

10-21-09 Regular Bocc Meeting Minutes

October 21, 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 October 7, 2009.

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

INVOCATION

1. [Pastor Tom Johnson - First Baptist Church of Auburndale](#)

PLEDGE OF ALLEGIANCE (SAM JOHNSON, CHAIR)

A. APPROVE CONSENT AGENDA

2. [Approve Consent Agenda.](#)

Minutes:

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. [John Wayne Smith, Florida Association of Counties \(FAC\) Legislative Director, to award the FAC County Champion Award to Senator Paula Dockery.](#)

Attachment: [Leg Award Description.pdf](#)

Minutes: Mr. Smith said Senator Dockery has received the FAC County Champion Award for her many efforts on behalf of County government.

4. [Recognize the Purchasing Division for receiving the Award of Excellence of Public Procurement.](#)

Minutes:

Intirim Purchaing Director Audry Reeves introduced the Purchasing staff.

County Manager Mike Herr listed the numerous certifications held by Purchasing staff. He stated the performance of the Purchasing Division is commendable.

5. [Presentation of the book "Firefighter/El Bombero" from Polk County Fire Rescue to Polk County Public Schools and Public Libraries.](#)

Minutes:

Polk County Fire Chief David Cash said all public schools and public libraries in the County will receive a copy of this book. He discussed the diversity program.

Representatives from the Polk County School Board and Polk County Library Cooperative thanked Polk County for the book donations.

C. PROCLAMATIONS

6. [Proclaim November 14-20, 2009 as Polk County Family Week. Lori Waters, Kelly Lane and Ruby Qualls, representing Polk County Public Schools, will accept the proclamation.](#)

Attachment: [Family Week.pdf](#)

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

7. [The Proclamation for National Hunger & Homelessness week has been moved to the November 17th Board meeting at the request of the Homeless Coalition of Polk County.](#)

8. [Proclaim November 2009 as Pancreatic Cancer Awareness Month. The proclamation will be mailed to the Pancreatic Cancer Action Network.](#)

Attachment: [Pancreatic Cancer Awareness.pdf](#)

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

Edwin Smith	- Aye
Randy Wilkinson	- Aye

9. [Proclaim November 2009 as Hillsborough River Watershed Awareness Month. Virginia Sternberger, representing the Southwest Florida Water Management District, will accept the proclamation.](#)

Attachment: [Hillsborough River Watershed Awareness.pdf](#)

Motions:

Issue Proclamation.	- PASS
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Vote Results

Motion: Edwin Smith

Second: Jean Reed

Bob English	- Aye
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Sam Johnson	- Aye
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Jean Reed	- Aye
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Edwin Smith	- Aye
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Randy Wilkinson	- Aye
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10. [Proclaim October 2009 as Alpha Delta Kappa Month. The proclamation will be mailed to Rosemary Clemmons, representing the Alpha Delta Kappa Sorority.](#)

Attachment: [Alpha Delta Kappa.pdf](#)

Motions:

Issue Proclamation.	- PASS
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Vote Results

Motion: Jean Reed

Second: Randy Wilkinson

Bob English	- Aye
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Sam Johnson	- Aye
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Jean Reed	- Aye
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Edwin Smith	- Aye
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Randy Wilkinson	- Aye
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11. [Proclaim October 31, 2009 as Alzheimer's Association 2009 Memory Walk Day. A representative of the Florida Gulf Coast Chapter of the Alzheimer's Association will accept the proclamation.](#)

Attachment: [2009 Memory Walk Day.pdf](#)

Minutes:

Commissioner Johnson stepped down as Chairman in order to move approval of the proclamation.

Motions:

Issue Proclamation. - PASS

Vote Results

Motion: Sam Johnson

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

Motion Minutes: Commissioner Johnson resumed his position as Chairman.

12. [Proclaim October 18, 2009 as Reverend Dr. Joseph J. \(JJ\) Pierce, Sr. Day. Dr. Pierce will accept the proclamation.](#)

Attachment: [Rev. Dr. Joseph Pierce.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

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

13. [Disbursements.](#)

Attachment: [102109 Warrants.pdf](#)

Motions:	
Approve and ratify disbursements.	- PASS
Vote Results	
Motion: Bob English	
Second: Edwin Smith	
Bob English	- Aye
Sam Johnson	- Aye
Jean Reed	- Aye
Edwin Smith	- Aye
Randy Wilkinson	- Aye

14. [Minutes of Regular Board meeting held on October 2, 2009.](#)

Motions:	
Approve minutes.	- PASS
Vote Results	
Motion: Bob English	
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

POLK COUNTY SHERIFF

15. [Amendment to the Polk County Sheriff's FY 2008-2009 Budget.](#)

Attachment: [2008-2009 Sheriff Budget Amendment.pdf](#)

Minutes: Sue Shaffer, Polk County Sheriff's Office, reviewed the budget amendment and recommended approval.

