



Board of County Commissioners Meeting Agenda

01/10/2012 BoCC Meeting Minutes

January 10, 2012 Regular BoCC meeting

PRESENT: Sam Johnson District No. 5, Chairman
Melony M. Bell District No. 2, Vice Chairperson
Bob English District No. 1
Edwin V. Smith District No. 3
R. Todd Dantzler District No. 4

ALSO PRESENT: Jim Freeman County Manager
Michael Craig County Attorney
Richard Weiss County Comptroller

The Board convened pursuant to adjournment taken on December 20, 2011.

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

INVOCATION

1. [Dr. Stephen Negley - First Presbyterian Church of Winter Haven](#)

PLEDGE OF ALLEGIANCE (SAM JOHNSON, CHAIR)

A. APPROVE CONSENT AGENDA

2. [Approve Consent Agenda.](#)

Motions:

Approve Consent Agenda. - PASS

Vote Results

Motion: Melony Bell

Second: Todd Dantzler

Melony Bell - Aye

Todd Dantzler - Aye

Bob English - Aye

Sam Johnson - Aye

Edwin Smith - Aye

B. PRESENTATIONS and RECOGNITIONS

C. PROCLAMATIONS

3. [Proclaim the Sheriff's Operation Center Courtyard as the "BEA REID MEMORIAL COURTYARD."](#) Sheriff Grady Judd will accept the [proclamation.](#)

Attachment: [Bea Reid Memorial Courtyard.pdf](#)

Motions:
Issue Proclamation. - PASS

Vote Results
Motion: Sam Johnson
Second: Melony Bell
Bob English - Aye
Melony Bell - Aye
Todd Dantzler - Aye
Sam Johnson - Aye
Edwin Smith - Aye

4. [Proclaim February 25, 2012 as CHILDREN'S DAY IN POLK COUNTY.](#) Gilbert Rincon and Kris Giordano representing the Early Learning Coalition of Polk County, will accept the [proclamation.](#)

Attachment: [Children's Day.pdf](#)

Motions:
Issue Proclamation. - PASS

Vote Results
Motion: Edwin Smith
Second: Melony Bell
Edwin Smith - Aye
Sam Johnson - Aye
Melony Bell - Aye
Todd Dantzler - Aye
Bob English - Aye

5. [Proclaim March 2, 2012 as FLORIDA CITRUS HALL OF FAME DAY.](#) John Jackson, President of the Florida Citrus Hall of Fame, will accept the [proclamation.](#)

Attachment: [Florida Citrus Hall of Fame.pdf](#)

Motions:
Issue Proclamation. - PASS

Vote Results
Motion: Todd Dantzler
Second: Melony Bell

Sam Johnson	- Aye
Edwin Smith	- Aye
Bob English	- Aye
Melony Bell	- Aye
Todd Dantzler	- Aye

D. COUNTY COMPTROLLER (RICHARD WEISS)

6. [Disbursements.](#)

Attachment: [011012 Disbursements.pdf](#)

Motions:	
Approve and ratify disbursements.	- PASS
Vote Results	
Motion: Melony Bell	
Second: Edwin Smith	
Melony Bell	- Aye
Todd Dantzler	- Aye
Bob English	- Aye
Sam Johnson	- Aye
Edwin Smith	- Aye

7. [Minutes of Regular Board meeting held on December 20, 2011.](#)

Attachment: [122011 MIN.pdf](#)

Motions:	
Approve minutes.	- PASS
Vote Results	
Motion: Edwin Smith	
Second: Todd Dantzler	
Melony Bell	- Aye
Todd Dantzler	- Aye
Bob English	- Aye
Sam Johnson	- Aye
Edwin Smith	- Aye

E. REQUEST FROM ELECTED OFFICIAL and OTHER GOVERNMENTAL AGENCY

LAKE REGION LAKES MANAGEMENT DISTRICT

8. [Resolution supporting the transfer of ownership, operation and maintenance of the four water control structures and their associated canals located on the north chain of lakes in Polk County.](#)

Attachment: [ResolutionLRLMD.pdf](#)
Attachment: [SWFWMD letter.pdf](#)

Minutes:

Roger Griffiths, Lakes Management District, stated he is in support of this Resolution. Mr. Griffiths stated the Lakes Management District operates on 12 different water controlled systems. Mr. Griffiths stated the Lakes Management District will operate in complete harmony with the City of Winter Haven Water Supply Plan and the Polk County Water Alliance. Mr. Griffiths stated there is a lot of support from the public that supports the adoption of this Resolution.

Upon question, Mr. Griffiths stated in reading the Florida Statutes, if the Water Management District enters into an Interlocal Agreement with the Lakes Management District, they have a legal right to proceed. Mr. Griffiths stated there will be another meeting with Neil Combee and Paul Senft to draft an Interlocal Agreement.

Danny Kushmer, Southwest Florida Water Management District (SWFWMD), stated they have no problem with the Board supporting the Resolution. Mr. Kushmer stated one of the core missions of the Water Management District is to ensure flood protection. Mr. Kushmer also discussed the maximum and minimum levels of the lakes.

Upon question, Mr. Griffiths stated the County currently has policies in place that support local control over lakes. Mr. Griffiths stated there are two large Home Owners Associations that are on Lake Henry, one on Lake Hamilton, and one on Lake Smart and they are communicating with the residents. Mr Griffiths stated Resolutions have passed supporting this Resolution by the City of Winter Haven, City of Lake Alfred, and City of Dundee.

Jim Freeman, County Manager, read into the record a letter written by Paul Senft.

