

**HARDEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
THURSDAY, DECEMBER 19, 2002 8:30 A.M.
HARDEE COUNTY HEALTH DEPT. CONFERENCE ROOM
A G E N D A**

Commissioners:	District I	William R. Lambert, Jr., Chairman
	District II	Clifton N. Timmerman
	District III	Gordon R. Norris, Vice-Chairman
	District IV	Bobby R. Smith
	District V	Walter B. Olliff, Jr.

County Manager Lexton H. Albritton, Jr.	Office Manager Susan Dick
Clerk B. Hugh Bradley	Deputy Clerk Darlene Ward
County Attorney Ken Evers	

Chairman Lambert – Call to Order.

Invocation by Rev. Dewayne Wyatt followed by Pledge to Flag.

MINUTES FOR APPROVAL: **Regular Meeting of 11/14/02 at 8:30 a.m.**
 Zoning Meeting of 11/14/02 at 1:30 p.m.
 Joint Meeting w/Planning & Zoning of 11/14/02 at 5:30 p.m.
 Special Meeting of 11/19/02 at 8:30 a.m.

APPROVAL OF AGENDA

PLEASE TURN OFF CELL PHONES AND PAGERS

APPOINTMENTS:

Tab 1
8:45 a.m. **Kathy Crawford, Director of Finance – Request approval of updated job descriptions.**

Action recommended: Motion to approve job descriptions.

Copy of job descriptions provided.

Tab 2
9:00 a.m. **J. R. Prestridge, Public Works Director – Award contract for Steve Roberts Special bridges. Low bidder is Thomas Marine Construction, Inc. - \$1,998,435.70.**

Action recommended: Motion to award bid to Thomas Marine Construction at \$1,998,435.70 and authorize Chairman to sign contract and all required documents.

Copy of letter from Keith & Schnars dated 11/25/02 recommending Thomas Marine Construction and bid tabulation sheet provided.

**BCC Agenda
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December 19, 2002**

Tab 3

9:30 a.m. Discussion of IMC's Annual Report.

Tab 4

9:45 a.m. Danny Weeks, Building & Grounds Superintendent – Update on Hardee Lakes.

Rick Knauth, Vandolah Power Company – Presentation of \$100,000 donation to County for Hardee Lakes.

Action recommended: No action required.

Tab 5

10:00 a.m. Mike Cassidy – (Barbara Rivers) – Request waiver of fine for Henry Lee Thompson, Special Master Case No. 99-20. Fine amount \$5,250.

Action recommended: Motion to waive fine.

Copy of memo from Mike Cassidy dated 11/22/02 with photo provided.

ALSO:

Discuss request for refund of permit fees for Paul Snodgrass, building permit #02-00248 in the amount of \$597.50 for single family dwelling.

Action recommended: Board's discretion.

Copy of memo from Mike Cassidy dated 11/12/02 and letter from Paul Snodgrass dated 11/06/02 provided.

Tab 6

10:15 a.m. Doug Knight, Mining Coordinator and Dave Gildersleeve, Wade-Trim, Inc. – Discuss revision of Wade-Trim Contract for the Ona mine.

Action recommended: Motion to authorize County Attorney to prepare amendment to Work Order #6 and authorize Chairman to sign.

Copy of letter from David Gildersleeve dated 12/12/02 and Ona Mine CDA Consulting Services Task Description Work Order #6 and Estimated Additional Services provided

Tab 7

11:30 a.m. Gene Schriener, Craig A. Smith & Assoc. – Request approval of the construction management services proposal for the Wauchula Hills Sewer Improvements for Phase I. Engineering construction management services – lump sum \$24,929.00; on-site construction observation fee – monthly charge of \$9,665, not to exceed 10 months (total fee \$121,579.00)

Action recommended: Motion to approve proposal and authorize Chairman to sign all required documents.

Copy of letter from Gene Schriener dated 12/03/02 with Exhibit A provided.