Motions:

Approve amendment to the Sheriff's FY 2008/2009 Budget. - PASS

Vote Results

Motion: Edwin Smith

Second: Randy Wilkinson

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

F. PUBLIC HEARING TO CONSIDER SETTLEMENT

16. [Public Hearing to consider approval of mediated settlements in the cases of Polk vs. JOHNSON, et al, Parcel 196 and Polk vs. COPELAND, Parcel 194, eminent domain lawsuits filed to acquire needed rights-of-way for Berkley Road, Phases II and III.](#)

Attachment: [10-21-09 Project Limits.pdf](#)

Attachment: [10-21-09 Parcels 194 196 photo.pdf](#)

Minutes:

Deputy County Attorney Linda McKinley reviewed the proposed mediated settlement, demonstrated the location of Parcel 196 and recommended approval.

The Chairman opened a public hearing; no one spoke.

Motions:

(1) Approve the mediated settlement with the land owners, Michael and Jennifer Johnson and the Justin Wayne Johnson Trust, in the total amount of \$51,973 including all fees and costs; (2) authorize payment of the balance due of \$35,573 to the lawfirm of Miller, Crosby and Miller, P.A. and (3) authorize the County Attorney or outside counsel to bring this litigation to a close with the entry of Stipulated Final Judgment with the parties to this settlement.

- 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. [Public Hearing to consider approval of a settlement in the case of Polk vs. POOLE, et al, Parcels 118 and 702, an eminent domain lawsuit filed to acquire needed rights-of-way for Lakeland Highlands Road.](#)

Attachment: [10-21-09 Parcels 118 702.pdf](#)

Minutes:

Deputy County Attorney Linda McKinley reviewed the proposed mediated settlement, demonstrated the location of Parcels 118 and 702 and recommended approval.

The Chairman opened a public hearing; no one spoke.

Motions:

(1) Approve the mediated settlement with the landowners, Mr. and Mrs. Poole, in the total amount of \$129,500; (2) authorize payment of the balance due of \$64,900 to the Trust Account of Clark, Campbell, Mawhinney, P.A; and (3) authorize the County Attorney or outside counsel to bring this litigation to a close with the entry of a Stipulated Order of Taking and Final Judgment with the landowners.

- PASS

Vote Results

Motion: Bob English

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

18. [Public Hearing to consider approval of a settlement in the case of Polk vs. POOLE, et al, Parcels 122 and 706, an eminent domain lawsuit filed to acquire needed rights-of-way for Lakeland Highlands Road.](#)

Attachment: [10-21-09 Parcels 122706.pdf](#)

Minutes:

Deputy County Attorney Linda McKinley reviewed the proposed mediated settlement, demonstrated the location of Parcels 122 and 706 and recommended approval.

The Chairman opened a public hearing; no one spoke.

Motions:

(1) Approve the mediated settlement with the landowner, Marilyn B. Signer, As Trustee, in the total amount of \$225,898.50; (2) authorize payment of the balance due of \$76,798.50 to the Trust Account of Gray Robinson, P.A; and (3) authorize the County Attorney or outside counsel to bring this litigation to a close with the entry of a Stipulated Order of Taking and Final Judgment with the landowners. - 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)

H. COUNTY MANAGER (MICHAEL HERR)

19. [Adopt change to the Polk County Bonus Incentive Program.](#)

- Attachment: [Legal Checklist.pdf](#)
- Attachment: [Justification-Investment Inquiry.pdf](#)
- Attachment: [Polk Incentive 09 revision.pdf](#)
- Attachment: [Request for Legal.pdf](#)
- Attachment: [PCBI-Est Payment Schedule.pdf](#)
- Attachment: [Foreign Direct Investment in Central Florida.pdf](#)
- Attachment: [Soft Landing-Statement of Need.pdf](#)

Minutes:

County Manager Mike Herr recommended approval.

Director of Central Florida Development Council Tom Patton reviewed the proposed changes to the Program and recommended approval. Discussion followed.

Motions:

Approve change to the Polk County Bonus Incentive Program to add a new incentive as defined in the Soft Landing Spot - Regional and International Headquarters.	- PASS
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Vote Results

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

20. [Expand authority of the CFDC Director to implement the Polk County Bonus Incentive \(PCBI\) Program.](#)

- Attachment: [PCBI Estimated Payment Schedule.pdf](#)
- Attachment: [Legal Checklist.pdf](#)
- Attachment: [Request for Legal-Expand Authority.pdf](#)
- Attachment: [Resolution No. 05-26.pdf](#)
- Attachment: [03-02-05 Agenda Item XIV-C.2.pdf](#)

Minutes:

County Manager Mike Herr recommended approval.

CFDC Director Tom Patton stated the Board has final ratification for all client negotiations.

Motions:

Allow the CFDC Executive Director to offer PCBI funds from future year budgets so long as the total amount does not exceed the funding that is budgeted for future years, subject to ratification and annual appropriation by the Board of County Commissioners. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

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

21. [Provide Polk County Bonus Incentive \(PCBI\) grant in the amount of \\$54,200 to Keymark Corporation of Lakeland, Florida in an effort to gain their business expansion here in Polk County.](#)

Minutes:

County Manager Mike Herr reviewed the proposed expansion by Keymark Corporation and recommended approval.