Motions:

Adopt Resolution 12-001, supporting the transfer of ownership, operation, and maintenance of the four water control structures and their associated canals located on the North Chain of Lakes in Polk County. - PASS

Vote Results

Motion: Melony Bell

Second: Todd Dantzler

Melony Bell	- Aye
Todd Dantzler	- Aye
Bob English	- Aye
Sam Johnson	- Aye
Edwin Smith	- Aye

F. PUBLIC HEARING TO CONSIDER SETTLEMENT

G. COUNTY ATTORNEY (MICHAEL CRAIG)

H. COUNTY MANAGER (JIM FREEMAN)

9. [Briefing on Community Planning Strategy.](#)

Attachment: [COMPARISON OF IMPACT AND MOBILITY FEES.pdf](#)

Attachment: [DRAFT COMMUNITY PLANNING STRATEGY.pdf](#)

Minutes:

Tom Deardorff, Director of Planning and Development, discussed the Community Planning Strategy and presented slides to the Board that reviewed draft strategies, recommended actions, and plans for additional outreach efforts.

Mr. Deardorff stated The Office of Planning and Development hosted three meetings, with 82 participants attending one or more meetings. Mr. Deardorff said this strategy is intended to provide a direction for future planning efforts and a framework for intergovernmental coordination on key growth management issues. Mr. Deardorff discussed the passage of the Community Planning Act (HB 7207) that resulted in significant changes to Florida's Growth Management Program.

Upon question, Mr Deardorff stated there is a queuing system that tracks the average wait time for an applicant to process a permit.

Al Handley, Building and Codes Director, discussed the average wait time for an applicant to have a permit pulled.

Mr. Deardorff discussed the continued implementation of school and transportation concurrency. Mr. Deardorff also discussed the comparison of Transportation Impact Fees and Mobility Fees.

Upon question, Mr. Deardorff stated approximately 50 people from the community attended the meetings.

10. [Board Resolution supporting Current Water Management District Organization Structure and Funding. \(No fiscal impact\)](#)

Attachment: [Resolution.pdf](#)

Attachment: [Resolution Approval.pdf](#)

Minutes:

Jim Freeman, County Manager, discussed a meeting that was held on December 2, 2011. Mr. Spence stated the County Coalition for the Responsible Management of Lake Okeechobee, St. Lucie and Caloosahatchee Estuaries and Lake Worth Lagoon conducted a meeting facilitated by the Florida Association of Counties and invited representatives of all 16 counties that make up the South Florida Water Management District (SFWMD). Mr. Freeman recommended approval.

Jeff Spence, Parks and Natural Resources Director, stated this Resolution supports the Water Management District's structure and functions, adequate funding, and opposes the centralization command/control of regional and local water resources.

Motions:

Adopt Resolution 12-002, supporting current Water Management District Organization Structure and Funding. - PASS

Vote Results

Motion: Todd Dantzler

Second: Melony Bell

Melony Bell - Aye

Todd Dantzler - Aye

Bob English - Aye

Sam Johnson - Aye

Edwin Smith - Aye

11. [Consultant Services Agreement with AMEC-BCI Engineers and Scientists, Inc., to provide Stormwater Assessment Program assistance in developing special assessment methodology and rate analysis for funding the County's stormwater management program and associated budget transfer. \(\\$161,930.00 one-time cost\)](#)

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

Attachment: [Stormwater Assessment Assistance CSA.pdf](#)

Attachment: [Stormwater Assessment Assistance CSA Approvals.pdf](#)

Minutes:

Jim Freeman, County Manager, reviewed a Consultant Services Agreement that has been developed with AMEC-BCI Engineers and Scientists, Inc., to complete the development of the assessment methodology and to provide rate analysis information needed to implement a stormwater assessment. Mr. Freeman recommended approval.

Motions:

Approve CSA No. 11-94-01 with AMEC-BCI Engineers and Scientists, Inc., to provide Stormwater Assessment Program assistance. - PASS

Vote Results

Motion: Todd Dantzler

Second: Bob English

Melony Bell	- Aye
Todd Dantzler	- Aye
Bob English	- Aye
Sam Johnson	- Aye
Edwin Smith	- Aye

12. [Agreement with Keystone Challenge Fund, Inc., for Neighborhood Stabilization Program 3 \(NSP3\) \(\\$5,443,116.00 grant proceeds\)](#)

- Attachment: [ExhibitA.pdf](#)
- Attachment: [Exhibit C.pdf](#)
- Attachment: [Exhibit B.pdf](#)
- Attachment: [Keystone agreement.pdf](#)

Minutes: Jim Freeman, County Manager, reviewed the Neighborhood Stabilization Program Three (NSP3) Agreement with Keystone Challenge Fund. Mr. Freeman stated this is a stand-alone agreement for services related to improvement of blighted neighborhoods. Mr. Freeman recommended approval.

Motions:

Approve Agreement for RFP No. 11-091, with Keystone Challenge Fund, Inc., for Neighborhood Stabilization Program 3 (NSP3).	- PASS
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Vote Results

Motion: Edwin Smith

Second: Melony Bell

Melony Bell	- Aye
Todd Dantzler	- Aye
Bob English	- Aye
Sam Johnson	- Aye
Edwin Smith	- Aye

13. [Agreement with the Florida Department of Transportation for the proposed road improvements on US 27 north of Ritchie Road to south of Barry Road, and transfer of funding within the Utilities Renewal and Replacement Budget, and CIP amendment. \(\\$3,360,000.00 initial estimated lump sum\)](#)

- Attachment: [Budget Revision Journal.pdf](#)
- Attachment: [FDOT JPA Approvals.pdf](#)
- Attachment: [CAO Approval.pdf](#)
- Attachment: [US 27 Map.pdf](#)
- Attachment: [JPA with the FDOT.pdf](#)

Minutes:

Jim Freeman, County Manager, reviewed the widening of US 27 north of Ritchie Road to south of Barry Road, State Road 25, designated by the Florida Department of Transportation (FDOT) as Financial Project ID No. 197534-2-52-01. Mr. Freeman stated the project includes the construction of a third lane northbound and southbound, which necessitates the relocation of various utilities operated by Polk County. He said the project consists of approximately 21,000 feet of water mains, 1,900 feet of sanitary force main, and 6,000 feet of reclaimed water mains. Mr. Freeman recommended approval.

