

07-22-09 Regular BoCC Meeting Minutes

**July 22, 2009 Regular BoCC meeting**

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

Also Present: Mike Herr County Manager  
Michael Craig County Attorney  
Richard M. Weiss Clerk and Ex-Officio Auditor

The Board convened pursuant to adjournment taken on July 08, 2009.

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

**INVOCATION**

1. [Reverend Jim O'Hara - Lake Wales Alliance Church](#)

**PLEDGE OF ALLEGIANCE** (SAM JOHNSON, CHAIR)

**A. APPROVE CONSENT AGENDA**

2. [Approve Consent Agenda.](#)

**Minutes:** Following discussion Consent Agenda Item No. 86 was withdrawn.

**Motions:**

Approve remainder of Consent Agenda. - PASS

**Vote Results**

Motion: Jean Reed

Second: Randy Wilkinson

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

**Motion Minutes:**

**Motions:**

Table Consent Agenda Item No. Q.86 until a letter can be sent asking CSX Corp. to waive the \$20,000.00 consultant fee associated with this item. - PASS

**Vote Results**

Motion: Jean Reed

Second: Bob English

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

**Motion Minutes:**

Commissioner Wilkinson moved to table Consent Agenda Item No. Q.86. The motion died for lack of a second.

Following discussion, County Manager Mike Herr explained a \$20,000.00 consultant fee is being charged by CSX Corp. He asked if the Board would like to ask CSX to waive this fee.

Ron Morrow, CSX Corp. Projects Director, said the Board could submit a request to CSX to waive this fee. He said he is not familiar with the issue, but he will forward the request to the CSX office in Jacksonville.

**B. PRESENTATIONS and RECOGNITIONS**

3. [Presentation of service certificates to: Craig Dunton, James "Jim" Freeman, Geri Irons, Cristina Morris, and Mary Kirkland.](#)

Attachment: [2009BoardPresentionsJuly22.pdf](#)

**Minutes:**

The Board presented Employee Service Awards to employees with 20, 25 and 35 years of dedicated service to the County.

4. [Rich Gold, Holland & Knight, to present an update on the federal advocacy efforts and the county federal agenda.](#)

**Minutes:**

Mr. Gold gave an update on the advocacy efforts by Holland & Knight on behalf of Polk County. He discussed the federal appropriations process and highlighted the following pending Polk County projects: \$250,000.00 in the Department of Justice Bill for Polk County Methamphetamine Prevention Project; \$250,000.00 in the same Department of Justice Bill for Polk County Gang Prevention Initiative; \$500,000.00 for improvements to U.S. 98; \$200,000.00 for Winter Haven Polk County buses; and \$200,000.00 for the renovation of the Polk County Agricultural Center.

Mr. Gold explained that in addition to the normal appropriations process, this year the five-year Transportation Reauthorization Bill is moving in Congress. He stated the Polk County priorities are as follows: U.S. 27 widening; U.S. 98 widening; and State Road 542-Dundee Road widening.

Mr. Gold stated Health Care Reform, Climate Change and Economic Recovery are also major issues this year. He said stimulus dollars are flowing and there are also Human Services grant funds available.

Mr. Gold said assuming the County is successful in achieving federal funding for the current bills moving forward, a total of \$21.7 million will have been received by the County from the federal government since Fiscal Year 2002. Discussion followed.

Mr. Gold said it is absolutely critical for the Congressional committee staff to hear from this Board on issues of importance to Polk County. He strongly encouraged the Board members to continue traveling to Washington periodically to talk with the local legislators.

5. [Charlie Paxton, representing the National Weather Service, will present the StormReady Presentation Award to Polk County Emergency Management. Billy Abernathy and Paul Womble will accept the award.](#)

**Minutes:**

Mr. Paxton said Polk County has been recognized as a Storm Ready County since 2003, and is now certified through 2012.

Mr. Abernathy said Polk County staff has a good relationship with the National Weather Service and this allows the citizens to be notified of weather conditions which affect them.

**C. PROCLAMATIONS**

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

6. [Disbursements.](#)

Attachment: [DISBURSEMENTS 072209.pdf](#)

**Motions:**

Approve and ratify disbursements. - PASS

**Vote Results**

Motion: Edwin Smith

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 July 8, 2009.](#)

Attachment: [070809MIN.pdf](#)

**Motions:**

Approve minutes. - PASS

**Vote Results**

Motion: Edwin Smith

Second: Jean Reed

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. [Minutes of Harden/Parkway CRA meeting held on September 24, 2008.](#)

Attachment: [092408 Harden Parkway CRA Minutes.pdf](#)

**Minutes:**

The Harden/Parkway Community Redevelopment Agency (CRA) members in attendance were Chairman Johnson, Commissioners English, Wilkinson, Smith and Reed and City of Lakeland Director of Community Development Jim Studiale and Lakeland City Manager Doug Thomas.

**Motions:**

Approve the September 24, 2008,  
Harden/Parkway CRA Board Meeting Minutes. - PASS

**Vote Results**

Motion: Edwin Smith

Second: Randy Wilkinson

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

**Motion Minutes:** Jim Studiale and Doug Thomas also voted in favor of the motion.

9. [Approve CIP Amendment and Budget Transfer for additional Right-of-Way funding for the Polk Harden CRA project, Pipkin Road West/Harden Blvd/Old Highway 37 Intersection and Harden Blvd 3-laning.](#)

Attachment: [PWFI Info Form.pdf](#)  
Attachment: [Budget Revision Journal1.pdf](#)  
Attachment: [Pipkin-Harden.pdf](#)

**Minutes:**

Director of Transportation Engineering Wendy Kluge reviewed the CIP Amendment for right of way acquisition in the amount of \$1 million and recommended approval.

Upon question, County Manager Mike Herr stated he plans to discuss with Mr. Thomas and his staff whether the City of Lakeland could joint venture with the County for dollars with respect to the completion of the three-laning of Harden and the realignment of the intersection.

**Motions:**

Approve an additional \$1,000,000.00 for Right-of-Way acquisition on the Polk Harden CRA Project, Pipkin Road West/Harden Blvd/Old Highway 37 Intersection and Harden Blvd 3-laning Project and associated CIP Amendment and Budget Transfer. - PASS

**Vote Results**

Motion: Bob English

Second: Edwin Smith

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

**Motion Minutes:** Jim Studiale and Doug Thomas also voted in favor of the motion.

**COURT - RELATED**

10. [Approve Edward Byrne Memorial Justice Assistance Grant Program funds in the amount of \\$1,400,000; approve request for permission to add three new Drug Court Counselor positions; and approve transfer from Special Revenue Grants Fund, Reserve for Contingency.](#)

Attachment: [DRUG-COURT-COUNSELORS.pdf](#)  
Attachment: [Drug Court Expansion Plan.pdf](#)

**Minutes:**

County Manager Mike Herr stated this Program is self sustaining, without the need for funding from the General Fund. He reviewed this Program and recommended approval.