Tab 8

11:45 a.m. Janice Williamson, Landfill Superintendent – Request approval and authorization for Chairman to sign Work Order #7 with SCS Engineers for the preparation of the Class I Operational Permit Renewal to DEP (not to exceed \$59,000).

Action recommended: Motion to approve and authorize Chairman to sign Work Order.

Copy of memo from Janice Williamson dated 12/02/02, letter from SCS Engineers dated 12/10/02 and Work Order #7 provided.

Tab 9

1:30 p.m. BCC Zoning Meeting – See separate Agenda.

COUNTY MANAGER; NON-CONSENT AGENDA

Tab 10

A. Request motion to repeal Resolution 02-47 requiring the establishment of an escrow account relating to the state revolving loan for the Wauchula Hills WWTP.

Action Recommended: Motion to repeal Resolution 02-47.

Copy of Resolution 02-47 provided.

Tab 11

B. Discuss reimbursement of installation of traffic light at REA Road and Hwy 17 (WalMart).

Action recommended: Authorize staff to negotiate payment schedule in the amount of \$86,925.91.

Copy of BCC minutes of 09/27/01, letter from Bryan Hunter dated 10/24/01, letter from CPH Engineers, Inc. dated 08/23/01 and letter from WalMart dated 08/08/02 provided.

CONSENT AGENDA

Tab 12

A. Authorize County Manager to pay necessary bills between December 19, 2002 and January 9, 2003.

Tab 13

B. 1) Approve Park Board minutes of 10/07/02 and 11/04/02, specifically: Florida Council on Crime & Delinquency using Pioneer Park Lake for a Fishing tournament with concession stand on 01/11/03;

2) CUB scouts use building at Pioneer Park at no charge on Monday nights Until renovations are complete of the Zolfo Civic Center;

3) Approve closing Park at dark instead of 9:00 p.m.

Copy of minutes provided.

Tab 14

- C. Approve extending lease by Lease Amendment to Farm Service Agency in Annex II at a rate of \$8.80/sq. ft. for a five year period (01/01/03 – 12/31/07) 2,960 sq. ft. Annual \$26,136.**

Copy of Lease Amendment provided.

Tab 15

- D. Acknowledge annual dues paid to FHREDI in the amount of \$1,372 for FY 02-03.**

Copy of invoice provided.

Tab 16

- E. Approve agreement with Dr. Donald B. Geldart, Medical Director, and authorize Chairman to sign. (12/19/02 – 12/19/03)**

Copy of agreement, letter from Dr. Geldart dated 12/02/02 and malpractice insurance policy provided.

Tab 17

- F. Approve sale of the 1500 E Tire Shredder, S.N. 91-205-0475, PRC #SW-017 , to SIS Shredding System, Inc. for \$4,000.**

Copy of memo from Janice Williamson dated 11/08/02 and e-mail with SIS provided.

Tab 18

- G. Acknowledge Chairman's signature on the Florida Enterprise Zone Program Signature authorization form for Florida Department of Revenue forms.**

Copy of signature form provided.

Tab 19

- H. Request approval and authorization for Chairman to sign Resolution 03-07 to accompany previously approved SCRAP Agreement Amendment for resurfacing Murphy Road.**

Copy of Resolution and amendment provided.

Tab 20

- I. Proclaim the Month of November 2002 as National Epilepsy Awareness Month.**

Copy of Proclamation provided.

Tab 21

- J. Request approval for waiver of permitting fees and plan review fees for the City of Wauchula's renovation of the old Thriftway building (estimated at \$2,865.00).**

Copy of memo from Mike Cassidy dated 11/02/02 and letter from Jerry Conerly dated 12/10/02.

Tab 22

- K. Acknowledge receipt of Construction Industry Licensing Board minutes of 12/09/02.**

Copy of minutes provided.

Tab 23

This tab left blank intentionally.