Director of Central Florida Development Council Tom Patton stated this is an exception to the PCBI; it goes outside the guidelines of the Program. He recommended approval. Discussion followed.

Motions:

Approve the release of \$50,000 from the PCBI fund to Keymark Corporation, and approve an additional \$4,200 over time from the PCBI fund to support the required State of Florida Qualified Target Industry(QTI) Grant match. - PASS

Vote Results

Motion: Bob English

Second: Randy Wilkinson

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

22. [City of Mulberry contracting with Polk County Fire Services to provide fire protection from November 1, 2009 to September 30, 2010.](#)

Attachment: [Mulberry Interlocal Agreement for Fire Protection.pdf](#)

Attachment: [BdgtRevisionJournalMulberry.pdf](#)

Attachment: [FireResolution.pdf](#)

Minutes:

County Manager Mike Herr stated this contract for Fire Protection Services has been approved by the City of Mulberry. He outlined the additional staff which will be needed and stated he recommends approval.

Polk County Fire Chief David Cash stated Board approval is recommended for this partnership with the City for fire services.

Upon question, County Attorney Michael Craig stated adjustments will need to be made for ensuing years by the City of Mulberry and Polk County.

Motions:

Approve the Interlocal Agreement for fire protection services with the City of Mulberry, authorize three additional driver engineer positions for the Fire Services Division, and adopt Resolution No. 09-205 to amend the FY09/10 Fire - PASS

Services budget.

Vote Results

Motion: Jean Reed

Second: Edwin Smith

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

23. [Resolution accepting Community Development Block Grant-Recovery \(CDBG-R\) funds and establishing unanticipated revenue for FY 2009-10.](#)

Attachment: [CDBG-R BUDGET RESOLUTION final.pdf](#)

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

Attachment: [CDBG-R Checklist.pdf](#)

Minutes:

County Manager Mike Herr reviewed the proposed resolution and recommended approval. He stated this is stimulous money for a drainage project in the Inwood community.

Upon question, Jeff Spence, Natural Resources Director, stated staff anticipates there will be money left over after this project is completed, and if that is the case, realignment of funds from the federal government will be sought. Discussion followed.

Motions:

Adopt Resolution No. 09-206 approving the Special Revenue Community Development Block Grant-Recovery (CDBG-R) Grant to increase the County Budget for FY 2009-10. - PASS

Vote Results

Motion: Bob English

Second: Jean Reed

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

Edwin Smith	- Aye
Randy Wilkinson	- Aye

24. [Resolution accepting the Homeless Prevention and Rapid Re-Housing Program \(HPRP\) grant funds and establishing unanticipated revenue for FY 2009-10.](#)

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

Minutes:

County Manager Mike Herr reviewed the proposed resolution and recommended approval.

Upon question, Greg Alpers, Housing and Neighborhood Development, reviewed the HPRP program. He said the anticipated start date is November 2009, and the project must be completed by 2011. He reviewed the eligible uses for the grant funds and outlined the budget totaling \$1,222,920.00. He stated HUD program criteria for this Emergency Shelter Grant (ESG) will be posted on the County's website.

Jennifer Stultz, Long Range Planning Director and Transportation Planning Organization (TPO) Director, discussed the applications submitted for stimulus dollars for High Speed Rail, Am-Track and Sun Rail. She discussed the resolution passed at the recent Regional MPO meeting. She said the Florida Department of Transportation has conducted a rail feasibility study and other studies.

Upon question, Mr. Alpers reviewed the stimulus funds the County has received for Neighborhood Services.

Ms. Stultz reviewed transportation stimulus dollars received to date. There was discussion regarding the trail around Circle B Bar Reserve and Ms. Stultz noted that the federally funded portion is 3/4 mile.

Motions:

Approve Resolution No. 09-207 accepting HPRP grant funds, and adopt the Special Revenue HPRP grant to increase the County's budget for FY 2009-10. - PASS

Vote Results

Motion: Bob English
Second: Jean Reed
Bob English - Aye

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

Motion Minutes:

I. REQUEST FROM THE GENERAL PUBLIC/AUDIENCE

25. [Comments.](#)

Minutes:

Ghassan Zebdaoui, citizen advocate and former County employee, showed the Florida Department of Transportation safety rating for the Helena Bridge noting that it received a 97.3% safety rating. He asked, since this bridge is safe, why is the County spending \$11 million of the taxpayers dollars for an unwarranted project. He showed his honorable discharge from the US armed services. He showed a separation agreement which he was asked to sign by Polk County, but which he said he refused to sign as a whistle blower.

Upon question by Commissioner Wilkinson, County Manager Mike Herr stated the County has no authority to place a gag order on anyone; the State does that.

