

POLK COUNTY BOARD OF COUNTY COMMISSIONERS

County Administration Building
330 West Church Street
Bartow, Florida

Meeting Agenda
September 17, 2003
Commission Boardroom

Should any person decide to appeal any decision made at this meeting, or at any meeting announced in this agenda, such person will need a record of the proceedings and may need to ensure that a verbatim record of these proceedings is made. In accordance with the Americans with Disabilities Act, persons with disabilities needing special accommodations to participate in this proceeding should contact the Board of County Commissioners, Public Information Office, at 330 W. Church Street, Fourth Floor, Bartow. Telephone (863) 534-6090, not later than four days prior to the proceeding. If hearing impaired call: (TDD) (863) 534-7777 or 1-800-955-8771, or Voice impaired call: 1-800-955-8770, via Florida Relay Service. Changes made after the printing of this agenda are recorded on the Polk County Message Center at (863) 534-7600 (message #234). Web address: www.polk-county.net

CALL TO ORDER - 9:00 a.m. - Chairman, Randy Wilkinson

INVOCATION - Reverend Cliff Rogers, Calvary Assembly of God, Winter Haven

PLEDGE OF ALLEGIANCE - Chairman, Randy Wilkinson

I. APPROVE CONSENT AGENDA

II. PRESENTATIONS, PROCLAMATIONS and RECOGNITIONS

- A. Proclaim October 2003 as **POLK UNIFIED GREENWAYS AND TRAILS MONTH**. Representatives from Polk County's Planning Division, Transportation Planning Organization, Parks and Recreation Division, and Natural Resources' Environmental Lands Section will accept the proclamation.
- B. Present appreciation plaque to Rebecca Elliott for dedicated service on the Board of Adjustment from November 1980 to July 2003.
- C. Present appreciation plaque to Brian Philpot for dedicated service on the Planning Commission from September 2000 to July 2003.

III. REQUEST FROM THE GENERAL PUBLIC/AUDIENCE

- A. Charles Blead to discuss damage to property at 6930 Poley Creek Drive W. from drainage system.
- B. Russell Hancock - gratitude.

IV. PUBLIC HEARING TO CONSIDER SETTLEMENT

- A. Request Board consider approving and ratifying the settlement agreement reached in the case of Polo Park, Ltd. vs. Polk County Case No. GCG-99-2520.

V. CLERK OF THE BOARD - RICHARD M. WEISS

- A. Approve disbursements.
- B. Approve Board minutes of September 3, 2003.

VI. REQUEST FROM ELECTED OFFICIAL and OTHER GOVERNMENTAL AGENCY

- A. POLK COUNTY SHERIFF - LAWRENCE CROW, JR.
 - 1. Request Board approve Amendment to the Sheriff's FY 2002-2003 Budget.

- B. Tim Mayer, Environmental Administrator, Florida Department of Health, to discuss an ordinance to establish a county fee for septic tank permits.

VII. ADMINISTRATIVE SERVICES - JIM FREEMAN, DIRECTOR

A. PURCHASING DIVISION

- 1. Request Board approve the extensions to the Construction Manager - At Risk Agreements with A.D. Morgan Corporation; Turner/Nujak Construction; Mathews Construction; Folsom Construction Incorporated; Register Construction & Engineering, Inc.; Vogel Brothers Building Company; Semco Construction, Inc.; Cassidy Construction; Rodda Construction, Inc.; Everett Whitehead & Son, Inc.; HCBeck, LTD.; Henkelman Construction; Construct Two Construction Managers, Inc.; Crossroads Construction of Central Florida. The term of these extensions is from September 18, 2003, to September 18, 2004. No fiscal impact on budget.

VIII. COMMUNITY SERVICES - JIM BELL, DIRECTOR

A. PLANNING DIVISION

- 1. Request Board approve a Resolution to submit a lease application, with the fee of \$300.00, to the Florida Department of Environmental Protection for properties known as Lake Gwyn in Wahneta for the proposed use of a park for soccer fields, other recreational activities, and continued use of the community center. Negotiation with DEP regarding annual lease payment will follow approval. The properties are located north and east of the Wahneta Elementary School and north of Fourth Street East in Wahneta in S-16, T-29, R-26.

IX. ENVIRONMENTAL SERVICES - DARRELL GUNN, DIRECTOR

A. NATURAL RESOURCES DIVISION

- 1. Request Board accept the Warranty Deed from Kenview Corporation for approximately 53 acres as part of the Environmental Lands Program conservation effort and authorize staff to satisfy all conditions necessary to complete the closing of subject property. Request Board approve and authorize the Chairman to sign the Conservation Easement with Southwest Florida Water Management District for the 53 acres and authorize staff to satisfy all conditions necessary to the Easement. No funding is required from Polk County for acquisition of the site. The only fiscal impact to the County for this transaction is for future maintenance of the property. All closing costs will be the sole responsibility of Kenview Corporation. Average management costs today range from \$18.00 per acre to \$40.00 per acre annually for management of environmental land property. However, minimum maintenance is anticipated for the property, so management costs may be lower than average. Management costs would come from the Environmental Lands Management Trust Fund.

B. SOLID WASTE DIVISION

- 1. Request Board approve and authorize the Chairman to sign CSA 96-62-17, with Jones, Edmunds & Associates, Inc., in the amount of \$248,060.00, for the Feasibility Study for constructing a Class I Landfill as a vertical expansion on the Old North Central Landfill cells. Funding is available in 534072.

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- 2. Request Board approve and authorize the Chairman to sign CSA 96-62-18, with

Jones, Edmunds & Associates, Inc., in the amount of \$360,611.00, for preparation of a Pre-Development Plan for the North Central Landfill, which will be used to aid the Solid Waste staff in developing the site for future expansion. Funding is available in 536063.

