

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

Motion Minutes:

Commissioner Reed requested that Consent Agenda Item No. Q.62, resolution for a Substantial Amendment to the Fiscal Year 2008-09 Consolidated Action Plan to revise the Neighborhood Stabilization Program (NSP) section of the Plan, be moved to the Regular Agenda because it is a substantial change.

County Manager Mike Herr stated Housing and Neighborhood Development (HND) staff is present and can answer any questions the Board might have.

HND Director Greg Alpers explained that a substantial amendment is being recommended to widen the target areas where funds can be used. He said all moneys must be committed in 18 months, and then recaptured funding can be used for rental homes or complexes for affordable housing.

Commissioner Reed stated this answers her questions regarding Consent Agenda Item No. Q.62.

B. PRESENTATIONS and RECOGNITIONS

C. PROCLAMATIONS

3. [Proclaim May 8-16, 2010 as TOURISM WEEK. Neal Duncan, representing Polk County Tourism / Sports Marketing, will accept the proclamation.](#)

Attachment: [Tourism Week.pdf](#)

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

4. [Proclaim May 17-23, 2010 as EMERGENCY MEDICAL SERVICES WEEK. Harvey Craven, Polk County Emergency Medical Services Director, will accept the proclamation.](#)

Attachment: [EMS Week.pdf](#)

Motions:	
Issue Proclamation.	- PASS
Vote Results	
Motion: Jean Reed	
Second: Randy Wilkinson	
Bob English	- Not Present
Sam Johnson	- Aye
Jean Reed	- Aye

Edwin Smith	- Aye
Randy Wilkinson	- Aye

5. [Proclaim May 2010 as OLDER AMERICANS MONTH. Representing Polk County Elderly Services, Virginia Culbert, Program Manager and Laura Williamson, Quality Assurance Registered Nurse, will accept the proclamation.](#)

Attachment: [Older Americans Month.pdf](#)

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

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

6. [Disbursements.](#)

Attachment: [0505.pdf](#)

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

7. [Minutes of Regular Board meeting held on April 21, 2010.](#)

Attachment: [042110 MIN.pdf](#)

Motions:	
Approve minutes.	- PASS
Vote Results	
Motion: Sam Johnson	
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)

8. [Consider \(1\) waiver of public right-of-way setback on a portion of Old Brewster Road for mining related activity pursuant to Sec. 10-112 of the Polk County Phosphate Mining Ordinance \(Ord. 88-19\) and \(2\) issuance of a License Agreement to allow the use of a portion of the public right-of-way on the south side of Old Brewster Road to allow construction of a utility corridor to accommodate pipelines to transport phosphate materials from approved mining areas to the Hookers Prairie Beneficiation Plant. \(No fiscal impact\)](#)

Attachment: [MOSAIC SETBACK WAIVER BACKUP.pdf](#)

Attachment: [Mosaic License Agreement.pdf](#)

Minutes:

County Attorney Michael Craig demonstrated the location of the right-of-way on Old Brewster Road and reviewed the need for this action. He explained the provisions of the License Agreement. He recommended approval of both the waiver and the License Agreement.

Wade Allen, Chief Right-of-Way Agent, discussed the economic benefits.

Mike DeNeve, Permitting Superintendent for Mosaic Fertilizer, LLC, said this right-of-way is on a road which dead ends at the Mosaic property, and the road will not be affected by this action.

Mr. Craig stated while this is not a public hearing, area property owners will be allowed to speak if they choose to do so. No property owners came forward to speak.

Motions:

Approve a waiver of public right-of-way setbacks pursuant to Section 10-112 of Ordinance No. 88-19 to eliminate a public right-of-way setback for mining related activities consisting of construction and operation of a pipeline, ditches and berms adjacent to a portion of Old Brewster Road. Also grant a License to Mosaic Fertilizer, LLC, to allow the use of approximately 17 feet of public right-of-way along Old Brewster Road for the purpose of such construction. Both the waiver of right-of-way setback and the License would terminate after 7 years. - PASS

Vote Results

Motion: Sam Johnson

Second: Edwin Smith

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

9. [Right-of-Way purchase for Kathleen Road Phase II Improvement Project, Parcels 142, 707, 144 and 144B. \(\\$317,500.00 one-time expense\)](#)

05-05-10 Regular BoCC Meeting Minutes

Attachment: [Kathleen Rd Ph II Pcls 142 707 144 144B Fiscal.pdf](#)
Attachment: [Kathleen Rd Ph II Pcls 142 707 144 144B Backup.pdf](#)

Minutes:

Deputy County Attorney Linda McKinley stated this pre-suit settlement is a substantial taking involving two tracts of land owned by the same company. She demonstrated the location of the property and stated staff recommends approval.

The Chairman opened a public hearing; no one spoke.

Motions:

Accept the Right-of-Way Agreement from GG II Investments, L.C., a Florida Limited Liability Company, for Parcels 142, 707, 144 and 144B, and authorize the issuance of a check for \$315,000.00 for its purchase. Also approve hiring American Government Services Corporation to close the acquisition of the parcels, approve paying estimated closing costs of \$2,500.00, and authorize the Chief Right-of-Way Agent to execute the documents on behalf of the Board at closing. - PASS

Vote Results

Motion: Sam Johnson

Second: Jean Reed

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

10. [Right-of-Way Purchase for Kathleen Road Phase II Improvement Project, Parcels 176 and 177. \(\\$260,000.00 one-time expense\)](#)

Attachment: [Kathleen Rd Ph II Pcls 176 177 Fiscal.pdf](#)
Attachment: [Kathleen Rd Ph II Pcls 176 177 Backup.pdf](#)

Minutes:

Deputy County Attorney Linda McKinley reviewed location of the property involved in this agricultural taking. She stated this pre-suit agreement is recommended for approval.

