



Board of County Commissioners Meeting Agenda

03-18-09 Regular BoCC Meeting

March 18, 2009 Regular BoCC meeting

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

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

The Board convened pursuant to adjournment taken on March 4, 2009.

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

INVOCATION

1. [Dwayne Boykin, Information Technology](#)

PLEDGE OF ALLEGIANCE (SAM JOHNSON, CHAIR)

A. APPROVE CONSENT AGENDA

2. [Consent Agenda.](#)

Motions:

Approve Consent Agenda.

- PASS

Vote Results

Motion: Bob English

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

B. PRESENTATIONS and RECOGNITIONS

3. [Judy Genshaft, Ph.D, President and CEO of the University of South Florida, to present the Certificate of Achievement for Excellence in Financial Reporting and the Award for Outstanding Achievement in Popular Annual Financial Report to Richard M. Weiss, Clerk, Accountant and Auditor to the Board of County Commissioners.](#)

Minutes:

Clerk Richard Weiss accepted the two awards and recognized Fran McAskill, Director of Financial and Strategic Planning, representatives from NCT Group, outside auditors, and Clerk of Courts Director of Finance and Accounting Stacy Butterfield and her staff, Dee Dee Beaver, Tom King and Mary Perez. He thanked County Manager Mike Herr and County staff as well as the Board of County Commissioners for their support.

Dr. Genshaft highlighted the achievements and future plans of the University of South Florida.

4. [Presentation of service certificates to: Daniel "Dan" Mort, Kenneth "Ken" Gardner and Quentin Hooks.](#)

Attachment: [Service Awards for 031809.pdf](#)

Minutes:

The Board presented Employee Service Certificates for dedicated service to the County.

5. [Recognize employees who have reached significant milestones in the Employee Suggestion Program \(SHINE\).](#)

Minutes:

The Board recognized those employees who have reached the following milestones in the SHINE Program: Creative Club - 10 to 19 adopted ideas; Silver Club - 25 to 49 adopted ideas; and Gold Club - 50 or more adopted ideas.

6. [Marian Ryan, President, Friends of the Park Foundation, to discuss the educational signs that are being made for the Mosaic Peace River Park Boardwalk expansion.](#)

Attachment: [FOP CHNEP Presentation.pdf](#)

Minutes:

Ms. Ryan said the signs at Mosaic Peace River Park will highlight the importance of the Peace River to the environment. She stated the dedication of Phase II Boardwalk and the interpretive signage will be held on March 28, 2009, at 9:00 a.m.

7. [David Hupp, Lakes Access Advisory Committee Chairman, to present a status briefing on the Committee's progress. Committee requests Board approve a joint signature letter to municipal jurisdictions for consideration of a liaison appointment.](#)

Attachment: [Resolution No. 08-057.pdf](#)

Attachment: [Lakes Access Briefing Report - March 18, 2009.pdf](#)

Attachment: [Microsoft Word - DRAFT Joint-Signature Letter to Municipalities.pdf](#)

Minutes:

Director of Leisure Services Don Wilson discussed public access to waterways in Polk County.

Mr. Hupp gave a presentation on the activities and efforts of the Polk County Lakes Access Advisory Committee. He stated Polk County is a natural haven for boating, fishing and other recreational enthusiasts, and its lakes should be preserved for future generations. He commended the Board for purchasing the Port Hatchineha property for recreational purposes, noting this facility will especially benefit those citizens living on the eastern side of the County. He stated lakes which have historically been accessible to the public are now being closed as a result of development.

Mr. Hupp gave the mission statement of the Committee and listed the members. He said the four sub-committees are: Goals and Objectives; Funding sources; Stakeholders; and Access Priority and Land Availability. He discussed the economic impact of recreational water use to Polk County.

Paul Thomas, Florida Fish and Wildlife Conservation Commission, gave the following information: Polk County leads the state in fresh water fishing license sales; recreational fishing generates an estimated \$22 million to \$53 million annually in Polk County alone so public access is a significant economic engine; in 2008, there were 32,818 registered vessels in the County, and this equates to one boat for every 17 citizens; there are 88 public boat ramps in the County, and each ramp has an approximate value of \$17,500.00 to the local area.

Discussion followed.

Mr. Hupp asked the Board to approve a draft "joint-signature" letter to be sent to the municipalities within Polk County explaining the need and purpose of the Committee, soliciting municipal involvement and participation, and requesting appointment of municipal liaisons. He said the Committee invites liaison input on the status of public access, and said this input is vital to successful implementation of a County-wide access plan.

Motions:

Approve sending a joint-signature letter to County municipal jurisdictions for consideration of liaison appointments and input. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

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

C. PROCLAMATIONS

8. [Proclaim March 15-21, 2009 as POLK COUNTY SURVEYORS & MAPPERS WEEK. Sam Thomas, Polk County Surveyor, will accept the proclamation.](#)

Attachment: [Polk County Surveyors & Mappers Week.pdf](#)

Motions:

Issue Proclamation. - PASS

Vote Results

Motion: Jean Reed

Second: Randy Wilkinson

Bob English	- Aye
Sam Johnson	- Aye

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

9. [Proclaim March 22-28, 2009 as NATIONAL COVER THE UNINSURED WEEK. Mike Kushner, Risk Management Director, will accept the proclamation.](#)

Attachment: [National Cover the Uninsured Week.pdf](#)

Motions:	
Issue Proclamation.	- PASS
Vote Results	
Motion: Randy Wilkinson	
Second: Jean Reed	
Bob English	- Aye
Sam Johnson	- Aye
Jean Reed	- Aye
Edwin Smith	- Aye
Randy Wilkinson	- Aye

10. [Proclaim March 28, 2009 as CHILDREN'S DAY IN POLK COUNTY and April 5, 2009 as PARENTS AND CHILDREN'S DAY IN POLK COUNTY. Kris Giordano, representing the Early Learning Coalition of Polk County, will accept the proclamation.](#)

Attachment: [Children's Day in Polk County.pdf](#)

Motions:	
Issue Proclamation.	- PASS
Vote Results	
Motion: Bob English	
Second: Jean Reed	
Bob English	- Aye
Sam Johnson	- Aye
Jean Reed	- Aye
Edwin Smith	- Aye
Randy Wilkinson	- Aye

11. [Proclaim April 2009 as POLK COUNTY FIREFIGHTER APPRECIATION MONTH. Chris Little, Polk County Firefighter, and Nick Reaume, Muscular Dystrophy Association, will accept the proclamation.](#)

Attachment: [Polk County Firefighter Appreciation Month.pdf](#)

Motions:

Issue Proclamation. - PASS

Vote Results

Motion: Edwin Smith

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

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

12. [Disbursements.](#)

Attachment: [Disbursements 031809.pdf](#)

Motions:

Approve and ratify disbursements. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

13. [Minutes of Regular Board Meeting held on March 4, 2009.](#)

Attachment: [030409.MIN.pdf](#)

Motions:

Approve minutes. - PASS

Vote Results

Motion: Edwin Smith

Second: Bob English

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

E. REQUEST FROM ELECTED OFFICIAL and OTHER GOVERNMENTAL AGENCY

F. PUBLIC HEARING TO CONSIDER SETTLEMENT

14. [Consider mediated settlement in the case of Polk v. Peace, at al, Parcel 122 of the Harden Blvd. Project.](#)

Attachment: [Parcel 122 Sett Backup.pdf](#)

Minutes:

County Attorney Michael Craig outlined the provisions of the mediated settlement and recommended approval.

The Chairman opened a public hearing; no one spoke.