X. HUMAN SERVICES - LARRY SKIDMORE, DIRECTOR

XI. PUBLIC SAFETY - LARRY C. ALEXANDER, DIRECTOR

XII. TRANSPORTATION - BOB SAMPSON, ASSISTANT DIRECTOR

XIII. COUNTY ATTORNEY - JOSEPH G. JARRET

- A. Request Board consider pursuing an injunction action in Circuit Court against Robert Hayes Buchanan as a result of code enforcement violations deemed by the Code Enforcement Director to be injurious to the health, welfare and safety of the general public.
- B. Request Board review report on the Patriot Act II Federal Legislation.
- C. Status update regarding proposed acquisition of Westfield Properties for the purpose of developing a county park in the northeast area.
- D. Discuss amending Agreement previously entered into by Polk County and Nicholas Ranch LLC.

XIV. COUNTY MANAGER - MICHAEL HERR

A. WATER RESOURCES COORDINATOR - JEFF SPENCE

- 1. Request Board consider a Cooperative Funding Agreement with the Southwest Florida Water Management District to jointly fund a four county (Polk, DeSoto, Hardee and Highlands counties) Water Supply Plan anticipated to cost \$500,000.00. Polk County's share will not exceed \$150,000.00 and funds have been requested in FY 2003-2004 (537058). The entire study (for all four counties) is anticipated to cost \$500,000.00 over a two year fiscal period. The SWFWMD will contribute \$300,000.00.

XV. COUNTY COMMISSIONERS

A. District #1 - Don Gifford

- 1. Reconsider funding for the SPCA for the 2003-2004 budget year.

B. District #3 - Jack Myers

C. District #4 - Charles R. Richardson

D. District #5 - Neil Combee

E. District #2 - Randy Wilkinson, Chairman

- 1. Request appointment of Lisa Bricker, Vice President of Community Relations, Clear Springs Land Company, to the Polk County Workforce Development Board for a three-year term, expiring September 17, 2006.

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- 2. Request reappointment of the following members to the Polk County Workforce

Development Board for a three-year term, expiring September 17, 2006: Neal Branch, Larry Brown, Tom Clark, Walter Coleman, Al Dorsett, Larry Durrence, Don Geller, Richard Giese, Susan Hames, Marvin Hammer, Herb Hernandez, Susan Langley, Samuel Marshall,Carolynne Mather, David McCraw, Larry Miller, Emilio Montero, Ron Morrow, Jim Shalls, Mike Stedem, Carl Strang, Herbert Sykes, Jim Thornhill, Dick Till and Terry Worthington.

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

XVII. **PUBLIC HEARINGS**

- A. Public hearing to consider petition from Philip Miuzzo and Rosemarie Miuzzo, his wife, to adopt a Resolution to vacate the 7.50 foot platted drainage and utility easement on the south lot line of Lot 10 and the 7.50 foot platted drainage and utility easement on the north lot line of Lot 9 in Block 87, Village 3, Neighborhood 3, Poinciana Subdivision as recorded in Plat Book 52, Pages 19-31 of the Public Records of Polk County, Florida, situated in S-24, T-27, R-28.
- B. Public hearing to consider petition from Stephen B. Brackin to adopt a Resolution to vacate a portion of the platted, unopened, unmaintained right-of-way shown as Kennedy Street lying north of Lots 1 and 2, Block 18 of The Terraces Subdivision as recorded in Plat Book 20, Page 17 of the Public Records of Polk County, Florida, situated in S-6, T-29, R-26.
- C. Public hearing to consider petition from Randy Leon Rigsby to adopt a Resolution to vacate the platted, unopened, unmaintained right-of-way lying westerly of the south 20 feet of Lot 4, Block 1 and shown as a County Road on the Plat Lake Confusion Heights as recorded in Plat Book 5, Page 14 of the Public Records of Polk County, Florida, situated in S-30, T-27, R-27. Also recommend the Board refund the \$500.00 fee associated with this Petition to Vacate since the intent of the original 1996 petition was to include this area.
- D. Public hearing to consider adoption of an ordinance, the title and substance of the proposed ordinance being: (continued from September 3, 2003)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, REGULATING AMATEUR BOXING, KICKBOXING, OR MIXED MARTIAL ARTS EVENTS AT PREMISES THAT SERVE ALCOHOL, ARE LICENSED TO SERVE ALCOHOL, OR CHARGE ADMISSIONS FEES, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR DEFINITIONS; PROVIDING FOR PERMIT REQUIREMENT; PROVIDING FOR FEES; PROVIDING FOR REVIEW; PROVIDING FOR DISPLAY OF EVENT PERMIT AND CONTESTANT PAIRINGS; PROVIDING FOR APPROVAL OF SANCTIONING BODIES; PROVIDING FOR PENALTIES; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

E. Public hearing to consider adoption of an ordinance, the title and substance of the

proposed ordinance being:

AN ORDINANCE AMENDING POLK COUNTY ORDINANCE NO. 97-36, AS AMENDED, THE POLK COUNTY ALARM CONTROL ORDINANCE, BY AMENDING SECTION 2(C), DEFINITIONS, TO EXPAND THE DEFINITION OF ALARM USER TO INCLUDE REGISTERED AGENTS AND RENTAL/PROPERTY MANAGEMENT COMPANIES; BY AMENDING SECTION 4(B) TO REQUIRE ALARM MONITORING COMPANIES TO PROVIDE, UPON REQUEST, ADDRESS AND PHONE NUMBERS INFORMATION FOR ALL ALARM USERS, TO REQUIRE MAINTENANCE OF A CURRENT DATA BASE OF SUCH INFORMATION FOR ALARM USERS, AND PROVIDING FOR IMPOSITION OF PENALTIES AND FINES AGAINST ALARM MONITORING COMPANIES WHO FAIL TO PROVIDE REQUIRED INFORMATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

- F. Public hearing to consider adoption of an ordinance, the title and substance of the proposed ordinance being (continued from August 6, 2003):

