: Randy Wilkinson

Bob English - Aye

Sam Johnson - Not Present

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

22. [Federal Transit Administration Section 5311 Operating Grant Application, Authorizing Resolution and Subsequent Award. \(\\$550,000 match required\)](#)

Attachment: [FTA Section 5311 Grant Application.pdf](#)

Minutes:

County Manager Mike Herr reviewed the Grant Application and authorizing Resolution and recommended approval.

Motions:

Approve the grant application, authorizing Resolution No. 09-224 and subsequent award of Florida Department of Transportation funding provided through the Federal Transit Administration Section 5311 program. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

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

Motion Minutes:

County Manager Mike Herr reviewed a meeting held yesterday with the Florida Department of Transportation (FDOT) regarding the County-Line Corridor Transportation Project. He said the partners have been the County, FDOT and the City of Lakeland. He said FDOT dollars will be available in 2012/2013, and those dollars could not be re-programmed to 2010.

He recommended moving forward with the County-Line Road Project and direct staff to consider other projects for the \$1.5 million.

The Board concurred.

81. [Funding of Road Projects](#)

Minutes:

County Manager Mike Herr gave a summary of a meeting held yesterday with Florida Department of Transportation (FDOT) officials Stan Cann, Dick Holmes and Ben Walker. He said once the last segment of the County Line Road project is completed from Medulla to State Road 60, County Line Road will be four-laned from State Road 60 to I-4. He stated the County has partnered with FDOT, and the City of Lakeland on this project.

Mr. Herr discussed the \$1.5 million FDOT incentive grant funds which will be coming to the County, and which are budgeted by FDOT in 2012/2013. He said the County is ready to move forward with this County Line Road project and the FDOT dollars cannot be reprogrammed in order to be used for this project in 2010. He said those funds could, however, be re-assigned for another project. He recommended that the County move forward with the County Line Road project and direct staff to study how the \$1.5 million could be applied to other projects which might be eligible for County incentive grant funds.

The Board concurred with Mr. Herr's recommendation.

Chairman English asked that staff diligently consider a project which meets the stipulations to qualify for this funding.

I. REQUEST FROM THE GENERAL PUBLIC/AUDIENCE

23. [Comments.](#)

Minutes:

Jeff Hancock asked to be allowed to speak for more than three minutes. He discussed obstructions of justice and federal violations of the U. S. Constitution which he feels have occurred in Polk County.

82. [Housing for sexual predators and offenders](#)

Minutes:

Donna Fry, Lakeland resident, discussed the problems sexual predators and offenders face in finding locations in Polk County where they can live. She stated parents need to be held accountable for their children. She said some young men are being put in jail for crimes which are not crimes. Discussion followed.

David Fry, stated the Sheriff's Department operates for the good of the people; however, they are closing down the tent cities and these people have nowhere they can live.

Andrea Morgan, Auburndale, stated the County Ordinances set up sexual predators and offenders for failure. She said there is no public transportation in the areas where these people are allowed to live, and it is better for them to have an address than be to transients. She said statistically only 3 percent of offenders re-offend.

The Board decided to to bring this issue before the Public Safety Coordinating Council (PSCC). Clerk Richard Weiss stated the PSCC is not the proper venue to discuss this issue. Discussion followed.

J. COMMISSIONER DISTRICT 1 (BOB ENGLISH, CHAIR)

24. [Comments.](#)

Minutes: Chairman English had no comments at this time.

K. COMMISSIONER DISTRICT 2 (RANDY WILKINSON)

25. [Comments.](#)

Minutes: Commissioner Wilkinson stated he appreciates the changes made to the regular agenda to make it more transparent. He commented on the fiscal impact of some items on the Consent Agenda.

L. COMMISSIONER DISTRICT 3 (EDWIN V. SMITH)

26. [Comments.](#)

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

M. COMMISSIONER DISTRICT 4 (JEAN REED)

27. [Comments.](#)

Minutes:

Commissioner Reed reported that on November 18th, she participated in the Great American Teach-in at Chrystal Lake Middle School, and she and Commissioner Johnson attended the Tampa Bay Partnership meeting on November 20th.

Commissioner Reed stated yesterday she attended the groundbreaking event for the Lake Wales Adult Day Care Center. She said the County will look forward to the completion of that project in July 2010.

