



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.](#)

Minutes:

Commissioner Wilkinson requested that Item No. 55 be withdrawn from the Consent Agenda for discussion.

Motions:

Approve Consent Agenda after withdrawing No. 55. - PASS

Vote Results

Motion: Randy Wilkinson

Second: Bob English

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

Motion Minutes:

At a time later in the meeting, Mike Herr, County Manager, referred to Item No. 55 on the Consent Agenda which is a Work Squad contract with the Department of Corrections (DOC) for inmate labor.

Mr. Herr said inmate labor is free and the County is asked to pay the cost for supervisors. He said the Work Squad inmates are available when needed and sometimes the inmates from the Polk County jail are not always available when needed.

Commissioner Wilkinson said he wants to utilize more of the Sheriff's work release inmates because supervisors are usually not needed. He mentioned Ana Wood, previous Director of Solid Waste, and how she used inmates to save expenses. Discussion followed.

Motions:	
Approve Item No. 55 on the Consent Agenda.	- 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:

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](#)

Minutes:

Mr. Coulombe introduced Dave Carter who reviewed the statewide existing home sales and starts. He said the industry is doing poorly in today's market. He discussed permit activity in the state and in Polk County. He talked about the current home inventory noting there is a 21-month supply. He discussed the loss of construction jobs. He said by 2010, the economy will rebound, and housing will be needed. He reviewed some "NOW" ideas created by a business consortium that outlines actions government can take to get the economy moving again. Discussion followed.

Mr. Coulombe reviewed the recommendations and suggestions of the building industry such as limiting new fees and regulations, enacting a three year impact fee moratorium, and extending all permits and development orders by three years from the date of expiration. He discussed impact fees and taxes.

Michael Herr, County Manager, said he has asked John Hall, Director of Building and Codes, to put together a plan to expedite permitting for a medium size business and small business. Discussion followed.

At a time later in the meeting, Ed Lock said he is president of Simco Construction and spoke in support of the presentation made by the Polk County Builders Association. He said the impact fees for his project will be a little over \$400,000, which is 10% of the cost of his project. He said his clients are becoming concerned about the impact fees in Polk County. Discussion followed.

Upon question, Mr. Coulombe said that all cities are collecting impact fees up front at the time of permitting and the County's is due when the Certificate of Occupancy (CO) is issued. He said he would like to see it all due at the time the CO is issued.

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](#)

Minutes: Michael Craig, County Attorney, read the Proclamation.

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

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](#)

Minutes: Michael Craig, County Attorney, read the Proclamation.

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

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

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

Minutes: Michael Craig, County Attorney, read the Proclamation.

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

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

7. [Disbursements.](#)

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

Minutes: Richard Weiss, Clerk, read the disbursements.

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

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

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

Minutes:

Commissioner Reed asked that the public hearing section of the minutes contain more information so that the topic can be identified.

Richard Weiss, Clerk, said his staff will review her concerns and get back with her.

Motions:	
Approve minutes.	- PASS
Vote Results	
Motion: Jean Reed	
Second: Edwin Smith	
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

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](#)

Minutes:

Rick Sousa petitioned the Board to alter the regulations for use of the Fort Fraser Trail. He said currently, electronic bicycles are not allowed. He explained what electronic bicycles are and how they are used. Discussion followed.

Don Wilson, Director of Leisure Services, said electric vehicles are not allowed, although wheelchairs for the disabled are allowed. He said staff does not feel that electric bicycles are compatible and already there have been incidents with regular bicycles.

Motions:	
Commissioner English moved to deny the request, and Commissioner Wilkinson seconded the motion. Discussion followed, and Commissioner English amended his motion to specify any bicycle equipped with a motor is not allowed on the Fort Fraser Trail. Commissioner Wilkinson, second to the motion, agreed.	- PASS
Vote Results	
Motion: Bob English	
Second: Randy Wilkinson	
Bob English	- Aye
Sam Johnson	- Aye
Jean Reed	- Aye
Edwin Smith	- Aye

Randy Wilkinson - Aye

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](#)

Minutes:

Fred Orrick said he wants to keep his van and he can't afford to pay the waiver fee.