AN ORDINANCE AMENDING POLK COUNTY ORDINANCE 89-17, THE POLK COUNTY SOLID WASTE COLLECTION, DISPOSAL AND ASSESSMENT ORDINANCE; ADDING SECTION 36 TO REQUIRE A NON-EXCLUSIVE FRANCHISE FOR THE OPERATION OF A COMMERCIAL COLLECTION SERVICE WITHIN THE UNINCORPORATED AREAS OF POLK COUNTY; PROVIDING GENERAL REQUIREMENTS FOR SUCH FRANCHISES; PROVIDING FOR AN APPLICATION PROCESS FOR AWARD OF A NON-EXCLUSIVE FRANCHISE; PROVIDING FOR REVIEW AND ISSUANCE OF THE FRANCHISE; PROVIDING FOR DENIAL OF SUCH FRANCHISES AND A RIGHT TO APPEAL A DENIAL OF A NON-EXCLUSIVE FRANCHISE; PROVIDING FOR STANDARDS OF COLLECTION; PROVIDING FOR CHANGES IN RATES; PROVIDING FOR A MONTHLY NON-EXCLUSIVE FRANCHISE FEE ON GROSS RECEIPTS DERIVED FROM COMMERCIAL COLLECTION SERVICES INCLUDING THE SERVICING OF ROLL-OFF CONTAINERS, FOR MONTHLY AND ANNUAL REPORTING, FOR AUDITS AND FOR SANCTIONS; PROVIDING FOR REVOCATION OF NON-EXCLUSIVE FRANCHISES; PROVIDING FOR PENALTIES AND REMEDIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

- G. Consider adoption of a Subdistrict change to the Land Development Code Subdistrict Map.

Case No. LDC 2003D-02

James Lanius, owner, requests a Subdistrict change of 2 +/- acres from Business Park Center-1 (BPC-1) to BPC-2. The property is south of State Road 33, north of Interstate 4, northeast of Lakeland, in S-11, T-27, R-24.

- H. Consider proposed ordinances for first reading amending the text of the Land Development Code (LDC). The following briefly describes each LDC text case to be considered:

Case No. LDC 2003T-07

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, REGARDING THE ADOPTION OF A LAND DEVELOPMENT CODE AMENDMENT LDC-2003T-07, AMENDING POLK COUNTY ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING THE CODE REGULATIONS PERTAINING TO CONSTRUCTION DEBRIS LANDFILLS BY AMENDING TABLE 2.1, ADDING CONSTRUCTION DEBRIS LANDFILLS AS A LEVEL 3 REVIEW (PLANNING COMMISSION) IN THE PHOSPHATE MINING (PM) LAND USE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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Case No. LDC 2003T-11

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, REGARDING THE ADOPTION OF A LAND DEVELOPMENT CODE AMENDMENT LDC 2003T-11, AMENDING POLK COUNTY ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING THE CODE REGULATIONS TO INCLUDE WATER USE CONSERVATION DEVELOPMENT STANDARDS FOR LAND WITHIN THE UNINCORPORATED POLK COUNTY; REQUIRING MAINTENANCE OF LANDSCAPED AREAS FOR MULTI-FAMILY AND ALL OTHER NON-RESIDENTIAL DISTRICTS IN SECTION 225; CREATING A NEW SECTION 226; REQUIRING RAIN SENSORS FOR ALL PERMANENT IRRIGATION SYSTEMS; REQUIRING RAIN SENSORS AND THE WATER USE ZONES IDENTIFICATION ON SITE PLANS IN SECTION 720; REQUIRING THE COORDINATION OF LANDSCAPE PLAN DESIGN, PLANT SELECTION, MULCHING, IRRIGATION, MAINTENANCE, WITHIN SECTION 720; ALLOWING WAIVERS FROM THESE REQUIREMENTS; ALLOWING SUBSTITUTION VEGETATION FOR REPLACEMENT REQUIRED IN SECTION 720; PROVIDING DEFINITIONS IN CHAPTER 10; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

- I. Consider adoption of proposed ordinances for second reading amending the text of the Land Development Code (LDC). The following briefly describes each LDC text case to be considered:

Case No. LDC 2003T-04

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, REGARDING THE ADOPTION OF A LAND DEVELOPMENT CODE AMENDMENT LDC 2003T-04, AMENDING POLK COUNTY ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING THE CODE REGULATIONS PERTAINING TO ADOPTION OF A SIDEWALK OVERLAY DISTRICT MAP AND SIDEWALK REQUIREMENTS FOR ALL DEVELOPMENT LOCATED WITHIN THE SIDEWALK OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Case No. LDC 2003T-08

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, REGARDING THE ADOPTION OF A LAND DEVELOPMENT CODE AMENDMENT LDC 2003T-08, AMENDING POLK COUNTY ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING THE CODE REGULATIONS PERTAINING TO THE ADDITION OF COLUMNS IN TABLE 5.2, POLK CITY SPECIAL PROTECTION AREA AND RURAL SPECIAL PROTECTION AREA OF THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN, CONTAINING THE INST-1X AND INST-2X FUTURE LAND USE DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Case No. LDC 2003T-09

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, REGARDING THE ADOPTION OF A LAND DEVELOPMENT CODE AMENDMENT LDC 2002T-09, AMENDING POLK COUNTY ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING THE CODE REGULATIONS PERTAINING TO DEVELOPMENT REQUIREMENTS WITHIN THE RURAL SPECIAL PROTECTION AREA (RURAL-SPA) OF THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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Case No. LDC 2003T-10