Motions:

(1) Approve the mediated settlement with the landowners, Frank J. and Gladys M. Campano in the total amount of \$52,618.00; (2) authorize payment of the balance due of \$38,218.00 to the lawfirm of Fowler, White Boggs, Banker PA; and (3) authorize the County Attorney's Office or outside counsel to enter into a Stipulated Final Judgment to bring litigation relating to this parcel to a close. - PASS

Vote Results

Motion: Bob English

Second: Edwin Smith

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

15. [Consider mediated settlement with the landowner in the case of Polk County v. Latter, et al., Parcel Nos: 141 and 806.](#)

Attachment: [Parcel 141 806 Sett Backup.pdf](#)

Minutes:

County Attorney Michael Craig outlined the provisions of the mediated settlement and recommended approval.

The Chairman opened a public hearing; no one spoke.

Motions:

(1) Approve the mediated settlement with the landowner, Mrs. Ortega, for a total of \$196,200.00, including all fees and costs, in settlement for Parcels 141 and 806; (2) authorize payment of the balance due of \$12,200.00 pursuant to a Stipulated Final Judgment to the lawfirm of Gaylord, Merlin; (3) and authorize the County Attorney or outside counsel to take all steps necessary to conclude litigation with this landowner through the entry of a Stipulated Final Judgment. - PASS

Vote Results

Motion: Edwin Smith

Second: Bob English

Bob English	- Aye
Sam Johnson	- Aye

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

16. [Consider Mediated Settlement in the case of Polk County v. Latter, Parcel 121, of the Harden Blvd. Project.](#)

Attachment: [3-18 Sett Backup Parcel 121.pdf](#)

Minutes:

County Attorney Michael Craig outlined the provisions of the mediated settlement and recommended approval.

The Chairman opened a public hearing; no one spoke.

Motions:

(1) Approve the mediated settlement with the landowners, Douglas and Jana Thomas in the total amount of \$83,190.50, including all fees and costs; (2) authorize issuance of a check in the amount of \$13,190.50 to the trust account of Gaylord, Merlin, Ludovici, Diaz and Bain in full payment of the balance due; and (3) authorize the County Attorney's Office or outside counsel to enter into a Stipulated Final Judgment to resolve all issues involving Parcel 121. - PASS

Vote Results

Motion: Bob English
Second: Edwin Smith

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

G. COUNTY ATTORNEY (MICHAEL CRAIG)

17. [Resolutions of Necessity authorizing condemnation for transportation improvements to Lakeland](#)

Highlands Road from CR540A to South of the Polk Parkway.

- Attachment: [Res Necessity P121.pdf](#)
- Attachment: [Res Necessity P146.pdf](#)
- Attachment: [Res Necessity P119 .pdf](#)
- Attachment: [Res Necessity P130.pdf](#)
- Attachment: [Res Necessity P177.pdf](#)
- Attachment: [Res Necessity P705A&B.pdf](#)
- Attachment: [Res Necessity P707.pdf](#)
- Attachment: [Res Necessity P104 .pdf](#)
- Attachment: [Res Necessity P178.pdf](#)
- Attachment: [Res Necessity P128.pdf](#)
- Attachment: [Res Necessity P703.pdf](#)
- Attachment: [Res Necessity P807.pdf](#)

Minutes: County Manager Michael Craig stated this is a necessary step in the condemnation process. He recommended the Board approve the Resolutions of Necessity for Parcel Nos. 104, 119, 121, 128, 130, 146, 177, 178, 703, 705A & B, 707, 807.

Motions:

Adopt Resolutions of Necessity No. 09-043 through 09-054 authorizing condemnation of certain parcels and authorize the County Attorney's Office to bring to bear the resources necessary to the full and final disposition of the parcels. - PASS

Vote Results

Motion: Edwin Smith

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

18. [Resolution Approving the Private Sale of Property Owned by Polk County to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida](#)

- Attachment: [ResolutionDEPtransfer.pdf](#)
- Attachment: [ExhibitA.pdf](#)

Minutes:

County Attorney Michael Craig demonstrated the mitigation site. He recommended

approval.

Assistant County Attorney Philip Sherwin stated the property is being donated to offset certain fines and penalties included in a consent order.

Bert McKee, Safety Manager, stated the trees on this property will be removed to restore skink habitat. He said at some point, the public will have access and will be able to view protected animals.

Motions:

Adopt Resolution No. 09-055 approving the Private Sale of Property Owned by Polk County to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. - 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)

19. [Interlocal Agreement between Polk County and the Town of Lake Hamilton for Improvements to the Intersection of US 27 at Crump Road and Main Street.](#)

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

Attachment: [US 27 at Crump Road Map.pdf](#)

Attachment: [ILContract US27 at Crump Rd and Main St_18Feb09.pdf](#)

Minutes:

County Manager Mike Herr reviewed the provisions of the Interlocal Agreement and demonstrated the site on US 27 and Crump Road. He recommended approval.

Paul Groce, Director of Traffic Engineering, responded to Board questions.

Motions:

Approve and authorize the Chairman to execute the Interlocal Agreement between Polk County and the Town of Lake Hamilton to contribute \$100,000.00 towards the construction of improvements at the intersection of US 27 at Crump Road and Main Street. - PASS

Vote Results

Motion: Edwin Smith

Second: Jean Reed

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

20. [Resolution to amend the FY 2008-2009 Budget and CIP to include State E9-1-1 Grant Program Funds.](#)

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

Attachment: [PSAP CIP Resolution.pdf](#)

Minutes:

County Manager Mike Herr recommended approval.

Motions:

Adopt Resolution No. 09-056 amending the FY 2008-2009 Budget and CIP to increase it by \$4,305,415.00, thereby establishing a budget for the Consolidated Public Safety Answering Points (PSAP) 9-1-1 Equipment Grant Program. - PASS

Vote Results

Motion: Jean Reed

Second: Bob English

Bob English	- Aye
Sam Johnson	- Aye

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

21. [Consultant Services Authorization No. 06-78-05 with Keith and Schnars, P.A. for the Itchepackesassa Creek Regional Stormwater Facility](#)

Attachment: [ItchepackesassaCreekStormwaterFacility_CSA067805.pdf](#)

Minutes:

County Manager Mike Herr recommended approval.

Director of Natural Resources Jeff Spence stated flood mitigation is needed in the Itchepackesassa Creek area. He said the Board purchased 282 acres in this area to be used for flood mitigation and water quality enhancement. He discussed the conceptual master plan.

Motions:

Approve Consultant Services Authorization No. 06-78-05 with Keith and Schnars, P.A. for the design and permitting of the Itchepackesassa Creek Regional Stormwater Facility to improve the water quality and reduce flooding along Walker Road and Bella Vista in Lakeland. - PASS

Vote Results

Motion: Bob English
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

22. [Gail Bretz to discuss missing Guard Rail at the corner of EF Griffin Road and Lyle Parkway.](#)

Attachment: [Guard Rail pictures.pdf](#)

Minutes:

Ms. Bretz said the County decided not to re-install this guard rail after the last accident.

Ken Weatherington, concerned citizen, said numerous accidents have occurred at this intersection. He strongly suggested the Board consider re-installing the rail.

Ms. Bretz reported that she was told by Paul Groce, Director of Traffic Engineering, that a guard rail is not warranted here; however, there have been 15 accidents at this intersection in the last 19 years. She said better warning of the upcoming intersection is needed.

Mr. Groce stated a speed study will be conducted and staff will determine if advance warning is needed. He stated on Smith Lane, an additional speed limit sign will be installed. Discussion followed.

Mr. Herr stated since the Board concurs, rumble strips and advance warning will be installed at this site. Discussion followed on the different types of curbs and their purposes.

23. [Paula Villarreal to discuss sidewalks on Bomber Road.](#)

Minutes:

Mr. Herr stated Ms. Villarreal has spoken with staff and is waiting for a response to her request.

24. [Asha Singh is requesting that her development application fees be waived.](#)

Attachment: [Asha Singh backup.pdf](#)

Attachment: [Singh Fee Waiver maps.pdf](#)

Attachment: [Memo from Staff.pdf](#)

Minutes:

Ms. Singh explained that when she purchased her property she thought the zoning was commercial; however, when she tried to renovate the property she was told she needed to apply for a Commercial Enclave (CE) land use designation. She requested that the Board waive the application fees for a level 4 review.