Chairman Johnson said Mr. Orrick is asking the Board to waive the application fee.

Chandra Frederick, Director of Land Development, said Mr. Orrick was cited for having a commercial vehicle in a residential area and he is requesting a variance through the Board of Adjustment and there is a \$150 fee. She said staff does not have the authority to waive a fee. Discussion followed.

Motions:

Approve waiver of application fee. - PASS

Vote Results

Motion: Randy Wilkinson

Second: Jean Reed

Bob English - Nay

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

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

Minutes:

Carol Castagnero distributed copies of a list of the Needs of the Polk County People. She asked that the Board vote on this. Discussion followed.

Commissioner Reed asked that the Requests from General Public be moved up on the agenda.

Ms. Castagnero said the Board should have evening meetings so that people can attend meetings. She read the rest of the items on her list, and asked for votes on these.

Motions:

Commissioner Reed made a motion to move the Request from General Public to follow the Presentations and Recognitions. Commissioner Wilkinson said he would second the motion if it included allowing the public to speak for 5 minutes. - FAIL
Commissioner Reed amended her motion to include between 3-5 minutes, and Commissioner Wilkinson seconded the motion.

Vote Results

Motion: Jean Reed
Second: Randy Wilkinson
Bob English - Nay
Sam Johnson - Not Present
Jean Reed - Aye
Edwin Smith - Nay
Randy Wilkinson - Aye

Motion Minutes:

12. [Comments.](#)

Minutes:

Brandy Abercrombie said she is the daughter of James Abercrombie. She talked about her life and said she now lives 600 miles away from her father. She talked about her early childhood and said six years ago she started losing all of that. She said she lost her parents through these battles with the Board over development. She said her parents are divorcing after 25 years of marriage. She said she is leaving her burdens with the Board.

James Abercrombie said he is proud of his daughter. He said the Board can do what it wants to do. He said the Board does not want the public involved; it no longer holds public meetings. He said calls and emails are not returned. He said he has six minutes a month to talk about what he wants and this isn't fair. He said he took his case to court and it cost him everything he has. He said his homes are going up for sale on the courthouse steps on March 19th.

J. COMMISSIONER DISTRICT 1 (BOB ENGLISH)

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

Motions:
Appoint Lisa Parks to the Impact Fee Advisory Committee. - PASS

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

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

Motions:
Appoint Dan Fowler to the Impact Fee Advisory Committee. - PASS

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

15. [Comments.](#)

Minutes: Commissioner English mentioned the Third Annual Race for the Arts on Saturday, March 21st at the Fort Fraser Trail. He said it begins and ends at the entrance to the Trail at PCC/USF and registration starts at 7:00 a.m. and the race starts at 8:00 a.m. He said there will also be an art show in concert with the race and there will be entertainment on the course. He said it is a blending of arts and physical entities coming together.

K. COMMISSIONER DISTRICT 2 (RANDY WILKINSON)

16. [Rescind DROP](#)

Minutes:

Commissioner Wilkinson mentioned an article in the paper about a lump sum DROP payment. He said the article said DROP is a scam and older workers should make way for younger workers. He also referred to an article in *Florida Trend* entitled Prescription for Disaster regarding pensions.