The Chairman opened a public hearing; no one spoke.

Motions:

Accept the Right-of-Way Agreement from Virgil Harold Baker for Parcels 176 and 177 and authorize the issuance of a check for \$260,000.00 for their purchase. - PASS

Vote Results

Motion: Sam Johnson

Second: Edwin Smith

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

Randy Wilkinson - Aye

11. [Request Board to consider opting out of Monroe County class action lawsuit. \(No fiscal impact\)](#)

Minutes:

County Attorney Michael Craig recommended that the Board approve Polk County opting out of the Monroe County class action lawsuit. He explained that approximately one year ago, the Board and the Polk County Tax Collector elected to join in on a lawsuit with several other counties in Florida against online travel companies to recover underpayment of the tourist development tax, also know as the bed tax. He stated the discovery phase of that lawsuit is underway.

Mr. Craig stated recently that Monroe County elected to bring a class action lawsuit with a different law firm, and a judge issued an order granting class status to other counties. He said the Board's two options are to stay in the existing lawsuit, or leave the existing lawsuit and join in the class action lawsuit. He recommended the Board opt out of the Monroe County class action lawsuit and stay with the existing lawsuit. Discussion followed.

Upon question, Mr. Craig stated the County can not participate in both lawsuits, and in his opinion, the original suit will reach an earlier resolution and the County will recoup more money by staying in it.

Motions:

Approve Polk County opting out of the Monroe County class action. - PASS

Vote Results

Motion: Jean Reed

Second: Randy Wilkinson

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

12. [Consider approval of an Agreement for Sale and Purchase between GS Fla Development, LLC and Polk County for the purchase of 49 acres needed to construct and operate a reclaimed water storage pond adjacent to the Northwest Waste Water Treatment Plant. \(\\$1,075,895.00 one-time expense\)](#)

Attachment: [NWWWTP Backup.pdf](#)

Minutes:

Deputy County Attorney Linda McKinley recommended approval of the Agreement and an Addendum for Sale and Purchase. She explained that the Addendum reduces the purchase price to \$1,030,895.00. She stated the Agreement requires a closing by May 19, 2010.

Utilities Director Gary Fries reviewed the scope of the project to construct an 80 million gallon storage pond for reclaimed water. He reported that the pond will help to optimize the reclaimed water system in the northwest area of the County, and the Southwest Florida Water Management District (SWFWMD) will contribute at least 50% of the construction cost of this project. He demonstrated the location of the proposed storage pond noting that the site is adjacent to the County's existing Northwest Waste Water Treatment Plant. He said the storage area will be constructed at ground level and will be bermed.

Mr. Fries said the Planning Commission approved the project and staff recommends approval of the land purchase. He said the Board will consider approval of a Level 4 Conditional Use and Planned Development at a public hearing scheduled to be held this afternoon (see Item P.33).

Upon question, Mr. Fries said SWFWMD will pay for the construction, but not for the land purchase.

Motions:

Approve the Agreement for Sale and Purchase between GS Fla Development, LLC and Polk County and authorize the issuance of a check for the purchase, and authorize the Chief Right-of-Way Agent to execute the documents on behalf of the Board at closing and approve the recordation of documents needed to transfer title. Also approve the Addendum to the Agreement for Sale and Purchase which reduces the cost from \$1,075,895.00 to \$1,030,895.00. - PASS

Vote Results

Motion: Sam Johnson

Second: Edwin Smith

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

13. [Approval of a settlement with Raven Industries, Inc. with regards to the failure of geomembrane stormwater liner at the North Central Landfill.](#)

Attachment: [ProposalLtr.pdf](#)

Attachment: [AcceptanceLtr.pdf](#)

Minutes:

County Attorney Michael Craig reviewed the proposed settlement with Raven Industries, Inc. He explained that Raven Industries will replace the failed liner with a different liner of higher quality material, and the value of the replacement liner is approximately \$160,000.00. He recommended approval of the settlement to resolve the claim.

Upon question, Mr. Craig stated staff feels this is a favorable result. He said County staff will install the new liner.

Upon question, Director of Waste Resource Management Brooks Stayer stated the labor cost to install the new liner will be approximately \$350,000.00. Discussion followed.

Motions:

Approve the settlement and execute a release, in a form acceptable to both parties, to Raven Industries, Inc., in exchange for Raven supplying and delivering 24.80 acres of R20WWK Dura-Skrim geomembrane liner, valued at approximately \$160,000, to the County's North Central Landfill. - PASS

Vote Results

Motion: Edwin Smith

Second: Sam Johnson

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

H. COUNTY MANAGER (MICHAEL HERR)

14. [Report Best Value Procurement \(BVP\) Award to CenState Contractors, Inc., by Purchasing Director for BVP No. 10-012-MAR, Holly Hill WPF and Reclaim Storage & Re-Pump Facility \(\\$6,363,257.70 one-time expense\).](#)

Attachment: [BVP 10 012 Score sheet.pdf](#)

Minutes:

County Manager Mike Herr reviewed the bid process, the protests filed, and the reasons staff is now recommending award of the contract to CenState Contractors, Inc. for Bid No. 10-012-MAR.

Chairman English stated he will file a Memorandum of Voting Conflict and will abstain from voting due to a conflict of interest. He relinquished the Chair to Vice Chairman Smith.

Utilities Director Gary Fries demonstrated the location of this water treatment facility and reclaimed water storage and re-pump facility. He discussed the partnership between the County and the Southwest Florida Water Management District (SWFWMD), noting that SWFWMD will pay at least 50% of the project cost for the reclaimed water storage portion. He outlined the scope of the project.

