
Regular Board Meeting Minutes
September 2, 2009

September 2, 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
Stacy Butterfield Director of Finance and
Accounting to the Board

The Board convened pursuant to adjournment taken on August 18, 2009.

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

INVOCATION

1. [Captain Stan Colbert - Salvation Army](#)

PLEDGE OF ALLEGIANCE (SAM JOHNSON, CHAIR)

A. APPROVE CONSENT AGENDA

2. [Approve Consent Agenda.](#)

Motions:

Approve Consent Agenda.

- PASS

Vote Results

Motion: Edwin Smith

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

B. PRESENTATIONS and RECOGNITIONS

89. [Polk County Sports Marketing Ad Campaign](#)

Minutes:

County Manager Mike Herr showed a Polk County Sports Marketing video that was featured on News Channel 8 promoting the "Cheap 'n Easy Adventures" campaign which features four affordable getaway packages to destinations in Polk County.

Katy Martin, Central Florida Development Council of Polk County(CFDC), encouraged citizens to go to visitcentralflorida.org for more information about the "Cheap 'n Easy Adventures" campaign.

3. [Present Covenant for Commissioners' signatures in support of the Armed Forces.](#)

Attachment: [Armed Forces Community Covenant.pdf](#)

Minutes:

Captain David Wilson, 20-year veteran of the Armed Services, highlighted the Armed Forces Community Covenant. He stated if other governmental organizations would like to be part of the Covenant, they can contact him through Polk County Veterans Services. He highlighted a special event which will be held on Veterans Day, November 11, 2009, honoring all servicemen.

4. [Present information on and announce "Operation Care and Cheer."](#)

Minutes:

John Hopkins, Polk County Veteran Services, thanked the Board and citizens for their support of last year's "Operation Care and Cheer" campaign which shows local support for military forces and their families. He said donations will be collected again this year

for "Operation Care and Cheer" from September 14, 2009, to November 30, 2009. He reviewed the type of supplies needed noting that all donations will be shipped to troops before the holiday season. He said the collection boxes will be distributed throughout the County.

Commissioner Reed discussed the Freedom Walk which will be held Wednesday September 3, 2009, in Lakeland.

C. PROCLAMATIONS

5. [Proclaim August 29-September 4, 2009 as MAGNIFY CREDIT UNION ENERGY CONSERVATION WEEK. Arthur Hooper, Executive Vice President, Magnify Bank, will accept the proclamation.](#)

Attachment: [Magnify Credit Union.pdf](#)

Motions:

Issue Proclamation. - PASS

Vote Results

Motion: Randy Wilkinson

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

6. [Proclaim September 2009 as CAMPUS FIRE SAFETY MONTH. Art Clawson, Vice President for Advancement, Warner Southern, Keith Wade, President, Webber University and Wes Hayes, Polk County Fire Marshal, will accept the proclamation.](#)

Attachment: [Campus Fire Safety.pdf](#)

Motions:

Issue Proclamation. - PASS

Vote Results

Motion: Edwin Smith

Second: Jean Reed

Bob English - Aye

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

7. [Proclaim September 2009 as the HAINES CITY CITRUS GROWERS ASSOCIATION'S 100TH ANNIVERSARY. Dennis Broadaway, CEO and General Manager, and Pat Bentley, President of the Board of Directors for Haines City Citrus Growers Association, will be accepting the proclamation.](#)

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

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

8. [Disbursements.](#)

Attachment: [090109 Warrants.pdf](#)

Motions:

Approve and ratify disbursements. - PASS

Vote Results

Motion: Jean Reed

Second: Bob English

Bob English - Aye

Sam Johnson - Aye

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

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

Attachment: [081809.MIN.pdf](#)

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

E. REQUEST FROM ELECTED OFFICIAL and OTHER GOVERNMENTAL AGENCY

F. PUBLIC HEARING TO CONSIDER SETTLEMENT

G. COUNTY ATTORNEY (MICHAEL CRAIG)

10. [Consider Agreement with the Honorable Joe G. Tedder, Polk County Tax Collector, for the retention of legal counsel on a contingency basis for the collection of Polk County's Tourist Development Tax.](#)

Attachment: [OTC-Agreement between TC and BOCC.pdf](#)

Minutes:

County Attorney Michael Craig reviewed the agreement with Joe G. Tedder for the collection of Polk County's Tourist Development Tax and recommended approval.

Joe G. Tedder, Tax Collector, stated retaining legal counsel on a contingency fee basis will allow his staff to pursue the collection of Tourist Development Taxes from on line travel companies like expedia.com and hotels.com. Upon question, he mentioned other counties in Florida which are engaging in the same type of collection activity. He stated the legal counsel will work closely with Mr. Craig. Discussion followed.

Motions:

Approve Agreement with the Honorable Joe G. Tedder, Polk County Tax Collector, for the retention of legal counsel on a contingency basis for the collection of Polk County's Tourist Development Tax. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

11. [Resolution Adopting New Fee Schedule for Landfill Tipping Fees.](#)

Attachment: [ResolutionTippingFees.pdf](#)

Minutes:

Brooks Stayer, Waste Resource Management Director, reviewed the proposed Rate Resolution. He stated this is the first increase in tipping fees in ten years and staff recommends approval. Discussion followed.