Motions:	
Commissioner Wilkinson moved to suggest to the Legislature to drop the DROP program or rescind it. Commissioner Reed seconded the motion for discussion, and discussion followed. Commissioner Wilkinson amended his motion to ask the Legislature to reform the DROP program and eliminate the abuses. Commissioner Reed, second to the motion, agreed.	- PASS
Vote Results	
Motion: Randy Wilkinson	
Second: Jean Reed	
Bob English	- Aye
Sam Johnson	- Aye
Jean Reed	- Aye
Edwin Smith	- Aye
Randy Wilkinson	- Aye

17. [Comments.](#)

Minutes:

L. COMMISSIONER DISTRICT 3 (EDWIN V. SMITH)

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

Minutes:

Motions:

Hold a public hearing on March 18th to consider reducing impact fees by 50%. Chairman Johnson stepped down as Chairman and seconded the motion. - FAIL

Vote Results

Motion: Edwin Smith

Second: Sam Johnson

Bob English - Nay

Sam Johnson - Aye

Jean Reed - Nay

Edwin Smith - Aye

Randy Wilkinson - Nay

Motion Minutes: Mike Herr, County Manager, reported that the Impact Fee Advisory Committee will be meeting on March 12th. He said Duncan & Associates will have working draft studies for EMS, Corrections, Parks, Fire, Libraries, and Law Enforcement ready by March 6th. Discussion followed.

Motions:

Hold a public hearing to consider reduction of impact fees on March 18th, at 1:30 p.m. - PASS

Vote Results

Motion: Randy Wilkinson

Second: Sam Johnson

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

19. [Comments.](#)

M. COMMISSIONER DISTRICT 4 (JEAN REED)

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

Minutes: Commissioner Reed reported that the Department of Environmental Protection (DEP) is in support of an air quality monitoring system near the CSX Integrated Logistics Center. She said DEP stated its money is tight and asked the County to do it. She said she will report again in two weeks.

21. [Discuss Senate Bill 7014](#)

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

Minutes:

Commissioner Reed asked Tom Deardorff, Director of Growth Management, to report on Senate Bill 7014.

Mr. Deardorff said this bill would amend the section regarding coastal areas. He said the proposed language would eliminate a Development of Regional Impact (DRI) for a project within a certain size limit. He said this would have no impact on the CSX Integrated Logistics Center (ILC) because it is not within 3 miles of a port. He referred to the Port of Manatee Master Plan which mentions the ILC and future activities. He said this bill would not have an impact on the ILC in Polk County.

Mr. Deardorff said Senate Bill 360 introduces a new term "dense urban land area" which he explained. He said Polk County on the whole is about 250 people per square mile. He said Lakeland, Auburndale, Winter Haven and Haines City are within the over 1,000 persons per square mile limit. He said counties and municipalities that do not qualify as dense urban land area can designate an urban service area that becomes a transportation concurrency exception area. He said projects within this area are then exempt from the DRI process. He explained how Polk County could become eligible for some of the advantages of this bill.

Upon question, he said he would recommend supporting this bill and he explained his reasons. He said there should be a provision to require a joint effort on a project.

Mike Herr, County Manager, said there is a lot of detail to this bill and he would like to confer with Jim Brainerd, the County's lobbyist in Tallahassee after which Mr. Deardorff could put together a position paper.

22. [Comments.](#)

Motions:

Encourage the Legislature to support full funding of Polk County public schools. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

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](#)

Minutes:

Chairman Johnson read a resolution to support an increase in tobacco tax. He said it was put out by the Florida

Association of Counties.

Motions:
 Chairman Johnson stepped down from the Chair and moved to adopt Resolution No. 09-037, supporting an increase in the tobacco tax. - PASS

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

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](#)

Minutes:

County Attorney Michael Craig asked everyone in the Commission chambers to silence all cell phones. He outlined the procedure which will be followed during the public hearings today. He swore in all those who will give testimony for any of the hearings.

Polk County Fire Chief David Cash outlined the amendment and stated staff recommends approval.

The Chairman opened a public hearing; no one spoke.