Mr. Fries reviewed the selection process under the Best Value Procurement (BVP) as authorized by the Board in February 2009. He explained the pre-award phase of this BVP, and recommended that the Board award the contract to CenState Contractors, Inc.

Upon question, Mr. Fries stated WPC submitted the lowest bid between WPC Industrial Contractors, LLC and CenState Contractors, Inc.

Upon question, County Attorney Michael Craig stated there is pending litigation, and Mr. Worthy of WPC will be allowed to speak. He stated the Board's two options are 1.) to award the bid to CenState or 2.) reject all the bids and start over. He emphasized that the second option may not eliminate all litigation. Discussion followed.

David Worthy, WPC, said the BVP process is murky. He discussed the lawsuit filed by WPC which, he said, stems from the rejection of the award to WPC in favor of CenState. He outlined the four points of the lawsuits noting that it is still in place.

Mr. Craig reminded the Board that this is not a court.

Mr. Worthy stated the County did not follow its own BVP process or the Purchasing Manual. He said public interest will be served if WPC is awarded the bid. He requested that the Board reject the award to CenState and award the bid to WPC, or throw out all the bids and start over.

Mr. Craig reiterated that the Board's two options are to award the bid to CenState or reject all bids and start over.

Upon question, Director of Purchasing Audry Reeves said the time needed to reissue the bid is two months.

Motions:

Reject all bids and re-bid the project. - PASS

Vote Results

Motion: Sam Johnson

Second: Randy Wilkinson

Bob English - Abstain

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

Motion Minutes:

Outside Counsel Hank Campbell asked if the motion on the floor to reject all bids and re-bid the project is one of the options for WPC to drop its lawsuit.

Mr. Worthy said he would have to speak with his client, but this may be acceptable.

Mr. Fries discussed the SWFWMD grant funds which he said might go away if the project is further delayed, and County Manager Mike Herr said if the Board wishes to rebid, conversations will occur with SWFWMD, but he cannot guarantee that the grant funds will remain.

Mr. Herr asked the Board if a sealed bid procurement should be used over the BVP process.

Director of Purchasing Audry Reeves stated BVP is preferred by staff.

Following discussion, Board Consensus was to use the BVP process.

Ms. Reeves, said the Best Value Process is preferred by staff.

Following discussion Best Value Process was Board's consensus.

15. [SET HEARING to consider Florida Department of Transportation applications to close Browning Road and Gay Road to through traffic. \(Suggested hearing date: Wednesday, June 16, 2010, at 1:30 p.m.\) \(No fiscal impact\)](#)

Attachment: [Location Map for Browning Road and Gay Road.pdf](#)

Minutes:

Steve Logan, Transportation Engineering Division, demonstrated the location of Browning Road and Gay Road noting both are in the west Lakeland area. He reported the traffic volumes of the two roads. He discussed how traffic would be rerouted if the two roads were closed.

Jan Bordelon, Florida Department of Transportation Central Rail Office, distributed a pamphlet which explains the criteria and procedures for grade crossing openings and closings. She asked the Board to set a public hearing to consider the closure of these two County roads.

Chairman English stated if a public hearing is set, additional information can be presented.

Katie Chimelewski, CSX, said these two crossings have been flagged for closure, and a public hearing will allow information to be obtained from citizens. Upon question, she discussed the CSX Closure Incentive Program.

Ms. Chimelewski stated CSX's "Three-for-One" policy, which states that when a new crossing is established, three existing crossings will be closed, is a guideline rather than a rule. She said this policy has been found to be unrealistic in certain instances. Discussion followed.

Bob Hamm, Wilbur Smith and Associates, discussed the methodology used in the traffic study conducted on the two roads. He said the traffic study found that the closing of the two crossings will not have an adverse impact on traffic operations.

Motions:

Set a public hearing for June 16, 2010, at 1:30 p.m. to consider FDOT applications to close Browning Road and Gay Road to through traffic. - PASS

Vote Results

Motion: Jean Reed

Second: Sam Johnson

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

16. [Amend Polk County Bonus Incentive for Ferguson Corporation by requesting an early payment of \\$59,000 to match the City of Frostproof's payment and requesting an incentive extension. \(\\$59,000.00 one-time expense\)](#)

Attachment: [FergusonLetter.pdf](#)

Minutes:

Commissioner Smith stated he will file a Memorandum of Voting Conflict and will abstain from voting due to a conflict of interest.

County Manager Mike Herr outlined the amendment and recommended approval.

Motions:

Approve the release of an early payment of \$59,000 and approve applying for a three year extension to the remainder of the Polk County Bonus Incentive (PCBI) payment. - PASS

Vote Results

Motion: Sam Johnson

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Abstain

Randy Wilkinson - Aye

17. Adopt Resolution for the Appropriation of \$15,000 as Local Participation in Support of Sky King, Inc. Qualified Target Industry (QTI) Tax Refund. (\$3,000.00 recurring expense for 5 years, totaling \$15,000.00)

Attachment: [Sky King Letter Preserving Inducement.pdf](#)

Attachment: [SkyKing_Resolution.pdf](#)

Minutes: County Manager Mike Herr reviewed the proposed Resolution and recommended adoption.