Motions:

Approve the Utility Work by Highway Contractor (Joint Project)
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Agreement with the Florida Department of Transportation for the construction of miscellaneous water mains, reclaimed water mains, and sanitary sewer force main adjustments within the proposed road improvement limits of US 27 north of Ritchie Road to south of Barry Road, State Road 25, at an initial estimated lump sum of \$3,360,000.00, and transfer of funding within the Utilities Renewal and Replacement budget, and an amendment to the Utilities Community Investment Program budget. - PASS

Vote Results

Motion: Melony Bell

Second: Bob English

Melony Bell	- Aye
Todd Dantzler	- Aye
Bob English	- Aye
Sam Johnson	- Aye
Edwin Smith	- Aye

14. [Approval of Cooperative Funding Agreement No. 12C00000031 with the Southwest Florida Water Management District for the Polk County Landscape and Irrigation Evaluation Project \(N363\). \(\\$125,420.00 not-to-exceed net cost to the County\)](#)

Attachment: [SWFWMD Cooperative Funding Agreement.pdf](#)

Attachment: [SWFWMD Funding Agreement Backup.pdf](#)

Minutes:

Jim Freeman, County Manager, reviewed the irrigation and landscape evaluation that is being offered at no cost to utility customers of participating governmental utilities within Polk County who have automatic irrigation systems. Mr. Freeman stated that a project of this type can save an estimated 153,300 gallons per day. Mr. Freeman recommended approval.

Motions:

Approve Cooperative Funding Agreement No. 12C00000031 with the Southwest Florida Water Management District for the Polk County Landscape and Irrigation Evaluation Project (N363). - PASS

Vote Results

Motion: Edwin Smith

Second: Todd Dantzler

Melony Bell	- Aye
Todd Dantzler	- Aye
Bob English	- Aye
Sam Johnson	- Aye
Edwin Smith	- Aye

I. REQUEST FROM THE GENERAL PUBLIC/AUDIENCE

74. [Comments.](#)

Minutes:

Carol Castagnero, Lakeland resident, presented a letter to the Board that discussed jobs, more funding for Polk County

HealthCare, and judicial and law enforcement systems.

J. COMMISSIONER DISTRICT 1 (BOB ENGLISH)

15. [Commissioner English Comments.](#)

Minutes: Commissioner English discussed tax exemptions and tax ad valorem for new businesses. Mr. English stated that Polk County needs this tax exemption as an economic developing tool to compete with neighboring counties. Mr. English also presented a handout to the Board that discussed creating jobs for Polk County. Discussion followed.

Motions:

Approve adding Grant Property Tax Exemptions for New Businesses and Expansion of Existing Businesses for the 2012 General Election Ballot. Also, Approve \$25,000 for an Educational Campaign. - PASS

Vote Results

Motion: Bob English

Second: Melony Bell

Melony Bell - Aye

Todd Dantzler - Aye

Bob English - Aye

Sam Johnson - Aye

Edwin Smith - Aye

K. COMMISSIONER DISTRICT 2 (MELONY M. BELL)

16. [Commissioner Bell Comments.](#)

Minutes:

Commissioner Bell thanked the Board and the Tourist Development Council (TDC) members for the meeting that was conducted. Mrs. Bell discussed the meeting with the Southwest Water Management District. Mrs. Bell also discussed the upcoming Town Hall meeting that will be held on January 17, 2012.

L. COMMISSIONER DISTRICT 3 (EDWIN V. SMITH)

17. [Commissioner Smith Comments.](#)

Minutes: Commissioner Smith has no comments at this time.

M. COMMISSIONER DISTRICT 4 (R. TODD DANTZLER)

18. [Commissioner Dantzler Comments.](#)

Minutes: Commissioner Dantzler has no comments at this time.

N. COMMISSIONER DISTRICT 5 (SAM JOHNSON, CHAIR)

19. [Ratification of 2012 BoCC Member and Liaison Assignments, effective January 10, 2012.](#)

Minutes: At a time later in the meeting, Chairman Johnson presented the Board with Liaison Assignments.

Motions:	
Ratify 2012 BoCC Member and Liaison Assignments, effective January 10, 2012.	- PASS
Vote Results	
Motion: Todd Dantzler	
Second: Melony Bell	
Melony Bell	- Aye
Todd Dantzler	- Aye
Bob English	- Aye
Sam Johnson	- Aye
Edwin Smith	- Aye

20. [Chairman Johnson Comments.](#)

Minutes: Chairman Johnson had no comments 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

24. [LDC 11T-09 \(Livestock and Fowl in Residential Neighborhoods\) to consider the adoption of an ordinance amending the Land Development Code. \(No fiscal impact\)](#)

Attachment: [LDC 11T 09 Second Reading staff report.pdf](#)

Attachment: [LDC 11T 09 Revised ordinance.pdf](#)

Minutes:

Motions:	
Motion to hear Public Hearing Item No. P. 24.	- PASS
Vote Results	
Motion: Melony Bell	
Second: Todd Dantzler	
Melony Bell	- Aye
Todd Dantzler	- Aye
Bob English	- Aye
Sam Johnson	- Aye
Edwin Smith	- Aye

Motion Minutes:

County Attorney Michael Craig reminded the audience of the procedures for public hearings and swore in those who plan to speak this afternoon.

