



Board of County Commissioners Meeting Agenda

03-04-09 Regular BoCC Meeting

March 4, 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 February 18, 2009.

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

INVOCATION

1. [Pastor Jeff Buchanan, First Baptist Church of Eagle Lake](#)

PLEDGE OF ALLEGIANCE (SAM JOHNSON, CHAIRPERSON)

A. APPROVE CONSENT AGENDA

2. [Consent Agenda.](#)

B. PRESENTATIONS and RECOGNITIONS

3. [Scott Coulombe, Executive Director, Polk County Builders Association and Dave Carter, P.E., Secretary, Florida Home Builders Association, to present the State of the Housing Address.](#)

Attachment: [THE HIDDEN PRICE TAG.pdf](#)

Attachment: [State of Housing 3-4-09 Ver 1.pdf](#)

C. PROCLAMATIONS

4. [Proclaim March 2009 as AMERICAN RED CROSS MONTH. Phil Attinger, Public Relations Director for the Polk County Chapter of the American Red Cross, will accept the proclamation.](#)

Attachment: [American Red Cross Month proclamation.pdf](#)

5. [Proclaim February 27-March 7, 2009, as TOBACCO FREE FLORIDA WEEK. Jennifer Tempel, representing the Polk County Health Department, will accept the proclamation.](#)

Attachment: [Tobacco Free Florida Week proclamation.pdf](#)

6. [Proclaim March 2-9, 2009, as MULTIPLE SCLEROSIS AWARENESS WEEK. Jane Hayman will accept the proclamation.](#)

Attachment: [Multiple Sclerosis proclamation.pdf](#)

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

7. [Disbursements.](#)

Attachment: [Disbursements03-03-09.pdf](#)

8. [Minutes of Regular Board meeting held on February 18, 2009.](#)

Attachment: [021809.MIN.pdf](#)

E. REQUEST FROM ELECTED OFFICIAL and OTHER GOVERNMENTAL AGENCY

F. PUBLIC HEARING TO CONSIDER SETTLEMENT

G. COUNTY ATTORNEY (MICHAEL CRAIG)

H. COUNTY MANAGER (MICHAEL HERR)

I. REQUEST FROM THE GENERAL PUBLIC/AUDIENCE

9. [Rick Souza to discuss use of Fort Fraser Trail](#)

Attachment: [Souza letter to Commission Wilkinson.pdf](#)

10. [Fred Orrick is trying to seek a variance through the Board of Adjustment process and is asking the Board to waive the application fee.](#)

Attachment: [Fred Orrick backup.pdf](#)

11. [Carol Castagnero to discuss several issues.](#)

12. [Comments.](#)

J. COMMISSIONER DISTRICT 1 (BOB ENGLISH)

13. [Layboard Appointment - Impact Fee Advisory Committee](#)

14. [Layboard Appointment - Impact Fee Advisory Committee](#)

15. [Comments.](#)

K. COMMISSIONER DISTRICT 2 (RANDY WILKINSON)

16. [Rescind DROP](#)

17. [Comments.](#)

L. COMMISSIONER DISTRICT 3 (EDWIN V. SMITH)

18. [Discuss setting a public hearing for March 18, 2009, for the purpose of reducing impact fees.](#)

19. [Comments.](#)

M. COMMISSIONER DISTRICT 4 (JEAN REED)

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

21. [Discuss Senate Bill 7014](#)

Attachment: [7014\[1\].pdf](#)

22. [Comments.](#)

N. COMMISSIONER DISTRICT 5 (SAM JOHNSON, CHAIRPERSON)

23. [Resolution supporting an increase in the Cigarette Excise Tax in Florida.](#)

Attachment: [Res Support Inc Cigarette Tax.pdf](#)

24. [Comments.](#)

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

25. [Adoption of an Ordinance amending Ordinance No. 08-15 Polk County Fire Department Burn Ban.](#)

Attachment: [AM08_015FIREDEPTBURNBAN_SEC5_NOTOFINTENT.pdf](#)

Attachment: [Ordinance AM08_015_Sec5.pdf](#)

26. [Petition from Ben Hill Griffin, Inc. to adopt a Resolution to vacate unopened, unmaintained, platted rights-of way shown as Cedar Road, Forest Road, and Park Road on the plat of Lake View Farms, located near Frostproof.](#)

Attachment: [03 04 09 PH LakeViewFarms_BenHillGriffin_Backup.pdf](#)

27. [By Board's Own Motion, adopt a Resolution to vacate a portion of unmaintained, platted right-of-way shown as Lake Locke Avenue on the plat of Roy A. Miller's Subdivision of Loughman, Florida.](#)