Motions:

Adopt Resolution No. 10-069 approving \$15,000 as local participation in support of Sky King Inc.'s Qualified Target Industry Tax Refund. - PASS

Vote Results

Motion: Sam Johnson

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

18. Change Order No. 1 to Contract No. 09-056 with Denson Construction, Inc. (Contractor) for the Helena Road Bridge Replacement Project. (\$151,955.92 one-time expense)

Attachment: [Helena Rd Bridge After.pdf](#)

Attachment: [Helena Rd Bridge Before.pdf](#)

Attachment: [Helena Rd Bridge Rplcmt Map.pdf](#)

Attachment: [CO1 Contr09056 Helena Rd Bridge Rplcmt Backup.pdf](#)

Minutes: Director of Transportation Engineering Wendy Alspaugh reviewed the proposed Change Order and recommended approval.

Motions:

Approve Change Order No. 1 to Contract No. 09-056 with the contractor, Denson Construction, Inc., to include Pay Item No. 999-1, Incentive Bonus, increase the contract time by 4 calendar days resulting in a new contract time of 153 calendar days, and increase the contract amount by \$151,955.92, resulting in a new total contract sum of \$2,156,304.54 for the Helena Road Bridge Replacement Project. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

19. [Memorandum of Understanding between the City of Lake Wales, Florida and Polk County, Florida for the City of Lake Wales to pay 25% of all costs up to \\$250,000.00 associated with the feasibility study, design, permitting, and construction of the Lake Belle Stormwater Pumping Station in Lake Wales. \(Estimated \\$250,000.00 one-time Revenue\)](#)

Attachment: [City of Lake Wales MOU.pdf](#)

Minutes: Director of Natural Resources and Parks Jeff Spence gave background information on past flooding and the restoration plan for Lake Belle. He reviewed the provisions of the Memorandum of Understanding with the City of Lake Wales and recommended approval.

Motions:

Approve Memorandum of Understanding between the City of Lake Wales and Polk County for the City of Lake Wales to pay 25% of all costs up to \$250,000.00 associated with the feasibility study, design, permitting, and construction of the Lake Belle Stormwater Pumping Station in Lake Wales. - PASS

Vote Results

Motion: Sam Johnson

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

I. REQUEST FROM THE GENERAL PUBLIC/AUDIENCE

20. [Thomas Anhalt, to request CPA fee waiver.](#)

Attachment: [Thomas Anhalt CPA Fee Waiver Request.pdf](#)

Minutes:

Mr. Anhalt, Davenport property owner, said the business on his property has been in existence since 1916, and now he is being told this property is zoned residential. He requested the Board waive of the fees to apply for a land use change to Commercial.

Director of Growth Management Tom Deardorff stated staff supports this land use change due to a mapping error, and will

recommend a waiver of the fees in this case.

Motions:

Waive Comprehensive Plan Amendment application fees for a land use change to Commercial on property owned by Thomas Anhalt. - PASS

Vote Results

Motion: Sam Johnson

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

71. [Comments](#)

Minutes:

Janet Prevatt, Bartow resident, stated she is a job seeker. She discussed the limited transportation access in rural areas of Polk County. She said job seekers in Polk County and Florida have been victimized by the State Employment Agencies, specifically Workforce 2020 and the Tampa Workforce Alliance. She said she understands that Workforce 2020 has mishandled funds in Polk County to furnish its offices. She requested that the Board and citizens endorse that pending legislation is passed in Tallahassee preventing the misappropriation of these funds. Discussion followed.

Upon question about misappropriation of funds, County Attorney Michael Craig stated Polk Works would be first required to try to come up with these funds. He said, as he recalls, Polk Works has been accumulating unencumbered funds through the years. He stated he will investigate this further and report back to the Board. Further discussion followed.

J. COMMISSIONER DISTRICT 1 (BOB ENGLISH, CHAIR)

21. [Resolution in support of USF Polytechnic and Polk State College funding.](#)

Attachment: [Resolution Supporting USFP AND PSC.pdf](#)

Minutes: County Attorney Michael Craig read the proposed Resolution and recommended approval.

Motions:

Adopt Resolution No. 10-070 in support of full funding for USF Polytechnic and Polk State College. - PASS

Vote Results

Motion: Sam Johnson

Second: Jean Reed

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

Motion Minutes:

David Steele, University of South Florida Polytechnic, thanked the Board for supporting full funding for both of these institutions of higher learning. He said this Resolution supports the transparency of the budget funding.

22. [Comments.](#)

Minutes: Chairman English encouraged citizens to attend Mayfaire by the Lake in Lakeland this weekend.

K. COMMISSIONER DISTRICT 2 (RANDY WILKINSON)

23. [Comments.](#)

Minutes:

Commissioner Wilkinson stated the national health care plan may negate the need for Polk County's half-penny tax for indigent health care. He asked if the Board would consider putting language on the ballot asking voters if they favor retaining the half-penny tax for indigent health care.

The consensus of the Board was not to take action on this issue at this time.

Commissioner Wilkinson wished everyone a happy Cinco de Mayo which is a celebration of Mexico's liberty and freedom.

Commissioner Wilkinson said the second trial is going on in Polk County in which an innocent person may be in prison. He said this is a testimony that the justice system can work. He quoted Adam Smith as saying, "All that is required for a nation to progress from the lowest levels to the highest degree of opulence is peace, easy taxes and an adequate system of justice."

L. COMMISSIONER DISTRICT 3 (EDWIN V. SMITH)

24. [Comments.](#)

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

M. COMMISSIONER DISTRICT 4 (JEAN REED)

25. [Appoint Walter J. O'Rourke as a member of the Board of Adjustment for the remainder of the three-year term, 09/01/07 - 08/31/10.](#)

Attachment: [WalterjOrouke.pdf](#)

Motions:

Appoint Walter J. O'Rourke as a member of the Board of Adjustment for the remainder of the three-year term, beginning September 1, 2007, and ending August 31, 2010. - PASS

Vote Results

Motion: Jean Reed

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Aye

Motion Minutes:

70. [Comments](#)

Minutes:

Commissioner Reed wished everyone a happy Cinco de Mayo. She reminded citizens of the activities at Mayfaire in Lakeland. She congratulated recent graduates.