Motions:

Adopt Resolution No. 09-183 approving the new fee schedule for landfill tipping fees. - PASS

Vote Results

Motion: Edwin Smith

Second: Randy Wilkinson

Bob English - Aye

Sam Johnson - Aye

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

H. COUNTY MANAGER (MICHAEL HERR)

I. REQUEST FROM THE GENERAL PUBLIC/AUDIENCE

88. [James Abercrombie](#)

Minutes:

James Abercrombie, concerned citizen, showed pictures of the damages his home sustained in a recent residential fire. He stated the report issued by Polk County Fire Services states the response time was six minutes, and that is not possible. He said future development depends on the data obtained from these types of reports, and if that data is faulty, it is detrimental to the citizens.

Polk County Fire Chief David Cash expressed his concerns for Mr. Abercrombie's property loss in his recent home fire. He said the first call for this fire came in to the 9-1-1 Command Center two minutes prior to Mr. Abercrombie's call. He reported that Engine No. 23 was responding to a medical call at the time the call came in and was only one mile away from Mr. Abercrombie's home; therefore, the response time was actually shorter than it would have been if the engine was at the station.

Upon question regarding assistance offered to fire victims, Chief Cash stated the Red Cross provides three nights of housing and provides food as needed, and other local organizations like the Lake Wales Care Center also offer assistance to victims of house fires.

J. COMMISSIONER DISTRICT 1 (BOB ENGLISH)

12. [Comments.](#)

Minutes:

Commissioner English stated he has nothing to report at this time.

K. COMMISSIONER DISTRICT 2 (RANDY WILKINSON)

13. [Spessard Holland.](#)

Minutes:

Commissioner Wilkinson did not discuss Spessard Holland. He stated he attended the Mount Zion AME 100th Anniversary Celebration in Mulberry.

L. COMMISSIONER DISTRICT 3 (EDWIN V. SMITH)

14. [Comments.](#)

Minutes:

Commissioner Smith stated he has nothing to report at this time.

M. COMMISSIONER DISTRICT 4 (JEAN REED)

15. [Comments.](#)

Minutes:

Commissioner Reed reported that Sports Marketing will hold a two-day cycling event on Saturday, September 5, 2009.

Commissioner Reed stated she plans to attend the SIS Transportation Funding Meeting in Sebring, and Mr. Herr stated that County staff will also attend this meeting.

N. COMMISSIONER DISTRICT 5 (SAM JOHNSON, CHAIR)

16. [Comments.](#)

Minutes:

Chairman Johnson stated he has nothing to report at this time.

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

17. [Consider adoption of an ordinance creating the Polk County Animal Control and Animal Services Ordinance, repealing Ordinance 05-47, and designation of the Polk County Sheriff's Office \(PCSO\) as the Polk County Animal Control Authority.](#)

Attachment: [Animal Control County Ordinance 05-047 Revisions Final Draft.pdf](#)

Attachment: [Animal Control County Ordinance 05-047 Revisions Final CleanDraft \(2\).pdf](#)

Attachment: [Letter-Sheriff Grady Judd.pdf](#)

Minutes:

County Attorney Michael Craig reviewed the procedures for Public Hearings. He swore in those who will speak today.

Lieutenant Craig E. Burke, Polk County Sheriff's Office, reviewed the proposed ordinance that will clarify definitions and incorporate new regulatory concepts; place new emphasis on record keeping and documentation of pet vaccinations and sterilizations; increase fines and penalties; require the use of RFID microchips; strengthen nuisance regulations; guard dog standards; and establish standards for pet hobbyist, pet dealers, and animal welfare organizations.

Commissioner Wilkinson stated that he feels the due process has been shortened. Discussion followed.

Upon question, Captain Larry Williams, Polk County Sheriff's Office, clarified the dates in which the Commissioners had been contacted.

Discussion followed on outsourcing animal tags.

Commissioner Reed suggested this issue should be carried over into a second reading.

The Chairman opened a public hearing.

Nancy Withers, representing Imperial Polk Obedience Club, stated that she was not notified of this proposed ordinance. She stated she would like to have this item tabled as there are no provisions in the proposed ordinance for incidents that are accidental. She voiced her concerns with the term "Pet Hobbyist".

Carolyn Harolwitts, concerned citizen, also expressed her concern for the term "Pet Hobbyist".

Ann Zessin, concerned citizen, requested this item be continued to a later date.

Jeane Pattison, Lakeland resident, spoke in opposition of the proposed ordinance. Discussion followed on the services of Polk County Animal Control.

Susan Kirkpatrick, Lakeland resident, said she agreed with tabling this item to a later date. She stated education is the key to having citizens comply. Discussion followed.

Fawn Richter, representing Polk County Heide's Legacy Dog Rescue, stated that 75% of the animals impounded by Polk County Animal Control are euthanized. She stated that she would like to share her ideas with Polk County Animal Control.

Tom Tucker, Babson Park resident, stated his wife is a veterinarian in Lake Alfred and she is opposed to the proposed ordinance. He voiced his concerns with spaying and neutering animals running loose. Discussion followed.