Upon question, Ms. Singh said the property is on Highlands and Lewis Griffin Road. She stated she owns four properties; her primary home and three investments. She discussed her plans for the property and previous uses of the property.

Chandra Frederick, Director of Land Development, stated staff recommended that Ms. Singh apply for a land use change from the current designation of Agriculture Residential Rural (ARR) to CE. She said the application fee would be \$1,300.00 and the advertising cost would be \$400.00 making the Long Range Planning Application \$1,700.00. Discussion followed on prior uses of the site.

Aaron Flint, Long Range Planning, stated this property had prior approval for commercial use, but when zone mapping was done, the Commercial C2 designation was removed.

County Attorney Michael Craig said this property has been vacant for approximately fourteen years. Discussion followed on the zoning.

Upon question, Ms. Frederick stated it is not uncommon for staff to hear from owners regarding land use changes. She said if this was used for a migrant farm worker housing use, the owner may have preferred the ARR designation. She stated Ms. Singh's property meets all the criteria for a CE designation.

Motions:

Require the applicant to pay the \$400.00 cost of advertising, but waive the fee of \$1,300.00 for filing the land use application. - PASS

Vote Results

Motion: Bob English

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Nay

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Nay

121. [Comments](#)

Minutes:

James Abercrombee asked if the Board has read Chapter 112 of the Florida Statutes. He said open government could be practiced in Polk County, and the Board should set higher standards for itself.

Commissioner Wilkinson stated the Board will hold a workshop on Ethics on March 31, 2009, and this can be discussed at that time.

122. [Comments](#)

Minutes:

Joe Frances, Frostproof resident, said he came before the Board previously to discussed truck traffic on Fort Meade Road and the issue has been resolved. He thanked the Board for the speed with which the Board addressed his problem.

123. [Comments](#)

Minutes:

Jeff Hancock stated he has exhausted every effort to persuade public leaders to bring in the State Attorney's Office to investigate the handling of the Hidaway Kennel Case. He asked the Board to view a tape of the closing down of this business.

County Attorney Michael Craig said Mr. Hancock's mother has an active court case against the Polk County Sheriff's Office and the court is the proper venue to discuss this issue.

Mr. Hancock stated there is a federal side to this case.

Commissioner Wilkinson stated he would like to view the tape, but would not meet with Mr. Hancock and cannot talk about the case.

Discussion followed.

124. [Comments](#)

Minutes:

Nick Monsuour stated he is a retired professional engineer and his permanent home is in Canada. He said he is pleased to spend his holiday in Polk County. He emphasized the positive aspects of the work Polk County does. He congratulated the political people for getting involved and encouraged the Board to keep up the good work. He wished the Board the very best.

J. COMMISSIONER DISTRICT 1 (BOB ENGLISH)

25. [Comments.](#)

Minutes:

Commissioner English encouraged the Board members and citizens to attend the upcoming Race for the Arts at Fort Fraser Trail. He said this fund raising event supports the Polk Arts Association and will be held Saturday, March 21, 2009.

K. COMMISSIONER DISTRICT 2 (RANDY WILKINSON)

26. [Comments.](#)

Minutes: Commissioner Wilkinson stated he has nothing to discuss today.

L. COMMISSIONER DISTRICT 3 (EDWIN V. SMITH)

27. [Lay Board Reappointment - Lakes Access Advisory Committee](#)

Attachment: [LAAC Schelfo bio0001.pdf](#)

Minutes:

Motions:

Re-appoint Ron Schelfo to the Lakes Access Advisory Committee for a twelve month term beginning May 22, 2009, and ending May 21, 2010. - PASS

Vote Results

Motion: Edwin Smith

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

28. [Lay Board Reappointment - Lakes Access Advisory Committee](#)

Attachment: [LAAC Thomas bio.pdf](#)

Motions:

Re-appoint Paul Thomas to the Lakes Access Advisory Committee for a twelve month term beginning June 5, 2009, and ending June 4, 2010. - PASS

Vote Results

Motion: Edwin Smith

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

M. COMMISSIONER DISTRICT 4 (JEAN REED)

30. [Lay Board Reappointment - Lakes Access Advisory Committee](#)

Attachment: [LAAC Hupp bio.pdf](#)

Minutes:

Motions:

Re-Appoint David Hupp to the Lakes Access Advisory Committee for a 12-month term beginning May 22, 2009, and ending May 21, 2009. - PASS

Vote Results

Motion: Jean Reed

Second: Randy Wilkinson

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

31. [Lay Board Reappointment - Lakes Access Advisory Committee](#)

Attachment: [LAAC Tucker bio0001.pdf](#)

Motions:

Re-Appoint Charles Tucker to the Lakes Access

Advisory Committee for a 12-month term beginning May 22, 2009, and ending May 21, 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

32. [Discuss an official Board position for Central Florida Rail](#)

Minutes:

Commissioner Reed asked if the Board would take an official position on Central Florida Rail. She stated her biggest concern is how will commuter rail cross freight rail. She expressed hope that CSX will grant passage, but said that is not guaranteed. She discussed commuter rail in Polk County.

Upon question, Ron Morrow, CSX, said there will be no changes to Amtrack.

33. [Discuss quality of air monitoring system near CSX Integrated Logistics \(ILC\)](#)

Minutes:

Commissioner Reed stated she has received information from a representative of the Department of Environmental Protection (DEP) in Tallahassee regarding its program to partner with cities or counties for air quality monitoring. She listed the scope and responsibilities for the partnership, noting that currently, DEP partners with the City of Newberry in Alachua County.

County Manager Mike Herr said he will direct this issue to Natural Resources staff who will report back to the Board in the future.

N. COMMISSIONER DISTRICT 5 (SAM JOHNSON, CHAIR)

O. LAY BOARD APPOINTMENTS

36. [Discuss appointments to the Polk County Farm Worker Housing Task Force.](#)

Attachment: [farmworkertaskforce.pdf](#)

Minutes:

Motions:

Reappoint current members to the Polk County Farm Worker Housing Task Force for 12-month terms beginning April 10, 2009, and ending April 9, 2010. - PASS

Vote Results

Motion: Edwin Smith

Second: Bob English

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

37. [Appoint Richard A. Miller, Esquire as an Appellate Code Enforcement Special Magistrate and also approve Appellate Code Enforcement Special Magistrate Agreement.](#)

Attachment: [app_ce_agreement_richard_miller.pdf](#)

Minutes:

Motions:

Re-Appoint Richard A. Miller for a two-year term expiring January 24, 2011, and approval of Agreement. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

Bob English	- Aye
Sam Johnson	- Aye
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

38. [Consider a Petition to adopt a Resolution to vacate unopened, unmaintained, platted rights-of-way shown on the plat of West Lake Wales.](#)

Attachment: [03 18 09 PH WestLakeWales Crews Backup.pdf](#)

Minutes:

Michael Craig, County Attorney, explained the procedures for the public hearings and swore in those who would be speaking today.

Wade Allen, Chief Right-of-Way Agent, gave background information and reported there are no objections to the closure. He said the applicants are also the owners of all the surrounding property. He said staff recommends approval and release of any public interest in the property. Discussion followed.

The Chairman opened a public hearing.

Robert Sammons stated he is an attorney representing all of the petitioners in this case. He said the staff report is complete and accurate, and his clients agree with it.

The Chairman closed the public hearing.

Motions:

Adopt Resolution No. 09-057 to vacate the public's interest in the unopened, unmaintained, platted rights-of-way and the public's interest, if any, in the parcel labeled as "School Grounds", as shown on the plat of West Lake Wales. - PASS

Vote Results

Motion: Edwin Smith

Second: Bob English

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith	- Aye
Randy Wilkinson	- Aye

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

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

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

Minutes:

Erik Peterson, Land Development, stated that this is the first reading and Board action is not required. He said the second hearing is scheduled for April 8, 2009. He reviewed the staff report noting that the Planning Commission and staff recommend approval.