92. [Comments](#)

Minutes:

James Abercrombie said three families have been destroyed; the Hancocks, Mr. Zebdaoui and the Abercrombies. He emphasized that the County still has no whistle blower act. He said there is corruption in this building, and citizens must have access to public records. He said he will fight until he gets the public records he has requested. He said the water line being installed across his property is for the developer.

Upon question by Commissioner Reed, County Attorney Michael Craig outlined the public record laws and discussed which County meetings are required to be recorded. He said the Polk County Charter states the Commissioners have nothing to do with hiring and firing employees.

J. COMMISSIONER DISTRICT 1 (BOB ENGLISH)

27. ~~Comments:~~

26. [Appoint Thomas E. Jackson to the Water Policy Advisory Committee for a three year term beginning October 22, 2009 and ending October 21, 2012.](#)

Attachment: [TomJackson.pdf](#)

Motions:

Appoint Thomas E. Jackson to the Water Policy Advisory Committee for a three year term beginning October 22, 2009 and ending October 2, 2012. - PASS

Vote Results

Motion: Bob English

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

K. COMMISSIONER DISTRICT 2 (RANDY WILKINSON)

28. [Ethics Reform.](#)

Minutes:

Commissioner Wilkinson discussed a newspaper article regarding a renovation project by Polk Works which was considered a repair rather than a capital improvement. He discussed issues which he said he considers troubling and a waste of taxpayer dollars. He said he is the Board's liaison to Polk Works, but the BoCC does not have much input. He asked the County Attorney to investigate some of these issues.

Commissioner Wilkinson said the statutes on the books regarding ethics are not sufficient. He said elected officials should not have business relationships with the boards on which they sit.

County Attorney Michael Craig stated the Executive Director of Polk Works will provide a copy of the audit and responses. He said he is continuing to look into this issue and will report once he has all the facts. He said Polk Works is separate from the Board.

Upon question, Mr. Craig said the County cannot legally restrict the word "Polk" in the name of agencies or entities.

Stacy Campbell Dominick, Executive Director of Polk Works, provided copies of the Polk Works audit conducted by NCT Group. She discussed the summer youth program which, she said, employed 300 youth at \$8.00 per hour. She discussed the Interlocal Agreement between Polk Works and the BoCC, outlining the relationship between Polk Works and the County.

Ms. Campbell Dominick said procurement procedures and other policies will be reviewed. She said currently Polk Works has no disallowed costs.

29. ~~Comments:~~

L. COMMISSIONER DISTRICT 3 (EDWIN V. SMITH)

30. [Appoint Joseph J. Oros, P.G., M.B.A., to serve as a member of the Polk County Water Policy Advisory Committee.](#)

Attachment: [WPAC Oros bio 3.pdf](#)

Motions:

Appoint Joseph J. Oros, P.G., M.B.A., to serve as a member of the Polk County Water Policy Advisory Committee, for the three-year term of February 9, 2009 through February 8, 2012. - PASS

Vote Results

Motion: Edwin Smith

Second: Bob English

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

31. ~~Comments:~~

Minutes:

M. COMMISSIONER DISTRICT 4 (JEAN REED)

32. [Reappoint Herman J. Hill to serve as a member of the Polk County Water Policy Advisory Committee.](#)

Attachment: [WPAC Hill bio 4.pdf](#)

Minutes:

Motions:

Reappoint Herman J. Hill to serve as a member of the Polk County Water Policy Advisory Committee, for the three-year term of February 9, 2009 through February 8, 2012. - PASS

Vote Results

Motion: Jean Reed

Second: Randy Wilkinson

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

33. [Report on Regional Metropolitan Planning Organization \(MPO\) meeting.](#)

Minutes:

Commissioner Reed stated Lake Wales will celebrate Pioneer Days this weekend. She thanked Polk County Parks Division for the Halloween goody bags and tickets to attend the Haunted Halloween Hayride and Happenings on October 24th. She reminded the Board and citizens that Water Wings and Wild Things is scheduled for October 31st.

Commissioner Reed stated the Legislative Representatives will be in Poinciana on October 27th and will hear from citizens regarding possible incorporation.

Commissioner Reed reported that Johnny Brooks, former mayor of Eloise, passed away recently.

N. COMMISSIONER DISTRICT 5 (SAM JOHNSON, CHAIR)

34. [Reappoint Wayne C. Watters to the Polk County Water Policy Advisory Committee for a three-year term beginning August 9, 2009 through August 8, 2012.](#)

Attachment: [Wayne Watters.pdf](#)

Motions:

Reappoint Wayne C. Watters to the Polk County Water Policy Advisory Committee for a second three-year term beginning August 9, 2009 through August 8, 2010. - PASS

Vote Results

Motion: Sam Johnson

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

Motion Minutes: resumed chair.