Attachment: [03 04 09 PH_RoyAMillersSubd_BdsMotionGotts_Backup.pdf](#)

28. [Petition from Dale C. Rossman to adopt a Resolution to vacate a portion of an unopened, unmaintained, platted 20- foot alley, shown on the Map of the Town of Bradley Junction.](#)

Attachment: [03 04 09 PH_TownOfBradleyJunction_Rossman_Backup.pdf](#)

29. [Resolution to adopt the Evaluation and Appraisal Report \(EAR\); EAR 09-02](#)

Attachment: [RESOLUTION for EAR.pdf](#)

Attachment: [EAR Memorandum.pdf](#)

Attachment: [January 2009 PC EAR.pdf](#)

30. [LDC 09T-01 to consider the Adoption of an Ordinance amending Section 974.A.2 of the Land Development Code.](#)

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

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

31. [LDC 09T-02 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 DRAFT Ordinance.pdf](#)

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

32. [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 Ordinance.pdf](#)

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

33. [LDC 09T-04 to consider the Adoption of an Ordinance amending Section 932, Waivers to Technical Standards, of the Land Development Code.](#)

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

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

34. [LDC 09T-06 to consider the Adoption of an Ordinance amending Section 223.B, Overgrown Lots Creating a Nuisance, of the Land Development Code.](#)

Attachment: [LDC 09T 06 Staff Report.pdf](#)

Attachment: [LDC 09T 06 DRAFT Ordinance.pdf](#)

35. [LDC 08T-13 to consider the Adoption of an Ordinance amending Sections 920 and 921 of the Land Development Code.](#)

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

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

36. [Adopt Ordinance amending Ordinance 07-049, Natures Edge Golf Estates SSLD.](#)

Attachment: [Amend Ordinance 07-049 Natures Edge Golf Estates.pdf](#)

Q. CONSENT AGENDA ITEMS

ACCOUNTANT, AUDITOR and CLERK TO THE BOARD

37. [Removal of equipment from inventory as listed on Blanket Removal Form 1830.](#)

Attachment: [Blanket Removal Form 1830.pdf](#)

38. [Appoint Property Custodian.](#)

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

39. [Accept minutes of Polk County Industry Community Advisory Panel.](#)

40. [Accept financial audit of Polk County Workforce Development Board, Inc. and Citrus Cars of Polk County, Inc.](#)

41. [Accept minutes of Lake Ashton Community Development District.](#)

COUNTY ATTORNEY

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

Attachment: [03 04 09 CoAtty_DRC_Sandhill Road_Kalogridis_Backup_SCL.pdf](#)

Attachment: [03 04 09 CoAtty_DRC_Sandhill Road_Kalogridis_Fiscal Impact_SCLI.pdf](#)

43. [SET HEARING DATE to consider Petition to vacate unopened, unmaintained, platted right-of-way on the plat of Mariana Heights Unit No. 1, near Winter Haven. \(Suggested hearing date: April 8, 2009, at 1:30 p.m.\)](#)

44. [SET HEARING DATE to consider adoption of ordinance amending Ordinance No. 05-011, Krenson Oaks Special Street Lighting District. \(Suggested hearing date: April 8, 2009, at 1:30 p.m.\)](#)

Attachment: [OrdAM05-011KrensonOaks.pdf](#)

Attachment: [NotAm05-011KrensonOaks.pdf](#)

45. [Quit Claim Deed from Davis S. Preast for property being donated for Conservation.](#)

Attachment: [03_04_09 CoAtty_Donation_Preast_Backup_NP.pdf](#)

Attachment: [03_04_09 CoAtty_Donation_Preast_FiscalImpact_NP.pdf](#)

46. [Resolution approving Polk County Industrial Development Authority Revenue Bonds or Notes in a principal amount not to exceed \\$23,000,000.](#)

Attachment: [Resolution IDR.B.pdf](#)

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

Attachment: [03_04_09_CO_ATTY_SKYVIEW_DR_PIN_.pdf](#)
Attachment: [03_04_09_CoAtty_DRC_Skyview_Dr_Fiscal_Impact_pin.pdf](#)

48. [Right-of-Way purchase for Harden Boulevard Improvement Project, Parcels 139/804.](#)

Attachment: [ROW_Harden_Blvd_Pcls_139_and_804.pdf](#)
Attachment: [03_04_09_CoAtty_AddlRW_HardenBlvd_Pcls139And804_Weinstein_FiscallImpact_PB.pdf](#)

49. [Authorize the Public Sale of 10 County owned properties on the County's Affordable Housing Property List to the highest bidder.](#)