Harmony Grayson Doolittle, Haines City resident, discussed her concerns with neutering and spaying animals. She brought a letter from the Florida Association of Kennel Clubs stating that it requests this item to be benchmarked.

Bonnie Lingard, Lakeland resident, stated she would like to have a voice in writing the ordinance regarding feral cats and in defining "nuisance".

Diana Darnaby, Marion County resident, spoke in opposition to the proposed ordinance.

Lori Hoffman, Heide's Legacy Dog Rescue, stated the proposed ordinance should address backyard breeders and puppy mills.

Amanda Scott, Vice President of Heide's Legacy Dog Rescue, stated this proposed ordinance is a step in the right direction and that people should be held accountable with the irresponsible treatment of animals. She suggested the ordinance include a health assessment for animals, and help in finding homes for animals.

Mary Stevens suggested that Polk County follow the steps of other counties. She also suggested backyard breeders should be required to be licensed.

Dr. Julia Jones Reyonld, Ridge Veterinarian Medical Society, stated feral, stray and unsterilized animals are increasing as the human population increases. She said she agreed with a majority of the proposed ordinance. She noted that many animals have been reunited with their owners without the services of Polk County Animal Control because the animal had a microchip.

Jerry Raybird, Veterinarian in Winter Haven, said he was approached by the Sheriff twice on this issue. He discussed the privacy issues concerning outsourcing. He stated that this is a generational problem and it can be changed with educating young children.

Lisa Baker, Executive Director of the Humane Society, spoke in support of the proposed ordinance.

Lisa Morray, founder of Save Our Homeless Pets, spoke in support of spay and neuter laws.

The Chairman closed the public hearing.

Captain Larry Williams spoke in rebuttal to some of the public comments.

Motions:

Motion to table. - PASS

Vote Results

Motion: Randy Wilkinson

Second: Jean Reed

Bob English - Nay

Sam Johnson - Nay

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

Motion Minutes:

Commissioner English moved to adopt the proposed ordinance repealing Ordinance No. 05-47, the Polk County Animal Control and Animal Services Ordinance. The motion died for lack of second.

Upon question, Captain Larry stated that an effort has been made to meet with citizens and to receive their input. He stated that they are not opposed to discuss this issue further. Discussion followed.

18. [Consider adoption of an ordinance amending Ordinance No. 97-36, as amended, the Polk County Alarm Control Ordinance.](#)

Attachment: [Am97-36AlarmContUndline.pdf](#)

Attachment: [Am97-36AlarmContFin9-02-09.pdf](#)

Minutes:

County Attorney Michael Craig reviewed the proposed Ordinance which will increase the fines for false alarm calls.

Upon question, Captain Williams, Polk County Sheriff's Office, stated that the first false alarm call is not fined. Discussion followed.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 09-052 amending Ordinance No. 97-36, as amended, the Polk County Alarm Control Ordinance. - PASS

Vote Results

Motion: Jean Reed

Second: Bob English

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

19. [Ordinance adopting CPA 09DRI-01 to change the Future Land Use on 39.2 +/- acres from Agriculture/Residential-Rural \(A/RR\) to Phosphate Mining \(PM\).](#)

Attachment: [CPA 09DRI 01 Staff Report.pdf](#)

Attachment: [CPA 09DRI 01 Ordinance.pdf](#)

Minutes:

Tom Wodrich, Land Development, reviewed the Notice of Proposed Change for the South Fort Meade Mine Development of Regional Impact (DRI). He explained that this is an applicant initiated request to change 39.2 acres from Agricultural/Residential-Rural (A/RR) to Phosphate Mining (PM). He showed slides of the area and stated that staff and the Planning Commission recommend approval.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 09-053 adopting CPA 09-DRI-01. - PASS

Vote Results

Motion: Bob English

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith	- Aye
Randy Wilkinson	- Aye

20. [LDC 08T-12 \(Farmworker Housing\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 08T 12 Staff Report.pdf](#)

Attachment: [LDC 08T 12 Ordinance.pdf](#)

Minutes:

Patricia Schmidt, Farm Labor Housing Task Force, reviewed the reasons why changes are needed for farmworker housing.

Erik Peterson, Land Development, reviewed the proposed ordinance to add a category to the Land Development Code for apartment-style farm worker dormitory and barracks-style farm worker dormitory and delete the category of farm worker housing. He showed slides and stated that this is the second of two hearings. Discussion followed.

The Chairman opened a public hearing.

Lindsey Railey, Citrus Grower and member of Dundee Citrus Growers, spoke in support of the proposed ordinance.

Merle Bishop, Senior Planner, Kimley Horn & Associates representing Polk County Farm Bureau, noted that the Farm Labor Housing Task Force's primary job is setting a high standard for farmworker housing. He discussed notifications sent to surrounding neighbors. Discussion followed.

Louanne Bigsby, Fort Meade resident, stated she was a former Farm Labor Housing Task Force member. She stated that she is not objecting to the new farmworker housing and that a Level 3 Review should be implemented. Discussion followed.

Melanie Burns, employee of Florida Citrus Mutual in Lakeland, commended the dedication of the Farm Labor Housing Task Force. She stated that this sets a high standard for farmworker housing.