Erik Peterson, Land Development, reviewed the proposed Ordinance regarding livestock and fowl in residential neighborhoods. He confirmed that fowl must be fenced or penned 50 feet from residential property lines. He said a complaint has to be issued by a property owner and if the resident is renting, the property owner must file the complaint.

The Chairman opened a public hearing.

Diane Pieburn, Fort Meade resident, spoke in opposition and said that everyday more and more freedoms are taken away.

The Chairman closed the public hearing.

Commissioner Bell said she concurs with Ms. Pieburn. She said other farm animals and land rights needs to be addressed.

Commissioner Dantzler said the Ordinance can be amended in the future.

Mr. Peterson confirmed that changes can be implemented within two months.

Chairman Johnson spoke in opposition.

Commissioner Smith said he has heard complaints from citizens regarding livestock issues. He said a homeowner who has less than a half acre of land should not have farm animals on their property.

Motions:

Adopt Ordinance No. 12-001 adopting LDC 11T-09 (Livestock and Fowl in Residential Neighborhoods). - PASS

Vote Results

Motion: Edwin Smith

Second: Todd Dantzler

Melony Bell	- Nay
Todd Dantzler	- Aye
Bob English	- Aye
Sam Johnson	- Nay
Edwin Smith	- Aye

21. [CU 11-18 De Novo Hearing for Lee Kirk and Sons Septic. \(No fiscal impact\)](#)

Attachment: [CU 11-18 Lee Kirk Sons \(Final\).pdf](#)

Minutes:

County Attorney Michael Craig reminded the audience of the procedures for De Novo hearings.

John Bohde, Land Development, presented a case overview of the Lime Stabilization Facility. He showed slides of the area and explained how the applicant performs lime stabilization activities. He said the site has three 10,000 gallon, one 7,000 and one 4,000 gallon underground aeration tank. He said staff and the Planning Commission recommend approval with conditions.

Upon question Mr. Bohde said the closest home is within 100 feet of the site. He said he is unaware of any complaints received from the facility. He discussed Condition No. 3 regarding buffering.

Michael Kirk, applicant, said the septic system is enclosed and the sewage treatment plant has been in place since the early 1980's. He said he has not received any complaints and does not have any issues with his neighbors. He noted there are only two to three trips per day on his property. He said only household and residential waste are treated on his site. He stated that the opposition is attempting to hurt smaller businesses.

Upon question, Mr. Kirk said the Health Department has access to his property at any time. He said additional non-sewage debris is stored in a dumpster on site. He explained that the materials are lime stabilized when dumped to reduce the odor. He noted that lime stabilization receipts and pump-out log books are maintained and reported to the County. He confirmed that he did receive one violation approximately two years ago in March, and his penalty was \$5,000.00 for not properly reporting a sewage pump-out log, he noted he has not had any issues since.

Beverly McLaughlin, President of Robby's Septic Tank Service, said her comments are in reference to the three DeNovo hearings for Conditional Use 11-18, Conditional Use 11-20 and Conditional Use 11-22. She said her facility was required to come into compliance, required to move, and also bring the new location into compliance. She gave historical information of the Board approving the Ordinance regarding the Lime Stabilization Facilities on September 27, 2011. She requested that if the Board approves this case, the operations on site be restricted to only the property owner and the operating hours be limited.

Robert McLaughlin, Robby's Septic Tank Service, said all facilities should have been treated fairly. He said when a new subdivision is developed, the sewage generated from these subdivisions needs to be pumped.

Sam Averett, Averett Septic Tank, discussed the odor issue and said some loads will create an odor and others will not. He said he pays \$20,000.00 in property taxes on his property each year. He showed pictures and said Mr. Kirk illegally dumps wastes into a vacant restaurant in Lakeland. He said Mr. Kirk has received 18 violations for accepting sewage and for not having a proper place to dump sewage for a period of ten months. He presented a video from the December 7, 2011, Planning Commission meeting showing Mr. Kirk stating he did not illegally dump waste. He said it is expensive to pump waste and treat the waste properly.

The Chairman opened a public hearing.

Helena Estridge, Lakeland resident, said the lime stabilization sewage facilities are not compatible with the area. She questioned why Mr. Kirk is allowed to park commercial vehicles on his property. She inquired which conditions the Board will place on Mr. Kirk if the Board approves this case. She presented additional violations against Mr. Kirk.

Upon question, Mr. Bohde confirmed the public hearing notices were placed on site but the signs were removed. He said residents within 500 feet of the site received hearing mailers.

Scott Mong, Affordable Septic Tank, spoke in opposition and said that Sam Averett has been arrested for violations.

David Esteridge, Lakeland resident, presented an internet advertisement from Lee Kirk and Sons showing that residential and commercial sewage is accepted by the company.

Glen Esteridge, Lakeland resident, discussed concerns with well waters and sink holes. He spoke in opposition.

Rudy Adams, Polk City resident, said he is in opposition to anyone conducting business without a proper license.

Chuck Warnock, Real Estate Developer, said his company has developed subdivisions near the site. He requested Board denial and said lime stabilization facilities are not compatible with the area. Discussion followed.

The Chairman closed the public hearing.

Mr. Kirk spoke in rebuttal.