35. Comments:

O. LAY BOARD APPOINTMENTS

36. [Appoint Robert J. Bornstein to the Tohopekaliga Water Authority \(TWA\) Board of Supervisors for a term ending September 30, 2010.](#)

Attachment: [Mr Bornstein bio.pdf](#)

Motions:

Appoint Robert J. Bornstein to the Tohopekaliga Water Authority (TWA) Board of Supervisors to fill the unexpired term of Mr. Valverde which expires September 30, 2010. - PASS

Vote Results

Motion: Jean Reed

Second: Bob English

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

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

P. PUBLIC HEARINGS

37. [Public hearing to consider adopting an amendment to Polk County Ordinance 77-09, as amended by 81-12, which would allow for an application for waiver of the no alcohol provision in parks, boat ramps and recreation areas owned or maintained by the County.](#)

Attachment: [revised draft.pdf](#)

Attachment: [clean.revised draft.pdf](#)

Minutes:

County Attorney Michael Craig reminded the audience of the procedures for Public Hearings.

Ellis Watson, Assistant County Attorney, reviewed the proposed ordinance and recommended approval.

Discussion followed.

Mikel Dorminy, Downtown Bartow, clarified that alcohol was not served at a recent art event in Bartow.

Derek Harpe, Director of Parks, responded to questions by the Board regarding how alcohol consumption will be policed.

The Chairman opened a public hearing.

Trish Pfeiffer, representing Bartow Performing Art Series, spoke in support of the proposed ordinance.

Commissioner Wilkinson discussed the possibility of having a drink limit set.

Commissioner Reed stated that she would like to see a cash-only policy for alcoholic beverages.

Upon question, Mr. Craig stated, if adopted, this ordinance will take effect once it is filed with the Secretary of State, and that will take approximately one week. He noted that it would not be advisable to grant any waivers until the resolution establishing the alcohol use

policy is approved in the near future. Discussion followed.

The Chairman closed the public hearing.

Motions:

Deny Ordinance amending Ordinance 77-09, as amended by 81-12. - FAIL

Vote Results

Motion: Bob English

Second: Randy Wilkinson

Bob English - Aye

Sam Johnson - Nay

Jean Reed - Nay

Edwin Smith - Nay

Randy Wilkinson - Aye

Motion Minutes:

Commissioner English stated that this ordinance sends a message to young children that alcohol is needed in order to have fun.

Commissioner Smith spoke in favor of the proposed ordinance and stated that there are some places where alcohol will never be allowed. He stated that sometimes it is appropriate for adults to have a glass of wine with dinner or at an art show. Discussion followed.

Motions:

Adopt Ordinance No. 09-064 amending Ordinance 77-09, as amended by 81-12. - PASS

Vote Results

Motion: Edwin Smith

Second: Jean Reed

Bob English - Nay

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith	- Aye
Randy Wilkinson	- Nay

Q. CONSENT AGENDA ITEMS

ACCOUNTANT, AUDITOR and CLERK TO THE BOARD

38. [Removal of equipment from inventory as listed on Blanket Removal Form 1845.](#)

Attachment: [Blanket Removal Form 1845.pdf](#)

39. [Accept 2009-2010 Meeting Schedules and District Maps for the Lake Ashton and Lake Ashton II Community Development Districts.](#)

40. [Resolution identifying the Fiscal Year 2009-2010 meeting schedule for Belmont Ranch Community Development District.](#)

COUNTY ATTORNEY

41. [Record Maintained Right-of-Way Map for Shamrock Drive East.](#)

Attachment: [10 21 09 CoAtty MROW Shamrock Drive East Fiscal Impact.pdf](#)

Attachment: [CoAtty MROW Shamrock Drive East Backup.pdf](#)

42. [SET HEARING to consider requests to vacate rights-of-way. \(Suggested hearing date: Wednesday, November 4, 2009, at 1:30 p.m.\)](#)

43. [Quit Claim Deed from Elsa Gibbons for Property being Donated for Conservation.](#)

Attachment: [10 07 09 CoAtty Donation Gibbons FiscalImpact NP.pdf](#)

Attachment: [10 07 09 CoAtty Donation Gibbons Backup NP.pdf](#)

44. [Right-of-Way Donation for Hardin Combee Road Drainage Project, Parcels 100 and 101.](#)

Attachment: [102109 CoAtty AddIRW Hardin Combee FiscalImpact NP.pdf](#)

Attachment: [102109 CoAtty AddIRW Hardin Combee Backup NP.pdf](#)

45. [Right-of-Way Purchase for Kathleen Road Phase II Improvement Project, Parcel 140.](#)

Attachment: [10 21 09 CoAtty AddIRW Kathleen Rd Ph2 Parcel 140 Perry Fiscal.pdf](#)

Attachment: [10 21 09 CoAtty AddIRW Kathleen Rd Ph 2 Parcel 140 Perry Backup CP1.pdf](#)

46. [Right-of-Way Purchase for Berkley Road Phase IV and County Road 559-A Improvement Project, Parcel 805.](#)

Attachment: [CoAtty AddIRW 559A Pcl805 TECO FiscallImpact NP.pdf](#)
Attachment: [CoAtty AddIRW 559A Pcl805 TECO Backup.pdf](#)