Attachment: [Public_Sale_affordable_housing_parcels.pdf](#)
Attachment: [03_04_09_CoAtty_PublicSale_10AffordableHsgPcls_FiscallImpact_CP.pdf](#)

50. [Acceptance of title to abandoned double-wide mobile home located in Polk County's Hunt Fountain Park \(Title No. 4750422, Identification No. GAFLK34A11410SH and Title No. 47570484, Identification No. GAFLK34B11410SH\)](#)

Attachment: [OlivioAttchs.pdf](#)

51. [SET HEARING DATE to consider adopting an ordinance amending Ordinance 02-30, the Northridge CRA Trust Fund Ordinance, to amend the Tax Increment amounts for years 2009-2012. \(Suggested hearing date: March 18, 2009, at 1:30 p.m.\)](#)

Attachment: [NRCRA_Ordinance_redline.pdf](#)
Attachment: [NRCRA_Ord_Not_of_Adoption.pdf](#)

CENTRAL FLORIDA DEVELOPMENT COUNCIL

52. [Sponsorship Funding Assistance for Florida State Golf Association's Senior Mid Am Championships](#)

Attachment: [09-FLORIDA STATE GOLF ASSN, FSGA Senior-Mid Am Championship.pdf](#)

53. [Promotional Agreement with the National Softball Association for 2009-2011](#)

Attachment: [2009-11 NSA National Sponsorship Agreement.pdf](#)

54. [Promotional Agreement with Webber International University](#)

Attachment: [WIU Event Agreement 2008-2009.pdf](#)

ENVIRONMENTAL RESOURCES

55. [Work Squad Contract No. WS506 between Florida Department of Corrections \(FDOC\) and Polk County](#)

Attachment: [Work_Squad_Contract.pdf](#)

56. [University of Florida Research Agreement](#)

Attachment: [University of Florida Research Agreement.pdf](#)

57. [Interlocal Agreement with the Town of Dundee for Solid Waste Disposal](#)

Attachment: [Interlocal Agreement Town Of Dundee.pdf](#)

58. [FDEP Grant Program Agreement - Polystyrene Food Tray Collection Project.](#)

Attachment: [Polystyrene Food Tray Collection Project.pdf](#)

59. [FDEP Grant Program Agreement - Polyethylene Container Collection Project.](#)

Attachment: [Polyethylene Container Collection Project.pdf](#)

60. [FDEP Grant Program Agreement - IPET Plastic Beverage Bottle Collection Project.](#)

Attachment: [IPET Plastic Beverage Bottle Collection Project.pdf](#)

61. [CSA No. 02-104-08, Modification No. 1, with Jones Edmunds and Associates, Inc., for completion of the Water Use Permit modification for the Southwest Regional Utility Service Area, and amendment to and transfer within the Utilities CIP budget](#)

Attachment: [JonesEdmundsBudgetRevJrnlRev.pdf](#)

Attachment: [JonesEdmundsContract.pdf](#)

Attachment: [JonesEdmundsApprovals.pdf](#)

GROWTH MANAGEMENT

62. [SET HEARING DATE to consider the adoption of an Ordinance \(LDC 09T-13\) amending the Land Development Code in its entirety. \(Suggested hearing dates: April 22, 2009, at 1:30 p.m. and May 6, 2009, at 1:30 p.m.\)](#)

63. [SET HEARING DATE to consider the adoption of an Ordinance \(LDC 09T-08\) amending Section 932 of the the Land Development Code. \(Suggested hearing dates: April 22, 2009, at 1:30 p.m. and May 6, 2009, at 1:30 p.m.\)](#)

64. [SET HEARING DATE to consider the adoption of an Ordinance \(LDC 09T-09\) amending Section 204 of the Land Development Code. \(Suggested hearing dates: April 22, 2009, at 1:30 p.m. and May 6, 2009, at 1:30 p.m.\)](#)

65. [SET HEARING DATE to consider the adoption of an Ordinance \(LDC 09T-10\) amending Chapter 10, Definitions, of the the Land Development Code. \(Suggested hearing dates: April 22, 2009, at 1:30 p.m. and May 6, 2009, at 1:30 p.m.\)](#)

66. [SET HEARING DATE to consider the adoption of an Ordinance \(LDC 09T-11\) amending Section 502, Footnotes for Table 5.3, of the the Land Development Code. \(Suggested hearing dates: April 22, 2009, at 1:30 p.m. and May 6, 2009, at 1:30 p.m.\)](#)

67. [Deer Creek Golf and Tennis RV Resort Phase III G Release of Surety](#)

Attachment: [Deer Creek Golf and Tennis RV Resort III G.pdf](#)