**Motions:**

Approve three additional Drug Court counselor positions and designate Polk County as the fiscal administrator of the Edward Byrne Memorial Justice Assistance Grant funds. Approve transfer from the Special Revenue Grants Fund, Reserve for Contingency. - PASS

**Vote Results**

Motion: Jean Reed

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

**F. PUBLIC HEARING TO CONSIDER SETTLEMENT**

11. [Public Hearing to consider approval of a mediated settlement in the case of Polk v. Fountain, et al, Parcels 141, 708 and 709, an eminent domain lawsuit filed to acquire needed rights-of-way for Berkley Road, Phases II and III.](#)

Attachment: [72209 backup parcel 141 708 709.pdf](#)

**Minutes:**

Deputy County Attorney Linda McKinley reviewed the provisions of the mediated settlement. She demonstrated the location of the parcels and recommended approval.

The Chairman opened a public hearing; no one spoke.

**Motions:**

(1) Approve the mediated settlement with the land

owners, Mr. and Mrs. Dean Joe Pink, in the total amount of \$60,679, including all fees and costs; (2) authorize payment of \$56,979 to the lawfirm of Broad and Cassell, P.A.; and (3) authorize the County Attorney or outside counsel to bring this litigation to a close with the entry of a Stipulated Final Judgment with the parties to this settlement. - PASS

**Vote Results**

Motion: Bob English

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

**G. COUNTY ATTORNEY (MICHAEL CRAIG)**

12. [Adopt the Tentative Rate Resolution for the 2009-10 Fire Services Non-Ad Valorem Assessments.](#)

Attachment: [Tentative Rate Resolution revised final 072009.pdf](#)

**Minutes:** Deputy County Attorney Linda McKinley recommended approval.

**Motions:**

Adopt Resolution No. 09-164, the Fiscal Year 2009/2010 Tentative Rate Resolution for Fire Services Assessments. - PASS

**Vote Results**

Motion: Bob English

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

13. [Adopt Resolution Imposing the 2009/10 Street Lighting Assessments.](#)

Attachment: [7-22-09 Street Lighting Resolution 09-10.pdf](#)

**Minutes:**

Deputy County Attorney Linda McKinley reviewed the proposed resolution and recommended approval.

**Motions:**

Adopt Resolution No. 09-165 establishing the Fiscal Year 2009/2010 Street Lighting Assessments. - PASS

**Vote Results**

Motion: Bob English

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

14. [Adopt the Tentative Rate Resolution for the 2009-2010 Lazy S Municipal Services Benefit Unit \(MSBU\).](#)

Attachment: [Lazy S.pdf](#)

Attachment: [Map Lazy S.pdf](#)

**Minutes:** Deputy County Attorney Linda McKinley reviewed the proposed resolution and recommended approval.

**Motions:**

Adopt Resolution No. 09-166, the Fiscal Year 2009/2010 Tentative Rate Resolution for Lazy S MSBU Assessments. - PASS

**Vote Results**

Motion: Jean Reed

Second: Edwin Smith

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

15. [Adopt the Tentative Rate Resolution for the 2009-10 Solid Waste Non-Ad Valorem Assessments.](#)

Attachment: [TENTRESOL.09 revised CC.pdf](#)

**Minutes:** Deputy County Attorney Linda McKinley said the recommended disposal rate is an increase from \$49.09 to \$54.00 which will impact customers in unincorporated Polk County as well as those in the cities of Frostproof and Eagle Lake.

**Motions:**

Adopt Resolution No. 09-167, the Fiscal Year 2009/2010 Tentative Rate Resolution for Solid Waste Assessments. - 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:**

Upon question, Ms. McKinley explained that the increase is for tipping fees. Discussion followed.

16. [SET HEARING for adoption of final rate resolutions and assessment rolls for the \(1\) Solid Waste, \(2\) Street Lighting Districts, \(3\) Fire Services and \(4\) the Lazy-S Utility Municipal Services Benefit Unit \(MSBU\) non-ad valorem assessments for fiscal year 2009/10. \(Suggested hearing date: September 10, 2009, at 6:00 p.m.\)](#)

**Minutes:**

**Motions:**

Set public hearing date of September 10, 2009, at 6:00 p.m. for purposes of considering and adopting final rate resolutions and assessment rolls for (1) Solid Waste, (2) Street Lighting Districts, (3) Fire Services and (4) the Lazy-S Utility Municipal Services Benefit Unit (MSBU) non-ad valorem assessments for Fiscal Year 2009/2010. - PASS

**Vote Results**

Motion: Jean Reed

Second: Bob English

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

17. [Authorize Deposit of Awards Pursuant to Verdicts.](#)

Attachment: [7-22-09 Backup Parcels 129 132.pdf](#)

Attachment: [7-22-09 Verdict Parcel 132.pdf](#)

Attachment: [7-22-09 Verdict Parcel 129.pdf](#)

**Motions:**

Authorize payment of \$390,200 for Parcel 129 and \$162,950 for Parcel 132 and the deposit of those amounts into the Court Registry pursuant to the trial verdicts for those parcels. - PASS

**Vote Results**

Motion: Jean Reed

Second: Bob English

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

**H. COUNTY MANAGER (MICHAEL HERR)**

18. [Consider declaration of financial urgency under Florida Statute Section 447.4095 effective as of October 1, 2009.](#)

**Minutes:**

County Manager Mike Herr read Florida Statute 447.4095 and explained the reason this is needed to move the 2009/2010 budgeting process along.

Michael Malfatano, the County's Employee Relations lawyer, explained that this is a procedural action which starts a process under the State Statute to expedite the collective bargaining process. He said this is the first time this action has been used in Polk County. He recommended approval. He said several other local governments have invoked this procedure.

County Attorney Michael Craig said this allows the County to comply with the budgetary decision making process and the requirements for collective bargaining with the unions so that the County has a balanced budget before October 1, 2009.

Upon question, Mr. Malfatano stated the unions involved are the Federation of Public Employees, Firefighters Professional Association, and SEIU National Government Employees Association.

Upon question, Mr. Herr said the Fiscal Year budgets for 2009/2010 and 2010/2011 are proposing no salary increases for all employees.

**Motions:**

Approve declaration of financial urgency under Florida Statute 447.4095 effective as of October 1, 2009. - PASS

**Vote Results**

Motion: Bob English

Second: Randy Wilkinson

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

19. [Board Set Proposed Millage Rate for FY 09/10, including the Environmental Lands Debt Service Millage.](#)

Attachment: [PROPOSED MILLAGE FY0910.pdf](#)

Attachment: [MILLAGE COMPARISON 2009.pdf](#)

**Minutes:**

County Manager Mike Herr reviewed the proposed millage rate and recommended the Board set the proposed millage and set the date and time for the two budget public hearings for September 3, 2009, and September 10, 2009. He reviewed the millage adoption process.

Director of Financial and Strategic Planning Fran McAskill reviewed the current millage and rolled-back rate.