Motions:
 Adopt Ordinance No. 09-002 amending Ordinance No. 08-015, the Polk County Fire Department Burn Ban. - PASS

Vote Results
 Motion: Bob English
 Second: Randy Wilkinson
 Bob English - Aye
 Sam Johnson - Aye
 Jean Reed - Aye

Edwin Smith	- Aye
Randy Wilkinson	- Aye

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](#)

Minutes:

Chief Right-of-Way Agent Wade Allen reviewed the petition and demonstrated the subject site. He outlined the reason the petition was filed and stated staff recommends approval.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Resolution No. 09-038 vacating the unopened, unmaintained, platted rights-of-way shown as Cedar Road, Forest Road, and Park Road on the plat of Lake View Farms, as fully described in the legal description. - PASS

Vote Results

Motion: Jean Reed

Second: Randy Wilkinson

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

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](#)

Minutes:

Chief Right-of-Way Agent Wade Allen outlined the petition. He demonstrated the subject site and recommended approval.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Resolution No. 09-039 vacating a portion of the unmaintained, platted right-of-way shown as Lake Locke Avenue on the Plat of Roy A. Miller's Subdivision of Loughman, Florida, as fully described in the legal description, and accept the Drainage Easement from the Gotts across a portion of the subject area to keep the roadway storm water route intact. - 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. [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](#)

Minutes:

Chief Right-of-Way Agent Wade Allen outlined the petition, demonstrated the subject site and recommended approval.

The Chairman opened a public hearing; no one spoke.

Motions:	
Adopt Resolution No. 09-040 vacating a portion of an unopened, unmaintained, platted 20-foot alley, shown on the Map of the Town of Bradley Junction, as fully described in the legal description.	- PASS
Vote Results	
Motion: Jean Reed	
Second: Bob English	
Bob English	- Aye
Sam Johnson	- Aye
Jean Reed	- Aye
Edwin Smith	- Aye
Randy Wilkinson	- Aye

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](#)

Minutes:

Albert Frederick, Long Range Planning Division, reviewed the list of major issues and special topics addressed in the Polk County Evaluation and Appraisal Report. He reviewed the substantial revisions made to Chapter 2, Chapter 5 and the Appendix. He recommended that the Board adopt a Resolution approving EAR 09-02.

The Chairman opened a public hearing; no one spoke.

Motions:	
Adopt Resolution No. 09-041 adopting the Polk County Comprehensive Plan Evaluation and Appraisal Report.	- PASS

Vote Results

Motion: Bob English

Second: Randy Wilkinson

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

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](#)

Minutes:

John Bohde, Land Planning, reviewed the proposed changes. He noted that this is the first reading and the adoption hearing will be held on March 18, 2009.

The Chairman opened a public hearing; no one spoke.

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](#)

Minutes:

John Bohde, Long Range Planning outlined the change, noting that this is to correct a scriviner's error to change the level review from a Level 2 to a Level 4. He stated this is the first reading and the adoption hearing will be held on March 18, 2009.

The Chairman opened a public hearing; no one spoke.

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](#)

Minutes:

Director of Land Development Division Chandra Frederick stated designing more water efficient landscaping does not make irrigation mandatory. She stated conservation methods and preserving water resources are necessary.

Erik Peterson, Planning Division, reviewed the proposed changes. He stated conservation is the least costly of all alternative sources. He said conservation expands existing capacity and is good for the environment. He reviewed the key elements of LDC 09T-05. He reviewed the changes to Section 226, 704 and 720. Root barriers were reviewed. Discussion followed.

Mr. Peterson stated the proposed ordinance meets Florida Statutes 373.228.

The Chairman opened the public hearing.

Scott Coulombe, Polk County Builders Association (PCBA) stated PCBA supports water conservation. He said root barriers are not appropriate for all species. He asked for a list of species which do not require root barriers. He stated builders are always cost conscious. He discussed the elimination of waivers.

Allen Rail, Kimly Horn and Associates, stated some elements in the proposed ordinance are far-reaching and over-encompassing. He discussed the cost and ineffectiveness of root barriers. He stated the restrictions should not be imposed on private property.