Upon question, Mr. Kirk said the sewage tanks were put in in 1983. He said the Health Department approved whether the tanks met health requirements. He confirmed that he is receiving Homestead exemption for his property because he does reside there. He confirmed his property is on well water.

Mr. Bohde responded to questions from the Board regarding the conditions listed in the staff report.

Upon question, Ron Caudill, Polk County Health Department, said if the tanks are above ground it is easier to detect leaks, he noted that it is possible to inspect under ground tanks. He said the State requires inspections to occur twice a year and are unannounced.

Commissioner Smith discussed the importance of being consistent. He said some companies have been conditioned and others have not. He said the rules need to be changed for everyone.

Mr. Bohde responded to questions to the three other Lime Stabilization cases that were not appealed, he noted the sites were larger and located in more rural areas. He said they are not receiving homestead exemptions.

Discussion followed on restricting site access to the applicant.

Chairman Johnson discussed fairness and taking into consideration the surrounding land owners and residents.

Commissioner Dantzer said this lime stabilization plant is inappropriate for the location of the site.

Motions:

Deny CU 11-18. -

Vote Results

Motion: Todd Dantzler

Second: Bob English

Motion Minutes:

Discussion followed on Mr. Kirk having his business before the residential properties were developed.

Commissioner English withdrew his second.

Motion dies for lack of a second.

Motions:

Approve CU 11-18 with Condition Nos. 1-7. - PASS

Vote Results

Motion: Edwin Smith

Second: Melony Bell

Melony Bell - Aye

Todd Dantzler - Nay

Bob English - Aye

Sam Johnson - Aye

Edwin Smith - Aye

Motions:

Motion to hear Public Hearing Item No. P. 26. - PASS

Vote Results

Motion: Todd Dantzler

Second: Melony Bell

Melony Bell - Aye

Todd Dantzler - Aye

Bob English - Aye

Sam Johnson - Aye

Edwin Smith - Aye

26. [\(CPA 11S-07\) to consider re-adoption of a Small Scale Comprehensive Plan Amendment to correct a scrivener's error by making the boundary map consistent with the legal description in the ordinance \(Ord 11-026\).\(No fiscal impact\)](#)

Attachment: [CPA 11S 07 ordinance.pdf](#)

Minutes:

County Attorney Michael Craig reviewed the proposed Ordinance and recommended approval.

The Chairman opened a public hearing; no one spoke.

Motions:

Adopt Ordinance No. 11-002, adopting CPA 11S-07. - PASS

Vote Results

Motion: Edwin Smith

Second: Melony Bell

Melony Bell - Aye

Todd Dantzler - Aye

Bob English - Aye

Sam Johnson - Aye

Edwin Smith - Aye

22. [CU 11-20 De Novo Hearing for Jeff Mann Septic Tank Service, Inc. \(No fiscal impact\)](#)

Attachment: [CU 11-20 Staff Report BoCC Final.pdf](#)

Minutes:

County Attorney Michael Craig reviewed the procedures for incorporating testimony from previous hearings.

Erik Peterson, Land Development, presented slides of the area and gave an overview of the site plan. Discussion followed on the apron on the property.

Jeff Mann, applicant, said steel lids cover the lime stabilization plant and he will add additional fencing around his property. He confirmed he has proper licensing and permitting through the State. He said the issues are with other contractors and not with his neighbors. He said his site is inspected four times a year by the Health Department.

Upon question, Mr. Mann said he has paid a fine to the Health Department.

Beverly McLaughlin, Robby's Septic Tank, requested her previous testimony and conditions she recommended for Conditional Use 11-18 be incorporated with this case. She said these cases have been appealed because they are smaller in size and are located in residential areas.

Ms. McLaughlin requested that site access be restricted to the property owner. She noted that residents also use this roadway. She discussed the apron they placed on her facility.

Lindy Burgett requested the Board not allow another hauler to enter the lime stabilization facility.

Sam Averett, Averett Septic Tank, said he has never been taken into custody by the Sheriff's Department. He requested the same conditions be placed on Mr. Mann that were placed on Mr. Kirk.

The Chairman opened a public hearing.

Benny Tew said he has heard false statements from Mr. Mann. He discussed issues with traffic, noise and odor. He recommended to the Board that conditions be set on Mr. Mann's site.

Scott Mong, stated he does not understand why Mr. Tew does not want him on his property.

James Tew said Mr. Mann has a lack of respect and Mr. Mann should be held to the same standards as others. He said he is concerned with health aspects, noise levels and the odors of Mr. Mann's company. He confirmed that two blueberry fields have been there for twelve and fourteen years.

Cory Mong spoke in opposition.

Tony Miller requested the Board be uniform with their decisions and hold everyone to the same standards.

The Chairman closed the public hearing.

Mr. Mann spoke in rebuttal.

Discussion followed among the Board regarding whether or not to restrict site usage to only Mr. Mann.

Commissioner Bell also suggested to include a condition that would require additional fencing.

Mr. Peterson confirmed the Board can choose to place additional standards for enclosures and setbacks on the site. He reviewed the conditions placed on Case CU 11-18.

Mr. Mann confirmed that an opaque fence will be added to the property line along the eastern and southern borders.

Motions:

Approve CU 11-20 with Condition Nos. 1-8. - PASS

Vote Results

Motion: Bob English

Second: Edwin Smith

Melony Bell - Nay

Todd Dantzler - Nay

Bob English - Aye

Sam Johnson - Aye

Edwin Smith - Aye

Motion Minutes: Commissioner Bell said she cannot support allowing another company to access the site.