Sylvia Watson, Fort Meade resident, stated her concerns with farmworker housing. She suggested putting farmworker housing in an area that is not heavily populated.

Robert McConnel stated that the public is not properly notified. He discussed the public review process.

Noel Campbell, Fort Meade resident, stated that a Level 3 Review should be required. He stated his concerns with employing non US residents.

Kay McConnel spoke in opposition of the proposed ordinance and requested a Level 3 Review.

Dr. John Crews requested the Board to consider a Level 3 Review.

Rob Martin, questioned the safety of homeowners who live close to a farm worker housing unit.

Greg Smith spoke in support of the proposed ordinance.

Les Dunson, Farm Labor Housing Task Force, requested the Board adopt this amendment to the Land Development Code.

Patricia Schmidt requested that this ordinance be approved. Discussion followed on land use changes and level reviews.

Upon question, Anne Gibson, Senior Assistant County Attorney, and Mr. Peterson discussed Level 2 and 3 Reviews. Discussion followed.

County Attorney Michael Craig submitted letters received from Representative Baxter G. Troutman and Rural Neighborhoods stating their support for the proposed amendment.

Victor Story voiced his concerns for the need of a Level 2 Review. Discussion followed.

Rick Dicks, Winter Haven resident, discussed the importance of employing United States citizens in the citrus industry and he noted that farmworker housing is a necessity.

Charles Counter, Winter Haven resident, spoke in favor of the proposed amendment.

Bob Turner stated that he supports a high standard of farmworker housing and discussed illegal workers.

Bobby Bishop, Statewide Farming, stated that the issue he noticed with most citizens is the security of having farmworker housing located close to residential areas. Upon question, he stated his farmworkers are living in apartments.

Kenny DeVane spoke in support of the amendment.

Ruth McSwane stated she is not opposed to farmworker housing and she stated her concerns with the future use of these buildings when they are no longer needed as a farmworker housing unit.

The Chairman closed the public hearing.

County Attorney Michael Craig clarified his comments made earlier.

Mr. Dunson spoke in response to public comment. Discussion followed.

Commissioner English moved to deny the proposed ordinance. The Chairman stated the motion dies for lack of a second.

Commissioner Smith moved to adopt the proposed ordinance as written. The Chairman stated the motion dies for lack of a second.

Commissioner Reed asked for discussion. She said a compromise is needed. She moved to adopt LDC 08T-12 with an appealable decision as described by the County Attorney, and Commissioner Wilkinson seconded the motion.

County Attorney Michael Craig read the possible additional conditions to Chapter 3, Section 303, Farmworker Dormitory, Apartment Style wherein it currently lists 13 criteria which are allowable by right, but a Paragraph 14 and Paragraph 15 would be added. Paragraph 14 would read "Notice shall be provided to all property owners within 500 feet of the property where an apartment style farmworker housing facility is proposed. At a minimum, the notice shall include a description of the facility, its project number, and the date of the scheduled Development Review Committee (DRC) hearing. Such notice shall be mailed 10 days prior to the DRC meeting." Paragraph 15 would read "An applicant or any substantially affected interest may appeal a final decision made by the Development Review Committee (DRC). Appeals are made to the Board of County Commissioners by filing a notice of appeal with the Growth Management Department within ten working days of the DRC's decision. Notice of the Board's hearing shall be provided pursuant to Section 960 of this Code."

Mr. Craig explained that this would provide notice of a pending matter before the DRC for farmworker housing to the property owners surrounding it so that they would know what occurs at the DRC, and they would know what decision is made. If they did not like the decision, then they would be able to appeal the DRC decision to the Board of County Commissioners. Discussion followed.

Motions:

Adopt Ordinance No. 09-054 adopting LDC 08T-12, adding the language (adding Paragraphs 14 and 15) presented by County Attorney Michael Craig noted above. - PASS

Vote Results

Motion: Jean Reed

Second: Randy Wilkinson

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

Motion Minutes:

21. [LDC 09T-28 \(Lime Stabilization Facilities\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [county commission septage packet.pdf](#)

Attachment: [LDC 09T 28 Staff Report.pdf](#)
Attachment: [LDC 09T 28 Ordinance.pdf](#)

Minutes:

John Bohde, Land Development, recommended continuing this item's first reading to a date certain or to table this item. Discussion followed.

The Chairman opened a public hearing; no one spoke.

Motions:

Motion to table. - PASS

Vote Results

Motion: Randy Wilkinson

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

22. [LDC 09T-24 \(Heavy Machinery Equipment Sales & Service\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 09T 24 Ordinance.pdf](#)
Attachment: [LDC 09T 24 Staff Report.pdf](#)

Minutes:

Corey Stutte, Land Development, reviewed the proposed text amendment. He explained that this is an applicant initiated request to amend the text of the Land Development Code to revise the use of Equipment Repair Major to Heavy Machinery Equipment Sales and Services. He presented the staff report and showed slides. He stated that staff and the Planning Commission recommend approval.

Commissioner English stepped up as Vice Chairman and opened a public hearing.

Beth Evans stated she is from Envisors and is representing the applicant, stated she was available to answer questions.

Vice Chairman English closed the public hearing.