There was discussion regarding the actual dollar amount citizens will pay in taxes, and Ms. McAskill stated on homesteaded properties, the average taxable value went from \$103,000.00 to \$88,000.00. She said for about 60% of citizens, the taxable amount did not increase.

Commissioner Wilkinson reviewed an article from the Tampa Tribune regarding the impact of the average taxable value of property on homeowners. He said the tax rate should come down.

**Motions:**

Set the tentative operating millage rate for Fiscal Year 2009/2010 at 6.8065 mills which is less than the rolled-back rate of 7.9072 mills and excludes the 0.0600 mills for debt service. Also, set the Environmental Lands Voted Debt Millage for Fiscal Year 2009/2010 at 0.0600 mills. Finally, set the date and time for the Tentative Budget Public Hearing for September 3, 2009, at 6:00 p.m. in the County Commission Boardroom, 330 W. Church Street, Bartow, FL. - PASS

**Vote Results**

Motion: Bob English

Second: Edwin Smith

Bob English - Nay

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith	- Nay
Randy Wilkinson	- Aye

**Motions:**

Reconsider Board action setting the proposed millage rate for FY 09/10 at 6.8065.	- PASS
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**Vote Results**

Motion: Jean Reed

Second: Edwin Smith

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

**Motion Minutes:**

**Motions:**

Set the proposed operating millage for FY 09/10 at the rolled back rate of 7.9072 mills which is the rolled-back rate of 7.9072 mills and excludes the 0.0600 mills for debt service. Also set the Environmental Lands Voted Debt Millage for FY 09/10 at 0.0600 mills. Finally set the date and time for the Tentative budget Public Hearing for September 3, 2009, at 6:00 p.m. in the County Commission Boardroom, 330 West Church Street, Bartow, FL.	- PASS
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**Vote Results**

Motion: Bob English

Second: Edwin Smith

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

Edwin Smith - Aye

**Motion Minutes:** Commissioner Reed stated she voted Aye verbally, but Nay electronically and she intended to vote against the motion.

20. [Board Set Proposed Millage Rate for the Library MSTU for FY 09/10.](#)

Attachment: [MILLAGE COMPARISON 2009.pdf](#)

Attachment: [PROP MILLAGE LIBRARY MSTU FY0910 UPDATED.pdf](#)

**Minutes:**

**Motions:**

Set the proposed operating millage rate for the Polk County Library Municipal Service Taxing Unit (MSTU) for Fiscal Year 2009/2010 at 0.2488 mills which is the same as the current year rolled back rate of 0.2488 mills. Also, set the date and time for the Tentative Budget Public Hearing for September 3, 2009, at 6:00 p.m. in the County Commission Boardroom, 330 W. Church Street, Bartow, FL. - PASS

**Vote Results**

Motion: Bob English

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Nay

Edwin Smith - Aye

Randy Wilkinson - Nay

21. [Board Set Proposed Millage Rate for the Parks MSTU for FY 09/10.](#)

Attachment: [PROP MILLAGE PARKS MSTU FY0910 UPDATED.pdf](#)

Attachment: [MILLAGE COMPARISON 2009.pdf](#)

**Minutes:**

**Motions:**

Set the tentative operating millage rate for the Polk County Parks Municipal Service Taxing Unit (MSTU) for Fiscal Year 2009/2010 at 0.4978 mills which is the same as the current year rolled back rate of 0.4978 mills. Also, set the date and time - PASS

for the Tentative Budget Public Hearing for September 3, 2009, at 6:00 p.m. in the County Commission Boardroom, 330 W. Church Street, Bartow, FL.

**Vote Results**

Motion: Bob English

Second: Edwin Smith

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

22. [Modification No. 2 for Consultant Service Authorization \(CSA\) 06-03-01 with WilsonMiller, Inc.](#)

Attachment: [Poinciana Land Purchase-Osceola Partnership July 22, 2009.pdf](#)

Attachment: [WilsonMiller 06-03-01 mod 2.pdf](#)

**Minutes:**

County Manger Mike Herr recommended approval of Modification No. 2 to CSA 06-03-01 to extend the contract date with WilsonMiller, Inc. by 365 days to August 1, 2010.

Director of Leisure Services Don Wilson discussed development of a cost-sharing "Interlocal Agreement" with Osceola County for Vance Harmon and Hayman Parks Partnership including \$6.5 million for design and development of Vance Harmon Park, \$20 million for design and development of Hayman Park, and pursuing a 250-acre Poinciana Land Purchase.

Mr. Wilson demonstrated the location of the two parks and showed a conceptual design map of Vance Harmon Park. He said the School Board has opted out of the partnership. He reviewed the Poinciana Land Purchase/Osceola Partnership Financing Proposal totaling \$12 million and said \$5 million would need to be financed. He summarized a five-year and a ten year repayment plan.

Mr. Wilson discussed the benefits to residents in Polk and Osceola Counties. Discussion followed.

**Motions:**

Approve Modification No. 2 to CSA 06-03-01,

Conceptual Planning for an 85-Acre District Park in Northeast Polk County with WilsonMiller, Inc., of Naples, Florida, to extend the contract time by an additional 365 calendar days for a revised total contract time of 940 calendar days and a new completion date of August 9, 2010. Approve moving forward with development of an Interlocal Agreement with Osceola County for joint partnership for design and development of Vance Harmon Park and Hayman Park and a 250-acre Poinciana land purchase.

- PASS

**Vote Results**

Motion: Jean Reed

Second: Bob English

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

23. [Approval to move the August 19, 2009 BoCC Board Meeting to Tuesday, August 18, 2009.](#)

Attachment: [Resolution.pdf](#)  
Attachment: [Attachment1.pdf](#)

**Minutes:**

County Manager Mike Herr stated three Commissioners will not be able to attend the August 19th Board Meeting, and in order to ensure a quorum is present, he recommends changing the date of the meeting to August 18, 2009.

**Motions:**

Adopt Resolution No. 09-168 amending Resolution No. 08-125 Attachment 1, the Polk County Board of County Commissioners Regular Meeting and Holiday Schedule for Calendar Year 2009, by rescheduling the August 19, 2009, Board Meeting to Tuesday, August 18, 2009.

- PASS

**Vote Results**

Motion: Jean Reed

Second: Edwin Smith

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

## I. REQUEST FROM THE GENERAL PUBLIC/AUDIENCE

24. [Carol Castagnero to discuss Polk Health Care Plan and Florida Southern College funding.](#)

### Minutes:

Ms. Castagnero said the money the County spends on libraries and parks is a good investment. She said Polk County is not solving its drug problems. She said citizens should be allowed to comment on Agenda items before the Board votes on those items. She said tax money should not be spent on private projects like the \$1 million the Board approved for the Frank Lloyd Wright Visitor's Center. She said she is working with Mr. Hall on enforcement of Code regulations for yard sales.