N. COMMISSIONER DISTRICT 5 (SAM JOHNSON)

26. [Comments](#)

Minutes: Commissioner Johnson urged everyone not to forget Mother's Day on Sunday, May 9, 2010.

O. LAY BOARD APPOINTMENTS

27. [Appoint Peter Karashay to serve on the Transportation Planning Organization's Citizen's Advisory Committee as an At-Large member for a three-year term expiring June 30, 2013.](#)

Attachment: [Karashay Application.pdf](#)

Motions:

Appoint Peter Karashay to serve as an At-Large member on the Transportation Planning Organization's Citizen's Advisory Committee for an initial term of 3 years expiring June 30, 2013. - 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. [Term Extension for Members of the Housing and Neighborhood Development \(HND\) Division's Affordable Housing Advisory Committee \(AHAC\). \(No fiscal impact\)](#)

Motions:

Approve the extension of HND's AHAC members to December 31, 2011. - PASS

Vote Results

Motion: Sam Johnson

Second: Edwin Smith

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

Motion Minutes:

Commissioner Reed stated she would prefer that the appointments be extended to December 31, 2010. She asked the reason for the extension to December 31, 2011.

Director of Housing and Neighborhood Development Greg Alpers explained that this lay group makes recommendations based on available SHIP funding and there will be no funding through September 2011; therefore staff is recommending the extension through December 31, 2011.

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

P. PUBLIC HEARINGS

29. [Amendment to Joint Planning and Interlocal Service Boundary Agreement between Haines City and Polk County \(No Fiscal Impact\)](#)

- Attachment: [DRAFT JPA AMENDMENT.pdf](#)
- Attachment: [Haines City Adopted JPA.pdf](#)
- Attachment: [HAINES CITY LETTER 3 1 10.pdf](#)

Minutes:

County Attorney Michael Craig explained the procedure that will be followed during the public hearings. He swore in all those who plan to give testimony today.

Director of Growth Management Tom Deardorff reviewed the proposed amendment to the Joint Planning and Interlocal Service Boundary Agreement between Haines City and Polk County noting that this was originally entered into by the two governmental entities in January 2009. He showed the boundaries within the current Agreement and identified those parcels which opted out of the original Agreement. He highlighted language changes in Section 3, Joint Planning Area; and Section 4, Long-Range Planning Vision.

Mr. Deardorff said if a land owner wants to pursue a Comprehensive Plan Amendment for a higher density or intensity of land use on his property, his best chance in getting a favorable ruling by the Department of Community Affairs (DCA), would be in using the CityView Selected Area Plan (SAP) as a supporting document; however, this is a document adopted by Haines City rather than the County. Therefore staff recommends adding a sentence in Section 4 which reads, "The parties agree to establish a process for the periodic, coordinated update of the CityView SAP abased on changing land use trends and conditions." He recommended Board approval of the Amendment with this additional text. Discussion followed.

Tom Cloud, Attorney for Haines City, stated he agrees with the change proposed by staff. He emphasized that all property owners who want to opt out of the Agreement, can do so. He assured the Board that the boundaries are not changing. He said DCA challenged the initial Joint Planning and Interlocal Service Boundary Agreement, and the proposed changes to this Amendment are the minimum needed to satisfy the dispute with DCA. He asked for a favorable opinion by the Board.

The Chairman opened a public hearing.

Larry Cahoon, Dundee resident, said at the original hearing in January 2009, several commercial parcels were omitted from the Agreement and he wants to ensure they would still be omitted.

Mr. Cloud stated these commercial parcels are still omitted in the Amendment.

Garret Kenny, Davenport citizen, stated he is a land owner and developer in Haines City, and he approves with the original Joint Plan and also this Amendment to it.

Robert Congdon voiced some concerns about how this Amendment would affect the rights of the property owners.

Dan McIntee spoke in favor of the Amendment. He said this is a good plan.

Dennis Whitaker asked if his property is affected by this Amendment, and Mr. Craig stated his property is not in the Joint

Planning Agreement.

The Chairman closed the public hearing.

Motions:

Authorize execution of the Amendment to the Joint Planning and Interlocal Service Boundary Agreement between Haines City and Polk County including the addition of the statement recommended by County staff today. -

Vote Results

Motion: Jean Reed

Second:

Motion Minutes: The motion died for lack of a second.

Motions:

Authorize execution of the Amendment to the Joint Planning and Interlocal Service Boundary Agreement between Haines City and Polk County including the addition of the statement recommended by County staff today. - FAIL

Vote Results

Motion: Jean Reed

Second: Bob English

Bob English - Aye

Sam Johnson - Nay

Jean Reed - Aye

Edwin Smith - Nay

Randy Wilkinson - Not Present

Motion Minutes:

Paul Senft, Central Florida Development Council, stated this Amendment anticipates future changes, and it can be changed at any time in the future. He said this recognizes the wishes of the citizens.

City Manager Ann Tony Deel advocated adoption of the Amendment. She said the CityView SAP was very comprehensive and this Amendment increases it.

Chairman English relinquished the Chair in order to second Commissioner Reed's motion.