Commissioner Reed thanked Cindy Rodriguez for putting up a beautiful Christmas Tree in the lobby of the Neil Combee Administration Building. She encouraged people to continue to contribute to Project Care and Cheer.

Commissioner Reed announced that she will be in the Christmas Parade in Poinciana on the morning of December 12th, and then that evening, she will be in the Christmas Parade in Mulberry.

N. COMMISSIONER DISTRICT 5 (SAM JOHNSON)

28. [Comments.](#)

Minutes: Chairman English stated Commissioner Johnson excused himself for a doctor's appointment and will return as soon as possible.

O. LAY BOARD APPOINTMENTS

29. [Reappoint Gloria Camacho as a member of the Community Relations Advisory Council for a three-year term ending November 23, 2012.](#)

Attachment: [Gloria Camacho bio.pdf](#)

Motions:

Reappoint Gloria Camacho as a member of the Community Relations Advisory Council for a three-year term beginning November 23, 2009 and ending November 23, 2012. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Not Present

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

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

P. PUBLIC HEARINGS

30. [Vacate a portion of right-of-way shown on the plat of J.W. Creel's Subdivision, near Auburndale. \(No fiscal impact\)](#)

Attachment: [PH ROW JW Creel SD.pdf](#)

Minutes:

County Attorney Michael Craig reviewed the procedures for Public Hearings, he swore in those who will be speaking this afternoon.

Wade Allen, Chief Right-of-Way Agent, gave background information and showed slides of the property. He reported that there are no objections to the vacation.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Resolution No. 09-225 vacating a portion of right-of-way, shown on the plat of J.W. Creel's Subdivision, near Auburndale. - PASS

Vote Results

Motion: Sam Johnson

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Not Present

31. [Adopt a Resolution to vacate portions of platted and unmaintained rights-of-way as shown on the plat of W.F. Hallam & Co's Club Colony Tract. \(No fiscal impact\)](#)

Attachment: [PH ROW WF Hallam Rogers.pdf](#)

Minutes:

Wade Allen, Chief Right-of-Way Agent, gave background information and showed slides of the property. He reported that there are no objections to the vacation.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Resolution No. 09-226 vacating a portion of

platted and unmaintained rights-of-way, as shown on the plat of W.F. Hallam & Co's Club Colony Tract. - PASS

Vote Results

Motion: Edwin Smith

Second: Sam Johnson

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Not Present

32. [Consider adoption of an ordinance \(Health Insurance Ordinance\) amending Section 2 of Ordinance No. 70-2, as amended by Ordinance No. 06-071 and 09-001. \(No fiscal impact\)](#)

Attachment: [HEALTH INSURANCE ORDINANCE 2010 nov30.pdf](#)

Minutes:

County Attorney Michael Craig reviewed the proposed ordinance. He stated that the proposed ordinance will limit Polk County's subsidy of premiums for retired employee's health insurance for those employees who were hired on or after January 1, 2010 and vest employees with fifteen or more years of service.

The Chairman opened a public hearing; no one spoke

Motions:

Adopt Ordinance No. 09-069, amending Section 2 of Ordinance No. 70-02, as amended by Ordinance Nos. 06-071 and 09-001. - PASS

Vote Results

Motion: Edwin Smith

Second: Sam Johnson

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

33. [Consider adoption of an ordinance amending, restating and consolidating the Local Business Tax Ordinance for the purpose of making clerical changes, modifying provisions relating to collection of the tax, and providing for an increase of up to five percent \(5%\) as provided by Florida Statutes.](#)

Attachment: [2009 Local Business Tax Ordinance \(clean copy revised\) 11 19 09.pdf](#)

Minutes:

County Attorney Michael Craig reviewed the proposed ordinance. He noted that the proposed increase of 5% to the current Local Business Tax rates will result in collection of an additional \$1.50 for each Class A local business license, \$2.75 for each Class B local business license and \$15.00 for each Class C local business license.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 09-070 amending, restating and consolidating the Local Business Tax Ordinance for the purpose of making clerical changes, modifying provisions relating to the collection of the tax, and providing for an increase of up to five percent (5%) as provided by Florida Statutes. - PASS

Vote Results

Motion: Sam Johnson

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

34. [Consider Amending Ordinance 92-11, as Amended, the Polk County Fire Services Ordinance, for the purpose of adding the City of Mulberry to the Polk County Fire Services District. \(No fiscal impact\)](#)

Attachment: [FIREORD 2009 Mulberry.pdf](#)

Minutes:

County Attorney Michael Craig, reviewed the proposed ordinance .