Motions:

Adopt Ordinance No. 09-055 adopting LDC 09T-24. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Not Present

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

23. [LDC 09T-25 \(RHX within the US 27 SAP & Ridge SPA\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 09T 25 Staff Report.pdf](#)

Attachment: [LDC 09T 25 Ordinance.pdf](#)

Minutes:

John Bohde, Land Development, reviewed the proposed text amendment. He explained that this is an applicant initiated request to amend the text of the Land Development Code to allow for and to address the Residential High-X (RHX) land use district in the US 27 Selected Area Plan (SAP) and the Green Swamp Area of Critical State Concern (ACSC). He presented the staff report and showed slides. He stated that staff and the Planning Commission recommend approval.

Mr. Bohde noted that a correction was made on Table 5.3 changing the ratio from 60% to 70%. Discussion followed.

The Chairman opened a public hearing

Betty Artman, representing the applicant, spoke in support of the amendment.

The Chairman closed the public hearing.

Motions:

Adopt Ordinance No. 09-056 adopting LDC 09T-25. - PASS

Vote Results

Motion: Bob English

Second: Edwin Smith

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

24. [LDC 09T-26 \(Definitions\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 09T 26 Ordinance.pdf](#)

Attachment: [LDC 09T 26 Staff Report.pdf](#)

Minutes:

John Bohde, Land Development, reviewed the proposed text amendment. He explained that this is a staff initiated request to clarify plaza sign requirements. He presented the staff report and showed slides. He stated that staff and the Planning Commission recommend approval.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 09-057 adopting LDC 09T-26. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

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

25. [LDC 09T-27 \(Shipping Containers\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 09T 27 Ordinance.pdf](#)
Attachment: [LDC 09T 27 Staff Report.pdf](#)

Minutes:

John Bohde, Land Development, reviewed the proposed text amendment. He explained that this is a staff initiated request to regulate cargo/shipping containers as permanent storage structures. He presented the staff report and showed slides. He stated that staff and the Planning Commission recommend approval. Discussion followed.

The Chairman opened a public hearing.

Audra Morris, Winter Haven resident, stated she has several properties and stated that people need a safe storage place to store items. She stated that her neighbors do not have an issue with her using containers.

Upon question, Chandra Frederick, Director of Development Services, stated that Ms. Morris has two shipping containers in her yard. She noted that construction is on a different lot than the lot where the containers are located.

John Speranza stated he is the owner of the properties and that he uses steel containers because items were stolen from his property. Discussion followed.

The Chairman closed the public hearing.

Motions:

Adopt Ordinance No. 09-058 adopting LDC 09T-27, with changes to section 3A on page 2 adding to include contiguous properties. - PASS

Vote Results

Motion: Bob English

Second: Edwin Smith

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

26. [LDC 09T-29 \(Bars, Lounges and Taverns in the US 27 SAP\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 09T 29 staff report.pdf](#)
Attachment: [LDC 09T 29 ordinance.pdf](#)

Minutes:

Todd Vargo, Land Development, reviewed the proposed text amendment to the Land Development Code. He explained that this is an applicant initiated request to revise the use of Bars, Lounges and Taverns within the Regional Activity Center (RAC) within the North US 27 Selected Area Plan. He presented the staff report and showed slides. He stated that this is the first of two hearings and the second hearing will be held on September 16, 2009. Discussion followed.

The Chairman opened a public hearing; no one spoke.

27. [LDC 09T-19 \(Vehicle Recovery Service/Agency\) to consider the Adoption of an ordinance amending the Land Development Code.](#)

Attachment: [LDC 09T 19 Staff Report.pdf](#)

Attachment: [LDC 09T 19 Ordinance.pdf](#)

Minutes:

John Bohde, Land Development, reviewed the proposed text amendment. He explained that this is an applicant initiated request to create a new title of Vehicle Recovery Service/Agency in the Land Development Code (LDC). He presented the staff report and showed slides. He stated that this is the first of two hearings and the second hearing will be held on September 16, 2009. Discussion followed.

The Chairman opened a public hearing.

Joshua Chaney, representing the applicant, presented slides and stated that he agrees with staff's definitions and he believes that the land use should be classified as Residential Suburban (RS). Discussion followed.

The Chairman closed the public hearing.

90. [Consider resolution supporting the creation of a specialty license plate that would recognize the contributions of graduates of The United States Military Academy.](#)

Attachment: [Resolution - Military License Plates0001.pdf](#)

Minutes:

County Attorney Michael Craig reviewed the proposed resolution. He explained that this will create a specialty license plate that would recognize the contributions of graduates of the United States Military Academy and enlighten others about the opportunities that this program offers.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Resolution No. 09-189 supporting the creation of a specialty license plate that would recognize the contributions of graduates of The United States Military Academy. - PASS

Vote Results

Motion: Bob English

Second: Randy Wilkinson

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

28. [Removal of equipment from inventory as listed on Blanket Removal Form 1842.](#)

Attachment: [Blanket Removal Form 1842.pdf](#)

29. [Accept minutes West Lakeland Water Control District.](#)

COUNTY ATTORNEY

30. [SET HEARING to consider Petitions to vacate rights-of-way and easements. \(Suggested hearing date: Wednesday, October 7, 2009, at 1:30 p.m.\)](#)