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY,

FLORIDA, REGARDING THE ADOPTION OF A LAND DEVELOPMENT CODE AMENDMENT LDC 2003T-10, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR COMPREHENSIVE AMENDMENTS TO THE LAND DEVELOPMENT CODE, INCLUDING STRENGTHENING ADULT ENTERTAINMENT GUIDELINES IN SECTION 303, MODIFYING ROADWAY DESIGN STANDARDS IN SECTION 824, ALLOWING THE COUNTY ENGINEER TO APPROVE ROAD PIPE CULVERT MATERIAL OF APPENDIX A.103, REQUIRING CERTIFICATION OF FLOOD PLAIN STORAGE CAPACITY IN SECTION 630, REQUIRING APPROVED CONSTRUCTION PLANS FOR PUBLIC IMPROVEMENTS ON-SITE IN SECTION 704, CLARIFYING ACCESS TO THE COUNTY PUBLIC/PRIVATE ROADS IN SECTION 705, REQUIRING DEVELOPMENT TO GUIDE STORMWATER RUNOFF AWAY FROM ADJACENT PROPERTIES IN SECTION 223, REQUIRING APPROVED CONSTRUCTION PLANS ON-SITE IN SECTION 804, CLARIFYING THE MOBILE HOME PERCENTAGE WITHIN THE CONDITIONS OF SECTION 303, AND EXPANDING THE MINOR MODIFICATION CRITERIA FOR LEVEL 3 APPROVALS IN SECTION 906, FOR LAND WITHIN THE UNINCORPORATED AREA OF POLK COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

IX. ENVIRONMENTAL SERVICES - DARRELL GUNN, DIRECTOR

C. ENVIRONMENTAL SERVICES DEPARTMENT

1. Request Board approve and authorize the Chairman to sign the Southwest Florida Water Management District Consent Order for the Northeast Regional Utility Service Area Water Use Permit Number 20006509.003.

ANNOUNCEMENTS

1. Monday, September 15, 2003 - 8:30 a.m. - The Development Review Committee will meet in the Planning Conference Room, Second Floor, County Administration Building.
2. Tuesday, September 16, 2003 - 9:00 a.m. - Collective bargaining between Polk County Board of County Commissioners and Polk Professional Firefighters, IAFF, Local 3531, will be held in the Polk County Cooperative Extension Offices Clover Room, US 17 South, Bartow.
3. Wednesday, September 17, 2003 - 1:30 p.m. - Polk County Library Cooperative Governing Board will meet in the Eagle Lake City Council Chambers, 75 North 7th Street, Eagle Lake.
4. Thursday, September 18, 2003 - 8:30 a.m. - Keep Polk County Beautiful Board of Directors meeting will be held in the Multi-Purpose Room, Room 413. For more information, call 533.8423.
5. Thursday, September 18, 2003 - 9:30 a.m. - Hearing Officer of the Code Enforcement Board will meet in the County Commission Boardroom.
6. Thursday, September 18, 2003 - 9:30 a.m. - The Sports Marketing Executive Committee will meet at the Citrus & Chemical Bank Building, Third Floor, 600 North Broadway, Bartow.
7. Thursday, September 18, 2003 - 12:00 p.m. - The Polk Leisure Services Association will meet at the Winter Haven Sports Complex, 210 Cypress Gardens Boulevard, Winter Haven.
8. Thursday, September 18, 2003 - 4:00 p.m. - The Polk Soil & Water Conservation District Board meeting will be held in the USDA Service Center Conference Room, 1700 US 17 South, Bartow.
9. Friday, September 19, 2003 - 10:00 a.m. - Collective bargaining between Polk County Board of County Commissioners and the Federation of Public Employees will be held in the Polk County Cooperative Extension Offices Clover Room, US 17 South, Bartow.

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10. Friday, September 19, 2003 - 10:00 a.m. - The Dangerous Dog Appeal Hearing is scheduled to be held in

the Lobby Conference Room, Room 139.

11. Monday, September 22, 2003 - 8:30 a.m. - The Development Review Committee will meet in the Planning Conference Room, Second Floor, County Administration Building.
12. Monday, September 22, 2003 - 9:00 a.m. - Collective bargaining between Polk County Board of County Commissioners and Polk Professional Firefighters, IAFF, Local 3531, will be held in the Polk County Cooperative Extension Offices Clover Room, US 17 South, Bartow.
13. Monday, September 22, 2003 - 11:30 a.m. - Anti-Drug Abuse Council will meet in the Commissioners' Conference Room, Room 407.
14. Monday, September 22, 2003 - 1:00 p.m. - Presentations for the Vision Facilitator for Polk Vision, Inc., will be held at the United Way of Central Florida Office, 5605 US 98 S, Lakeland.
15. Tuesday, September 23, 2003 - 7:00 p.m. - Transportation Planning Organization (TPO) Citizens Advisory Committee will meet in the Multi-Purpose Room, Room 413.
16. Thursday, September 25, 2003 - 8:30 a.m. - Finance Committee will meet in the Commissioners' Conference Room, Room 407.
17. Thursday, September 25, 2003 - 9:00 a.m. - Collective bargaining between Polk County Board of County Commissioners and Polk Professional Firefighters, IAFF, Local 3531, will be held in the Polk County Cooperative Extension Offices Clover Room, US 17 South, Bartow.
18. Thursday, September 25, 2003 - 9:00 a.m. - The Water Policy Committee will meet in the Environmental Service/Natural Resource Conference Room, 4177 Ben Durrance Road, Bartow.
19. Thursday, September 25, 2003 - 9:30 a.m. - Transportation Planning Organization (TPO) Technical Advisory Committee will meet in the Multi-Purpose Room, Room 413.
20. Thursday, September 25, 2003 - 1:30 p.m. - The Board of Adjustment will meet in the County Commission Boardroom.
21. Friday, September 26, 2003 - 9:00 a.m. - Board/Staff Agenda Review meeting to discuss the Agenda and any other matters that may come before the Board will be held in the Commissioners' Conference Room, Room 407.
22. Friday, September 26, 2003 - 10:00 a.m. - The Dangerous Dog Appeal Hearing is scheduled to be held in the Lobby Conference Room, Room 139.
23. Friday, September 26, 2003 - 10:00 a.m. - The North Ridge Community Redevelopment Agency Board will hold a public hearing to consider adoption of the updates to the North Ridge Community Redevelopment Agency Plan in the County Commission Boardroom.
24. Friday, September 26, 2003 - immediately following the North Ridge Community Redevelopment Agency public hearing - The Board of County Commissioners will meet to approve the revised North Ridge Community Redevelopment Agency Plan in the County Commission Boardroom.
25. Monday, September 29, 2003 - 8:30 a.m. - The Development Review Committee will meet in the Planning Conference Room, Second Floor, County Administration Building.
26. Monday, September 29, 2003 - 9:00 a.m. - Board/Staff Work Session with the Tourist Development Council concerning the Randall Marketing Research Study for Tourism will be held in the County Commission Boardroom.
27. Monday, September 29, 2003 - immediately following the Board/Staff Work Session - The Tourist Development Council will meet in the Multi-Purpose Room, Room 413.
28. Monday, September 29, 2003 - 7:00 p.m. - Town Hall Meeting for the purpose of responding to citizens questions regarding county government will be held at the Polk City Women's Club, 203 Lakeshore Drive, Polk City. County information will be on display beginning at 6:30 p.m.