47. [Right-of-Way Purchase for Berkley Road Phase IV and County Road 559-A Improvement Project, Parcel 706.](#)

Attachment: [CoAtty AddIRW 559A Pcl706 JTD FiscallImpact.pdf](#)
Attachment: [CoAtty AddIRW 559A Pcl706 JTD Backup.pdf](#)

48. [Consider adoption of a written order for Case No. CPA 09S-02.](#)

Attachment: [orderBOCCCPA09S02.pdf](#)

ASSISTANT COUNTY MANAGER

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

Attachment: [RoyBraunsteinMD_10_088_RM.pdf](#)
Attachment: [SergioSeoaneMD_10_050_RM.pdf](#)
Attachment: [RameshShahMD_10_086_RM.pdf](#)
Attachment: [KarrFootKarePA_10_110_RM.pdf](#)
Attachment: [PremierCareProfessionals_10_044_RM.pdf](#)
Attachment: [GregoryLNedurianMD_PA_10_123_RM.pdf](#)
Attachment: [TerranceDelikatDO_PL_10_026_RM.pdf](#)
Attachment: [LakelandOpenMRI_10_118_RM.pdf](#)
Attachment: [FloridaMedicalCenterPL_10_029_RM.pdf](#)
Attachment: [InternalMedicineSpecialistsMedlGroupPA_10_033_RM.pdf](#)
Attachment: [LarryThomasMD_10_077_RM.pdf](#)
Attachment: [DundeeMedicalWalk-InClinicPA_10_023_RM.pdf](#)
Attachment: [FloridaRetinaConsultants_10_091_RM.pdf](#)
Attachment: [JayCareMedicalCenter_10_030_RM.pdf](#)
Attachment: [BartowMedicalClinicPA_10_018_RM.pdf](#)
Attachment: [PedroRuizMDPA_10_016_RM.pdf](#)
Attachment: [PrudencioAquiMD_10_017_RM.pdf](#)
Attachment: [LozanoInternalMedicineLLC_10_039_RM.pdf](#)
Attachment: [WinterHavenCardiologyPA_10_064_RM.pdf](#)
Attachment: [CentralFloridaEyeAssociates_10_089_RM.pdf](#)
Attachment: [RadiologyImagingSpecialistsofLakelandPA_10_119_RM.pdf](#)
Attachment: [FrostproofMedical and SurgicalCenter_10_075_RM.pdf](#)
Attachment: [AdvancedInternalMedicineCare_10_015_RM.pdf](#)
Attachment: [CompleteHealthPA_10_020_RM.pdf](#)
Attachment: [MDYPrimaryCareMedicinePA_10_040_RM.pdf](#)
Attachment: [CarolynPassMD_PA_10_045_RM.pdf](#)
Attachment: [VirgiloCabigasMD_10_019_RM.pdf](#)
Attachment: [StephenButlerMD_10_076_RM.pdf](#)
Attachment: [MondelloFamilyClinicPA_10_042_RM.pdf](#)
Attachment: [FavilliFamilyPracticeCenter_10_025_RM.pdf](#)
Attachment: [KevinHenneOD_10_097_RM.pdf](#)
Attachment: [JOGIWalkInClinic_10_034_RM.pdf](#)

50. [Medical Office Facilities Impact Fee Mitigation, Dr. Caroline Honculada, O & H Building Corporation, Inc., 421 Linden Lane, Lake Wales, medical office facility.](#)

Attachment: [Medical Office Impact Fee Mitigation Dr. Caroline Honculada.pdf](#)

CENTRAL FLORIDA DEVELOPMENT COUNCIL

51. [Tourism's Funding for Marketing Assistance with The Lakeland Center.](#)

Attachment: [Marketing Assistance The Lakeland Center.pdf](#)

Attachment: [2009-2010 The Lakeland Center Marketing Assistance_MA01 A-W.pdf](#)

52. [Lake Myrtle Sports Complex Revenue Sharing Agreement Corporate Partnership with Fantasy of Flight for Soccer Related Inventory at the Lake Myrtle Sports Complex.](#)

Attachment: [Lake Myrtle Sports Complex - Fantasy of Flight 2 year-pink purple.pdf](#)

Attachment: [Fantasy of Flight Agreement.pdf](#)

Attachment: [Fantasy of Flight Final.pdf](#)

53. [Revenue Sharing Agreement Addendum for Baseball Related Inventory at the Lake Myrtle Sports Complex between Polk County and the City of Auburndale.](#)

Attachment: [Baseball Revenue Sharing Addendum II Purple sheet.pdf](#)

Attachment: [Baseball Revenue Sharing Addendum II.pdf](#)

INFRASTRUCTURE MANAGEMENT

54. [Amendment to the Memorandum of Agreement with the Corporation for National and Community Service \(CNCS\) to increase VISTA volunteer subsistence allowance.](#)

Attachment: [VISTA MOA.pdf](#)

Attachment: [VISTA Amendment.pdf](#)

55. [Acceptance of an easement from Lake Wilson Apartments, LLC \(Developer\).](#)