Tab 24

- L. Request approval and authorization for Chairman to sign maintained right-of-way map for Crewsville Road.**

Copy of right-of-way map available for review.

Tab 25

- M. Request approval and authorization for Chairman to sign Interlocal Agreement with Cities of Bowling Green, Wauchula and the Town of Zolfo Springs and the School Board of Hardee County for Public School Facility Planning.**

Copy of letter from Rocky Kitchens dated 12/02/02 and Interlocal Agreement provided.

Tab 26

- N. Accept resignation of Peggy Fraim from Planning and Zoning Board, term to expire 12/2002 and appoint replacement for a three year term.**

ALSO:

Reappoint Charles Nicholson to another three year term on the Planning and Zoning Board.

Copy of memo from Mike Cassidy dated 11/08/02, memo from Susan Dick dated 12/12/02 listing interested parties and Advisory Board Informational Data sheets for each interested individual.

Tab 27

- O. Acknowledge receipt of Clerk's financial statements ending 10/31/02 and 11/30/02.**

MOTION TO APPROVE CONSENT AGENDA A-O.

COUNTY ATTORNEY KEN EVERS

OLD BUSINESS – OPEN See Agenda Attachment 'A'

OLD BUSINESS – CLOSED See Agenda Attachment 'B'

COMMENTS FROM COMMISSIONERS, OTHER ELECTED OFFICIALS AND CITIZENS

OTHER BUSINESS

Meeting adjourned at _____ with the next Regular Meeting on January 09, 2003 at 8:30 a.m. and Regular Planning Session Meeting scheduled for Friday, January 17, 2003. Meetings to be held at Hardee County Health Dept. Conference Room, 115 K.D. Revell Rd, Wauchula, Florida, 33873.

PLEASE NOTE THAT THE ABOVE APPOINTMENT TIMES MAY BE ADJUSTED AS DEEMED NECESSARY UNLESS IT IS AN ADVERTISED PUBLIC HEARING.

REMINDER:

December 24 & 25, 2002 – Office closed.

Attachment A
OLD BUSINESS (Open)
DECEMBER 19, 2002

1. Permanent relocation of staff – first draft of floor plan for returning to Annex I has been prepared for review by County Manager. Will schedule Comcast site survey during planning period.
2. Sludge Issue – County Manager met with Lockie Gary, Mike Cassidy and Range Cattle Station Representative on 10/04/02. Incorporating occasional user language.
3. Special Taxing Districts – Public Hearing scheduled for 01/09/03 authorizing Uniform Method of Collection of Special Assessments (necessary to collect assessments on tax bill).
4. Heartland Water Alliance– Status: Meeting held 07/22/02 at 1:30 p.m. at Health Dept. (staff members meeting) Full Alliance meeting to be set up.
5. Mining Ordinance Amendments/ DRI's –Staff identifying ordinances and resolutions for determining amendments needed and scheduling for completion.
6. Hardee Lakes 09/19/02 Authorized proceeding with FRDAP Grant, \$200,000 and LWCF Grant, \$150,000. Staff working with Fish & Game on potential grants and design assistance. This agenda donation of \$100,000 from Vandolah Power Company.
7. Architectural/Structural Engineering Services 05/23/02 – Weeks to go out for RFPs. Documents prepared – preparing to advertise.
8. Shared roads with DeSoto County – 08/01 staff met with DeSoto Engineers to determine crossroad culvert and paving costs for 10-Mile Grade. Waiting on info from DeSoto County. DeSoto County Manager reviewing proposal. Staff meeting with DeSoto County 11/01/02. Desoto legal/finance reviewing our request for Desoto to pave and Hardee to contribute to their bond payments. DeSoto assessing maintenance work needed on Lily County Line.
9. Tuition Reimbursement Policy – 07/11/02 authorized County Manager to revise. 07/25/02 determined that policy does not need to be reviewed by BCC.
10. Industrial Development Authority – 07/25/02 IDA to identify sites for light commercial site along Hwy 17 in Enterprise Zone and a heavy industrial site; ascertain costs, funding alternatives and work with County staff. 11/19/02 IDA received BCC approval of recommended 160 ac site at up to \$1.6M. BCC Resolution unanimous to direct IDA to negotiate purchase option on behalf of Co. subject to appraisal & financing, and authorize Chairman to sign purchase option & any other pertinent documents. BCC updated by Park Winter at Planning Session 12/13/02.
11. Range Cattle Research & Education Center at Ona – 08/08/02 Approved appointing a Steering Committee to study the Center's mission. EDO compiled list of potential members and is contacting each. Kick-off meeting occurred 09/27/02. Committee was to meet November but Dr. Pate requested reschedule for 01/22/03 – Committee to tour and receive information paper from Center staff.
12. Steve Roberts Special Bridges – Bids Due 11/19/02. Award contract this agenda at 9:00 a.m.
13. Bowling Green Volunteer Fire Dept. –This agenda Public Hearing authorizing the Uniform Method of Collection of Special Assessments (necessary to collect assessments on tax bill). County Manager on City agenda 01/14/03.
14. Old Town Creek Paving Project – Cost estimate for S.R. 64 to Mel Smith based on 2001-2002 contract bids is \$355,022; County Attorney submitted counter-offer of \$55,000 the week of 09/16/02. County Attorney received letter on 11/04/02 from Mrs. Sanders refusing the \$55,000 offer. Attorney setting up meeting to discuss letter.