SEPTEMBER 17, 2003

CONSENT AGENDA

V. CLERK OF THE BOARD - RICHARD M. WEISS

- A. Approve removal of equipment from inventory as set forth on Blanket Removal Forms No. 1386 through No. 1391 as requested by Fixed Asset Accounting, to be stored or disposed of in accordance with the Rules of the Auditor General's Office. (Copies on file in the Clerk's Department of Finance and Accounting to BoCC.)
- B. Approve Satisfaction of Assessment Lien for the following. (Copy on file in the Clerk's Department of Finance and Accounting to BoCC.)

<u>Black, White & Huggins</u>	<u>JEH Road</u>
R30-50 - Myrada J. Norris	R32-20 - Carolyn L. Gilbert
- C. Accept Minutes of the June 18, 2003, meeting of the Poinciana Community Development District. (Copy on file in the Clerk's Department of Finance and Accounting to BoCC.)
- D. Accept Minutes of the May 28, 2003, meeting of the Golden Lakes Community Development District. (Copy on file in the Clerk's Department of Finance and Accounting to BoCC.)
- E. Accept Eloise Community Development District's Budget for Fiscal Year 2003-2004 and adopting resolution. (Copy on file in the Clerk's Department of Finance and Accounting to BoCC.)
- F. Approve minutes of work sessions as follows: Budget Work Session - Outside Agency Requests held on August 11, 2003; Agenda (08/20/03) Briefing held on August 15, 2003; Budget Work Session - Outstanding Issues held on August 18, 2003; Budget Work Session - Budget and CIP held on August 28, 2003 and Agenda (09/03/03) Briefing held on August 29, 2003. (Copies on file in the Clerk's Department of Finance and Accounting to BoCC.)

VII. ADMINISTRATIVE SERVICES - JIM FREEMAN, DIRECTOR

A. PURCHASING DIVISION

- 1. Request Board approve the sale of Lot 11, Block 1, Lakewood Park Unit 2, Plat Book 16, Page 3, Tax I.D. No. 10-27-27-732000-001110 to James M. Grant of Davenport, Florida, in the amount of \$3,200.00.
- 2. Request Board authorize the Chairman to execute a Master Consulting Agreement with PBS&J of Bartow, Florida; Boyle Engineering Corporation of Orlando, Florida; and Envisors, LLC of Winter Haven, Florida; for RFP No. 03-087, Master Consulting Engineering Services - Water Quality Compliance Services.

VIII. COMMUNITY SERVICES - JIM BELL, DIRECTOR

A. PARKS AND RECREATION DIVISION

- 1. Request Board approval to renew Revocable Licenses to Antonia Bautista, Gloria Blackwelder, Ernest Cardin, Debra Casey-Anderson, Sherina Finley, David Jordan, Rodger King, Stuart Kuehl, Arneva Massey, Dan Mort, Willard North, Shawn Sloan, Joseph Smith, Tracy Smith and Albert Wright, resident parks caretakers, who live on-site at selected parks to provide security and other services upon submittal of acceptable insurance certificates. Caretakers contracted for the three campsites are compensated at the rate of \$750.00 per month based on expanded duties and required 24-hour availability. Renewal of Revocable License is effective October 1, 2003, to September 30, 2004.

- 2. Request Board approval of Revocable License to Jim M. O'Steen for contractual park security services at the County's Lake Arbuckle Park and Campground. Renewal of Revocable

License is effective September 17, 2003, to September 30, 2004.

3. Request Board approval of Revocable License to Chris Dunn for contractual park security services at the County's Hunt Fountain Park. Renewal of Revocable License is effective October 1, 2003, to September 30, 2004.

B. PLANNING DIVISION

1. SET HEARING DATE - LDC2003T-13: To consider adoption of a proposed ordinance amending the text of the Land Development Code. (Suggested hearing dates: November 18, 2003, and December 17, 2003, at 1:30 p.m.)

C. SPORTS MARKETING DIVISION

1. Request Board approve and authorize the Chairman to sign the funding assistance agreements for nine sports events taking place between October 3 and November 1 2003, in the amount of \$18,200.00, budgeted in 552023.5900.

IX. ENVIRONMENTAL SERVICES - DARRELL GUNN, DIRECTOR

A. UTILITIES DIVISION

1. Request Board approval to accept the off-site water, wastewater, and reclaimed water system improvements of the Bahama Bay Resort Phase A development, located in S-12, T-25, R-26, serving units 1 through 116, for ownership, operation, and maintenance by Polk County Utilities. No funding is required.
2. Request Board approval to accept the water and wastewater system improvements of the Hampton Estates Phase Two Village Six subdivision, located in S-24, T-25, R-26, serving lots 1 through 95, for ownership, operation, and maintenance by Polk County Utilities. No funding is required.
3. Request Board approve and authorize the Chairman to sign final Change Order No. 1 with CenState Contractors, Inc., Polk County Contract No. 02-44, for the Banana Road Utility Improvements Project, decreasing the contract by \$7,842.14 to \$500,017.86, and increasing the contract time by 59 days, from 160 to 219 days. Funding is available in 536023.