Mr. Craig read into the record that if the Ordinance is adopted by Polk County, the it will be reassigned the Ordinance No. 2009-16 by the City of Mulberry.

Jerry Bruer, Attorney for City of Mulberry, stated he was available to answer questions.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 09-071, amending Ordinance 92-11, as amended, the Polk County Fire Services Ordinance, for the purpose of adding the City of Mulberry to the Polk County Fire Services District. - PASS

Vote Results

Motion: Jean Reed

Second: Sam Johnson

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

35. [Ordinance adopting CPA 09B-13 to amend the text of the Comprehensive Plan amending Policy 2.116-A4, Institutional, Section 2.125-E, Community Facilities, and Division 4.400, Glossary. \(No fiscal impact\)](#)

Attachment: [CPA 09B 13 Staff Report.pdf](#)

Attachment: [CPA 09B 13 Ordinance.pdf](#)

Minutes:

Aaron Flint, Long Range Planning, stated the comments from the Department of Community Affairs have been incorporated with a response into the staff reports.

John Bohde, Land Development, reviewed the proposed Comprehensive Plan Amendment. He showed slides and noted this is a staff initiated request. He stated that staff and the Planning Commission recommend approval. Discussion followed.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 09-072, adopting CPA 09B-13. - PASS

Vote Results

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

36. [LDC 09T-07 \(Group Living Facilities\) to consider the Adoption of an ordinance amending the Land Development Code. \(No fiscal impact\)](#)

Attachment: [LDC 09T 07 Ordinance.pdf](#)
Attachment: [LDC 09T 07 Staff Report.pdf](#)

Minutes:

Aaron Flint, Long Range Planning, stated the comments from the Department of Community Affairs have been incorporated with a response into the staff reports.

John Bohde, Land Development reviewed the proposed amendment to the Land Development Code to amend the Use Tables for living facilities, group homes and adult day care centers. He showed slides and stated this is a staff initiated request.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 09-073, adopting LDC 09T-07. - PASS

Vote Results

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

37. [Ordinance adopting CPA 09B-01 to change the Future Land Use from Phosphate Mining \(PM\) to Agriculture Residential Rural \(A/RR\) on 512.39± acres. \(No fiscal impact\)](#)

Attachment: [CPA 09B 01 Ordinance.pdf](#)
Attachment: [CPA 09B 01 Staff Report.pdf](#)

Minutes:

Aaron Flint, Long Range Planning, stated that the Phosphate Mine Review Committee and the Department of Community Affairs have no objections.

Ana Martinez-Hubert, Long Range Planning, reviewed the proposed ordinance. She showed slides of the area and stated this is an applicant initiated request. She noted that staff and the Planning Commission recommend approval.

The Chairman opened a public hearing.

Christy Patel spoke in opposition to the proposed ordinance.

The Chairman closed the public hearing.

Motions:

Adopt Ordinance No. 09-074, adopting CPA 09B-01. - PASS

Vote Results

Motion: Randy Wilkinson

Second: Jean Reed

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

38. [Ordinance adopting CPA 09B-02 to change the Future Land Use from Residential Low \(RL\) to Recreational and Open Space \(ROS\) on 28.57± acres. \(No fiscal impact\)](#)

Attachment: [CPA 09B 02 STAFF REPORT.pdf](#)
Attachment: [CPA 09B 02 ORDINANCE.pdf](#)

Minutes:

Aaron Flint, Long Range Planning, reviewed the proposed ordinance. He showed slides of the area and noted this is an applicant initiated request. He stated that staff and the Planning Commission recommend approval. He noted that the Department of Community Affairs has no objections. Discussion followed.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 09-075, adopting CPA 09B-02. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Not Present

39. [Ordinance adopting CPA 09B-04 to change the Future Land Use from Phosphate Mining \(PM\) to Industrial \(IND\) on 300± acres. \(No fiscal impact\)](#)

Attachment: [Opposition Letters.pdf](#)

Attachment: [CPA 09B 04 Letter from CSX.pdf](#)

Attachment: [CPA 09B 04 Ordinance Adoption.pdf](#)

Attachment: [CPA 09B 04 Adoption Staff Report120109.pdf](#)

Attachment: [CPA 09B 04 Letter from CFRPC.pdf](#)

Minutes:

Tom Deardorff, Growth Management Director, reviewed the proposed ordinance. He showed slides of the area and noted this is an applicant initiated request. He noted that staff recommends approval with the removal of parcels 6 and 9. He stated that the Planning Commission recommends approval with the removal of parcel 4. Discussion followed.