Attachment: [Lake Wilson Apartments Easement Backup.pdf](#)

56. [Adopt Resolution Setting Parking Restrictions on Holly Hill Cutoff Road \(near Davenport\).](#)

Attachment: [Parking Restrictions Approved Legal Review.pdf](#)

Attachment: [Parking Restrictions Holly Hill Cutoff Road.pdf](#)

Attachment: [Parking Restrictions Resolution.pdf](#)

Attachment: [Parking Restrictions Fiscal Impact.pdf](#)

57. [Local Agency Program \(LAP\) Supplemental Agreement No. 1 between Polk County and the Florida Department of Transportation \(FDOT\) and associated Change Order No. 1 to Contract No. 09-063 with Central Concrete Products, Inc. \(Contractor\) for the Sidewalks: SR 17 from Pine Street West to College Drive LAP Project.](#)

Attachment: [LAP Spplmt Agrmt1 Sidewalks SR 17 fPineCollege.pdf](#)

- Attachment: [CO-MOD Summary Form.pdf](#)
- Attachment: [Sidewalk - SR 17 Pine Street to College Additional Work Limit.pdf](#)
- Attachment: [CO1 Contract 09-063 Sidewalks SR17 fPineCollege.pdf](#)
- Attachment: [Sidewalk- SR 17 Pine St to College original project limt.pdf](#)
- Attachment: [PWFI Info Form Babson Park.pdf](#)

58. [CSA No. 06-03-02 with WilsonMiller to design and prepare construction documents for East Central Park.](#)

- Attachment: [East Central Park CSA Approvals.pdf](#)
- Attachment: [East Central Park CSA.pdf](#)

59. [CSA No. 06-07-03 with URS Southern Corporation for construction administration of the Hunt Fountain Park Drainage project.](#)

- Attachment: [Exhibit A CSA Document Hunt Park.pdf](#)
- Attachment: [Hunt Fountain Park CSA Approvals.pdf](#)

60. [Change Order No. 2 to Contract No. 09-001 with Ranger Construction Industries, Inc. \(Contractor\) for the Ronald Reagan Parkway \(CR 54\) Phases II and III Road Widening Project.](#)

- Attachment: [PWFI Info Form.pdf](#)
- Attachment: [CO2 Contract 09001 Approvals.pdf](#)
- Attachment: [CR 54 P23 CO2 Cont09001.pdf](#)
- Attachment: [CR 54 P2 3 Map.pdf](#)
- Attachment: [CO-Summary Form.pdf](#)

61. [CSA No. 02-104-10 with Jones Edmunds and Associates, Inc. \(JEA\) for Imperial Lakes Water Treatment Plant Improvements, and transfer of funding within the Utilities CIP budget.](#)

- Attachment: [Jones Edmunds CSA 02-104-10 Contract.pdf](#)
- Attachment: [Jones Edmunds CSA Approvals.pdf](#)
- Attachment: [JEA Budget Revision Journal.pdf](#)

62. [Amendment to the Research Agreement with the University of Central Florida for the evaluation of alternative treatment processes.](#)

- Attachment: [UCF Research Agreement Amendment Contract.pdf](#)
- Attachment: [UCF Research Agreement Amendment Approvals.pdf](#)

63. [Approval of a Utilities Agreement with Abundant Life Ministries International, Inc.](#)

- Attachment: [Abundant Life Ministries Contract.pdf](#)
- Attachment: [Abundant Life Ministries Approvals.pdf](#)

GROWTH MANAGEMENT

64. [SET HEARING to consider the adoption of an ordinance \(LDC 09T-34\) amending the](#)

[Land Development Code. \(Suggested hearing dates: November 4, 2009, and November 17, 2009\)](#)

HUMAN SERVICES

65. [Amendment 001, Alzheimer's Disease Initiative, ADI-09/10-POLK.](#)

Attachment: [Request for Legal Services ADI Amend 001 09-10.pdf](#)

Attachment: [ADI Amend 001 09-10.pdf](#)

66. [Amendment 001, Home Care for the Elderly, HCE-09/10-POLK.](#)

Attachment: [Request for Legal Services HCE Amend 001 09-10.pdf](#)

Attachment: [HCE Amend 001 09-10.pdf](#)

67. [Amendment 001, Community Care for the Elderly, CCE-09/10-POLK.](#)

Attachment: [Request for Legal Services CCE Amend 001 09-10.pdf](#)

Attachment: [CCE Amend 001 09-10.pdf](#)

68. [2010 Veterans Stand Down Event Approval and Grant Approval.](#)

69. [State Housing Initiatives Partnership \(SHIP\) Down Payment Assistance Program Satisfaction of Mortgage and Security Agreement for Gabriel Rogel Flores and Angelita Vasquez Flores.](#)

Attachment: [Flores Checklist 102109.pdf](#)

Attachment: [SHIP DPA Sat 102109.pdf](#)