HUMAN SERVICES

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

Attachment: [2009_HOME.pdf](#)

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

Attachment: [2009_SHIP 3-4.pdf](#)

70. [HOME Investment Partnership Program Satisfaction of Rehabilitation/Replacement Mortgage and Mortgage Note for Sylvia Whitmire.](#)

Attachment: [2009_Sylvia Whitmire.pdf](#)

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

Attachment: [TBRA Contracts.pdf](#)

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

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

73. [Program and Service Contract between the Board and the West Central Florida Area Agency on Aging, Inc., to provide utility assistance to the indigent elderly residents of Polk County.](#)

Attachment: [Budget Revision Journaleheap030409.pdf](#)

Attachment: [EHEAP Program and Service Contract 09-10.pdf](#)

Attachment: [EHEAP Certificate 09-10.pdf](#)

PUBLIC WORKS

74. [Construction Manager at Risk Authorization \(CMA\) No. 06-026-07 with Crossroads Construction Co. for construction of the new Medulla Fire Station to be located at 2523 Ewell Road South of Lakeland.](#)

- Attachment: [Medulla FS CMA CCC purp 090304.pdf](#)
- Attachment: [Medulla FS CMA CCC map 090304.pdf](#)
- Attachment: [Medulla FS CMA CCC PW FI 090304.pdf](#)
- Attachment: [Medulla Lk Hamilton Loughman FS Fiscal approval.pdf](#)
- Attachment: [Medulla FS CMA CCC Contract 090304.pdf](#)
- Attachment: [Medulla FS CMA CCC Cklist 090304.pdf](#)
- Attachment: [Medulla FS CMA CCC Oracle 090304.pdf](#)

75. [Construction Manager at Risk Authorization \(CMA\) No. 06-026-08 with Crossroads Construction Co. for Renovations to the existing Lake Hamilton Fire Station Apparatus Bay and the construction of new Living Quarters.](#)

- Attachment: [Lk Hamilton FS CMA CCC PW FI 090304.pdf](#)
- Attachment: [Lk Hamilton FS CMA CCC map 090304.pdf](#)
- Attachment: [Lk Hamilton FS CMA CCC Contract 090304.pdf](#)
- Attachment: [Lk Hamilton FS CMA CCC Cklist 090304.pdf](#)
- Attachment: [Medulla Lk Hamilton Loughman FS Fiscal approval.pdf](#)
- Attachment: [Lk Hamilton FS CMA CCC purp 090304.pdf](#)
- Attachment: [Lk Hamilton FS CMA CCC Oracle 090304.pdf](#)

76. [CIP Amendment and Budget Transfer in the amount of \\$10,000.00 and Construction Manager at Risk Authorization \(CMA\) No. 06-026-09 in the amount of \\$224,710.00 with Crossroads Construction Co. for the renovation of the Loughman Fire Station located at 510 CR 54 in Loughman.](#)

- Attachment: [Loughman FS CMA CCC purp 090304.pdf](#)
- Attachment: [Loughman FS CMA CCC PW FI 090304.pdf](#)
- Attachment: [Medulla Lk Hamilton Loughman FS Fiscal approval.pdf](#)
- Attachment: [Loughman FS map 09 0212.pdf](#)
- Attachment: [Loughman FS BT 09 0304.pdf](#)
- Attachment: [Loughman FS CMA CCC Oracle TO 090304.pdf](#)
- Attachment: [Loughman FS CMA CCC Oracle FM 090304.pdf](#)
- Attachment: [Loughman FS CMA CCC Cklist 090304.pdf](#)
- Attachment: [Loughman FS CMA CCC Contract 090304.pdf](#)

SUPPORT SERVICES

77. [Modification No. 1 for CSA No. 07-09-02 with Tindale Oliver and Associates, Inc. for Transportation Vision Plan.](#)

- Attachment: [070902 mod 1 extend time.pdf](#)

78. [Polk HealthCare Plan Provider Agreement renewals](#)

- Attachment: [ShreekantTripathiMD_MSA_09_132_RM.pdf](#)
- Attachment: [GS_GillMD_MSA_09_133_RM.pdf](#)
- Attachment: [Izsak_and_LamportPA_MSA_09_131_RM.pdf](#)

79. [Impact Fee Mitigation Application for K & N Holdings, LLC](#)

- Attachment: [Impact Fee Mitigation K N Holdings.pdf](#)

80. [Bartow Senior High School Certified Nursing Assistant \(CNA\) Clinical Training Agreement](#)

- Attachment: [BartowHighSchool_CertifiedNursingAssistantAgreement_TheRohrHome_09109_CHSS_RH.pdf](#)

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 February 18, 2009.