25. [Gary Levin to discuss how the event held the weekend of July 4th at Triple Canopy Ranch impacted the residents of Indian Lake Estates.](#)

### Minutes:

Mr. Levin stated he lives in Indian Lake Estates. He discussed the public use of Deland Avenue by people who attended the Triple Canopy Motor Sports event on July 4th. He asked the Board to conduct a traffic study on Deland Avenue when there is no event, as well as when there is an event, to show the impact the events are having on this road.

26. [Dan Kelleher to discuss how the event held the weekend of July 4th at Triple Canopy Ranch impacted the residents of Indian Lake Estates.](#)

### Minutes:

Mr. Kelleher said he lives in Indian Lakes Estates and the conditions imposed on Triple Canopy Ranch by the Board at the public hearing should be upheld. He said Mr. Cassidy can have 48 motor sports events per year. He said the Board approved a noise limit of 96 decibels at the property line, and Polk County should take an actual audio reading to determine the noise level. He said off-duty officers should be dispatched to Deland

Avenue.

Chandra Frederick, Director of Land Development, reviewed the procedure used by the Sheriff's Office for responding to multiple noise complaints. She said the County does not employ a decibel reader. She explained that while signs were required, no specific condition was imposed requiring off-duty officers on Deland Avenue.

Mr. Cassidy, Triple Canopy Ranch, said he went through two hearings with the Planning Commission and one De Novo Hearing with the Board of County Commissioners. He described the efforts he has taken to determine the noise level at his property line during the July 4th event. He discussed the traffic level on Deland Avenue.

99. [Residents to speak on restaurant facility at Port Hatchineha Park.](#)

**Minutes:**

Jo Neddleton said she would like to see a nice restaurant go in at Lake Hatchineha Park, and would like it to serve beer and wine. She said better signage is needed to advertise this park, the boat ramp and the camp grounds.

Harlon Keeton, said a paying restaurant would help fund parks like Lake Hatchineha, and he supports the restaurant serving beer and wine.

County Attorney Michael Craig stated his staff is still investigating the types of licenses needed for this park.

Director of Leisure Services Don Wilson discussed charging an annual park and boat ramp fee.

Vickie Holloway said the restaurant and bait store should be profitable and an asset to the County. She said a boat launching fee would help defray expenses. She discussed the parking spaces and the grounds keeper at Lake Hatchineha Park.

100. [Reverend Charlie Bernard Folks to speak on various topics.](#)

**Minutes:**

Reverend Folks stated he lives in Fort Meade and he has started a foundation in memory of a child who was killed. He said he is a leader and looks forward to working with the Board in the future. He said 86 percent of the people in jail need mental health help.

101. [Skip Stellfox to speak on parks in Poinciana area and Common Facilities District concept.](#)

**Minutes:**

Mr. Stellfox said he is pleased to hear the Board consider purchasing land for parks in the Poinciana area. He asked the Board to convey this information to the Association of Villages in Poinciana who want to incorporate Poinciana as a city.

In response to Mr. Stellfox's questions as to whether legal staff had completed his research into the Common Facilities District concept, County Attorney Michael Craig said his staff is preparing an information paper on this topic for the Board.

**J. COMMISSIONER DISTRICT 1 (BOB ENGLISH)**

27. [Reappoint Gay Finkelman to the Historic Commission for a four-year term beginning October 1, 2009, and ending September 30, 2013.](#)

Attachment: [GayFinkelman.pdf](#)

**Minutes:**

**Motions:**

Re-appoint Gay Finkelman to the Historic Commission. - PASS

**Vote Results**

Motion: Bob English

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

28. [Appoint Gene Ready to the Planning Commission for a three-year term, beginning September 1, 2009, and ending August 31, 2012.](#)

Attachment: [GeneReady.pdf](#)

**Motions:**

Appoint Gene Ready to the Planning Commission. - PASS

**Vote Results**

Motion: Bob English  
Second: Edwin Smith

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

29. [Comments.](#)

**K. COMMISSIONER DISTRICT 2 (RANDY WILKINSON)**

30. [Discuss proposed ethics policy.](#)

Attachment: [Code of Ethics for County Officials.pdf](#)

Attachment: [pp craig ethics workshop.pdf](#)

**Minutes:**

Commissioner Wilkinson discussed the Honest Services Act and the workshop he attended a few weeks ago regarding Ethics. He stated the Florida Statutes are not sufficient. Discussion followed.

Commissioner Wilkinson referred to an e-mail from George Lindsey regarding a blog from Tom Palmer, reporter with The Ledger. Commissioner Wilkinson suggested having meetings in the afternoons so people who work will be able to attend. He also said the General Public section should be moved to the beginning of the meeting to accommodate the public. He discussed ethics polices which included the following areas: gifts, post-employment restrictions, regulations on lobbyists, campaign finances and enforcements. Discussion followed.

**Motions:**

Consider changing purchasing rules to prohibit any person who has a bid or proposal pending from making campaign contributions. - FAIL

**Vote Results**

Motion: Randy Wilkinson

Second: Jean Reed

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

**Motions:**

All lobbyists, as defined herein, shall register with Clerk of the Board of the County Commissioners on an annual basis including payment of a \$25 fee for each principle so represented prior to engaging in any lobbying. Registration shall be updated to add or withdraw principles before lobbyist commences lobbying on behalf of any new principle. Each lobbyist shall be required to register on forms prepared by the Clerk of the Board. The lobbyist shall state under oath his or her name, business address, the name and business address of each principle represented that the principle has actually retained the lobbyist, the general and specific areas of legislative interest and the nature and extent of any business association or partnership with any current member of the Board of County Commissioners, County employee or person sitting on a decision making board. Each lobbying firm may register in the name of such firm, corporation or legal entity provided the registration shall limit the names of all persons who engage in lobbying as defined in this article. Failure to register or providing false information in the lobbyist registration form shall constitute a violation of this argument. - FAIL

**Vote Results**

Motion: Randy Wilkinson

Second: Jean Reed

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

Randy Wilkinson - Aye

**Motions:**

Consider changing Employee Handbook and Ethics for County Commissioners to include prohibiting receiving gifts exceeding \$100.00 in value. - FAIL

**Vote Results**

Motion: Randy Wilkinson

Second: Jean Reed

Bob English - Nay

Sam Johnson - Nay

Jean Reed - Aye

Edwin Smith - Nay

Randy Wilkinson - Aye

**Motions:**

Accept Code of Ethics for County Officials. - PASS

**Vote Results**

Motion: Bob English

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

**Motion Minutes:**

**Motions:**

Adopt the definition of gifts as defined in the employee handbook and for the commissioners as anything of economic value whether in the form

of money, service, loan, travel, entertainment, hospitality, item or promise without adequate and lawful consideration. The following are exempted from the definition of gift: (1) political contributions, (2) gifts from relatives and members of one's household, (3) awards for civic and professional achievement, (4) information books and pamphlets, (5) gifts solicited by employees for official use by county or municipality, and (6) gifts solicited by commissioners on behalf of the county or municipality in conducting their official business. All gifts or service of gifts which exceed \$100 in value must be reported.