Motions:

Motion to hear Public Hearing Item No. P. 25. - PASS

Vote Results

Motion: Edwin Smith

Second: Melony Bell

Melony Bell - Aye

Todd Dantzler - Aye

Bob English - Aye

Sam Johnson - Aye

Edwin Smith - Aye

25. [LDC 11T-05 to consider the adoption of an ordinance amending Chapter 3 and 4 of the Land Development Code to allow a variety of residential building types in the Transit Supportive Development Area \(TSDA\) with the approval of a Planned Development. \(No fiscal impact\)](#)

Attachment: [LDC 11T 05 Ordinance.pdf](#)

Attachment: [LDC 11T 05 Revised Staff Report.pdf](#)

Minutes:

Chanda Bennett, Land Development, showed slides and outlined the proposed Ordinance. She said this is the first of two hearings and the second will be held on January 24, 2012. She said staff and the Planning Commission recommend approval.

The Chairman opened a public hearing; no one spoke.

23. [CU 11-22 De Novo Hearing for Ray Thompson Septic/Cardin Septic Tank. \(No fiscal impact\)](#)

Attachment: [CU 11-22 Staff Report BoCC Final.pdf](#)

Minutes:

Erik Peterson, Land Development, showed slides and outlined the lime stabilization facility.

Ray Thompson, applicant, said he dumps sewage at this facility. He said his company was unfairly targeted.

Beverly McLaughlin, Robby Septic Tank Services, requested her previous testimony be incorporated into this hearing.

Sam Averett, Averett Septic, requested his previous testimony be incorporated into this hearing. He questioned whether there is a residential building on site.

Mr. Thompson confirmed that there is a residential building located on the property.

The Chairman opened a public hearing; no one spoke.

Mr. Thompson noted there are two different companies operating on the site, Ray Thompson Septic, Inc., and Virgil Cardin Septic, Inc.

Motions:

Approve CU 11-22 with Condition Nos. 1-6. - PASS

Vote Results

Motion: Bob English

Second: Edwin Smith

Melony Bell - Nay

Todd Dantzler - Nay

Bob English - Aye

Sam Johnson - Aye

Edwin Smith - Aye

Motion Minutes:

Discussion followed on waiving future fees for Ms. McLaughlin.

Motions:

Waive future lime stabilization application fees for Robby Septic Tank for level 2 and 3 Reviews and advertising. - PASS

Vote Results

Motion: Edwin Smith

Second: Melony Bell

Melony Bell - Aye

Todd Dantzler - Aye

Bob English - Aye

Sam Johnson - Aye

Edwin Smith - Aye

Motions:

Motion to clarify. - PASS

Vote Results

Motion: Edwin Smith

Second: Melony Bell

Melony Bell - Aye

Todd Dantzler - Aye

Bob English - Aye

Sam Johnson - Aye

Edwin Smith - Aye

Motions:

Waive future lime stabilization application fees for Robby Septic Tank for level 2 and 3 Reviews and for advertising. - PASS

Vote Results

Motion: Edwin Smith

Second: Melony Bell

Melony Bell - Aye

Todd Dantzler - Aye

Bob English - Aye

Sam Johnson - Aye

Edwin Smith - Aye

Q. CONSENT AGENDA ITEMS

COUNTY COMPROLLER

27. [Removal of equipment from inventory as listed on Blanket Removal Form 1898.](#)

Attachment: [Blanket Removal Form 1898.pdf](#)

28. [Annual Financial Audit Report for Polk County Workforce Development Board, Inc.](#)

29. [Minutes of the Florida's Natural Growers/Washington Park Community Relations meeting dated November 10, 2011.](#)

30. [Minutes of the Poinciana Community Development District meeting dated September 21, 2011.](#)

31. [Agreement with Integrity Public Finance Consulting for arbitrage related services for Capital Improvement and Public Facilities Bonds Outstanding in an amount not to exceed \\$13,100.00.](#)

Attachment: [Integrity Cap Impr Agrmt.pdf](#)

32. [Agreement with Integrity Public Finance Consulting for arbitrage related services for Constitutional Fuel Tax and Transportation Improvement Bonds Outstanding in an amount not to exceed \\$6,150.00.](#)

Attachment: [Integrity Transportation Impr Agrmt.pdf](#)

COUNTY MANAGER

33. [Request Board confirm the appointment of Jay M. Jarvis, P.E. as Transportation Director effective January 16, 2012.](#)

OFFICE OF PLANNING & DEVELOPMENT

34. [SET HEARING \(DeNovo Hearing CU 11-16, Lake Ned Apartments\) to consider a request for a 32-unit multi-family development consisting of four two-story structures each with eight units on 4 acres. \(Suggested hearing date: January 24, 2012, at 1:30 p.m.\) \(No fiscal impact\)](#)
35. [SET HEARING \(LDC 12T-01\) to consider the adoption of an applicant-initiated ordinance \(Alternative Reclamation Slope for Non-Phosphate Mining\) amending the Land Development Code. \(Suggested hearing dates: January 24, 2012 and February 21, 2012, both at 1:30 p.m.\) \(No fiscal impact\)](#)
36. [SET HEARING \(LDC 12T-02\) to consider the adoption of a staff-initiated ordinance \(non-Conforming Uses\) amending the Land Development Code. \(Suggested hearing dates: January 24, 2012 and February 21, 2012, both at 1:30 p.m.\) \(No fiscal impact\)](#)
37. [SET HEARING \(LDC 11T-07\) to consider the adoption of a staff-initiated ordinance \(SR 17 Ridge Scenic Highway\) amending the Land Development Code. \(Suggested hearing dates: January 24, 2012, and February 21, 2012, both at 1:30 p.m.\) \(No fiscal impact\)](#)