Motions:

Continue this item to May 19, 2010, at 1:30 p.m. - PASS

Vote Results

Motion: Jean Reed

Second: Bob English

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith	- Aye
Randy Wilkinson	- Not Present

30. [Consider adoption of an Ordinance levying one-half percent discretionary Transportation System sales surtax.](#)

Attachment: [TranspSalesSurtaxNotice.pdf](#)
Attachment: [Transportation System Surtax.pdf](#)

Minutes:

Danny Ours, Interim Executive Director of Polk Transit Authority, spoke in favor of the proposed Ordinance.

Rebecca Lang, Lighthouse for the Blind, stated part of her duties include teaching clients how to use the bus. She spoke in favor of a dedicated funding source for public transit in Polk County.

Jeff Kinkart, Vice President, American Compliance, stated his facility has no bus service, and this is inconvenient for his employees who need public transportation. He urged adoption of the proposed Ordinance.

Sheri McInvale, Polk Transit Authority, stated a campaign is underway to educate the public about Polk Transit. She said five resolutions of support have been received by organizations and governmental agencies throughout Polk County.

Chairman English stated adoption of this proposed Ordinance is the first step for getting the item on the ballot for the electorate to decide if a half-percent discretionary Transportation System sales surtax should be levied.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance regarding the levying of a one-half percent discretionary Transportation System sales surtax if approved by the electorate on November 2, 2010. - PASS

Vote Results

Motion: Edwin Smith

Second: Sam Johnson

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Not Present

31. [LDC 10T-06 \(Directional Signs\) to consider the Adoption of an ordinance amending the Land Development Code. \(No fiscal impact\)](#)

Attachment: [LDC 10T 06 Staff Report.pdf](#)
Attachment: [LDC 10T 06 Ordinance.pdf](#)

Minutes:

John Bohde, Land Development, stated this is the first of two hearings to consider adoption of changes to the Land Development Code regarding directional signs. He said this is an applicant initiated request. He discussed the current language in the LDC regarding directional signs, as well as the proposed revisions. He said if adopted, this amendment would move the County in the right direction to get sign regulations content neutral. Discussion followed.

The Chairman opened a public hearing.

Jason Hughes, Lakeland citizen, stated he works for Icon Identity and he supports the proposed Ordinance.

The Chairman closed the public hearing.

32. [CU 10-06 and PD-04-02M \(Pollard Road Water Treatment Plant\). \(No fiscal impact\)](#)

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Attachment: [CU 10 06 and PD 04 02M staff report.pdf](#)

Minutes:

Brigitte D'Orval, Land Development, reviewed the location and site plan of the subject site. She said Polk County Utilities is requesting to remove 2.17 acres from Planned Development (PD) 04-02M and construct a new 5.6 million gallon per day water treatment facility and establish it as the new Conditional Use (CU) 10-06. She stated Land Development Division recommends approval of CU 10-06 and PD-04-02M, and the Planning Commission also recommends approval.

Upon question, Utilities Director Gary Fries explained that a portion of the subject site was excluded because the development to the east will use it as a cul-de-sac and turn-around area. He said this reduces the County's cost of the property.

The Chairman opened a public hearing; no one spoke.

Motions:

Approve Conditional Use (CU) 10-06 and Planned Development (PD) 04-02M. - PASS

Vote Results

Motion: Sam Johnson

Second: Edwin Smith

Bob English - Aye

Sam Johnson - Aye

Jean Reed - Aye

Edwin Smith - Aye

Randy Wilkinson - Not Present

33. [CU 94-42M and PD-06-06 \(Northwest Regional Wastewater Treatment Plant\). \(No fiscal impact\)](#)

Attachment: [CU 94 42M NWRwwtp.pdf](#)

Minutes:

Erik Peterson, Land Development, stated the Northwest Regional Wastewater Treatment Plant is seeking approval of an expansion of the facility to add a reservoir for reclaimed water. He reviewed the location of the subject site. He said this action will remove the Planned Development because the reservoir and houses can not go in the same place.

Mr. Peterson compared the original site plan to the recommended addition noting that access will be through the existing plant. He stated staff and the Planning Commission recommend approval.

Director of Utilities Gary Fries stated this is the same parcel that the Board recommended for purchase during the morning session today (See G.12). He said this action changes the land use code on the property.

The Chairman opened a public hearing.

Jim Cheatwood, Lakeland resident, stated he has 10 acres on the northwest side of this site. He asked if this would affect his property, and Mr. Peterson stated it would not affect his property.

The Chairman closed the hearing.

Motions:

Approve Conditional Use (CU) 94-42M and PD-06-06. - PASS

Vote Results

Motion: Sam Johnson

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

34. [Ordinance adopting CPA 09DRI-02 to change the Future Land Use and policies under Objective 2.131-A within the I-4 NE/Parkway Selected Area Plan \(SAP\) to implement the changes to the Polk Commerce Centre Development of Regional Impact \(DRI\). \(Request to continue to May 19, 2010, at 1:30 p.m.\)](#)

- Attachment: [CPA 09DRI 02 Ordinance Part 1 Text.pdf](#)
- Attachment: [CPA 09DRI 02 Staff Report.pdf](#)
- Attachment: [CPA 09DRI 02 Ordinance Part 2 Map.pdf](#)

Minutes:

Chanda Bennett, Long Range Planning, stated staff is requesting a continuance of Comprehensive Plan Amendment (CPA) 09DRI-02 to May 19, 2010, at 1:30 p.m. to allow staff to address issues regarding density.

The Chairman opened a public hearing; no one spoke.