Tom Mims, Mims Alafia LLC, presented slides of the area and outlined land uses.

David Carter, Engineer representing the applicant, reviewed the proposed land use change.

Fred Crable, Environmental Scientist, spoke in support of the applicant and discussed the minimal amount of wildlife that lives on the site.

The Chairman opened a public hearing.

Susan McDuffie spoke in opposition to the proposed land use changes. She stated the law would be violated if the ordinance passed. She discussed the loss of water, loss of wildlife and negative changes in residents lifestyles that will occur.

Tyler Terrence spoke in opposition.

Brent Gohagen, attorney with Gohagen, P.A., reviewed the Department of Community Affairs report, noting red flag issues throughout the report. He discussed various violations imposed by the proposed land use changes.

Mr. Gohagen stated that CSX opposes this proposed land use change and he submitted a letter into the record from CSX.

Lisa Bond discussed endangered wildlife species that are at risk.

TJ Bond gave a report on the indigo snake. He stated that the majority of these animals live in Polk County and they are endangered.

Jerry Bruer, Mayor, City of Mulberry, stated that the City of Mulberry opposes the proposed land use changes. He discussed how waste water treatment will negatively affect the community.

Christy Patel read a letter of opposition into the record.

Susan Knight, representative of Pinedale Subdivision, spoke in opposition to the proposed changes.

Richard Pfeiffer, Lakeland resident, questioned the need of the land use change.

Susan Thorton, stated that the proposed Land Use changes will put citizens safety at risk and will drastically increase traffic.

J.D. Singletary and Cliff Halford spoke in opposition.

Wayne Street, Bradley resident, listed various downfalls with the proposed land use change. He noted the noise levels, pollutants and traffic that will increase.

Christy Dunn, Bradley resident, discussed how noise and dust will increase in the area. She mentioned wildlife that will be negatively affected.

Pastor Ronnie Moats discussed the 514 homeowners that are negatively affected. He displayed pictures of the area.

Sue Needham discussed wildlife that inhabits the area.

Bobby Harper discussed traffic accidents and fatalities.

Terry Evers and Frankie Smith spoke in opposition.

Faye Singletary discussed traffic fatalities.

MaryAnn Hardy and Averail Jane Townsley spoke in opposition.

Sharon Bryant displayed a picture of an eagle and discussed wildlife she has seen around her property.

Jessy May Warner spoke in opposition and discussed her husbands health issues.

Vera Mae Hardy and Deborah Satchell spoke in opposition.

Miriam Strickland described how her family life will be destroyed.

JR Knight discussed how his property value will decrease.

Mr. Mims spoke in rebuttal to public comment.

Upon question, Mr. Mims stated that alternative uses will be discussed with staff for the parcels that will be removed from the land use changes. He stated, as an example, that a cardboard box manufacturing facility could be a future type of industry on the site.

Commissioner Smith stated that Mr. Mims failed to meet with the residents and suggested that he include the opinions of citizens in his land use changes.

The Chairman closed the public hearing.

Upon question, Mr. Deardorff discussed the different possibilities of land use for the parcels for approval and for those that are being removed. He suggested meeting with citizens to determine uses for the land. Discussion followed on Urban Sprawl.

Commissioner Reed commended the applicant and staff for their hard work. She stated that this land use change is premature for this area. She suggested more Business Park land use versus Industrial.

Motions:

Decline to adopt CPA 09B-04 without prejudice. - FAIL

Vote Results

Motion: Jean Reed

Second: Edwin Smith

Bob English - Nay

Sam Johnson - Nay

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Nay

Motion Minutes:

Commissioner Wilkinson discussed the possibility of tabling this issue. He suggested having Mr. Mims meet with the community and noted that the main concern is with the landfill.

Commissioner Smith stated that he was in favor of sending the proposed ordinance to the Department of Community Affairs (DCA) in order to review DCA's comments. He suggested community meetings with Mr. Mims.