- PASS

**Vote Results**

Motion: Randy Wilkinson

Second: Jean Reed

Bob English - Nay

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Nay

Randy Wilkinson - Aye

**Motion Minutes:**

31. [Comments.](#)

**L. COMMISSIONER DISTRICT 3 (EDWIN V. SMITH)**

32. [Comments.](#)

**Minutes:**

Commissioner Smith said he spoke on Sunday to the Brotherhood Riders who spent the night in Winter Haven. He said this was an impressive ceremony, which included Firemen and Policemen from Fort Myers.

**M. COMMISSIONER DISTRICT 4 (JEAN REED)**

33. [Comments.](#)

**Minutes:**

**Motions:**

Move public portion of agenda to follow Section E. - FAIL

**Vote Results**

Motion: Jean Reed

Second: Randy Wilkinson

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

**Motion Minutes:**

Commissioner Reed said she had a joint meeting with Osceola County on July 9th.

Commissioner Reed also said she had good discussion with Central Florida NPO on July 17th.

Commissioner Reed said she and Commissioner Smith attended the renaming of Eloise Resource Center to the Johnny and Freda Eloise Resource Center, noting that renaming this facility was a joint effort of the Board and the Sheriff's Office.

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

34. [Appoint George T. Dunlap, III to the Value Adjustment Board.](#)

Attachment: [George T. Dunlap bio.pdf](#)

**Minutes:** Chairman Johnson stepped down as Chair and Commissioner English, Vice Chairman, took over the meeting.

**Motions:**

Appoint George T. Dunlap, III as a Citizen Member to the Value Adjustment Board for a one

year term beginning immediately to replace R. Todd Dantzler who has communicated that he is no longer able to serve on the Value Adjustment Board. - PASS

**Vote Results**

Motion: Sam Johnson

Second: Randy Wilkinson

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

35. [Comments.](#)

**Minutes:** Chairman Johnson stated The Transportation Planning Organization (TPO) approved sending letters to The Florida Department of Transportation in support of the high speed rail and he asked the County Manager to prepare a letter for the Board to do the same.

**Motions:**

Send a letter of support to the Florida Department of Transportation for high speed rail. - PASS

**Vote Results**

Motion: Sam Johnson

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

**O. LAY BOARD APPOINTMENTS**

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

**P. PUBLIC HEARINGS**

36. [Consider a Petition to adopt a Resolution to vacate portions of unopened, unmaintained, platted rights-of-way, shown on the Plat of Crosby's Addition to Loughman, Florida. \(Agenda Item No. 33, Continued from July 9, 2009\)](#)

Attachment: [PH Crosbys Addn Backup.pdf](#)

**Minutes:**

County Attorney Michael Craig explained the procedures for the public hearings. He swore in those who will be speaking today.

Wade Allen, Chief Right-of Way Agent, requested that the Board continue this hearing to a date certain. Discussion followed.

The Chairman opened a public hearing; no one spoke.

**Motions:**

Continue to September 16, 2009. - 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

37. [Consider amending Ordinance 07-018, the Polk County Amended, Restated and Consolidated Comprehensive Impact Fee Ordinance, as Amended, for the purpose of Adoption of the Duncan Impact Fee Updates for Fire Rescue, EMS, Law Enforcement, Corrections, Libraries and Parks and Imposition of Fees Recommended Therein.](#)

Attachment: [IMPACT FEE ORD DUNCAN STUDY July 2009 \(EMS, Fire, Law Enf., Corr, Library, Parks\) FINAL clean copy.pdf](#)

Attachment: [Backup Fiscal Impact - Duncan and Associates Impact Fee Study Updates.pdf](#)

Attachment: [IMPACT FEE ORD DUNCAN STUDY July 2009 \(EMS, Fire, Law Enf., Corr,](#)

[Library, Parks\) redline draft revised.pdf](#)

**Minutes:**

Linda McKinley, Deputy County Attorney, reviewed the Duncan Impact Fee Updates for Fire Rescue, EMS, Law Enforcement, Corrections, Libraries and Parks. She reviewed the recommended fees schedule. She explained the Board's options.

Mr. Duncan, of Duncan and Associates, discussed Historical Chronology and Methodology used for impact fees. He reviewed single-family fees, retail fees, office fees and industrial fees. He compared the previous fees and updated fees to the Florida County average. Discussion followed.

Todd Bond, Director of Budget and Management, reviewed the fiscal impact of implementing the fee schedule proposed in the Duncan and Associates Study. He stated these impact fees are projected by single-family rates and determined by the history of permits issued.

Asim Khan, economist, discussed the economics of the impact fees and reviewed how the fees were estimated. He said these reductions were based on the different uses of land.

The Chairman opened a public hearing.

Scott Coulombe, Polk County Builders Association, spoke in support of the study. He recommended adoption with fifty percent reduction.

The Chairman closed the public hearing.

**Motions:**

Adopt Ordinance No. 09-043 amending Ordinance 07-018 and adopting the Duncan impact fee update studies at 50% for Fire Rescue, EMS, Law Enforcement, Corrections, Libraries and Parks and imposing impact fees based on those studies for such impact fees, with such fees going into effect November 1, 2009, after the statutory notice has been given. - PASS

**Vote Results**

Motion: Jean Reed

Second: Bob English

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith	- Nay
Randy Wilkinson	- Aye

38. [Ordinance adopting CPA 09S-04 to change the Future Land Use from Residential Low \(RL\) to Office Center \(OC\).](#)

Attachment: [CPA 09S 04 Staff Report.pdf](#)

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

**Minutes:**

Amee Bailey, Senior Planner, stated this is the second hearing for this applicant initiated request to change the land use designation from Residential Low to Office Center. She showed slides of the area and reported that the Long Range Planning Division and the Planning Commission recommend denial.

The Chairman opened a public hearing.

Betty Artman, Point Engineering, stated she is representing the applicant, Eric Elkins. She discussed the realignment of Harden Boulevard. She said negative aspects of the road changes do not exist and very limited residential properties would be affected. She stated the road improvement will alternate traffic routes and will have a positive impact by creating more jobs and economic activities.

The Chairman closed the public hearing.

**Motions:**

Deny CPA 09S-04 without prejudice. - PASS

**Vote Results**

Motion: Randy Wilkinson

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

**Motions:**

Adopt Ordinance adopting CPA 09S-04. - FAIL

**Vote Results**

Motion: Bob English

Second: Randy Wilkinson

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

39. [Ordinance adopting CPA 09S-07 to change the Future Land Use from Residential Low \(RL\) to Linear Commercial Corridor \(LCC\).](#)

Attachment: [CPA 09S 07 Staff Report.pdf](#)

Attachment: [CPA 09S 07 Ordinance.pdf](#)

**Minutes:**

Albert Frederick, Senior Planner, stated this is the second hearing for this applicant initiated request for the designation from Residential Low to Linear Commercial Corridor within the Urban Development Area. He showed slides of the area and stated that the Long Range Planning Division and the Planning Commission recommend approval. Discussion followed.