Motions:	
Continue the public hearing for Comprehensive Plan Amendment (CPA) 09 DRI-02 to May 19, 2010, at 1:30 p.m.	- PASS
Vote Results	
Motion: Jean Reed	
Second: Sam Johnson	
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

35. [Removal of equipment from inventory as listed on Blanket Removal Form 1858.](#)

Attachment: [Blanket Removal Form 1858.pdf](#)

36. [Accept list of Lands Available from Tax Deed Sale.](#)

Attachment: [Lands Available 041510.pdf](#)

37. [Accept Annual Financial Audit Report for Southwest Florida Water Management District.](#)

COUNTY ATTORNEY

38. [Authorize the reduction of the minimum bid amount previously established by the Board for the Public Sale of County-owned mobile home. \(\\$100.00 minimum, one-time revenue\)](#)

Attachment: [Surplus MH 750 Eloise Lp Rd Backup.pdf](#)

39. [Right-of-Way purchase for Berkley Road Phase IV and County Road 559-A Improvement Project, Parcel 803 \(\\$16,518.00 one time expense\).](#)

Attachment: [Berkley Rd Ph 4 Pcl 803 Backup.pdf](#)
Attachment: [Berkley Rd Ph 4 Pcl 803 Fiscal.pdf](#)

40. [Right-of-Way purchase for the North Ridge Trail Project, Parcel 115 \(\\$85,000 one-time expense\).](#)

Attachment: [NRT Pcl 115 Fiscal Impact.pdf](#)
Attachment: [NRT Pcl 115 Backup.pdf](#)

INFRASTRUCTURE MANAGEMENT

41. [Adopt Resolution Setting Speed Limit on Long Street. \(No fiscal impact\)](#)

Attachment: [Long Street Speed Study.pdf](#)
Attachment: [Speed Limit Approved Review by William Beasley.pdf](#)
Attachment: [Long Street Maps.pdf](#)
Attachment: [Speed Limit Approved Legal Review.pdf](#)
Attachment: [Speed Limit Resolution Long Street.pdf](#)

42. [Adopt Resolutions Setting Speed Limits on Kearns Road, Park Ridge Avenue, and Ogden Drive. \(\\$219.28 one-time expense\)](#)

Attachment: [Speed Limits Approved Review by William Beasley.pdf](#)
Attachment: [Speed Limits Approved Legal Review.pdf](#)
Attachment: [Kearns Road Speed Study.pdf](#)
Attachment: [Speed Limits Resolution Ogden Drive.pdf](#)
Attachment: [Park Ridge Avenue Maps.pdf](#)
Attachment: [Speed Limits Resolution Kearns Road.pdf](#)
Attachment: [Ogden Drive Speed Study.pdf](#)
Attachment: [Park Ridge Avenue Speed Study.pdf](#)
Attachment: [SpeedlimitsFiscal Impact Kearns Rd Pk Ridge Ave Ogden Dr.pdf](#)
Attachment: [SpeedlimitsFiscal Impact Kearns Rd Pk Ridge Ave Ogden Dr.pdf](#)
Attachment: [Kearns Road Maps.pdf](#)
Attachment: [Speed Limits Resolution Park Ridge Avenue.pdf](#)
Attachment: [Ogden Drive Maps.pdf](#)

43. [Modification No. 2 to CSA No. 06-234-03 with HDR Engineering, Inc. \(Consultant\) for the Adell Road Bridge Replacement Project. \(\\$20,000.00 one-time expense\)](#)

Attachment: [Adell Rd Bridge Mod 2 CSA 0623403 Backup.pdf](#)

44. [Modification No. 1 to CSA No. 06-131-02 with Infrastructure Engineers, Inc. \(Consultant\) for the East Lake Parker Road Bridge Replacement Project. \(\\$30,745.02 one-time expense\)](#)

Attachment: [M1 CSA0613102 East Lk Parker Bridge Backup.pdf](#)
Attachment: [ELkParkerDr Bridge Map.pdf](#)

45. [Acceptance of the Simmers Young Park Phase 1 and 2 potable water system improvements up to and including the backflow preventer. \(No fiscal impact\)](#)

Attachment: [Simmers Young Park Backup.pdf](#)

46. [Approval of a Purchase Agreement with and acceptance of an easement from Walter and Melinda B. Kovalev. \(Not to exceed \\$3,000.00\)](#)

Attachment: [Easement and Purchase Agreement Approvals.pdf](#)
Attachment: [Purchase Agreement.pdf](#)
Attachment: [Easement Agreement.pdf](#)

47. [Acceptance of easement from Diane S. Miller for pending improvements in the Skyview Utilities service area. \(One-time recording fees expense\)](#)

Attachment: [Skyview Easement Approvals.pdf](#)
Attachment: [Skyview Utilities Easement.pdf](#)

GROWTH MANAGEMENT

48. [SET HEARING to consider a Right-of-Way Setback Variance for Old Brewster Road \(East\) to allow mining activities for the Hookers Prairie Phosphate Mine. \(Suggested hearing date: May 19, 2010, at 1:30 p.m.\) \(No fiscal impact\)](#)

HUMAN SERVICES

49. [Amendment 001, Emergency Home Energy Assistance Program \(EHEAP\), EH-10/11-POLK. \(No fiscal impact\)](#)

Attachment: [Request for legal EHEAP Amend 001 1011.pdf](#)
Attachment: [EHEAP Amend 001 1011.pdf](#)

50. [Subcontract Program Amendment between the Board and The Ounce of Prevention Fund of Florida and Healthy Families Florida to comply with new ADA requirements supporting the deaf and hard of hearing. \(No fiscal impact\)](#)

Attachment: [Deaf and Hard of Hearing Amendment.pdf](#)
Attachment: [Legal Services Request.pdf](#)
Attachment: [Exhibit K Deaf Single Point of Contact Info.pdf](#)
Attachment: [Exhibit L DEAF ATTESTATION of SECTION 504 and ADA TRAINING.pdf](#)