The Chairman opened a public hearing.

Tommie Addison said he lives in Haines City. He said he represents local homeowners and addressed their concerns and what they are trying to accomplish. He showed a map and reviewed different areas of the proposed development. He said the developer proposed six story units. He showed slides of the County's Proposed Tables 4.25 and 4.26 and discussed his concerns with these tables.

Glen Lawhorn said he lives in Haines City. He said the surrounding property owners are not in a fight with Grenelefe, they just want something compatible in writing so they do not have to go through this again.

The Chairman closed the public hearing.

Discussion followed among the Board and staff regarding the standards proposed by the speakers.

40. [Consider adoption of an Ordinance amending Polk County Ordinance 07-018, the Amended, Restated and Consolidated Comprehensive Impact Fee Ordinance for purposes of reducing impact fees.](#)

Attachment: [IMPACT FEE REDUCTION Redline DRAFT 3-2-09.pdf](#)

Minutes:

Mike Herr, County Manager, gave background information. He said Linda McKinley, Deputy County Attorney, and Lea Ann Thomas, Assistant County Manager, were present to answer questions. He said staff has also prepared several options which will be reviewed. He said the Impact Fee Advisory 2Committee recommends Option 2. He said Steve Tindale from Tindale & Oliver is present. He said Gordon Kettle, economist with the Central Florida Development Council is present as well as Asim Kahn who is the staff economist. He said also present is Wendy Klug, Director of Transportation Engineering.

Ms. McKinley presented the proposed ordinance and reviewed the options. She said staff is ready to follow Board directions as to the options and the implementation date and how

long it should remain in effect. She said the draft provides for one year with the ability to extend it, and it also contains a sunset provision. She discussed the rate schedule. There was also discussion on the Intermodal Logistics Center (ILC) land use.

Mr. Tindale reviewed the Transportation Impact Fee Study Update, and gave background information. He said the Highway Trust Fund is bankrupt so the State will have to increase the gas tax or continue to borrow funds. Discussion followed.

Chairman Johnson said the Impact Fee Advisory Committee recommends Option 2 for road impact fees only.

The Chairman opened a public hearing.

Robert Dodd said he lives in Haines City and is the Chairman of the Impact Fee Advisory Committee. He said the Committee recommended Option 2. He said they also talked about the new ILC land use. He said the Committee had to move fast because of the public hearing date. He said there is potentially a large drop to the transportation fees. He said reduction in other fees may be recommended when the other studies are completed. He encouraged the Board to obtain all the accurate information prior to making a decision.

Commissioner Wilkinson mentioned the water and sewer connection fees noting that perhaps those rates should also be reviewed.

Mike Hickman, President of Hickman Homes, said he is speaking on behalf of the Polk County Builders Association (PCBA). He discussed Mr. Tindale's presentation and the time frame used. He said many counties have already reduced or suspended fees. He said Polk County is losing business to other counties. Discussion followed.

David Hupp said he is a member of the Impact Fee Advisory Committee. He said the Committee felt really pressed to make a decision in the short time allowed. He requested more time in the future to deal with these items. He recommended using the numbers submitted by Mr. Tindale. Discussion followed.

Lucas Martin said he is with Adams Homes and discussed how much more expensive it is to live in Polk County now compared to Hillsborough County.

Ray Ready said he lives in Auburndale and he is opposed to impact fees.

Donald Ready said he lives in Auburndale and he is also opposed to impact fees.

Ron Morrow said he is with CSX representing Evansville and Western Railroad, the owner of the ILC. He asked for 30 days to work with the consultant; he just heard yesterday that CSX has been changed from Industrial to another designation. He said CSX is building a terminal, not an ILC. He said the ILC building will be coming over the next 20 years. Discussion followed.

Lisa Jensen said she is from Winter Haven and adopting a new land use and increasing fees may not have been noticed. She said there was only a simple majority at the Impact Fee Advisory Committee meeting. She said the Legislature is considering a moratorium on impact fees.

Pete Bell, Land Planner with Ridge Professional Group, said he is representing a number of property owners today. He said many developments with viable projects which have already been approved cannot move forward because of financing or other reasons. He asked that there be extensions to these development approvals.

Mark Wilson, Lakeland Area Chamber of Commerce, said the Chamber supports the reduction in the impact fees as recommended by the Committee.

Donnie Tyler discussed several incidents in his past about people losing their jobs. He asked about a moratorium.

Ed White discussed the two options and said he is in favor of Option 1. Discussion followed.

Scott Coulombe, Executive Director of the PCBA, spoke in support of the decrease in impact fees.

Mark Boney, Twelve Oaks Homes, Highland City, said what generates any of these numbers to work is a permit being pulled, whether it be residential or commercial.

Richard Murphy said he lives in Lakeland and commented that the impact occurs with the building. He said people realized there was a serious infrastructure backlog and the taxpayers agreed to help with that. He said there are more people involved than just builders.

Al Whittle said he lives in Lakeland. He said the economy is not a Polk County problem only, it is a world wide problem. He said business as usual will not happen and it is irresponsible of the Board to try to shore it up. He said the Board needs to figure out where to go in the future, and use this as an opportunity to improve Polk County's economy not get mired back into the same thing that brought this problem on to start with.

Steve Scruggs, Lakeland Economic Development Council, said the Council's job is to bring new companies to Lakeland and help local companies expand. He said Lakeland is in Polk County which is why the Council supports Option 2 recommended by the consultant. Discussion followed.

Mike Stearns, Lennar Homes, said he built a home in Haines City about four years ago and paid \$4,000 in impact fees. He said if he built now, the impact fees would be about \$20-25,000 and he would not be able to build. He said it would be of great help to reduce the impact fees.

Bill Tilley said he is from Alturas and discussed the per capita income in Polk County which, he said, is \$21,670. He said the median family income is \$48,000 and 13.5% of the population of Polk County is living below the poverty level.

Wayne Waters said he lives in Winter Haven and questioned the impact fee for the ILC which, he said, is based on acreage. He asked if there were any other impact fees in this County based on acreage. Mr. Tindale mentioned golf courses, which is completed by the number of holes. Mr. Waters requested this be put off for 30 days.

Jim Studiale, City of Lakeland, said there have been impact fees in Lakeland for over 20 years during which time the fees have gone up and down based on the cost of public

facilities. He said it makes sense to follow the Study. He said impact fees are a very important growth management tool. He said the impact fees did not stop growth in Lakeland. He said cutting the impact fees dramatically will not change what is going on in the market. Discussion followed on the time that impact fees are due, which is at the time the building permit is issued in the cities and when the Certificate of Occupancy (CO) is issued in the County.

George Lindsey spoke in support of paying impact fees at the time the CO is issued. He also said that he is on the Impact Fee Advisory Committee and he did not feel rushed in reviewing the Study and making a recommendation. He said Option 2 is very viable. He recommended getting the fees as low as possible.

The Chairman closed the public hearing, and discussion followed.

Mr. Craig read the statute regarding noticing the public hearing. He said with regard to the ILC, the hearing was noticed as a reduction of impact fees. He said the ILC portion could be challenged stating it is a new impact fee and should not be included in the ordinance if it is adopted today. He said, with the proper notice, a hearing could be held for the ILC in the future.

Discussion followed on whether a building permit could be pulled in the interim and pay the fees in existence at the time the permit is pulled.

Ms. McKinley said the Board could schedule consideration of the ILC impact fee for the April 8th agenda.

Tom Deardorff, Director of Growth Management, mentioned that CSX has not started the site plan review process which would have to be completed prior to pulling a permit. He said the rail terminal facility is a unique use. Discussion followed.