31. [Additional Right-of-Way for County Line Road, Parcel 103.](#)

Attachment: [09 02 09 CoAtty AddIRW County Line Rd Pcl 103 Sturks Backup.pdf](#)

Attachment: [09 02 09 CoAtty AddIRW County Line Rd Pcl 103 Sturks Fiscal Impact.pdf](#)

32. [Approve Subordination Agreement between Polk County and the City of Lakeland for parcels required for the Ewell Road at Yates Road intersection project.](#)

Attachment: [Subordination City of Lakeland Ewell at Yates Fiscal Impact.pdf](#)

Attachment: [Subordination City of Lakeland Ewell at Yates Backup.pdf](#)

33. [Right-of-Way Purchase for Berkley Road Phase IV and County Road 559-A Improvement Project, Parcel 131B.](#)

Attachment: [AddlRW 559A Pcl131B Mancini Backup.pdf](#)
Attachment: [AddlRW 559A Pcl131B Mancini Fiscallmpact.pdf](#)

34. [Record Maintained Right-of-Way Map for Rock Ridge Road.](#)

Attachment: [MROW Rock Ridge Rd Backup.pdf](#)
Attachment: [08 05 09 CoAtty MROW Rock Ridge Rd Fiscal.pdf](#)

35. [Right-of-Way Purchase for Thompson Nursery Road Improvement Project.](#)

Attachment: [AddlRW Thompson Nursery Rd TNRL-WHP LLC Parcel Fiscal Impact.pdf](#)
Attachment: [AddlRW Thompson Nursery Rd TNR-WHP Parcel Backup.pdf](#)

36. [Authorize payment of statutory attorney's fees for the case of Polk v. Peace, et al, Parcels 129 and 132, pursuant to Florida Statutes Section 73.092 after trial verdict.](#)

Attachment: [PWFI Info Form - Polk vs Peace.pdf](#)

37. [Consider approval of a Temporary Road Easement Agreement between Polk County and Southeastern University, Inc. for improvements to Longfellow blvd. including a temporary by-pass road for maintenance of traffic.](#)

Attachment: [Longfellow Blvd Project Map.pdf](#)
Attachment: [Longfellow Blvd Ease Agree.pdf](#)

38. [Authorize the County Attorney's Office to file suit against Envisors, LLC and Steven C. Shealey to recover damages resulting from the defective design of certain improvements to the Northwest Regional Wastewater Treatment Facility.](#)

CENTRAL FLORIDA DEVELOPMENT COUNCIL

39. [Sports Marketing "Sports Partner" Corporate Sponsorship Two Year Agreement with Harry's Seafood Bar & Grille](#)

Attachment: [Harry's Seafood Bar & Grille 2009-2011.pdf](#)
Attachment: [Harry's Seafood Bar & Grille 09-11 Sponsor Agreement.pdf](#)
Attachment: [Harry's Seafood Bar and Grille-pink purple.pdf](#)

40. [Sports Marketing "Sports Partner" Corporate Sponsorship Two Year Agreement with Lakeland Convention & Visitors Bureau](#)

Attachment: [Lakeland CVB Agreement 2009-2011 _2_.pdf](#)
Attachment: [Lakeland CVB _2_.pdf](#)
Attachment: [Lakeland CVB-pink purple.pdf](#)

ELECTED OFFICIAL AND OTHER GOVERNMENTAL AGENCY

41. [Polk County Workforce Development Board - Two-Year Plan Addendum: A.R.R.A. Funds.](#)

Attachment: [2 Year Plan Addendum Final Plan \(2\).pdf](#)

ENVIRONMENTAL RESOURCES

42. [First Amendment to Agreement No. 07C00000039 between the Southwest Florida Water Management District and Polk County for Implementation of BMP's – Saddlebag Lake Watershed \(L674\).](#)

Attachment: [First Amendment Saddlebag Lake.pdf](#)

43. [Polk County Mosquito Control FY 2009-2010 Certified Budget.](#)

Attachment: [FY200910 Certified Budget.pdf](#)

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

44. [Contract 08-53, Change Order No. 1, for the Walk-in-Water Water Production Facility \(WPF\) with CenState Contractors, Inc., to extend the contract duration by 205 days to November 30, 2009.](#)

Attachment: [Contract 0853 Change Order No 1.pdf](#)

Attachment: [Contract0853ChangeOrderNo1Approvals.pdf](#)

FINANCIAL AND STRATEGIC PLANNING

45. [Software License Agreement for Oracle ERP eBusiness Reporting Tool.](#)

Attachment: [EIS Software License Agreement.pdf](#)

GROWTH MANAGEMENT

46. [SET HEARING to consider DA 09-01 \(Heller Bros. Packing Corp. and Polk County Development Agreement\). \(Suggested hearing date: September 16, 2009, at 1:30 p.m.\)](#)

47. [SET HEARING to consider CU 09-11 \(Mann Road Water Production Facility\). \(Suggested hearing date: September 16, 2009, at 1:30 p.m.\)](#)

48. [SET HEARING to consider the adoption of an ordinance \(LDC 09T-20\) amending the Land Development Code. \(Suggested hearing dates: September 16, 2009, and October 7, 2009, both at 1:30 p.m.\)](#)