The Chairman opened a public hearing; no one spoke.

**Motions:**

Adopt Ordinance No. 09-044 adopting CPA 09S-07, and adopt the staff report as the written order. - PASS

**Vote Results**

Motion: Edwin Smith

Second: Bob English

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

Randy Wilkinson - Not Present

40. [Ordinance adopting CPA 09S-08 to change the Future Land Use from Residential Low \(RL\) to Office Center \(OC\).](#)

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

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

**Minutes:**

Amee Bailey, Senior Planner, reported that this is an applicant initiated request to change a designation from Residential Low to Office Center. She showed slides of the area noting that the Long Range Planning Division and the Planning Commission recommend approval.

The Vice Chairman opened a public hearing; no one spoke.

**Motions:**

Adopt Ordinance No. 09-045 adopting CPA 09S-08. - PASS

**Vote Results**

Motion: Edwin Smith

Second: Sam Johnson

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

41. [Ordinance adopting CPA 09S-09 to change the Future Land Use from Residential Low \(RL\) to Commercial Enclave \(CE\).](#)

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

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

**Minutes:**

Thado Hays, Planner III, reported that this is an applicant initiated request to change a designation from Residential Low to Commercial Enclave. He showed slides of the area noting that the Long Range Planning Division and the Planning Commission recommend approval. Discussion followed.

The Chairman opened a public hearing.

Tim Healey, Frontier Engineering, spoke in support of the Amendment.

The Chairman closed the public hearing.

**Motions:**

Adopt Ordinance No. 09-046 adopting CPA 09S-09, and adopt the staff report as the written order. - PASS

**Vote Results**

Motion: Jean Reed

Second: Bob English

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

42. [LDC 09T-03 \(Family Day Care Home\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

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

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

**Minutes:**

John Bohde, Land Development, stated this is the second hearing for this staff initiated request to amend the regulations for Family Day Care Home and establish criteria for accessory uses. He explained that this proposed amendment also modifies the definitions of a Childcare Center, Day Care Center and Family Day Care Home (Licensed), and Family Day Care Home (Registered). Discussion followed.

Upon question, Sheila Nobles, Department of Children and Families, stated she does not know the number of hours a child can stay in a daycare and some providers are open for twelve hours.

The Chairman opened a public hearing; no one spoke.

**Motions:**

Adopt Ordinance No. 09-047 adopting LDC 09T-03. - PASS

**Vote Results**

Motion: Jean Reed

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

43. [LDC 09T-21 \(Reclaimed Water\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 09T 21 Ordinance.pdf](#)

Attachment: [LDC 09T 21 Staff Report.pdf](#)

**Minutes:**

John Bohde, Land Development, stated this is the second hearing for this staff initiated request to amend text regarding connection to centralized water, sewer and reuse water provisions, and to revise and further clarify when it is necessary to connect to reclaimed water.

The Chairman opened a public hearing.

David Henderson, Highlands in the Woods resident, stated he hooked up to the reclaimed water system in September 2008. He said there is not enough water pressure. He concluded that there needs to be adequate pressure and enough water to meet needs of citizens.

Scott Coulombe, Polk County Builders Association (PCBA), said he supports the adoption of the Ordinance.

Gary Fries, Director of Utilities, stated there are issues with not having enough storage for water in the northeast section. He recognized there is also a problem with water pressure in the EagleBrook Subdivision and Carter Road area. He discussed solutions to these water issues.

The Chairman closed the public hearing.

**Motions:**

Adopt Ordinance No. 09-048 adopting LDC 09T-21. - PASS

**Vote Results**

Motion: Edwin Smith

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

44. [LDC 09T-23 \(Stagnant Water\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 09T 23 Staff Report.pdf](#)

Attachment: [LDC 09T 23 Ordinance.pdf](#)

**Minutes:**

John Bohde, Land Development, stated this is the second hearing for this staff initiated request to amend text to declare a nuisance for stagnant water within a swimming pool, hot tub, or wading pool that is susceptible to producing disease, mosquito breeding or otherwise creating a hazard.

Sherry Sheffield, Manager of Code Enforcement, responded to Board questions regarding stagnant water in swimming pools. Discussion followed.

The Chairman opened a public hearing; no one spoke.

**Motions:**

Adopt Ordinance No. 09-49 adopting LDC 09T-23. - PASS

**Vote Results**

Motion: Jean Reed

Second: Bob English

Bob English - Aye

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

45. [Consider adopting the proposed Ordinance amending Polk County Ordinance 04-07, the "Year-Round Water Conservation Measures and Water Shortage Ordinance."](#)

Attachment: [WaterViolationOrdinanceAmnd.pdf](#)

**Minutes:**

Fay Downing, Tourism and Sports Marketing, explained that the proposed ordinance amending Ordinance 04-07 provides for enforcement through the Polk County Code Enforcement Special Magistrate, as well as providing for penalties and a method to address violations that are causing a gross water waste that are irreparable or irreversible in nature.

Doug Peacock, Polk County Utilities Technical Services, discussed the water emergency declared for Polk County on January 9, 2007. He reviewed the current Code Enforcement process for violations. He explained that there are numerous disadvantages of Ordinance No. 04-07. Upon question, he said that homeowners are notified when water continuously runs and elaborated on the steps taken for complaints. Discussion followed on violations and fines.

The Chairman opened a public hearing.

Keith Hollis, Lakeland resident, discussed the fines for violations.

County Attorney Michael Craig noted the violator will avoid the \$5,000 penalty if the violation is fixed before going to trial.

Randy Mink, Assistant County Attorney, reviewed the steps taken for water violations.

Mike Everson, Central Florida Vacation Rental Managers Association, stated the issue of the \$5000 fine should be eliminated.

The Chairman closed the public hearing.

**Motions:**

Adopt Ordinance No. 09-050 amending Ordinance 04-07, the Year-Round Water Conservation Measures and Water Shortage Ordinance. Change the \$5000 fine to a \$1000 fine. - PASS

**Vote Results**

Motion: Jean Reed

Second: Bob English

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

**Motions:**

Continue to next meeting. - FAIL

**Vote Results**

Motion: Randy Wilkinson

Second: Edwin Smith

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

**Motion Minutes:** Commissioner Reed stated the County needs to have the \$5000 fine for water violations. Discussion followed

46. [Consider adopting a resolution relating to the expansion of the geographical area of the County seat in accordance with Florida Statutes Section 138.12.](#)

Attachment: [ResExpandBoundary.pdf](#)

**Minutes:**

Michael Craig, County Attorney, stated this is the first reading for this proposed resolution to expand the geographical area of the County Seat in accordance with Florida Statutes. He reviewed the resolution noting that the second hearing is scheduled for August 5, 2009. Discussion followed.