Motions:

Adopt Ordinance No. 09-005, and its attachments, amending Ordinance 07-018 for purposes of adopting the Transportation Fees Option 2, cut all existing other Impact Fees by 50%, reducing EMS, Correctional, Transportation, Fire, Law Enforcement, Library and Parks Impact Fees, and exclude the ILC impact fee until a public hearing can be held on April 8, 2009. - PASS

Vote Results

Motion: Bob English

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

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

Motion Minutes:

Mr. Craig said as part of that motion, the County received a Tindale Oliver Study on February 27th that did not contain the ILC land use category so the motion is based on the February 27th transmittal, and Commissioner English agreed.

Mr. Craig said there needs to be an effective date, and Commissioner English replied April 1, 2009.

Upon question, Commissioner English stated the 50% reductions would last until the County Commissioners had a chance to study the new impact fee studies that are forthcoming and then will implement those impact fees.

Mr. Craig said then the motion should remain silent as to the length of the change, and Chairman English agreed.

Commissioner Smith seconded the motion.

Upon question, Commissioner English said his motion is to adopt the Study's Transportation Option 2 at 100% and all other impact fees cut by 50%.

Commissioner Reed said she can go with Option 2. However, she said, she cannot cut other impact fees 50%; she would prefer waiting for the studies to come in and be reviewed by the Committee. She said she can't support the motion.

Upon question, Asim Kahn, economist for the County, said in his opinion cutting the impact fees will not stimulate the economy because they are not the reason we are in the state we are in. Discussion followed.

Upon request, Commissioner English amended his motion to include the attachments as mentioned by counsel. Commissioner Smith, second to the motion, agreed.

Chairman Johnson explained his position and discussion followed.

Lea Ann Thomas, Assistant County Manager, said staff is reviewing the other studies and a Committee meeting has been scheduled for week after next. She said the School Impact fee draft should be in by the end of the month.

Ms. McKinley said this ordinance does not address school impact fees. The notice was only for transportation fees and reducing EMS, Correctional, Fire, Law Enforcement and Parks by 50%. She said studies are in draft form and the Committee needs time to review them.

Commissioner Reed expressed her discontent with this motion noting that she will have to vote against it, although she is in favor of Option 2 for Transportation Impact Fees.

120. [Waive impact fees for Florida Friendly Yards Green Home.](#)

Minutes: Chairman Johnson said the Polk County Builders Association is building a Green Home and putting everything in it to display it for building green. He said once the house is built and sold, all the proceeds will go to the Foundation, and he requested the impact fees be waived.

Motions:

Waive impact fees for the Florida Friendly Yards Green Home. - PASS

Vote Results

Motion: Edwin Smith

Second: Bob English

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

41. [LDC 09T-05 \(Florida Friendly Landscaping\) to consider the adoption of an ordinance amending the Land Development Code. \(Continued from January 21, 2009\).](#)

Attachment: [LDC 09T 05 Staff Report.pdf](#)

Attachment: [LDC 09T 05 Ordinance.pdf](#)

Minutes:

Erik Peterson, Land Development, explained that this is the final reading for LDC 09T-05. He reviewed the public notice. He said changes have been made since the last meeting which he reviewed, and discussion followed. He also reviewed the objectives of the proposed ordinance.

Commissioner Smith questioned the enforcement of this ordinance, and Mr. Peterson said with new development, the ordinance has been enforced. Discussion followed.

The Chairman opened a public hearing.

Mike Hickman, Hickman Homes, said that his company will be building the Green Showcase Home and hopes to achieve the Florida Gold Star Water Certification through Southwest Florida Management District, which will be the first house in the County to achieve that certification and it will highlight all the things in this ordinance. Upon question,

he said the home will be in Morgan Creek Preserve off of West Pipkin Road. He discussed other certifications he hopes to achieve for this home. He said the home will eventually be sold for \$300,000 and the proceeds given to the Foundation that supports the Future Builders of America chapters in Polk County.

Mr. Hickman referred to a sentence in the ordinance that proposed the landscape plan for approval shall be submitted to Land Development Division prior to issuance of a building permit, and discussed his concerns regarding this statement.

Chandra Frederick, Director of Land Development Division, said that individual single family residences do not submit landscape plans to Land Development Division. She said an easy fix would be to say, where applicable, developments shall be required to submit a landscape plan for approval to the Land Development Division with the construction plans.

Penny Schwab said she is with Progress Energy and her concern is the setback which says power line rather than easement. She said all of Progress Energy's legal documents state easement rather than lines. She discussed corporate requirements and federal requirements. She said the types of trees permissible in easements are not permissible in Progress Energy's easements. She asked for the opportunity to work with staff on this issue to get it workable for all utilities.

Ms. Frederick responded to this by saying that staff went to Progress Energy websites and every reference was power lines and not easements. She said staff assumed that if it was on the website, it would be sufficient. She said a new type of buffer requirement might be needed when working with power lines. She said staff could work with utility companies in developing this requirement.

Ms. Schwab said Progress Energy is redoing its website and taking out all of the landscape listings which now will be on an approved basis for individual projects.

Glen Reynolds said he is from Lake Alfred, and he discussed perennial peanut grass which doesn't need water, except when it is planted. He said the clippings are in high demand in the equine industry. He said it will grow in any soil and is not an invasive plant. He also discussed the cost of water and suggested the Board adopt Best Management Practices.

Scott Coulumbe, Executive Director of PCBA, said the PCBA is fine with this draft ordinance. He said PCBA is looking for a solution to high water use grass. He said staff is agreeable to working with him for Florida green lawns to incorporate artificial turf in this ordinance and he asked for permission to do so. He said the PCBA has a Green Building Council.

Sean O'Brien said he lives in Lakeland and has a sod farm in Fort Lonesome. He said he also has farms in Georgia where they are growing the perennial peanut grass. He said it takes a while to start growing. He said he serves on the Agri-Advisory Council for Southwest Florida Water Management District. He recommended putting sensors in the green house.

The Chairman closed the public hearing, and discussion followed.

Ms. Frederick recommended a power line buffer as a separate item to be brought back at

another time. She said staff recommends the Board address whether it should be a line or easement.

Motions:

Table this item until there is an opportunity to explore options with the different power companies to be sure this is solidified. Motion died for lack of a second.

Vote Results

Motion: Edwin Smith

Second:

Motions:

Adopt Ordinance No. 09-006 with the changes in 5b and 720c as read by Ms. Frederick. - PASS

Vote Results

Motion: Jean Reed

Second: Randy Wilkinson

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Nay

Randy Wilkinson - Aye

42. [LDC 08T-13 \(Clarify denial procedures for a Level 3 or Level 4 Review application\) to consider the Adoption of an ordinance amending Sections 920 and 921 of the the Land Development Code](#)

Attachment: [LDC 08T 13 Staff Report.pdf](#)

Attachment: [LDC 08T 13 DRAFT Ordinance.pdf](#)

Minutes:

Todd Varga, Land Development, reviewed the staff report. He said this is a text amendment which clarifies procedures for the Planning Commission and the Board of County Commissioners when denying a Level 3 or Level 4 application. He said the amended text will only require a written order when there is no de novo hearing on a Level

3 application for development.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 09-007 adopting LDC 08T-13 clarifying denial procedures for a Level 3 or Level 4 review application. - 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-01 \(Add an ex officio member to the Planning Commission\) to consider the Adoption of an ordinance amending Section 974.A.2 of the Land Development Code](#)

Attachment: [LDC 09T 01 Staff Report.pdf](#)

Attachment: [LDC 09T 01 DRAFT Ordinance.pdf](#)

Minutes:

John Bohde, Land Development, reviewed the staff report which is to add an ex officio member to the Planning Commission. He said Lt. Colonel Charles McLaughlin is still the Range Commander and his name and the alternate Ron Rydell will be brought forward at the next Board meeting.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 09-008 adopting LDC 09T-01, to add an ex officio member to the Planning Commission. - PASS

Vote Results

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

44. [LDC 09T-02 \(revise level of review for Class III Utilities\) to consider the Adoption of an ordinance amending Section 401.03, Table 4.8 and Section 401.06, Table 4.16 of the Land Development Code](#)

Attachment: [LDC 09T 02 Staff Report.pdf](#)
Attachment: [LDC 09T 02 DRAFT Ordinance.pdf](#)

Minutes:

John Bohde, Land Development, reviewed the staff report noting that this ordinance is to correct a scrivener's error to Table 4.8 and Table 401.06 to revise the level of review within the Professional Institutional Land Use District, and discussion followed.