ASSISTANT COUNTY MANAGER

38. [Adoption of the 2011-12 Polk County Legislative Priorities and the Florida Association of Counties Guiding Principles.](#)

Attachment: [11-12 Guiding Principles.pdf](#)

Attachment: [2012 Polk Priorities.pdf](#)

BUDGET & PROCUREMENT

39. [Approve the Public Transportation Joint Participation Agreement Grant revenue between the State of Florida Department of Transportation and the Polk Transportation Planning Organization for a park and ride lot facility in Polk County along the I-4 corridor. Also approve transfer from the Special Revenue Grants Reserve for Contingency. \(\\$26,605 one-time revenue\)](#)

Attachment: [TPO FDOT Park and Ride Joint Participation Agreement.pdf](#)

40. [Amendment No. 1 for Assignment of Master Consulting Agreement No. 11-17 with Atkins North America, Inc. \(No fiscal impact\)](#)

Attachment: [11 17 Atkins assignment.pdf](#)

41. [Modification 2 to CSA No. 06-76-05 with URS Corporation Southern for Stormwater Pump Station Generator Construction Services. \(Time extension only\)](#)

Attachment: [CSA 06 76 05 mod 2.pdf](#)

42. [Selection Committee's recommendation on RFP No. 11-106, 457\(b\) Retirement Plan Investment Consulting and Fiduciary \(BoCC and Constitutional Officers\). \(No fiscal impact\)](#)

Attachment: [11 106 score sheets.pdf](#)

43. [Amendment No. 3 to Master Services Agreement No. 07-41 with KCI Technologies, Inc. \(No fiscal impact\)](#)

Attachment: [DOC120.pdf](#)

44. [Execute Vending Agreement for Parks and Natural Resources. \(\\$950.00 Estimated Additional Annual Revenue\)](#)

Attachment: [Canteen Vending Agreement.pdf](#)

45. [Selection Committee's recommendation on RFP No. 12-004, Social Services Program Review. \(No fiscal impact\)](#)

Attachment: [RFP 12 004 selection.pdf](#)

46. [Selection Committee's recommendation on RFP No. 11-091, Neighborhood Stabilization Program-3 \(NSP3\). \(No fiscal impact\)](#)

Attachment: [11 091 RFP Score Sheets.pdf](#)

SOCIAL SERVICES

47. [West Central Florida Area Agency on Aging \(WCFAAA\) Amendment 003, Older Americans Act, OAA-2011-POLK. \(\\$5,447.00 one-time revenue, \\$606.00 one-time in-kind match\)](#)

Attachment: [Req for legal OAA Amend 003 2011.pdf](#)
Attachment: [OAA Amend 003 2011.pdf](#)

48. [Federal Transit Administration Section 5310 Capital Grant Application, Authorizing Resolution, and Subsequent Award. \(\\$506,466.00 one-time revenue from Federal and State sources, \\$56,274.00 one-time cash match from the Board\)](#)

Attachment: [5310 2012 Ap.pdf](#)

49. [Standard Coordination Agreement between the Board and Lakeland Area Mass Transit District. \(No fiscal impact\)](#)

Attachment: [LAMTD Coordination Agreement.pdf](#)
Attachment: [legal review LAMTD Agreement.pdf](#)

50. [Neighborhood Stabilization Program \(NSP1\) Satisfactions of Mortgage for the properties listed. \(\\$679,923.00 one-time revenue\)](#)

Attachment: [NSP1 Stfctns.pdf](#)
Attachment: [NSP1 Ckfst.pdf](#)

51. [State Housing Initiatives Partnership \(SHIP\) Down Payment Assistance Program Short Sale Agreement for Case S05-DP-0026. \(One-time revenue \\$1,500.00\)](#)

Attachment: [SHIP Short Sale Ckfst.pdf](#)
Attachment: [SHIP Short Sale S05DP0026.pdf](#)

52. [HOME Investment Partnerships \(HOME\) Program Tenant-Based Rental Assistance \(TBRA\) Payments Contracts for the activity numbers and the amounts listed with a Utility Reimbursement as indicated. \(\\$27,960.00 annual expense\)](#)

Attachment: [TBRA Contracts.pdf](#)
Attachment: [TBRA Ckfst.pdf](#)

53. [Housing Choice Voucher Housing Assistance Payments \(HAP\) Contracts for the voucher numbers and the amounts listed with a Utility Reimbursement as indicated. \(\\$46,524.00 annual expense\)](#)

Attachment: [Housing Choice Voucher Contracts.pdf](#)
Attachment: [HCV Ckfst.pdf](#)

54. [Federal Transit Administration Section 5311 Operating Grant Application, Authorizing Resolution and Subsequent Award. \(\\$771,310.00 one-time revenue, \\$771,310.00 one-time cash match requirement\)](#)

Attachment: [5311 2012 Ap.pdf](#)

55. [Grant application for public transportation services in and around the Polk County portion of the Poinciana Community. \(\\$154,839.00 one-time grant revenue, \\$154,839.00 one-time soft match required\)](#)

Attachment: [5316 2012 Ap.pdf](#)

HUMAN RESOURCES

56. [Authorize language changes in the BoCC Employee Handbook to replace text titles of Department to Division. \(No fiscal impact\)](#)

Attachment: [EE Handbook November 2011.pdf](#)

57. [Language change in the Employee Handbook Section 13.01 - Pre-Disciplinary Conference. \(No fiscal impact\)](#)

Attachment: [Pre-Disciplinary Conference.pdf](#)