Upon question County Attorney Michael Craig, reviewed the process if the proposed ordinance is denied with prejudice or denied without prejudice. Discussion followed.

Commissioner Johnson stated that railroad tracks are an appropriate use for the site.

Chairman English discussed the different land uses of the area. He also noted that the issues of wildlife will be addressed as the property is developed.

Upon question, Mr. Mims stated the parcels that have been taken out of the agreement and are located near residents could be designated as Business Park. Discussion followed.

Motions:

Adopt Ordinance No.09-076 adopting CPA 09B-04 - PASS

Vote Results

Motion: Sam Johnson

Second: Randy Wilkinson

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Nay

Edwin Smith - Nay

Randy Wilkinson - Aye

Motion Minutes:

Commissioner Wilkinson stated that he would like the future buffer to be Business Park Center.

Upon question, Aaron Flint stated that the Department of Community Affairs has a review period and it could find the proposed land use change in noncompliance.

40. [Ordinance adopting CPA 09B-05 to change the Future Land Use from Business Park Center \(BPC\) to Neighborhood Activity Center \(NAC\) on 5.5± acres. \(No fiscal impact\)](#)

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

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

Minutes:

Aaron Flint, Long Range Planning, reviewed the proposed ordinance. He showed slides of the area and stated that this is an applicant initiated request. He noted that staff and the Planning Commission recommend approval. He stated the comments from the Department of Community Affairs have been incorporated with a response into the staff reports.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 09-077, adopting CPA 09B-05. - PASS

Vote Results

Motion: Sam Johnson

Second: Edwin Smith

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

41. [Ordinance adopting CPA 09B-06 to change the Future Land Use from from Residential Low \(RL\) to Institutional \(INST\) on 42.5± acres. \(No fiscal impact\)](#)

Attachment: [CPA 09B 06 Staff Report.pdf](#)

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

Minutes:

Aaron Flint, Land Development, reviewed the proposed ordinance. He showed slides of the area and stated this is an applicant initiated request. He noted that staff and the Planning Commission recommend approval. He stated the comments from the Department of Community Affairs have been incorporated with a response into the staff reports.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 09-078, adopting CPA 09B-06. - PASS

Vote Results

Motion: Sam Johnson

Second: Edwin Smith

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

42. [Ordinance adopting CPA 09B-07 to change the Future Land Use from Community Activity Center "X" \(CACX\) to Residential Medium "X" on 16± acres. \(No fiscal impact\)](#)

Attachment: [CPA 09B 07 STAFF REPORT.pdf](#)

Attachment: [CPA 09B 07 ORDINANCE.pdf](#)

Minutes:

Albert Frederick, Long Range Planning, reviewed the proposed ordinance. He showed slides of the area and stated this is a County initiated request. He noted that staff and the Planning Commission recommend approval. He stated the comments from the Department of Community Affairs have been incorporated with a response into the staff reports.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 09-079, adopting CPA 09B-07. - PASS

Vote Results

Motion: Sam Johnson

Second: Edwin Smith

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

43. [Ordinance adopting CPA 09B-08 to amend the Intergovernmental Element of the Polk County Comprehensive Plan. \(No fiscal impact\)](#)

Attachment: [CPA 09B 08 Staff Report Revised.pdf](#)

Attachment: [CPA 09B 08 Ordinance.pdf](#)

Minutes:

Chanda Bennett, Long Range Planning, reviewed the proposed ordinance. She showed slides and stated this is a County initiated request. She stated staff recommends approval and the Planning Commission recommends approval with an amendment to the last sentence added to Policy 4.102-A7. She discussed the objections from the Department of Community Affairs referencing that policy. She read an additional Finding of Fact into the record.

The Chairman opened a public hearing.

Mark Bennet, City of Haines City, said he would answer questions.

The Chairman closed the public hearing.

Motions:

Adopt Ordinance No. 09-080, adopting CPA 09B-08 including the Findings of Fact as read into the record by staff. - PASS

Vote Results

Motion: Sam Johnson

Second: Edwin Smith

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

44. [Ordinance adopting CPA 09B-09 to change the Future Land Use from PRE-Development of Regional Impact \(PRE-DRI No. 1\) to Agriculture/Residential Rural \(A/RR\) on 33.3± acres; from PRE-Development of Regional Impact \(PRE-DRI No. 1\) to Institutional \(INST\) on 25± acres; and from Institutional \(INST\) to Agriculture/Residential Rural \(A/RR\) on 5± for a total of 63.3± acres . \(No fiscal impact\)](#)

Attachment: [CPA 09B 09 ORDINANCE.pdf](#)

Attachment: [CPA 09B 09 Staff Report.pdf](#)

Minutes:

Aaron Flint, Long Range Planning, reviewed the proposed ordinance. He showed slides of the area and noted this is a County initiated request. He stated staff and the Planning Commission recommend approval. He stated there were no comments from the

Department of Community Affairs.