X. HUMAN SERVICES - LARRY SKIDMORE, DIRECTOR

A. ELDERLY SERVICES DIVISION

1. Request Board approve and authorize the Chairman to sign the Emergency Food Assistance Program Application and Contract in the amount of \$7,451.25 between the Board and the Department of Agriculture and Consumer Services, State of Florida, for the first quarter of the Federal fiscal year, October 1, 2003, through December 31, 2003. The United States Department of Agriculture (USDA) provides donated food for distribution to over 3,678 eligible needy households throughout Polk County. Funding is provided by the State of Florida Department of Agriculture and Consumer Services in the amount of \$ 7,451.25. No County funding is required.

B. HOUSING AND NEIGHBORHOOD DEVELOPMENT DIVISION

1. Request Board approve and authorize the Chairman to execute a new Lease Agreement between Polk County and Luster-All Pastoral Care and Cultural Center, Inc., for office space in the Eloise Resource Center for the purpose of conducting a culinary arts training program, in the amount of \$100.00 per month. No County General funds are required. Revenue collected will be used to offset expenses incurred in CDBG Org. Code 648004.

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2. Request Board approve and authorize the Chairman to execute a Subordination Agreement

for Bradley E. Konopinski for property located at 223 Lily Pad Lane, Winter Haven. This subordination will allow Mr. Konopinski to refinance the first mortgage at a lower interest rate. No further funding is required.

3. Request Board approve and authorize the Chairman to execute Satisfactions of Mortgage and Security Agreements between Polk County and the following homeowners:

- a. Stephanie Lawson, 7848 Jordan Heights Drive, Lakeland, in the amount of \$14,000.00.
- b. Jeanne M. Johnson and Freddy M. Johnson, 891 Old Polk City Road, Polk City, in the amount of \$7,600.00.

No further funding is required. The SHIP Account No. 554040.0649 increased in the amount of \$10,040.00.

4. Request Board approve and authorize the Chairman to execute a Satisfaction of Mortgage and Security Agreement between Polk County and Linda Tolbert, 3660 Country Lane, Lakeland, in the amount of \$5,000.00. No further funding is required. The SHIP Program Account No. 554040.0649 was increased by \$2,500.00.
5. Request Board approve Change Order No. 1, in the amount of \$600.00 for Henry L. Collins (00-HOME-19-D) for the property located at 1134 Martin Street, Lake Hamilton. No County General funds are required. Funding is provided by the HOME Grant and budgeted in Org. Code 554009, and expended out of Org. Code 554018.3442 in the amount of \$74,322.00.
6. Request Board approve Housing Rehabilitation Change Order No. 1, in the amount of \$6,530.00, and authorize the Chairman to execute Addendum No. 1 to the Rehabilitation/Reconstruction Lien and Loan Agreements for Velma Myers Henry (00-SHIP-20-D) for the property located at 507 Crescent Circle, Lake Wales. No County General funds are required. Funding is provided by the SHIP Program Grant and budgeted in Org. Code 554028, but expended out of Org. Code 554038.3442 in the amount of \$32,578.80.
7. Request Board approve Housing Rehabilitation Change Order No. 1, in the amount of \$1,100.00, and authorize the Chairman to execute Addendum No. 1 to the Rehabilitation/Reconstruction Lien and Loan Agreements for Marie Lamb (01-SHIP-25-D) for the property located at 209 Elinor Street, Dundee. No County General funds are required. Funding is being provided by the SHIP Grant and budgeted in Org. Code 554028, but expended out of Org. Code 554038.3442 in the amount of \$34,247.00.
8. Request Board approve and authorize the Chairman to sign the Section 8 Housing Assistance Payments (HAP) Contracts for the following families with Utility Reimbursements as indicated:
 - a. Dawn Acree, a tenant at 700 S. 11th Street, No. 45, Lake Wales. A monthly payment of \$157.00 to the landlord, Wales Landing Apartments, for the period of September 1, 2003, to August 31, 2004, for Annual Re-certification and Rent Adjustment.
 - b. Terry Bennett, a tenant at 2919 Wheeler Street, Bartow. A monthly Utility Reimbursement of \$3.00 to Terry Bennett and a monthly payment of \$500.00 to the landlord, Ellyce Jenkins, for the period of September 1, 2003, to August 31, 2004, for Annual Re-certification.
 - c. Glenda Chadwick, a tenant at 11-309 Carillon Place, Lake Wales. A monthly payment of \$65.00 to the landlord, Creative Choice Homes, for the period of May 1, 2003, to April 30, 2004, for Annual Re-certification.
 - d. Keyschan Dallas, a tenant at 10-205 Carillon Place, Lake Wales. A monthly payment of \$172.00 to the landlord, Creative Choice Homes, for the period of August 1, 2003, to July 31, 2004.
 - e. Teresa Jimenez, a tenant at 1824 Salem Road, Lakeland. A monthly payment of \$421.00 to the landlord, M. Darlene Swonger, for the period of September 1, 2003, to August 31, 2004, for Annual Re-certification.

- f. Angie Johnson, a tenant at 714 Hemenway Drive, Winter Haven. A monthly payment of

\$530.00 to the landlord, Bobby D. Bawcum, for the period of August 1, 2003, to July 31, 2004.

- g. Marilyn McNeil, a tenant at 4101 Carillon Place, Lake Wales. A monthly payment of \$559.00 to the landlord, Creative Choice Homes, for the period of September 1, 2003, to August 31, 2004, for Annual Re-certification and Rent Adjustment.
- h. Debra Scott, a tenant at 144 E. Bullard Avenue, Lake Wales. A monthly payment of \$463.00 to the landlord, Richard L. DeLoach, for the period of September 1, 2003, to August 31, 2004, for Annual Re-certification.
- i. Kimberly Thompson, a tenant at 81 Douglas Way, Frostproof. A monthly payment of \$600.00 to the landlord, Bernard Clayton, for the period of September 1, 2003, to August 31, 2004.

Funding is provided by the U.S. Department of Housing and Urban Development; 100% Grant Funded; Org. Code 554070.8222 (Section 8 Housing Assistance Payment Program/Rental) and as of October 1, 2003, Org. Code 554071.8222.