RISK MANAGEMENT/POLK HEALTH CARE PLAN

58. [Contract Amendment with Buck Consultants to update Polk County's Section 125 Document regarding Flexible Benefits Plan for Polk County Employees. \(\\$5,500.00 one-time expense\)](#)

PARKS & NATURAL RESOURCES

59. [Amendment No. 3 to the Agreement between the Southwest Florida Water Management District \(SWFWMD\) and Polk County for the Polk County Watershed Management Plan \(L672\). \(No fiscal impact\)](#)

Attachment: [Watershed Plan Third Amendment Approval.pdf](#)
Attachment: [Watershed Plan Third Amendment.pdf](#)

60. [Modification No. 2 to CSA No. 10-32-01 between Polk County and Pegasus Engineering, LLC, for the Final Design and Permitting \(Phase II Services\) for the Elizabeth Place Hydrologic Enhancement Project. \(\\$52,690.25 not to exceed cost\)](#)

Attachment: [Elizabeth Place CSA Modification Two Approval.pdf](#)
Attachment: [Elizabeth Place CSA Modification Two.pdf](#)

61. [Modification No. 2 to CSA No. 06-03-03 with WilsonMiller-Stantec for design of pedestrian and parking lot lighting at the Northeast Regional Park. \(\\$9,800.00 one-time cost\)](#)

Attachment: [NE Regional Park CSA Modification 2.pdf](#)
Attachment: [NE Regional Park CSA Modification 2 Approvals.pdf](#)

TRANSPORTATION

62. [Adopt a Resolution Setting Parking Restrictions on County Road 546 \(Saddle Creek Road\), near Lakeland. \(\\$401.72 one-time expense\)](#)

Attachment: [Parking Restrictions CR546.pdf](#)

63. [Adopt a Resolution Setting Speed Limit on Oakwood Knoll Drive \(near Lakeland\). \(\\$122.45 one-time expense\)](#)

Attachment: [Speed Limits Oakwood Knoll Drive Backup.pdf](#)

64. [Adopt a Resolution Setting Speed Limit on Passion Play Road \(near Lake Wales\). \(No fiscal impact\)](#)

Attachment: [Speed Limits Passion Play Rd Backup.pdf](#)

UTILITIES

65. [Approval of CSA No. 11-017-01, Modification No. 1, with Atkins North America, Inc. \(formerly PBS and J\), for the US 27 Utility Relocation Plans Project. \(\\$17,647.32 not-to-exceed cost\)](#)

Attachment: [Atkins CSA 11 017 01 Mod 1.pdf](#)
Attachment: [Atkins CSA Mod Approvals.pdf](#)

66. [CSA No. 10-108-01, Modification No. 1, with Chastain-Skillman, Inc., for construction phase and post-construction phase services for the Sun Air Lift Station. \(Time extension only\)](#)

Attachment: [Chastain Skillman CSA Modification Approvals.pdf](#)
Attachment: [Chastain Skillman CSA 10 108 01 Mod 1.pdf](#)

67. [CSA No. 07-88-02, Modification No. 3, with Reiss Engineering, Inc., for the Supplemental Water Supply Plan Continued Planning and Coordination Project. \(Time extension only\)](#)

Attachment: [Reiss CSA Modification Approvals.pdf](#)
Attachment: [Reiss CSA 07 88 02 Mod 3.pdf](#)

68. [Acceptance of an easement from Map Holdings DG, LLC, related to the Dollar General at Loughman potable water improvements. \(No fiscal impact\)](#)

Attachment: [Dollar General at Loughman Utility Easement.pdf](#)
Attachment: [Dollar General Easement Backup.pdf](#)

COUNTY ATTORNEY

69. [SET HEARING to consider adopting an Ordinance amending the Polk County Property Maintenance Ordinance for the purpose of providing for interest to accrue on the Claim of Lien, provide for a finding that the properties derive a special benefit from the abatement of violation and the costs of abatement to be fairly and reasonably apportioned, and to provide for a process to appeal costs of abatement to the Polk County Code Enforcement Special Magistrate. \(Suggested hearing date: January 24, 2012 at 1:30 p.m.\) \(No fiscal impact\)](#)

Attachment: [Ord amending Property Maintenance Ord.pdf](#)

70. [SET HEARING to consider adoption of an Ordinance amending Ordinance No. 2011-031, the Belmont Park Special Street Lighting District. \(Suggested hearing date: January 24, 2012 at 1:30 p.m.\) \(No fiscal impact\)](#)

Attachment: [Belmont Park Special Street Lighting District Map.pdf](#)

71. [Renewal of employment contracts with the Deputy County Attorney and Assistant County Attorneys.](#)

Attachment: [Elizabeth Voss 2012 EMPLOYMENT CONTRACT.pdf](#)

Attachment: [Tom Norsworthy 2012 EMPLOYMENT CONTRACT.pdf](#)

Attachment: [Linda McKinley 2012 EMPLOYMENT CONTRACT.pdf](#)

Attachment: [Philip Sherwin 2012 EMPLOYMENT CONTRACT.pdf](#)

Attachment: [Randy Mink 2012 EMPLOYMENT CONTRACT.pdf](#)

Attachment: [Janet McDonald 2012 EMPLOYMENT CONTRACT.pdf](#)

72. [Land Purchase Agreement for Polk County Utilities Skyview Lift Station. \(\\$15,450.00 one-time expense\)](#)

Attachment: [Skyview McKay Backup.pdf](#)

73. [Approve engagement letter with Connolly Bove Lodge & Hutz LLP. \(\\$15,000.00 estimated cost\)](#)

Attachment: [retention letter to Polk County.pdf](#)

The Chairman adjourned the meeting at 6:05 p.m.