The Chairman opened a public hearing; no one spoke

Motions:

Adopt Ordinance No. 09-081, adopting CPA 09B-09. - PASS

Vote Results

Motion: Sam Johnson

Second: Edwin Smith

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

45. [Ordinance adopting CPA 09B-10 to amend the text of the Polk County Comprehensive Plan to correct a scrivener's error in Section 2.132 \(Critical Area Resource Management Plan\). \(No fiscal impact\)](#)

Attachment: [CPA 09B 10 Staff Report.pdf](#)

Attachment: [CPA 09B 10 Ordinance.pdf](#)

Minutes:

Aaron Flint, Long Range Planning, reviewed the proposed text amendment. He showed slides and stated this is a County initiated request. He stated that staff and the Planning Commission recommend approval. He stated the comments from the Department of Community Affairs have been incorporated with a response into the staff reports.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 09-082 adopting CPA 09B-10. - PASS

Vote Results

Motion: Edwin Smith

Second: Sam Johnson

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

46. [Ordinance adopting CPA 09B-11 to change the Future Land Use from Professional Institutional "X" \(PIX\) to Residential Low "X" \(RLX\) on 15.63± acres \(Site 1\) and from Residential Low "X" \(RLX\) to Professional Institutional "X" \(PIX\) on 13± acres \(Site 2\). \(No fiscal impact\)](#)

Attachment: [CPA 09B 11 Staff Report.pdf](#)

Attachment: [CPA 09B 11 Ordinance.pdf](#)

Minutes:

Aaron Flint, Long Range Planning, reviewed the proposed ordinance. He showed slides and stated this is a joint County and applicant initiated request. He noted that staff and the Planning Commission recommend approval. He stated the comments from the Department of Community Affairs have been incorporated with a response into the staff reports.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 09-083, adopting CPA 09B-11. - PASS

Vote Results

Motion: Sam Johnson

Second: Edwin Smith

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

47. [Ordinance adopting LDC 09D-03 to change the Land Development Code Sub-district on 15.63± from Residential Low "X" \(RLX\) to Residential Low "4X" \(RL-4X\). \(No fiscal impact\)](#)

Attachment: [LDC 09D 03 Ordinance.pdf](#)

Attachment: [LDC 09D 03 Staff Report.pdf](#)

Minutes:

Aaron Flint, Long Range Planning, reviewed the proposed ordinance. He showed slides and stated this is a county initiated request. He stated that staff and the Planning Commission recommend approval. He stated there were no comments from the Department of Community Affairs.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 09-084, adopting LDC 09D-03. - PASS

Vote Results

Motion: Edwin Smith

Second: Sam Johnson

Jean Reed - Not Present

Edwin Smith - Aye

Randy Wilkinson - Aye

Bob English - Aye

Sam Johnson - Aye

Q. CONSENT AGENDA ITEMS

ACCOUNTANT, AUDITOR and CLERK TO THE BOARD

48. [Removal of equipment from inventory as listed on Blanket Removal Form 1848.](#)

Attachment: [Blanket Removal Form 1848.pdf](#)

49. [Minutes of the Lake Ashton Community Development District dated July 10, 2009.](#)

50. [Southwest Florida Water Management District's Draft Five-Year Water Resource Development Work Program.](#)

51. [Approve Appointment of Property Custodian for Housing and Neighborhood Development.](#)

Attachment: [Property Custodian Vitello1.pdf](#)

52. [List of Lands Available from Tax Deed Sales of October 15, 2009, and November 19, 2009.](#)

Attachment: [Tax Deed Sales.pdf](#)

COUNTY ATTORNEY

53. [Resolution of the Housing Finance Authority of Polk County. \(No fiscal impact\)](#)

Attachment: [Tefra Resolution Housing Finance Authority.pdf](#)