49. [SET HEARING to consider cancellation of DA 06-06M \(Imperial Polk Development, LLC - Jeffery M. Granger, Court appointed Receiver and Polk County Development Agreement\). \(Suggested hearing date: September 16, 2009, at 1:30 p.m.\)](#)

50. [SET HEARING to consider the adoption of an ordinance \(LDC 09T-16\) amending the Land Development Code. \(Suggested hearing dates: September 16, 2009, and October 7, 2009, both at 1:30 p.m.\)](#)

51. [Approve Neighborhood Sign Maintenance Agreement Between Polk County and Walden Shores of Lakeland, LLC to permit a neighborhood identification sign in the right-of-way.](#)

Attachment: [Neighborhood Signs Polk Cty and Walden Shores.pdf](#)

HUMAN SERVICES

52. [Amendment 003 2008/2009 Alzheimer's Disease Initiative ADI-08/09-POLK.](#)

Attachment: [Amend 003 ADI 08-09.pdf](#)

53. [Amendment 001, ARRA-09/10 \(American Recovery and Reinvestment Act of 2009\) Older Americans Act Title III C1 and C2 Nutrition Services.](#)

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

54. [Amendment 004 2008/2009 Community Care for the Elderly CCE-08/09-POLK.](#)

Attachment: [Amend 004 CCE 08-09.pdf](#)

55. [Approve Amendment 002, Nutrition Services Incentive Program, Agreement No. NSIP-08/09-POLK. Approve transfer of \\$494.00 from the Special Revenue Fund Reserve for Contingency.](#)

Attachment: [Amend 002 NSIP 08-09.pdf](#)

Attachment: [Budget Revision Journal NSIP 0809.pdf](#)

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

Attachment: [SHIP DPA Sat 9209.pdf](#)

57. [Hurricane Housing Recovery \(HHR\) Program Subordination Agreement between Polk County and Noel M. Green and Mary L. Lucks.](#)

Attachment: [Green Lucks Subordination 9209.pdf](#)

58. [HOME Investment Partnership Program Agreement between Polk County and The Keystone Challenge Fund, Inc., \(Keystone\) for the American Dream Down Payment Initiative \(ADDI\) set aside funds.](#)

Attachment: [H ADDI 05000 01 090209.pdf](#)

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

Attachment: [TBRA Contracts.pdf](#)

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

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

61. [HOME Investment Partnership \(HOME\) Reservation/Program Agreement between Polk County and The Keystone Challenge Fund, Inc. \(Keystone\).](#)

Attachment: [CHDO Agmt.pdf](#)

62. [Adopt a Resolution to amend the FY08-09 Special Grant fund in the amount of \\$430,000.00.](#)

Attachment: [RESOLUTION 09 Fund 10522.pdf](#)

Attachment: [BRJ 10522 FY09.pdf](#)

63. [Resolution establishing unanticipated revenue for the Neighborhood Stabilization Program \(NSP\) for Fiscal Year \(FY\) 2008-09.](#)

Attachment: [NSPRESOLUTION.pdf](#)

Attachment: [NSP1Budg.pdf](#)

PUBLIC SAFETY

64. [Resolution naming the previously unnamed roadway, Hagan Way.](#)

Attachment: [Attachment 1 Map Hagan Way.pdf](#)

Attachment: [Hagan Way Resolution.pdf](#)

65. [Harris Corporation Estoppel Certificate.](#)

Attachment: [Estoppel Harris Company.pdf](#)

66. [Budget transfer from Fire Services Reserve for Salary Adjustment account.](#)

Attachment: [Matrix Phase I.pdf](#)

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

Attachment: [Reserves for Salary Adjustment.pdf](#)

PUBLIC WORKS

67. [Extension to Sublease Agreement No. 84 between the Board \(the "Tenant"\) and the Bartow Municipal Airport Development Authority \(the "Landlord"\) for Building No. 323 and 2 ½ acres of land used by Fire Services for training purposes.](#)

Attachment: [09 0902 Lease 84 Bldg 323 land FS contract map.pdf](#)

Attachment: [09 0902 Lease 84 Bldg 323 land FS PWF1](#)

[FisAppLgIOracle.pdf](#)

68. [Extension to Sublease Agreement No. 133 between the Board \(the "Tenant"\) and the Bartow Municipal Airport Development Authority \(the "Landlord"\) for Suite 11 in Building No. 250 used by Emergency Medical Services Administration for office space.](#)

Attachment: [09 0902 Lease 133 Bldg 250 11 EMS PWF1](#)

[FisAppLgIOracle.pdf](#)

Attachment: [09 0902 Lease 133 Bldg 250 11 EMS contract map.pdf](#)

69. [Renewal of Sublease Agreement No. 144 between the Board \(the "Tenant"\) and the Bartow Municipal Airport Development Authority \(the "Landlord"\) for Suites 12, 13, 14, 15](#)

and 16 in Building No. 250 used by Emergency Medical Services Administration for office space.