Commissioner Reed questioned uses for the Green Swamp and said she would like to speak with someone in Planning about it.

The Chairman opened a public hearing; no one spoke.

Motions:	
Adopt Ordinance No. 09-009 adopting LDC 09T-02, revising the level of review for Class III Utilities.	- PASS
Vote Results	
Motion: Edwin Smith	
Second: Jean Reed	
Bob English	- Aye
Sam Johnson	- Aye
Jean Reed	- Aye
Edwin Smith	- Aye
Randy Wilkinson	- Aye

45. [LDC 09T-04 \(Impervious Surface Ratio requirements\) to consider the Adoption of an ordinance amending Section 932, Waivers to Technical Standards, of the Land Development Code](#)

Attachment: [LDC 09T 04 Staff Report.pdf](#)
Attachment: [LDC 09T 04 DRAFT Ordinance.pdf](#)

Minutes:

John Bohde, Land Development, said this is an applicant initiated request to add impervious surface ratio as being eligible for a waiver. He said the waivers go through the Development Review Committee. He said staff wants to add the language to the amendment that reads: "you can't get a waiver for both the landscaping and impervious surface ratio on the same site."

The Chairman opened a public hearing.

Jim Porter, Ruden & McClosky, stated he represents the applicant and requested the Board adopt this amendment. He said his client agrees with the staff report.

The Chairman closed the public hearing.

Motions:

Adopt Ordinance No. 09-010 adopting LDC 09T-04, Impervious Surface Ratio requirements. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

46. [Adopt an Ordinance amending Ordinance 02-30, the North Ridge Community Redevelopment \(CRA\) Trust Fund, for purposes of reducing the Tax Increment for fiscal years 2009-2012.](#)

Attachment: [NRCRA Ordinance 2009 final.pdf](#)
Attachment: [NRCRA Ord Not of Adoption.pdf](#)
Attachment: [NRCRA Ordinance redline.pdf](#)

Minutes:

Mike Herr, County Manager, said staff is asking the Board to adopt an Ordinance amending the North Ridge Community Redevelopment (CRA) Trust Fund reducing the Tax Increment for fiscal years 2009-2012. He gave background information.

Jim Freeman, Deputy County Manager, said that all of the ad valorem money comes into the County's General Fund and the CRA increments are then transferred to the CRA funds. He explained that the transfer to the CRA Fund last year was less in order to balance the General Fund. Discussion followed.

Commissioner Reed suggested only doing this for 2009-2010, and not so far into the future.

Linda McKinley, Deputy County Manager, said staff could amend this to include years 2009 and 2010 and refer it back to 2011-2012 at 95%.

The Chairman opened a public hearing; no one spoke.

Discussion followed on the amount of funds that will be available, and the status of the North Ridge Trail.

Motions:

Adopt Ordinance No. 09-011 amending Ordinance 02-30 reducing the Tax Increment for the North Ridge CRA Trust Fund for fiscal years 2009-2010. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

Motion Minutes: Michael Craig, County Attorney, clarified that the reduction is to an amount equal to 87.24% of the tax, and there will be a corresponding line, new No. 4, which will be 2011-2012 which will be back to 95%, and the Board agreed.

Q. CONSENT AGENDA ITEMS

ACCOUNTANT, AUDITOR and CLERK TO THE BOARD

- 47. [Removal of equipment from inventory as listed on Blanket Removal Form 1831.](#)

Attachment: [Blanket Removal Form 1831.pdf](#)

48. [Appointment of two Property Custodians.](#)

Attachment: [Property Custodian-Lewis.pdf](#)

Attachment: [Property Custodian-Curry.pdf](#)

49. [List of Lands Available from Tax Deed Sale.](#)

Attachment: [List of Lands Available 022409.pdf](#)

50. [Minutes of Florida's Natural Growers/Washington Park Community Relations Committee held on February 12, 2009.](#)

51. [Minutes of Lake Ashton II Community Development District held on August 29, 2009.](#)

COUNTY ATTORNEY

52. [Record Maintained Right-of-Way Maps for Ed Padgett Road and Perkle Road.](#)

Attachment: [03 18 09 CoAtty_MROW_Ed Padgett Rd and Perkle Road_Fiscal Impact_scl.pdf](#)

Attachment: [03_18_09 CoAtty_MROW_Ed Padgett Road and Perkle Road_backup_sclx.pdf](#)

53. [Additional Right-of-Way for CR 37B \(Lakeland Highlands Road\), Parcel 147](#)

Attachment: [03_18_09 CoAtty_AddIRW_CR37B_Hager_Fiscal Impact_SRL.pdf](#)

Attachment: [03_18_09 CoAtty_AddIRW_CR37B_Hager_Backup_SRL.pdf](#)

54. [Accept an Instrument for Additional Right-of-Way as requested through the Development Review Process.](#)

Attachment: [03_18_09 CoAtty_DRC_Banana Lake Rd_Phoenix Development_Backup_scl.pdf](#)

Attachment: [03_18_09 CoAtty_DRC_Banana Lake Rd_Phoenix Dev_Fiscal Impact_SCLI.pdf](#)

55. [Additional Right-of-Way for West Pipkin Road, Parcel 126.](#)

Attachment: [03_18_09 CoAtty_AddIRW_WPipkinRd_Pcl_126_Graham_Fiscal.pdf](#)

Attachment: [03_18_09 CoAtty_AddIRW_WPipkinRd_Pcl_126_Graham_Backup.pdf](#)

56. [SET HEARING DATE to consider Petition to vacate a portion of platted utility and drainage easement on the plat of Poinciana Neighborhood 3 South, Village 7, near Poinciana. \(Suggested hearing date: April 8, 2009, at 1:30 p.m.\)](#)

57. [Additional Right-of-Way for CR 37B \(Lakeland Highlands Road\), Parcel 109](#)

Attachment: [03_18_09
CoAtty_AddIRW_CR37B_Nadeau_Pcl109_Backup_SRL.pdf](#)
Attachment: [03_18_09
CoAtty_AddIRW_CR37B_Nadeau_Pcl109_FiscallImpact_SRL.pdf](#)

58. [Right-of-Way Purchase for Kathleen Road Phase II Improvement Project, Parcel 178 and perpetual Drainage Easement](#)

Attachment: [Kathleen Road Phase 2 Backup.pdf](#)
Attachment: [Kathleen Rd Phase 2 Fiscal Impact.pdf](#)

59. [Additional Right-of-Way for CR 37B \(Lakeland Highlands Road\), Parcels 156, 169, 716 and 717 A and B](#)

Attachment: [03_18_09_CoAtty_AddIRW_CR37B_Pcl156_Highland Park Church_FiscallImpactRev.pdf](#)
Attachment: [03_18_09_CoAtty_AddIRW_CR37B_Pcl156_Highland Park Church_Backup_SRL.pdf](#)

60. [Donation of two Mobile Homes located along the Kathleen Road Phase II Project to "Rebuild Polk After Disaster, Inc."](#)

Attachment: [Donate 2MH Kathleen Rd Phase 2.pdf](#)

61. [Conveyance of the County's Interest in the remainder of Parcel 117, Harden Boulevard Improvement Project.](#)