Mark Colson, Kimly Horn and Associates, stated the County's current landscaping ordinance is adequate, and conservation issues can be addressed in other ways. He recommended applying these proposed changes to a site plan.

Mr. Peterson demonstrated landscaping and irrigation site plans for several projects, noting which would meet all the standards and requirements included in the proposed ordinance and which are insufficient.

Mr. Peterson stated this is the first reading, and the adoption hearing will be held on March 18, 2009.

Brian Mear, Kemper Saw Mill, asked if cypress mulch is allowed, and Mr. Peterson stated in the proposed ordinance it is prohibited; however, staff will yield to the wishes of the Board.

Mr. Mear explained the residual waste by-products from producing lumber or solid wood. He said cypress mulch is an excellent product for conserving water resources. He referred to two reports regarding cypress sustainability. He stated cypress mulch is not hazardous to the environment. Discussion followed.

Commissioner Smith stated the current landscaping ordinance is sufficient, and no additional regulations should be put on the citizens. He said the way to promote water conservation is through the water rate structure.

Paul Fussel, Circle K Landscaping, stated cypress mulch conserves water.

There was discussion regarding water rates, and County Manager Mike Herr stated a conservation rate for water is currently in place.

Upon question, Mr. Peterson stated all types of grasses can be conditioned to be more drought tolerant through watering patterns.

Chairman Johnson discussed the effectiveness of rain sensors and regulations for reuse water.

The Chairman closed the public hearing.

Mr. Herr stated the comments made by the Board today will be incorporated into the final draft of the landscaping ordinance which will be presented for Board approval on March 18, 2009. Discussion followed.

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](#)

Minutes:

John Bohde, Land Development, gave the staff report. He stated this is the first hearing, and the second hearing will be held on March 18, 2009. He showed slides and discussed impervious surface ratios. He explained how other jurisdictions handle this. He reviewed the proposed change in Section 932, Waivers to Technical Standards. He said this is an applicant initiated amendment. Discussion followed.

The Chairman opened a public hearing.

Marilyn Healey with Ruden McCluskey said she is representing the applicant. She said her client agrees with the staff report and asked that this be approved at the next hearing.

The Chairman closed the public hearing, and discussion followed.

Upon question, Mike Herr, County Manager, explained the purpose and membership of the Development Review Committee.

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](#)

Minutes:

John Bohde, Land Development, presented the staff report regarding Section 223.B, Overgrown Lots creating a Nuisance. He noted that the Planning Commission and staff recommend approval. Discussion followed.

The Chairman opened a public hearing; no one spoke.

Discussion followed on 18 inches versus 12 inches of growth and unimproved versus improved lots.

Motions:

Adopt Ordinance No. 09-003 amending LDC 09T-06 which amends Section 223.B of the Land Development Code, as amended, to specify 12 inches for improved lots and 18 inches for unimproved lots. - PASS

Vote Results

Motion: Randy Wilkinson

Second: Sam Johnson

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

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](#)

Minutes:

Todd Vargo, Current Planning Section of the Land Development Division, stated this is the first reading for LDC 08T-13, and gave the staff report. He said the Planning Commission asked for this amendment for clarification. He said when the Planning Commission denies a Level 3 application, the applicant appeals the case through the de novo process and the Board approves the case. He said what happens next is the Planning Commission needs to adopt a written order basically to find its decision in error and adopt the Board's approval. He said this also requires a public hearing and, because of the timelines, there can be a delay of several months before it can be heard again. He said the change, which is consistent to state statutes, is that a written order is needed only if the Board denies a case and it would not have to go back to the Planning Commission.

The Chairman opened a public hearing; no one spoke.

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

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

Minutes:

Linda McKinley, Deputy County Attorney, stated that this is an ordinance amending the number of lights of Natures Edge Golf Estates Special Street Lighting District.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 09-004 amending Ordinance No. 07-049, Natures Edge Golf Estates Special Street Lighting District. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

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_AddIRW_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.