Attachment: [09 0902 Lease 144 Bldg 250 12 16 EMS Adm Contract map.pdf](#)

Attachment: [09 0902 Lease 144 Bldg 250 12 16 EMS Adm PWFI](#)

[FisAppLglNoOracle.pdf](#)

70. Extension to Sublease Agreement No. 154 between the Board (the "Tenant") and the Bartow Municipal Airport Development Authority (the "Landlord") for Suites 3 and 4 in Building No. 250 used by Fire Services for office space.

Attachment: [09 0902 Lease 154 Bldg 250 3 4 FS PWFI](#)

[FisAppLglNoOracle.pdf](#)

Attachment: [09 0902 Lease 154 Bldg 250 3 4 FS contract map.pdf](#)

71. Extension to Lease Agreement No. 77 between the Board (the "Tenant") and the City of Frostproof (the "Landlord") for a building located at 47 North Lake Avenue in Frostproof used by Emergency Medical Services as an ambulance station.

Attachment: [09 0902 Lease 77 Frostproof EMS contract map.pdf](#)

Attachment: [09 0902 Lease 77 Frostproof EMS PWFI FisAppLglNoOracle.pdf](#)

72. Change Order No. 4 to Contract No. 07-051 with Kamminga and Roodvoets, Inc. (Contractor) for the CR 540A (CR 37B to US 98) Phase II Project.

Attachment: [CR540A CO4 07051 Approvals.pdf](#)

Attachment: [PWFI Info Form CO4.pdf](#)

Attachment: [CR 540A Ph 2 Map.pdf](#)

Attachment: [CO Mod Summary CO4.pdf](#)

Attachment: [CR540A CO4 07051 Contract.pdf](#)

73. Amendment No. 1 to the Transportation Regional Incentive Program (TRIP) Agreement with the Florida Department of Transportation (FDOT) for the CR 54 (Ronald Reagan Parkway) Phases II and III Project and associated Resolution.

Attachment: [CR 54 Ph.2&3 TRIP Resolution.pdf](#)

Attachment: [CR 54 Phases II and III \(Portrait\).pdf](#)

Attachment: [Orig TRIP Agrmt CR 54 Ph2&3.pdf](#)

Attachment: [422607 1st Amendment to TRIP agreement.pdf](#)

Attachment: [FDOT Notification Letter.pdf](#)

SUPPORT SERVICES

74. Polk HealthCare Plan Provider Agreement with Lake Wales Clinic Corp.

Attachment: [LakeWalesClinicCorp_d.b.aGenVasThoracSurg_09_142_RM.pdf](#)

75. Renewal Contract for Services between the Board and We Care of Polk County, Inc.

Attachment: [WeCareofPolkCountyInc_10_003_RM.pdf](#)

76. Modification No. 4 for Consultant Service Authorization (CSA) 02-97-11 with Post

[Buckley, Schuh and Jernigan, Inc. \(PBS and J\)](#)

Attachment: [02-97-11-4.pdf](#)

77. [Modification No. 2 for Consultant Service Authorization \(CSA\) 06-81-05 with Professional Engineering Consultants, Inc. \(PEC\).](#)

Attachment: [PEC Elizabeth Place Time Extension.pdf](#)

78. [Report Bid Award by Purchasing Director for Bid No. 09-120-ELJ.](#)

Attachment: [09-120-elj sutton rd agreement.pdf](#)

79. [Execution of Interlocal Agreement with the City of Leesburg.](#)

Attachment: [Pcard agreement.pdf](#)

80. [Amendment No. 1 to Vehicle and Equipment Parts Management and Supply Agreement No. 08-021 with Mulberry Motor Parts, Inc., DBA \(NAPA Auto Parts\).](#)

Attachment: [Mulberry Motor Parts Agreement 08 021 Amendment.pdf](#)

81. [Amendment No. 5 to Agreement No. 05-065 with Point and Pay, Inc.](#)

Attachment: [Point and Pay Amendment.pdf](#)

82. [New Fee Resolution between the County and State of Florida, Department of Health, Polk County Health Department.](#)

Attachment: [Polk County Health Dept Fee Resolution.pdf](#)

83. [Traviss Career Center, Dental Assisting Program \(Contract No. 10-007-RM\).](#)

Attachment: [TravissCareerCenter_10-007_RM.pdf](#)

84. [Lakeland Volunteers in Medicine, Inc., renewal contract for services \(Contract No. 10-012-RM\).](#)

Attachment: [LVIM 10-012-RM.pdf](#)

85. [Health Council of West Central Florida, Inc., Renewal Contract for Services for MedNet Program \(Contract No. 10-001-RM\).](#)

Attachment: [Health Council of West Central Florida Inc 10-001-RM.pdf](#)

86. [Healthy Start Coalition of Hardee, Highlands and Polk Counties, Inc., Renewal Contract for Services for Teen Pregnancy Prevention Program \(Contract No. 10-011-RM\).](#)

Attachment: [Healthy Start Coalition 10-011-RM .pdf](#)

POLK COUNTY SHERIFF

87. [Approve Recovery Act Edward Byrne Memorial Justice Assistance Grant Program Local Solicitation in the amount of \\$680,200 and sign the Award Document.](#)

Attachment: [PCSO FY09 RECOV ACT ED BYRNE GRANT AUG 2009.pdf](#)