Attachment: [HardenWPipkin Backup.pdf](#)
Attachment: [HardenWPipkin Fiscal Impact.pdf](#)

CENTRAL FLORIDA DEVELOPMENT COUNCIL

62. [Sponsorship Funding Assistance for the Detroit Tigers to secure and host the East Coast Showcase and Diamond Club Showcase](#)

Attachment: [Detroit Tigers East Coast and Diamond Club-Pink Purple.pdf](#)
Attachment: [Tigers Event Agreement '09.pdf](#)

63. ["Sports Partner" Corporate Sponsorship One Year Agreement with Holiday Inn Lakeland South](#)

Attachment: [Holiday Inn Lakeland South 2009-2010.pdf](#)
Attachment: [Holiday Inn Lakeland South 1 Yr Sponsorship 2009_Pink-Purple.pdf](#)
Attachment: [Holiday Inn Lakeland South Agreement 2009-2010.pdf](#)

ENVIRONMENTAL RESOURCES

64. [Modification No. 1 to Subgrant Agreement for the Red Hawk Stormwater Retrofit Project, Phase I, FEMA Project No. 1545-45-R](#)

Attachment: [RedHawkSubgrantAgreement_ModificationOne.pdf](#)

65. [Federally Funded Agreement for the Red Hawk Stormwater Retrofit Project, Phase II, FEMA Project No. 1545-45-R](#)

Attachment: [RedHawkPhaseTwo Map.pdf](#)

Attachment: [RedHawkPhaseTwo_FedFundSubgrantAgreement.pdf](#)

66. [Federally Funded Subgrant Agreement for the Village Park Drainage Project, Phase II, FEMA Project No. 1545-45-R, and a Transfer from Reserves](#)

Attachment: [VillageParkPhaseTwo_BudgetRevisionJournal.pdf](#)

Attachment: [VillageParkPhaseTwo_Map.pdf](#)

Attachment: [VillageParkPhaseTwo_FedFundSubgrantAgreement.pdf](#)

67. [Consultant Services Authorization No. 06-81-06 for Saddlebag Lake Outfall Improvements for Post Design Services](#)

Attachment: [SaddlebagLakeOutfall CSA 068106.pdf](#)

68. [Record Drainage Easements for Red Hawk Stormwater Retrofit Project](#)

Attachment: [ReHawkStormwaterRetrofitProject_Location Map.pdf](#)

Attachment: [RedHawkStormwater_DrainageEasements.pdf](#)

69. [Record Temporary Construction Easement for the Village Park Drainage Project](#)

Attachment: [VillageParkTempConstructionEasement.pdf](#)

Attachment: [VillageParkDrainageProject_Locaton Map.pdf](#)

70. [Funding Agreement with the Southwest Florida Water Management District for the Lake Hancock Land Use Study](#)

Attachment: [LakeHancockLandUseStudyFundingAgreement.pdf](#)

71. [Record Drainage Easement and Temporary Construction Easements for the Saddlebag Lake Outfall Improvement Project](#)

Attachment: [Saddlebag Lake Map.pdf](#)

Attachment: [Saddlebag Lake backup.pdf](#)

72. [Declaration to the Public for Southeast Landfill Closures](#)

Attachment: [Declaration SE Landfill.pdf](#)

73. [Acceptance of a donated utility easement from Silverleaf Resorts, Inc.](#)

Attachment: [SilverleafResortsEasementApprovals.pdf](#)

Attachment: [SilverleafResortsEasement.pdf](#)

74. [Acceptance of a donated utility easement from Publix Super Markets, Inc.](#)

Attachment: [PublixSMEasmentApprovals.pdf](#)

Attachment: [PublixSMEasement.pdf](#)

75. [CSA No. 04-46-22 for NCLF Class I Contamination Evaluation Report](#)

Attachment: [CSA 04-46-22 Landfill Contamination Evaluation Rejport.pdf](#)

76. [Hazen and Sawyer, P.C., CSA No. 07-83-02, Valley View and Gus Stewart Water Treatment Plant Upgrade and amendment to and transfer within the Utilities CIP budget.](#)

Attachment: [CSA 078302 Budget Journal.pdf](#)

Attachment: [CSA 078302 Approvals.pdf](#)

Attachment: [CSA 078302 Contract.pdf](#)

77. [Donation of blanket utility easements from Polk County to Progress Energy](#)

Attachment: [Progress Energy Legal Request.pdf](#)

Attachment: [Progress Energy Esmt Contract.pdf](#)

Attachment: [Progress Energy Project Checklist.pdf](#)

78. [Interlocal Agreement with the Town of Lake Hamilton for Solid Waste Disposal](#)

Attachment: [LakeHamiltonAgr.pdf](#)

79. [Interlocal Agreement with the City of Lake Wales for Solid Waste Disposal](#)

Attachment: [LakeWalesAgr.pdf](#)

80. [Proposed Settlement to Warning Letter No. WL08-0010SW53SWD with the State of Florida Department of Environmental Protection.](#)

Attachment: [DEP Warning Letter WL08-0010SW53SWD.pdf](#)

GROWTH MANAGEMENT

81. [Homes at Cherry Pocket Conditional Approval](#)

Attachment: [Homes at Cherry Pocket.pdf](#)

82. [SET HEARING date for adoption of a Small Scale Comprehensive Plan Amendment 09S-06 and associated ordinance. \(Suggested hearing date: April 8, 2009, at 1:30 p.m.\)](#)

83. [SET HEARING date to consider adoption of a Small Scale Comprehensive Plan Amendment 09S-05 and associated ordinance. \(Suggested hearing date: April 8, 2009, at 1:30 p.m.\)](#)

84. [SET HEARING date for adoption of a Small Scale Comprehensive Plan Amendment 09S-03 and associated ordinance. \(Suggested hearing date: April 8, 2009, at 1:30 p.m.\)](#)

HUMAN SERVICES

85. [Memorandum of Understanding between County Probation and the Florida Department of Highway Safety and Motor Vehicles regarding the Drivers License or Motor Vehicle Record Data Exchange system.](#)

Attachment: [DATA EXCHANGE MOU 3-18-09.pdf](#)

86. [Amendment 004, OAA-2008-POLK between the Board and the West Central Florida Area Agency on Aging, Inc. for the period January 1, 2008, through December 31, 2008.](#)

Attachment: [Amend 004 OAA-2008-POLK.pdf](#)

87. [Amendment 004, Agreement No. NSIP-07/08-POLK between the Board and the West Central Florida Area Agency on Aging, Inc., reimbursing funds for the Federal Fiscal Year 2007/2008.](#)

Attachment: [Amend 004 NSIP 07-08.pdf](#)

88. [HOME Investment Partnership Program Satisfactions of Rehabilitation/Replacement Lien Agreements for the families listed.](#)

Attachment: [3-18 HOME Rehab.pdf](#)

89. [State Housing Initiatives Partnership \(SHIP\) Program Satisfactions of Mortgage and Security Agreements for the families listed.](#)

Attachment: [3-18 SHIP DPA.pdf](#)

90. [Hurricane Housing Recovery \(HHR\) Program Amendment No. 1 to the Rehabilitation/Reconstruction Lien Agreement & Promissory Note and Mortgage & Security Agreement and Mortgage Note for Robert W. Henke and David W. Henke.](#)

Attachment: [3-18 Henke Property Amendment.pdf](#)

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

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

92. [Tenant-Based Rental Assistance \(TBRA\) Payments Contract for Tracey Robinson.](#)

Attachment: [TBRA Contract.pdf](#)

93. [State Housing Initiatives Partnership \(SHIP\) Program Housing Rehabilitation/Reconstruction Agreements for Betty Irene Anderson Judah, Life Estate and Huston Hubert Judah, Jr.](#)

Attachment: [Judah Betty Huston SHIP.pdf](#)

94. [Hurricane Housing Recovery \(HHR\) Program Housing Rehabilitation/Reconstruction Agreements for Barbara A. Davis.](#)