The Chairman opened a public hearing; no one spoke.

**Q. CONSENT AGENDA ITEMS**

**ACCOUNTANT, AUDITOR and CLERK TO THE BOARD**

47. [Removal of equipment from inventory as listed on Blanket Removal Form 1839.](#)

Attachment: [Blanket Removal Form 1839.pdf](#)

48. [Accept minutes of the Lake Ashton Community Development Center dated February 13, 2009, and March 19, 2009.](#)

49. [Accept proposed Operating Budgets for Fiscal Year 2010 for the following Community Development Districts: Lake Ashton II, Alafia Preserve, Eagle Ridge, Donaldson Knoll, and Westridge.](#)

**COUNTY ATTORNEY**

50. [Additional Right-of-Way for Helena Road Bridge Improvement Project, Parcels 105 and 706.](#)

Attachment: [CoAtty AddIRW Helena Rd Bridge Pcls 105\\_706 Burnam Fiscal.pdf](#)

Attachment: [CoAtty AddIRW Helena Rd Bridge Pcls 105\\_706 Burnam Backup.pdf](#)

51. [Approve Subordination Agreements between the City of Orlando, the Orlando Utilities Commission and Polk County for Parcels acquired for the Ernie Caldwell Boulevard Phase II and Pine Tree Trail Project.](#)

Attachment: [07 22 09 CoAtty SubordinationOUC ECBldPh2 Backup.pdf](#)

Attachment: [07 22 09 CoAtty SubordinationOUC ECBldPh2 Fiscal Impact.pdf](#)

Attachment: [07 22 09 CoAtty SubordinationOUC PineTreeTrail Backup.pdf](#)

Attachment: [07 22 09 CoAtty SubordinationOUC PineTreeTrail Fiscal Impact.pdf](#)

52. [Additional Right-of-Way for West Pipkin Road, Parcels 138 and 738.](#)

Attachment: [CoAtty AddRL WPipkin Pcl 138\\_738 Hoffman Backup.pdf](#)

Attachment: [CoAtty AddIRW WPipkin Pcl 138\\_738 Hoffman Fiscal.pdf](#)

53. [Additional Right-of-Way for CR 37B \(Lakeland Highlands Road\), Parcels 135, 136, and 137, and TCE Parcels 709 and 710.](#)

Attachment: [07 22 09 CoAtty AddIRW CR37B Coachman Backup.pdf](#)

Attachment: [07 22 09 CoAtty AddIRW CR37B Coachman Fiscal Impact.pdf](#)

54. [Right-of-Way Purchase for Kathleen Road Phase II Improvement Project, Parcel 198.](#)

Attachment: [CoAtty Addl RW Kathleen Rd Ph2 Pcl 198 Powell Backup.pdf](#)

Attachment: [07 22 09 CoAtty AddIRW Kathleen Rd Ph2 Pcl 198 Powell](#)

[Fiscal.pdf](#)

55. [Right-of-Way Purchase for Kathleen Road Phase II Improvement Project, Parcels 196 A & B, 197, and 736.](#)

Attachment: [CoAtty AddIRW Kathleen Rd Ph2 Pcls 196AB 197 736 Powell Backup.pdf](#)

Attachment: [07 22 09 CoAtty AddIRW Kathleen Rd Ph2 Pcls 196AB 197 736 Powell Fiscal.pdf](#)

## ENVIRONMENTAL RESOURCES

56. [Change Order No. 3 with Vogel Bros. Building Co. for the New Oak Hills/Providence Water Production Facility and Storage Tanks.](#)

Attachment: [Vogel Brothers Contract.pdf](#)

Attachment: [Vogel Brothers CO Approvals.pdf](#)

57. [Accept donated easement from National City Bank for the Skyview Utilities system upgrade.](#)

Attachment: [Skyview Easement Approvals.pdf](#)

Attachment: [National City Bank Easement.pdf](#)

58. [Amend the Utilities Five-Year Renewal and Replacement Community Investment Program \(CIP\) budget, and correction of Scrivener's Error in agenda item approved by Board on May 20, 2009.](#)

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

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

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

59. [Accept water system improvements at the MidFlorida Federal Credit Union at US 98 and Duff Road for ownership, operation, and maintenance.](#)

Attachment: [MidFlorida Federal Credit Union backup.pdf](#)

60. [CSA No. 02-105-02 with Professional Engineering Consultants, Inc. \(PEC\), for construction phase services for the upgraded/modified lift station at the Central Regional Wastewater Treatment Facility](#)

Attachment: [PEC CSA 02-105-02 Contract.pdf](#)

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

61. [Approval of a Temporary License Agreement with the Southwest Florida Water Management District.](#)

Attachment: [Temp License Agreement with SWFWMD.pdf](#)

Attachment: [Temp License Agreement Approvals.pdf](#)

62. [Agreement for Sale and Purchase and Addendum for the purchase of 1.2 +/- acres for](#)

[the Elizabeth Place Water Quality Project.](#)

Attachment: [Oglesby ElizabethPlace Map.pdf](#)

Attachment: [Oglesby Agreement Elizabeth Place.pdf](#)

## **GROWTH MANAGEMENT**

63. [SET HEARING to consider the adoption of an ordinance \(LDC 09T-07\) amending the Land Development Code, pertaining to group living facilities, group homes, and adult day care centers. \(Suggested hearing dates: August 5, 2009, and December 2, 2009\)](#)

64. [SET HEARING to consider the approval of a Conceptual Mine Plan change, a Right of Way Setback Variance and a Two Year Operating Permit Renewal for the Mosaic Hookers Prairie Phosphate Mine. \(Suggested hearing date: September 16, 2009\)](#)

65. [SET HEARING to consider the approval a Conceptual Mine Plan change and a Two Year Operating Permit Renewal for the Mosaic South Fort Meade Phosphate Mine. \(Suggested hearing date: September 16, 2009\)](#)

66. [Recommend changes to the Functional Classification of selected Polk County roads.](#)

Attachment: [Attachment 1 Functional Reclassifications.pdf](#)

67. [SET HEARING to consider transmittal of 2009B Large Scale Comprehensive Plan Amendments \(CPA 09B-01, 02, and 04 through 13\) and associated ordinances. \(Suggested hearing date: August 5, 2009, at 1:30 p.m.\)](#)

68. [Approve application for funding from U.S. Census Bureau.](#)

Attachment: [PSP Application Form BoCC.pdf](#)

69. [Mabel Loop Ridge Subdivision Phase 1A Additional Right-of-Way.](#)

Attachment: [Mabel Loop Ridge Phase IA.pdf](#)

## **HUMAN SERVICES**

70. [The Edward Byrne Memorial Justice Assistance Grant \(JAG\) Program Certificate of Participation, between the Board and the Florida Department of Law Enforcement, authorizes the Board to serve as the coordinating unit of government for allotment of \\$310,402.00 in 09/10 Byrne/JAG grant funds designated for Polk County.](#)