- 9. Request Board approve and authorize the Chairman to execute the Housing Rehabilitation/Reconstruction Lien and Loan Agreements for Jessie Mae Adams (03-SHIP-01-D) for the property located at 504 N. 5th Street, Haines City. No County General funds are required. Funding is provided by the SHIP Program Grant and budgeted in Org. Code 554028, and expended out of Org. Code 554039.3442 in the amount of \$32,970.00.
- 10. Request Board approve and authorize the Chairman to execute the Housing Rehabilitation Lien and Loan Agreements for Jo Ann Harris (03-SHIP-02-D) for the property located at 613 NW 4th Street, Haines City. No County General funds are required. Funding is provided by the SHIP Program Grant and budgeted in Org. Code 554028, and expended out of Org. Code 554039.3442 in the amount of \$33,781.00.
- 11. Request Board approve and authorize the Chairman to execute the Housing Rehabilitation/Reconstruction Lien and Loan Agreements for Debra D. Leeks (02-SHIP-26-D) for the property located at 624 Lincoln Avenue, Lake Wales. No County General funds are required. Funding is provided by the SHIP Program Grant and budgeted in Org. Code 554028, and expended out of Org. Code 554039.3442 in the amount of \$24,972.00.
- 12. Request Board approve and authorize the Chairman to execute the HOME Investment Partnership (HOME) Housing Rehabilitation/Replacement Lien and Loan Agreements, Mortgage, and Mortgage Note for Freddie Dell Snell (01-HOME-18-D) for the property located at 328 D Street, Lake Wales. No County General funds are required. Funding is provided by the HOME Grant and budgeted in Org. Code 554009, but will be expended out of Org. Code 554019.3442 in the amount of \$63,602.75.
- 13. Request Board approve and authorize the Chairman to execute a Subrecipient Agreement between Polk County and the City of Auburndale for Property Acquisition Closing Costs in the amount of \$2,000.00. No County General funds are required. Funding, in the amount of \$2,000.00, is provided by the CDBG Grant and budgeted in Org. Code 554802, but will be expended out of Org. Code 601901.

C. TRANSIT SERVICES DIVISION

- 1. Request Board approve and authorize the Chairman to execute the Standard Coordination Contract Amendment No.1, extending the agreements between the Board and the following transportation providers through December 31, 2004: Independent Community Transport, Inc. (Contract No. 2002-007-TS) and Winter Haven Hospital, Inc. - Esteem (Contract No. 2002-004-TS). Trips provided by these Agencies/Operators at the request of the CTC or in vehicles acquired with Section 5310 funds will be paid for with funds from the Transportation Disadvantaged Trust Fund (TDTF) Org. Codes 549836 for FY 2002-2003 and Org. Code 549838 for FY 2003-2004 and the Agency for Health Care Administration (AHCA)/Medicaid Program Org. Codes 544899 for FY 2002-2003 and Org. Code 544915 for FY 2003-2004.

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- 2. Request Board approve and authorize the Chairman to sign the Amendments to the Business

Associate Agreements for Health Insurance Portability and Accountability Act (HIPAA) compliance with the following contracted Transit Agencies/Providers through December 31, 2004: Independent Community Transport, Inc. and Winter Haven Hospital - Esteem Program. No fiscal impact.

XI. PUBLIC SAFETY - LARRY C. ALEXANDER, DIRECTOR

A. EMERGENCY MANAGEMENT DIVISION

1. Request Board approve and authorize Chairman to execute the Emergency Management Preparedness and Assistance Sub Grant Agreement No. 04BG-04-07-63-01-053 in the amount of \$102,959.00. Funds are annually allocated to local jurisdictions by the State of Florida, Department of Community Affairs to be used for personnel costs and operating expenses. No matching funds are required. Funds are budgeted in Org. Code 525735.

XII. TRANSPORTATION - BOB SAMPSON, ASSISTANT DIRECTOR

A. ENGINEERING DIVISION

1. Request Board accept Right-of-Way Agreement for the purchase of Parcel 123 from Earl Wilson and Juanita E. Wilson, his wife, and authorize a check for \$85,000.00 be issued for the purchase. Property is needed as additional right-of-way and storm water pond for the County Road 582 (Griffin Road) Capital Improvement Project. Also request Board approve hiring Commonwealth Land Title Insurance Company to close the acquisition, approve paying estimated closing costs of \$1,500.00, approve the Chief or Senior Right-of-Way Agent to execute the documents on behalf of the County, and approve for recording executed instruments which will allow the County to take ownership of right-of-way being purchased. Property lies in S-1, T-28, R-23. Funds are budgeted in the Long Term Program, 317 CIP Road Projects Fund, Org. Code 317066.
2. Request Board accept Right-of-Way Agreement for the purchase of Parcel 704 from Trinity Memorial Gardens of Lakeland, Inc. and authorize a check for \$2,100.00 be issued for the purchase. Property is needed as a temporary construction easement for the Griffin Road Capital Improvement Project. Also request Board accept and approve for recording executed instruments which will allow the County to take ownership of easement being purchased. Property lies in S-2, T-28, R-23. Funds are budgeted in the Long Term Program, 317 CIP Road Projects Fund, Org. Code 317066.
3. Request Board accept Right-of-Way Agreement for the purchase of Parcels 721A and 721B from Raymond E. Gunder, Jr. and authorize a check for \$19,600.00 be issued for the purchase. Property is needed as a temporary construction easement for the Griffin Road Capital Improvement Project. Also request Board accept and approve for recording executed instruments which will allow the County to take ownership of easements being purchased. Property lies in S-1, T-28, R-23. Funds are budgeted in the Long Term Program, 317 CIP Road Projects Fund, Org. Code 317066.
4. Request Board accept Right-of-Way Agreement for the purchase of Parcel 101 from Thomas S. Rutherford and Rebekah B. Rutherford, his wife, for \$32,500.00 and authorize a check for \$27,650.00 be issued to them for the purchase and a check for \$4,850.00 to GMAC Mortgage Corporation for mortgage prepayment and partial release of mortgage. Property is needed as additional right-of-way for the Old Polk City Road at Walt Williams Road Intersection Improvement Project. Also request Board approve paying GMAC Mortgage Corporation's mortgage release processing fee of \$350.00 and accept and approve for recording executed instruments which will allow the County to take ownership of right-of-way being purchased. Property lies in S-20, T-27, R-24. Funds are budgeted in the Short Term Program, 317 CIP Road Projects Fund, Org. Code 317946.