70. [Community Development Block Grant \(CDBG\) Program Satisfaction of Liens between Polk County and the clients listed.](#)

Attachment: [102109 Satisfaction Demo Lien.pdf](#)

Attachment: [102109 Demo Checklist 1.pdf](#)

Attachment: [102109 Demo Checklist 2.pdf](#)

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

Attachment: [102109 Section 8 Checklist.pdf](#)

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

72. [Interlocal Agreement between the Board and the City of Bartow for the provision of public transit services within the city from the Winter Haven Area Transit system through September 30, 2010.](#)

Attachment: [Bartow Interlocal Agreement for WHAT.pdf](#)

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

73. [Interlocal Agreement between the Board and the City of Eagle Lake for the provision of public transit services within the city from the Winter Haven Area Transit system through](#)

[September 30, 2010.](#)

Attachment: [Request for Legal Services Form.pdf](#)
Attachment: [Eagle Lake Interlocal Agreement for WHAT.pdf](#)

74. [Provider Agreement between Polk County Elderly Services and Citrus Health Care \(Tango Plan\). Approve transfer of \\$18,694.00 from the General Fund Reserve for Contingency.](#)

Attachment: [Citrus Health Care Agreement \(Tango Plan\).pdf](#)
Attachment: [Budget Revision Journal100709.pdf](#)
Attachment: [Request for legal services Citrus Health Care \(Tango Plan\).pdf](#)

PUBLIC SAFETY

75. [Resolution renaming a roadway from Lakeview Drive to Cody Bluffs Road.](#)

Attachment: [Attachment 1 Cody Bluffs Road Map.pdf](#)
Attachment: [Resolution Cody Bluffs Rd.pdf](#)

76. [Resolution renaming a roadway from Lakeview Drive to Sunrise Drive.](#)

Attachment: [Resolution Sunrise Dr.pdf](#)
Attachment: [Attachment 1 Sunrise Dr. Map.pdf](#)

77. [Award of five Heartstart Philips Automated External Defibrillators \(AEDs\).](#)

Attachment: [5HeartstartPhilipsAEDsAward.pdf](#)

78. [Verizon Letter Of Intent to perform work for the new Polk County Public Safety Complex and Budget transfer.](#)

Attachment: [Verizon Sole Source .pdf](#)
Attachment: [Verizon letter of intent.pdf](#)
Attachment: [Verizon insurance certificate.pdf](#)
Attachment: [9 1 1 Budget Revision Journal.pdf](#)

SUPPORT SERVICES

79. [Professional Services Selection Committee's recommendation on RFP No. 09-096-MAR, Water Quality Compliance.](#)

Attachment: [09-096-MAR-ScoreSheets.pdf](#)

80. [Approve new position of Health Plan Referral Specialist \(RN\).](#)

Attachment: [Health Plan Referral Specialist RN.pdf](#)

81. [CS Stars Statement of Work number 3, Renewal Agreement, and Statement of Work number 4](#)

Attachment: [STARS0910CMSsow.pdf](#)

82. [Indemnification Agreement between Publix Super Markets, Inc. and Polk County Library Bookmobile for FY 2009-2010.](#)

Attachment: [Indemnity Agreement.pdf](#)

83. [Selection Committee's recommendation on RFP No. 09-113-MAR, Medical Director for Polk Healthcare Plan.](#)

Attachment: [09-113-MAR-Agrmnt.pdf](#)

84. [Modification No. 4 for Consultant Service Authorization \(CSA\) 02-97-06 with Post, Buckley, Schuh & Jernigan, Inc., d/b/a PBS&J.](#)

85. [Modification No. 2 for Consultant Service Authorization \(CSA\) 06-04-01 with Post, Buckley, Schuh & Jernigan, Inc., d/b/a PBS&J.](#)

Attachment: [PBSJ CSA 06 04 01 2.pdf](#)

86. [Report by Interim Purchasing Director of Emergency Purchase Orders.](#)

87. [Report by the Interim Purchasing Director of Sole Source Purchase Orders.](#)

88. [Modification No. 2 for Consultant Service Authorization \(CSA\) 02-97-08 with Post, Buckley, Schuh & Jernigan, Inc., d/b/a PBS&J.](#)

Attachment: [02-97-08-2.pdf](#)

POLK COUNTY SHERIFF

89. [Approve COPS Methamphetamine Grant Award in the amount of \\$250,000 and Chairman sign the Award Document.](#)

Attachment: [2009 COPS Meth Grant Award.pdf](#)

90. [Approve 2009 Edward Byrne Memorial Justice Assistance Grant in the amount of \\$165,304 and Chairman sign the Award Document and initial Special Condition pages.](#)

Attachment: [2009 E. Byrne Mem Justice Assistance Grant.pdf](#)

91. [Approve appropriation and expenditure of \\$37,712 award from the Bureau of Justice Assistance for the Bulletproof Vest Partnership.](#)

Attachment: [2009 Bulletproof Vest Partnership Award.pdf](#)

The Chairman adjourned the meeting at 2:10 p.m.