Attachment: [CERTIFICATE OF PARTICIPATION0910.pdf](#)

71. [Amendment 001, Older Americans Act, OAA-2009-POLK.](#)

Attachment: [OAA Amend 001 2009.pdf](#)

72. [State Housing Initiatives Partnership \(SHIP\) Program Change Order and Addendum No. 1 to the Rehabilitation Reconstruction Agreement for Neil L. Prince and Karen L. Prince.](#)

Attachment: [PRINCE, NEIL AND KAREN L ADDENDUM NO 10001.pdf](#)  
Attachment: [PRINCE NEIL & KAREN CHANGE ORDER0001.pdf](#)  
Attachment: [Pink Checklist Prince.pdf](#)

73. [Hurricane Housing Recovery \(HHR\) Program Change Order and Addendum No. 1 to the Rehabilitation Reconstruction Agreement for Synovia L. Jean.](#)

Attachment: [JEAN SYNOVIA CHANGE ORDER0001.pdf](#)  
Attachment: [Pink Checklist Synovia Jean.pdf](#)  
Attachment: [JEAN SYNOVIA L ADDENDUM NO 10001.pdf](#)

74. [Hurricane Housing Recovery \(HHR\) Program Change Order and Addendum No. 1 to the Rehabilitation Reconstruction Agreement for Trevor Moseley and Tracy Moseley.](#)

Attachment: [Addendum No.1 - Moseley.pdf](#)  
Attachment: [MOSELEY TREVOR & TRACY CHANGE ORDER0001.pdf](#)  
Attachment: [Pink Checklist Moseley.pdf](#)

75. [State Housing Initiatives Partnership \(SHIP\) Rehabilitation/Replacement Agreements for Robert L. Brundidge.](#)

Attachment: [Brundidge Robert 72209 SHIP.pdf](#)

76. [HOME Investment Partnership Program Rehabilitation/Replacement Agreements for Robert Stanley Krupa and Ruth A. Krupa.](#)

Attachment: [Krupa Robert 72209 HOME.pdf](#)

77. [Hurricane Housing Recovery \(HHR\) Program Housing Rehabilitation/Reconstruction Agreements for Paul W. Donnelly.](#)

Attachment: [Donnelly Paul 72209 HHR.pdf](#)

78. [HOME Investment Partnership Program Rehabilitation/Replacement Agreements for Willie L. Holman and Barbara C. Holman.](#)

Attachment: [Holman Willie 72209 HOME.pdf](#)

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

Attachment: [TBRA Contracts.pdf](#)

80. [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](#)

81. [Federal Transit Administration Section 5309 Capital Assistance for Winter Haven Area Transit FY 2009](#)

Attachment: [FTA Section 5309 Apportionments.pdf](#)

82. [Application and execution of Federal Fiscal Year 2009 Federal Transit Administration Section 5307 operating assistance in the amount of \\$1,871,475.00.](#)

Attachment: [5307 Apportionment.pdf](#)

83. [Approve transfer from Special Revenue Grants Fund \(10151\), Reserves-Contingencies and Special Revenue Grants Fund \(10151\), Reserves – Match to build the budget for previously under budgeted Fiscal Year 2009 Federal Transit Administration Section 5311 funds.](#)

Attachment: [BRJ for Additional 5311 Funds.pdf](#)

Attachment: [Notification of Funding.pdf](#)

## **PUBLIC SAFETY**

84. [Modification Number One to terminate Subgrant Agreement between the Division Of Emergency Management and Polk County Board Of County Commissioners.](#)

Attachment: [Original Lis Lane contract July 11, 2007.pdf](#)

Attachment: [Letter of intent to de.obligate.pdf](#)

Attachment: [Modification 1 to terminate Lis Lane agreement.pdf](#)

## **PUBLIC WORKS**

85. [Amendment and extension to Lease No. 262 between the Board and Rosaleda Enterprises, Inc. for 2,000 square feet of office space at 222 West Main Street in Bartow, occupied by Family Mediation.](#)

Attachment: [09 0722 Lease 262 Rosaleda map.pdf](#)

Attachment: [09 0722 Lease 262 Rosaleda PWFI no Oracle .pdf](#)

Attachment: [09 0722 Lease 262 Rosaleda Contract ReqForLgl.pdf](#)

86. [Agreement with CSX Transportation, Inc. \(CSX\) to perform a Preliminary Engineering Review of an Overhead Bridge along the proposed Thompson Nursery Road Extension.](#)

Attachment: [Preliminary Engineering Agrmt.pdf](#)

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

Attachment: [Thompson Nursery Rd RR Bridge.pdf](#)

87. [CSA No. 06-235-04 with PBS&J \(Consultant\) for Construction Engineering and Inspection \(CEI\) Services for the CR 655 \(Berkley Road\) Phases II and III Project.](#)

Attachment: [Berkley Rd Ph 2&3 Map.pdf](#)

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

Attachment: [approvals 0623504.pdf](#)

Attachment: [contract 0623504.pdf](#)

88. [CIP Amendment and Budget Transfer for Hunt Fountain Park Drainage Project.](#)

Attachment: [Budget Amendment Request.pdf](#)

Attachment: [Fiscal Impact Info.pdf](#)

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

## **SUPPORT SERVICES**

89. [Report Bid Award by Purchasing Director for Bid No. 09-091-CAR.](#)

Attachment: [09091bidaward.pdf](#)

90. [Report Bid Award by Purchasing Director for Bid No. 09-061-CAR.](#)

Attachment: [09061bidaward.pdf](#)

91. [Report Bid Award by Purchasing Director for Bid No. 09-080-CJC.](#)

Attachment: [Garner Auction Agreement.pdf](#)

92. [Document Destruction Agreement with Crown Shredding, LLC.](#)

Attachment: [crown \(2\).pdf](#)

93. [Modification No. 3 for CSA No. 02-97-13 with Post Buckley, Schuh & Jernigan, Inc. \(PBS&J\).](#)

Attachment: [02-97-13-3.pdf](#)

94. [Modification No. 3 for CSA No. 02-101-13 with Chastain-Skillman, Inc.](#)

Attachment: [02-101-13-3.pdf](#)

95. [Modification No. 1 for CSA No. 03-81-06 with AECOM USA, Inc.](#)

Attachment: [03-81-06-1.pdf](#)

96. [Modification No. 1 for CSA No. 07-87-01 with Brown and Caldwell.](#)

Attachment: [07-87-01-1.pdf](#)

97. [Modification No. 2 for CSA No. 02-101-19 with Chastain-Skillman, Inc.](#)

Attachment: [CSA 02-101-19-2 time ext.pdf](#)

98. [Change Order No 1 for contract 08-66 with A.C. Schultes of Florida, Inc.](#)

Attachment: [08-66 CO1.pdf](#)

Attachment: [09 07 07 Edgehill Well-C.O. No. 001-Purchasing Division-Memo.pdf](#)

**The Chairman adjourned the meeting at 6:30 p.m.**