BCC Old Business (Open)

Page Two

December 19, 2002

- 15. 08/22/02 Economic Tax Abatements for Hardee Power Partners, Seminole Electric and Mancini Packing; staff to check for compliance with statute and ordinance. Staff developing policy procedure to determine yearly compliance. Finance sent letters to companies requesting verification of employees. Still waiting on responses – will provide copies of responses to Board when received. (waiting on Mancini Packing)**
- 16. Soil Mapping – 07/16/02 – pursue the issue of re-mapping of the soils with DEP and the Bureau of Mine Reclamations.**
- 17. Animal Control Consolidation – County Manager and J.R. to meet 01/02/03.**

Attachment B
Old Business (Closed)
December 19, 2002

1. **Water for rural outlying fires – drawing from agricultural wells, ponds, etc.; obtain written permission for files.**
Status: One 10,000 tank acquired from City of Wauchula to be placed on east side of County, possibly Resthaven property or 7-mile point area. Have access to additional 3,000 gallon tank. Working with property owners for sources from grove pumps, etc. Additional manpower to be assigned to this task.
2. **Water Plant and Wauchula Hills Wastewater plant**
Contract awarded to low bidder Westra Construction Corp. \$3,517,350.28. Updates will be made upon request.
3. **Minor Subdivision Plats – Table until info received on Special Taxing Districts.**
4. **Pave Ten-Mile Grade N/S and E/W as necessary- N/S waiting on grant – E/W Engineer preparing costs – waiting on DeSoto County on E/W portion. AFAM is providing all info necessary to move forward and they have expanded their number of employees that allows us to receive the maximum amount of funds for 10-mile grade \$750,000 CDBG-ED grant. Consultant will work on next public hearing. Should be hearing from AFAM this week regarding their bond issue. Lex & Ken to meet with AFAM, 11/19 to discuss conduit bonds.**
5. **Coordinate paving of Sauls Road entryway and E/W portion with most expeditious way of funding. Advertised –Mandatory Pre-Bid held 09/26/02 with four (4) companies attending.**
Bids Due 10/10/02. Bids being calculated by Engineers and County – Engineer finalizing SWFMD permit – low bid \$237,929.75 . Contract awarded to low bidder Kelco Striping & Excavating.
6. **Land Suitability Index Report – Also need Cumulative Impact Study – 08/16/02**
received Presentation on potential cumulative impacts of clay settling areas. Meeting set with IFAS on 10/22/02. IMC met with CFRPC 10/22/02. Report adopted by Resolution 03-05.
7. **Sewer hook-up for Pioneer Park to Zolfo Springs system – CAS has done field study and will submit cost estimate for design and survey. Costs being re-evaluated.**
8. **Legislation Packet for 2003 Legislative Session – compiling information. Legislative meeting scheduled 11/25/02. Completed.**
9. **Road Paving Priorities system – 08/08/02 County Manager/County Engineer/Director of Public Works to work on a better, more equitable evaluation using more meaningful data.**
12/13/02 Planning Session – BCC consensus to proceed with proposed changes to road paving priorities as presented by J. R. Prestridge and Bryan Hunter.
10. **Vandolah Wastewater Treatment Plant – Pulled the remaining forms on the WWTP slab. Back filled around the WWTP slab. Laid out the walls on the WWTP slab. Finished back filling on spray field area. Continued seeding operation on Vandolah Road. Installed 70 % of spray heads on field. Will update as requested.**
11. **09/05/02 Authorized hiring County Engineer – currently being advertised.**

**HARDEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING – DECEMBER 19, 2002 8:30 A.M.
HARDEE COUNTY HEALTH DEPT.
CONFERENCE ROOM, WAUCHULA, FL
A G E N D A
ADD-ONS**

REMOVE FROM APPOINTMENTS:

8:30 a.m. Kathy Crawford, Director of Finance – Request approval of updated job descriptions.

**HARDEE COUNTY BOARD OF COUNTY COMMISSIONERS
ZONING MEETING
THURSDAY, DECEMBER 19, 2002 1:30 P.M.
HARDEE CO. HEALTH DEPARTMENT CONFERENCE ROOM
115 K. D. REVELL ROAD
A G E N D A**

Commissioners:	District I	William R. Lambert, Jr., Chairman
	District II	Clifton N. Timmerman
	District III	Gordon R. Norris, Vice-Chairman
	District IV	Bobby R. Smith
	District V	Walter B. Olliff, Jr.

County Manager Lexton H. Albritton, Jr.
Clerk **B. Hugh Bradley**

County Attorney Ken Evers
Office Manager **Susan Dick**
Deputy Clerk **Darlene Ward**

Mike Cassidy, Building Official

Chairman Lambert—Call meeting to Order.

Notice of Publication—The Herald Advocate 11/21/02 & 11/28/02

Chairman or Designee—Explain BCC Rules of Procedure.

Attorney Evers—Administer oath to witness who wish to offer testimony.

Building Official Cassidy—Notice that all properties were properly posted and all adjoining landowners notified.

Agenda Items:

EXCEPTION TO POLICY L1.15

03-04 Michael P. Patton requests an Exception to Policy L1.15 of the “Comp Plan” to allow transfer of a parcel from the 13.65MOL-ac-parent-parcel to immediate family member (daughter) for primary place of residence, A-1 (Agriculture) on or about SR66, Hardee County.

Action Recommended: Planning and Zoning Board and staff recommend approval with condition.

Copy of Application, letter of recommendation & staff report provided.

03-05 Mary Jane/Edward D. Albritton request an Exception to Policy L1.15 of the “Comp Plan” to allow transfer of a parcel from the 2.90MOL-ac-parent-parcel to immediate family member (son) for primary place of residence, F-R (Farm Residential) on or about Old Bradenton Rd, Hardee County.

Action Recommended: Planning and Zoning Board and staff recommend approval with condition.

Copy of Application, letter of recommendation & staff report provided.

- 03-07** Todd Garrett requests an Exception to Policy L1.15 of the “Comp Plan” to allow transfer of a parcel from the 20MOL-ac-parent-parcel to immediate family member (father) for primary place of residence, A-1 (Agriculture) on or about Roy Moore Rd, Hardee County.