5. Request Board approve Change Order No. 1 in the deductive amount of \$6,797.41, resulting in a final contract amount of \$314,531.19. Also request Board approve Contract No. 03-22 close-out with associated final payment of \$31,858.12 to Agner Construction for the Buckeye Loop Road at Country Club Road Intersection Improvement Project. Funds are budgeted in the Short Term Program, 317CIP Road Projects Fund, Org. Code 317963.
6. Request Board approve Change Order No. 1 to CSA No. 00-15-03 with Bowyer-Singleton & Associates, Inc. for the County Road 655 at Denton Avenue Intersection Improvement Project. Change Order No. 1 is necessary to increase the contract time by 365 calendar days, resulting in a final contract time of 1,085 calendar days. No additional funds are required for this Change Order.
7. Request Board approve Change Order No. 2 to CSA No. 00-22-03 with Reynolds, Smith and Hills, Inc. for the County Road 580 at Powerline Road Intersection Improvement Project. Change Order No. 2 is necessary to increase the contract time by 365 calendar days, resulting in a final contract time of 1,445 calendar days. No additional funds are required for this Change Order.
8. Request Board declare Lot 2, Block B, Sample Brothers Sub, Plat Book 3, Page 24, Tax I.D. No. 202727-746510-002020 as surplus and authorize the public sale of the property to the highest bidder. Also recommend Board approve setting a minimum bid of \$2,420.00 for the lot based on the Property Appraiser's assessed value, and authorize the Chairman to sign the County Deed for conveyance. The County acquired the parcel through escheatment. Property lies in S-20, T-27, R-27. Also request Board authorize the proceeds from the sale to be deposited in the General Fund, Org. Code 000001.0599.
9. Request Board accept and approve for recording Quit Claim Deed from Twenty Seven, LLC, a Florida limited liability company, Inman Groves, Inc., and Legacy Park Venture, L.L.L.P., a Florida limited liability limited partnership, to Polk County. Deeds are for additional right-of-way for Poitras Road and are being given to the County to upgrade the existing right-of-way to meet current road classification standards. Properties lie in S-11 and 12, T-25, R-26. Funds for recording are budgeted in the Engineering operating budget, Org. Code 541040.
10. Request Board accept and approve for recording an Easement from Citrus Enterprises, Inc., a Florida corporation, to Polk County. The Easement is for additional right-of-way for Holly Hill Cut-Off Road and is being given to the County to upgrade the existing right-of-way to meet current road classification standards. Property lies in S-6, T-27, R-27. Funds for recording are budgeted in the Engineering operating budget, Org. Code 541040.
11. Request Board approve a Conservation Easement from Polk County to Southwest Florida Water Management District. The Conservation Easement is needed to satisfy permit requirements for the County Road 540-A Capital Improvement Project. Property lies in S-29, T-29, R-23. Funds for recording are budgeted in the Long Term Program, 317 CIP Road Projects Fund, Org. Code 317062.
12. Request Board approve the Partnering Project between the Transportation Engineering Division and the Office of Neighborhood Revitalization (representing the Rolling Hills Target Neighborhood) to stabilize the following publicly owned and maintained roads in the Rolling Hills Neighborhood:

Howell Avenue (approximately 0.04 mile); Bradley Avenue (approximately 0.02 mile); Vincent Avenue (approximately 0.06 mile); Black Avenue (approximately 0.06 mile); and Dubose Street (approximately 0.05 mile). A 60-foot by 14-foot strip off of Dubose Street, providing access to a County owned park, will also be stabilized.

Funds for the Engineering Division's 50% share of the cost, in the amount of \$15,130.50, is available in the 118 Assessment Fund, Org. Code 118100. The Office of Neighborhood Revitalization's 50% of the cost, in the amount of \$15,130.50, is available in the 413 Debris and Beautification Fund, Org. Code 534035.

13. Request Board approve the Partnering Project between the Transportation Engineering Division and the Office of Neighborhood Revitalization (representing the North Wabash Target Neighborhood) to stabilize the following publicly owned and maintained roads in the North Wabash Neighborhood:

Parker Street West (0.21 mile); Hancock Road West (0.12 mile); and Jessie Street (0.12 mile).

Funds for the Engineering Division's 50% share of the cost, in the amount of \$33,803.50, is available in the 118 Assessment Fund, Org. Code 118100. The Office of Neighborhood Revitalization's 50% of the cost, in the amount of \$33,803.50, is available in the 413 Debris and Beautification Fund, Org. Code 534035.

14. Request Board approve the Partnering Project between the Transportation Engineering Division and the Office of Neighborhood Revitalization (representing the Gardenia Target Neighborhood) to stabilize the following publicly owned and maintained roads in the Gardenia Neighborhood:

Gardenia Road (0.2 mile); Cherokee Avenue (0.1 mile); and Palmer Road (0.2 mile).

Funds for the Engineering Division's 50% share of the cost, in the amount of \$37,559.50, is available in the 118 Assessment Fund, Org. Code 118100. The Office of Neighborhood Revitalization's 50% of the cost, in the amount of \$37,559.50, is available in the 413 Debris and Beautification Fund, Org. Code 534035.

XIII. COUNTY ATTORNEY - JOSEPH G. JARRET

- A. SET HEARING DATE: To consider adoption of an ordinance Amending Ordinance No. 02-30, Community Redevelopment Trust Fund for the North Ridge Community Redevelopment Area. (Suggested hearing date: November 5, 2003, at 1:30 p.m)

XIV. COUNTY MANAGER - MICHAEL HERR