54. [Resolution authorizing the Conveyance of the County's Interest in Parcel ID Numbers 283001-939010-004140 and 003100 to Saddlebag Lake Owners Association, a Florida non profit corporation. \(No fiscal impact\)](#)

Attachment: [Saddlebag Backup SCL.pdf](#)

55. [Lease Agreement No. 167A between the Board and West Bartow Partnership LTD., LLLP for approximately 1,752 square feet of kitchen, dining room, storage and office space located at 850 N. Gordon Avenue, in Bartow to be used by the Elderly Services Nutrition Program, known as "Fellowship Dining". \(No fiscal impact\)](#)

Attachment: [Lease Agreement 167A.pdf](#)

ASSISTANT COUNTY MANAGER

56. [Amendment No. 1, Traviss Career Center, Dental Assisting Program \(Contract No. 10 007 RM\). \(\\$49,999 not to exceed cost\)](#)

Attachment: [Amendment No 1 Traviss Car Cen.pdf](#)

Attachment: [Traviss Career Cen 10 007 RM.pdf](#)

INFRASTRUCTURE MANAGEMENT

57. [Memorandum of Agreement for the Permanent Loan of Artifacts for the historical canoe to be housed at Polk's Nature Discovery Center. \(Minimal initial set up and maintenance cost\)](#)

Attachment: [MOA.pdf](#)

Attachment: [Legal Approval.pdf](#)

58. [Fourth Amendment to Cooperative Funding Agreement No. 97CON000097 Between the Southwest Florida Water Management District and Polk County for Itchepackesassa Creek Implementation of Best Management Practices \(P729\). \(Time extension only\)](#)

Attachment: [4th Amendement for Itchchepackesassa Creek.pdf](#)

59. [A month-to-month addendum for Sublease Agreement No. 155 between the Board and the Bartow Municipal Airport Development Authority for Suite 17 in Building No. 250 used by the Emergency Operations Center \(EOC\). \(\\$7,615.68 annual expense\)](#)

Attachment: [09 1201 Lease 155 Bldg 250 17 EOC OraclePWFI PSappr ReqForLgl.pdf](#)

Attachment: [09 1201 Lease 155 Bldg 250 17 EOC contract map.pdf](#)

60. [Accept grant funds of \\$196,000.00 from the U.S. Department of Housing and Urban Development \(HUD\) for construction of the Wabash Community Center to be located at 1200 Southern Avenue in Lakeland. \(\\$196,000 one-time revenue\)](#)

Attachment: [09 1201 Wabash CC Grant AgreementCoverLtr.pdf](#)

Attachment: [09 1201 Wabash CC Grant OraclePWFI ReqforLgl.pdf](#)

61. [Amendment to the Utilities Five-Year Renewal and Replacement \(R&R\) Community Investment Program \(CIP\) budget. \(Transfer of existing appropriations\)](#)

Attachment: [CIP Amendment Attachment A.pdf](#)

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

Attachment: [Finance and Acctg Approval.pdf](#)

Attachment: [CIP Budget Amendment Approvals.pdf](#)

62. [Change Order No. 1 to Construction Contract No. 09-052 with Killebrew, Inc., to provide a 41-day time extension and an increase in funds for additional construction at Lake Blue Park. \(\\$43,933.00 one-time expense and time extension\)](#)

Attachment: [CO Lake Blue Project.pdf](#)

63. [Modification No. 1 to CSA No. 06-234-03 with HDR Engineering, Inc. \(Consultant\) for post-design services for the Adell Road Bridge Replacement Project. \(Time extension only\)](#)

Attachment: [Adell Rd Bridge CSA 0623403 Mod1 Contract.pdf](#)

Attachment: [Adell Rd Bridge CSA 0623403 Mod1 Approvals.pdf](#)

Attachment: [Adell Rd Bridge Map.pdf](#)

Attachment: [Adell Rd Bridge COMod Summary Form.pdf](#)

GROWTH MANAGEMENT

64. [SET HEARING to consider the adoption of an ordinance \(LDC 09T-31\) amending the Land Development Code. \(Suggested hearing dates: December 16, 2009 and January 6, 2010\) \(No fiscal impact\)](#)

65. [SET HEARING to consider the adoption of an ordinance \(LDC 09T-32\) amending the Land Development Code. \(Suggested hearing dates: December 16, 2009 and January 6, 2010\) \(No fiscal impact\)](#)