Attachment: [Davis 3-18-09.pdf](#)

95. [State Housing Initiatives Partnership \(SHIP\) Program Housing Rehabilitation/Reconstruction Agreements for Stacy Lynn Holt, aka Stacy S. Holt.](#)

Attachment: [Holt 3-18-09.pdf](#)

96. [State Housing Initiatives Partnership \(SHIP\) Program Housing Rehabilitation/Reconstruction Agreements for Loretta Weatherford.](#)

Attachment: [Weatherford 3-18-09.pdf](#)

97. [State Housing Initiatives Partnership \(SHIP\) Program Housing Rehabilitation/Reconstruction Agreements for Cora B. Wallace.](#)

Attachment: [Wallace.pdf](#)

98. [State Housing Initiatives Partnership \(SHIP\) Program Housing Rehabilitation/Reconstruction Agreements for Bobby Ray Archer and Ronald F. Lauderbaugh and Martha J. Lauderbaugh.](#)

Attachment: [Archer Lauderbaugh SHIP.pdf](#)

99. [State Housing Initiatives Partnership \(SHIP\) Program Housing Rehabilitation/Reconstruction Agreements for Robert G. Troller and George A. Troller.](#)

Attachment: [Troller, Robert G. & George 3-18-09.pdf](#)

100. [Amendment No. 1 to the My Safe Florida Home Grant Agreement between Polk County and the State of Florida.](#)

Attachment: [Amendment 1 MSFH.pdf](#)

101. [Community Clean-Up Fund \(413\) FY 2008-2009 distribution to municipalities and accomplishments for Haines City.](#)

Attachment: [City of Haines City Letter dated 1-23-09.pdf](#)

Attachment: [413 attachment.pdf](#)

102. [Addendum No. 2 to the State Housing Initiatives Partnership \(SHIP\) Program Agreement, Contract No. S060001-00, between Polk County and the Keystone Challenge Fund, Inc.](#)

Attachment: [Add 2 Keystone S060001 00.pdf](#)

103. [Addendum No. 2 to the State Housing Initiatives Partnership \(SHIP\) Program Agreement, Contract No. S070001-00, between Polk County and the Keystone Challenge Fund, Inc.](#)

Attachment: [Keystone S070001 00.pdf](#)

PUBLIC SAFETY

104. [9-1-1/Dispatch Interlocal Agreement with the City of Winter Haven.](#)

Attachment: [WH 9.1.1 Dispatch Agreement.pdf](#)

PUBLIC WORKS

105. [Mitigation Credit Purchase Agreement between Peace River Basin Partners, LLC and Polk County for the Hardee County Line Road Bridge Replacement Project.](#)

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

Attachment: [Hardee County Line Rd Bridge Map.pdf](#)

Attachment: [03 18 09 HCLR_MBC Agreement.pdf](#)

106. [Preliminary Engineering Agreement with CSX Transportation, Inc. \(CSX\) to Relocate an At-grade Railroad Crossing on Deeson Road.](#)

Attachment: [03 18 09 Deeson Road Map.pdf](#)

Attachment: [03 18 09 Deeson Road_PEAgreement_CSX.pdf](#)

Attachment: [Fiscal Impact.pdf](#)

107. [Modification No. 1 to CSA No. 06-04-02 with Post Buckley Schuh & Jernigan, Inc., Loyce E. Harpe Park Senior Quad Construction Documents.](#)

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

Attachment: [CSA 060402 Loyce Harpe.pdf](#)

108. [Approve Lease Agreement with Sun Ray Homes Association for Development of a Neighborhood Park in the Sun Ray subdivision.](#)

Attachment: [Location Map Attachment A.pdf](#)

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

Attachment: [Sun Ray Lease Agreement.pdf](#)

SUPPORT SERVICES

109. [Report Bid Award by Purchasing Director to Eclipse Construction Company of Lakeland, Florida.](#)

Attachment: [Bid 09 025 Recap_BidAnalysis.pdf](#)

110. [Report Bid Award by Purchasing Director to L. Cobb, Inc., of Wauchula, Florida.](#)

Attachment: [Bid 09-042 Recap_BidAnalysis.pdf](#)

111. [Interlocal Agreement with the City of Eagle Lake for exemption of Impact Fees in the Core Downtown Improvement Area.](#)

Attachment: [Interlocal Agreement with Eagle Lake.pdf](#)

Attachment: [Resolution R 09 06.pdf](#)

112. [Report Bid Award by Purchasing Director to The Lane Construction Corporation,](#)

Eaton Park, Florida, CIP Amendment and budget transfer.

Attachment: [Bid 09-041-CAR CountryClub-Tiger Walnut Map.pdf](#)
Attachment: [Copy of Budget Revision Journal-Country Club-Walnut Intersection.pdf](#)
Attachment: [Bid 09041 Analysis form.pdf](#)

113. Polk HealthCare Plan Provider, Medical Services Agreement renewal

Attachment: [SinclairSurgicalAndBreastClinic_09_134_RM.pdf](#)

114. Amendment to Master Services Agreements No. 06-48 with A.R.E.A. Real Estate Appraisers, Inc., 06-49 with Angeland Corporation d/b/a Boyd, Schmidt & Brannum, 06-50 with Clayton, Roper & Marshall, Inc., 06-51 with Compass Real Estate Consulting, Inc., 06-54 with Durrance & Associates, 06-56 with Florida Acquisition & Appraisal, Inc., 06-57 with Hayes Appraisal Group, Inc., 06-58 with HDR Acquisition Services, Inc., 06-61 with Knight Appraisal Service, Inc., 06-63 with PARARA Services, Inc., 06-64 with Post, Buckley, Schuh & Jernigan, Inc., 06-65 with R & W Enterprises, Inc., 06-66 with R E Analysts, Inc., 06-67 with Stricklen Appraisal Services, P.A., 06-68 with The Appraisal Group of Central Florida, 06-69 with The Spivey Group, and 06-70 with Wilson Real Estate, Inc.

Attachment: [0648 area real estate.pdf](#)
Attachment: [0651 compass.pdf](#)
Attachment: [0663 parara.pdf](#)
Attachment: [0649 boyd schmidt.pdf](#)
Attachment: [0656 florida acquisition.pdf](#)
Attachment: [0661 knight.pdf](#)
Attachment: [0654 durrance.pdf](#)
Attachment: [0658 hdr.pdf](#)
Attachment: [0650 clayton roper.pdf](#)
Attachment: [0657 hayes.pdf](#)
Attachment: [0670 wilson.pdf](#)
Attachment: [0665 r and w.pdf](#)
Attachment: [0667 stricklen.pdf](#)
Attachment: [0664 post buckley.pdf](#)
Attachment: [0668 appraisal group.pdf](#)
Attachment: [0666 re analysts.pdf](#)
Attachment: [0669 spivey.pdf](#)

115. Medical Office Facilities Impact Fee Mitigation Application for CenterState Bank of FL, Error in Computation

116. Lakeland Volunteers in Medicine, Inc. (LVIM) Medical Services Agreement renewal

Attachment: [LakelandVolunteersInMedicineInc_09_119_RM.pdf](#)

117. Fleet Management requests Board clear the loan from the Fleet Replacement Fund to the Fleet Maintenance Fund.

118. Increase Fee Schedule for The Rohr Home's Daily Rate for Private Pay Residents

119. [Memorandum of Understanding \(MOU\) with Peace River Center for the Criminal Justice, Mental Health and Substance Abuse Reinvestment Grant \(CJMHS A Grant\).](#)

Attachment: [Attachment_IV.pdf](#)

Attachment: [Attachment_II.pdf](#)

Attachment: [Attachment_III.pdf](#)

Attachment: [Attachment_I.pdf](#)

Attachment: [MOU Peace River Center.pdf](#)

The Chairman adjourned the meeting at 6:45 p.m.