Action Recommended: Planning and Zoning Board and staff recommend approval with condition.

Copy of Application, letter of recommendation & staff report provided.

- 03-08** Hoyt E., Sr./Joan Terrell request an Exception to Policy L1.15 of the “Comp Plan” to allow transfer of a parcel from the 18.20MOL-ac-parent-parcel to immediate family member (daughter) for primary place of residence, A-1 (Agriculture) on or about Bost/Popash Rd, Hardee County.

Action Recommended: Planning and Zoning Board and staff recommend approval with condition.

Copy of Application, letter of recommendation & staff report provided.

- 03-09** C.R. Jr./Pearl L. Powell, by and through their Authorized Representative requests an Exception to Policy L1.15 of the “Comp Plan” to allow transfer of a parcel from the 20MOL-ac-parent-parcel to immediate family member (son) for primary place of residence, F-R (Farm-Residential) on or about Old Bradenton/Polk Rds, Hardee County.

Action Recommended: Planning and Zoning Board and staff recommend approval with condition.

Copy of Application, letter of recommendation & staff report provided.

- 03-10** James L./Audrey Swailes request an Exception to Policy L1.15 of the “Comp Plan” to allow transfer of a parcel from the 11MOL-ac-parent-parcel to immediate family member (wife) for primary place of residence, A-1 (Agriculture) on or about St Rd 64E Rd, Hardee County.

Action Recommended: Planning and Zoning Board and staff recommend approval with condition.

Copy of Application, letter of recommendation & staff report provided.

REZONE

- 03-06** The J.R. Paul, Jr. Family Limited Partnership by and through its Authorized Representative Timothy P. Wheat, Regional Vice President of Pinnacle Housing Group requests a Rezone of 9.73MOL ac of a 31.67MOL-ac parent parcel from F-R (Farm-Residential) to R-3 (Multiple Family Residential) on or about South Florida Ave, Hardee County.

Action Recommended: Planning and Zoning Board and staff recommend approval.

Copy of Application, letter of recommendation & staff report provided.

03-12 Arthur H./Anita L. Melendy, by and through their Authorized Representative requests approval of a Rezone of 40MOL ac from F-R (Farm-Residential) to A-1 (Agriculture) on or about SR62, Hardee County.

Action Recommended: Applicant has withdrawn application for Rezone.

Copy of memo from Vida Tomlinson, Chairman, Planning & Zoning Board dated 12/06/02 provided.

VARIANCE

03-03 Charles A. Barton, Jr. requests a Variance to the minor subdivision requirements of the Hardee County Unified Land Development Code (ULDC) for a 40MOL-ac parcel, A-1 (Agriculture) on or about SR66, Hardee County.

Action Recommended: Planning and Zoning Board and staff recommend denial.

Copy of memo from Vida Tomlinson, Chairman, Planning & Zoning Board dated 12/06/02 provided.

OTHER BUSINESS

GENERAL RULES OF PROCEDURE

Ladies and Gentlemen:

This is a quasi-judicial proceeding and any decision of the Board must be supported by substantial and competent evidence. In rendering its decision the Board shall rely solely upon the testimony which is relevant and material and any testimony given in the form of an opinion will not be relied upon unless given by a qualified witness.

You shall have the right to give testimony, and to present evidence and witnesses. The applicant, the Board and any interested persons shall be given an opportunity to ask question of any witness. Any persons who wishes to testify shall be administered an oath to swear or affirm to tell the truth.

At this time, if there is anyone who wishes to testify before the Board, please rise for the administration of the Oath.

Next BCC Zoning meeting to be held on January 23, 2003 at 1:30 p.m. at Hardee Co. Health Dept. Conference Room, 115 K.D. Revell Road, Wauchula, FL. Next regular County Commission meeting to be held on January 09, 2003 at 8:30 a.m. at Hardee Co. Health Dept. Conference Room.