66. [SET HEARING to consider the adoption of an ordinance \(LDC 09T-33\) amending the Land Development Code. \(Suggested hearing dates: December 16, 2009 and January 6, 2010\) \(No fiscal impact\)](#)

67. [SET HEARING to consider adoption of Small Scale Comprehensive Plan Map Amendments \(CPA 09S-12, 09S-13, and 09S-14\) and associated ordinances. \(Suggested hearing date is December 16, 2009, at 1:30 p.m.\) \(No fiscal impact\)](#)

68. [Victor Posner City Center 1F Amendment to Surety. \(No fiscal impact\)](#)

Attachment: [Victor Posner City Center 1F.pdf](#)

HUMAN SERVICES

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

Attachment: [TBRA Contracts.pdf](#)

Attachment: [120109 TBRA Checklist.pdf](#)

70. [Housing Choice Voucher \(Section 8\) Housing Assistance Payments \(HAP\) Contracts for the families and the amounts listed.](#)

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

Attachment: [120109 Section 8 Checklist.pdf](#)

71. [State Housing Initiatives Partnership \(SHIP\) Down Payment Assistance Program Satisfactions of Mortgage and Security Agreements for the families listed. \(\\$10,790.00 revenue\)](#)

Attachment: [SHIP DPA 120109.pdf](#)

Attachment: [Checklist DPA 120109.pdf](#)

72. [HOME Investment Partnership Program, Satisfactions of Rehabilitation/Replacement Lien Agreement, Mortgage and Mortgage Note, for Opal Gardner. \(\\$108.03 revenue\)](#)

Attachment: [Opal GardnerChecklist 120109 HOME.pdf](#)

Attachment: [Opal Gardner 120109 HOME.pdf](#)

73. [Standard Certifications and Assurances for Federal Fiscal Year 2010 for Federal Transit Administration funded programs. \(No fiscal impact\)](#)

Attachment: [Request for Legal Services.pdf](#)

Attachment: [2010 FTA Certifications and Assurances.pdf](#)

74. [Addendum No. 2 to the State Housing Initiatives Partnership \(SHIP\) Program Agreement, Contract No. S080001-00, between Polk County and the Keystone Challenge Fund, Inc. \(\\$61,712 fiscal impact/no match\)](#)

Attachment: [Housing Goals Chart.pdf](#)

Attachment: [Addendum No 2 Keystone.pdf](#)

Attachment: [Keystone Addendum No 2 Ckfst.pdf](#)

75. [Accept \\$75,000.00 Volunteer Impact, Retention and Expansion \(VIRE\) Grant from the Corporation for National and Community Service, and sign an Authorization Form Update. \(\\$75,000 one-time revenue\)](#)

Attachment: [VIRE Program Narrative.pdf](#)

Attachment: [VIRE Grant Award Letter.pdf](#)

Attachment: [081809 VIRE Agenda item.pdf](#)

Attachment: [VIRE GRANT AUTHORIZATION FORM UPDATE.pdf](#)

SUPPORT SERVICES

76. [CS Stars Statement of Work number 3, Renewal Agreement, and Statement of Work number 4. RESUBMISSION of approved item appearing on the October 21, 2009 consent agenda in order to correct scrivener's error in the contract dates. \(\\$93,691 one-time expense/ annual expense in future will be \\$78,391\)](#)

Attachment: [CSSTARSREVISION.pdf](#)

77. [Professional Services Selection Committee's recommendation on RFP No. 09-130-AAR, Architectural Services. \(No fiscal impact\)](#)

Attachment: [scoresheet.pdf](#)

78. [CaremarkPCS Health, LLC, Amendment. \(\\$4,320 recurring expense\)](#)

Attachment: [Caremark Amendment .pdf](#)

79. [Approval to submit an application to the Knight News Challenge Competition, due December 15, 2009, which seeks innovations that use new or available technology to distribute content in local communities. PGTV will use this grant to further develop content and technology related to webinars, on-demand archives, Low-Power TV and mobile TV \(TV on cell phone\) transmission. \(No fiscal impact\)](#)

POLK COUNTY SHERIFF

80. [Approve Sheriff's request for the release of the appropriation and expenditure of \\$59,062.11 from the Law Enforcement Trust Fund Federal Forfeitures account.](#)

Attachment: [Transfer of Sheriff Federal Forfeiture Funds.pdf](#)