51. [Accept the Veterans Stand Down Event Grant for \\$7,000.00 to be held on Armed Forces Day, May 15, 2010. Approve Transfer of \\$7,000.00 from the Special Revenue Reserve Fund for Contingency. \(\\$7,000.00 one-time revenue\)](#)

Attachment: [Veterans Stand Down Event.pdf](#)
Attachment: [Stand down event grant awarded.pdf](#)
Attachment: [Budget Journal 050510.pdf](#)

52. [Amendment 002, Community Care for the Elderly, CCE-09/10-POLK. \(No fiscal impact\)](#)

Attachment: [Request for Legal CCE Amend 002 0910.pdf](#)
Attachment: [CCE Amend 002 0910.pdf](#)

53. [Amend 002, ARRA-09/10 \(American Recovery and Reinvestment Act of 2009\) Older Americans Act Title III C1 and C2 Nutrition Services. \(No fiscal impact\)](#)

Attachment: [Request for Legal ARRA Amend 002 0910.pdf](#)
Attachment: [ARRA Amend 002 0910.pdf](#)

54. [Community Development Block Grant \(CDBG\) Program Satisfaction of Rehabilitation Lien Agreements for the Families Listed. \(No fiscal impact\)](#)

Attachment: [CDBG Rehab Sat 050510.pdf](#)
Attachment: [CDBG Sat Checklist 050510.pdf](#)

55. [HOME Investment Partnership Program Down Payment Assistance Program Satisfaction of Mortgage and Security Agreement for Clayton L. Perry, II and Melissa L. Perry. \(No fiscal impact\)](#)

Attachment: [Perry Clayton Checklist 050510.pdf](#)
Attachment: [Perry Clayton HOME DPA 050510.pdf](#)

56. [Community Development Block Grant \(CDBG\) Program Satisfaction of Rehabilitation Lien Agreement, Mortgage and Mortgage Note for Emma L. Malcolm. \(No fiscal impact\)](#)

Attachment: [Malcolm Emma CDBG Rehab 050510.pdf](#)
Attachment: [Malcolm Emma Checklist 050510.pdf](#)

57. [State Housing Initiatives Partnership \(SHIP\) Program Down Payment Assistance Program Satisfactions of Mortgage and Security Agreements for the Families Listed. \(No fiscal impact\)](#)

Attachment: [SHIP DPA 050510.pdf](#)
Attachment: [SHIP DPA Checklist 050510.pdf](#)

58. [HOME Investment Partnership \(HOME\) Satisfaction of Rehabilitation/Replacement Lien Agreement for Laura Mae Adams. \(No fiscal impact\)](#)

Attachment: [Adams Laura Rehab 050510.pdf](#)
Attachment: [Adams Laura Mae Checklist 050510.pdf](#)

59. [Tenant-Based Rental Assistance \(TBRA\) Payments Contract for Asa Blocker. \(\\$8,868.00 annual expense\)](#)

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Attachment: [TBRA Checklist.pdf](#)
Attachment: [TBRA Contract.pdf](#)

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

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

61. [HOME Investment Partnership Program Rehabilitation/Replacement Agreements for William Smith, Jr., James Smith and Mildred Cornelius. \(\\$90,960.00 fiscal impact/no match\)](#)

Attachment: [Smith Smith Cornelius 050510 Checklist.pdf](#)
Attachment: [Smith Smith and Cornelius Reh 050510.pdf](#)

62. [Resolution for a Substantial Amendment to the Fiscal Year 2008-09 Consolidated Action Plan to revise the Neighborhood Stabilization Program \(NSP\) section of the Plan. \(No Fiscal Impact\)](#)

Attachment: [NSP Amendment No 2 Checklist.pdf](#)
Attachment: [Action Plan Substantial Change Resolution.pdf](#)

PUBLIC SAFETY

63. [Resolution naming an unnamed roadway, Garrett Estate Lane. \(\\$125.00 one-time expense\)](#)

Attachment: [Garrett Estate Map.pdf](#)
Attachment: [Garrett Estate Resolution.pdf](#)

SUPPORT SERVICES

64. [Professional Services Agreement and Master Consulting Agreement with CivilSurv Design Group, Inc. \(\\$58,866.28 one-time expense\)](#)

Attachment: [CivilSurv contract with Transportation.pdf](#)
Attachment: [CivilSurv continuing contract with Transportation.pdf](#)

65. [Master Consulting Agreement with CivilSurv Design Group, Inc., for professional services related drainage and watershed projects. \(no additional fiscal impact\)](#)

Attachment: [CivilSurv contract with Natural Resources.pdf](#)

66. [Addendum No. 2 to Contract 08-04, Purchasing Card Services with FIA Card Services, N.A., a Bank of America company. \(\\$283,500.00 recurring revenue approximately\)](#)

Attachment: [Pcard contract.pdf](#)

67. [Professional Services Agreement with CivilSurv Design Group, Inc., for engineering services related water, wastewater and reuse water projects. \(no additional fiscal impact\)](#)

Attachment: [CivilSurv contract with Utilities.pdf](#)

68. [Amendment to Master Consulting Agreements No. 02-102 with Kimley-Horn and Associates for the purpose of providing general water and wastewater reuse engineering services for Polk County Utilities. \(No fiscal impact\)](#)

Attachment: [02 102 8.pdf](#)

POLK COUNTY SHERIFF

69. [Approve appropriation and expense of funds from the Law Enforcement Trust Fund to support the Crime Stoppers program. \(\\$15,000.00 recurring expense\)](#)

Attachment: [Law Enforcement Trust Request.pdf](#)

The Chairman adjourned the meeting at 3:40 p.m.