

MINUTES OF THE GLADES COUNTY BOARD OF COUNTY COMMISSIONERS  
MEETING ON TUESDAY, JUNE 10, 2014 AT 9:00 A.M. IN THE COUNTY  
COMMISSIONERS MEETING ROOM, GLADES COUNTY COURTHOUSE, MOORE  
HAVEN, FLORIDA

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The Glades County Board of County Commissioners met on Tuesday, June 10, 2014 at 9:00 a.m. with the following Commissioners present:

Donna Storter Long, Chairman  
Tim Stanley  
Paul Beck

Not present:

Russell Echols

Others present:

Julie Mann Braddock, Administrative Secretary  
Tiffany Patterson, Finance Director  
Richard Pringle, County Attorney  
Paul Carlisle, County Manager  
Bob Jones, Public Safety Director  
Terri Anascavage, E911 Coordinator  
Stuart Whiddon, Glades County Sheriff  
Avant Brown, Road Superintendent  
Missie Barletto, AIM Engineering  
Matthew Howard, Johnson Engineering  
Charlie Murphy, Okeechobee Radio  
James Hull, AIM Engineering  
Gary Ritter, South Florida Water Management District  
Fred Edman, Wright Construction Group  
Melvin Guerry  
16 citizens

Chairman Storter Long called the meeting to order at 9:00 a.m.

**PRAYER**

Commissioner Beck gave the invocation.

**PLEDGE**

Vice Chairman Stanley led the Pledge of Allegiance.

**AGENDA AMENDMENTS**

County Manager Carlisle requested that Item #8 – Agricultural Lease with Melvin Guerry be amended to include the new lease language as presented and that Item #9 – Surplus County Equipment be amended to include some items from the Ortona

Community Association. Commissioner Beck requested that Item #13 – Request to obtain information regarding a Right of Way at Curry Island be added to the Business Agenda.

ON MOTION of Commissioner Beck seconded by Vice Chairman Stanley the Board approved the amendments to the agenda.

Motion carried by 3 – 0 vote.

### **PRESENTATIONS / AWARDS**

#### **1. Resolution Proclaiming Florida SouthWestern State College as the New Name for Edison State College**

Several representatives, including Mrs. Julie Perry, were present representing Florida SouthWestern State College. They requested that the Board adopt the Resolution proclaiming Edison State College's new name.

ON MOTION of Commissioner Beck seconded by Vice Chairman Stanley the Board approved Resolution 2014-17, proclaiming Florida SouthWestern State College as the new name of Edison State College effective July 1, 2014.

Motion carried by 3 – 0 vote.

### **PUBLIC INPUT ON AGENDA ITEMS**

There was none.

### **PUBLIC HEARINGS**

#### **2. Noise Control Ordinance**

Attorney Pringle stated there were a number of provisions included in this Ordinance. He explained that the noise level from the property line would be the measuring point. He stated County Manager Carlisle had purchased a noise decibel meter so that the person enforcing the Ordinance would have the proper equipment. He stated that person would have to be properly trained in using the meter since he/she would be issuing citations and would have to appear before the Judge to testify regarding the violation. He stated this Ordinance was a broad approach to noise control and could be reviewed again in 6 months to see how it was functioning.

Chairman Storter Long asked for clarification regarding the penalties and civil remedies on page 9 or 12.

Attorney Pringle referred to section 5 on page 4 of 12. He stated this section addressed the sound levels by receiving land use. He stated the provisions for waivers and exceptions were covered on page 7 of 12. He stated some pre-existing businesses would be an exception; however, expansion of an industry or commercial business that occurred after the effective date of this Ordinance would not. He explained the waiver

process on page 8 of 12 and covered the enforcement and penalties. He stated any person, firm, or corporation who violated any provision of this Ordinance would, upon conviction, be guilty of a second degree misdemeanor and subject to a fine not exceeding the sum of \$500.00 or imprisonment in the county jail for a period not to exceed 60 days. He further explained that the only way to measure the specific levels of sound was by use of a decibel meter reader. He stated the person operating the equipment would need to be properly trained and certified in its use. He stated this training would make the enforcement ability that much stronger. He stated he had spoken with John Ahern, City Councilman, regarding the City of Moore Haven opting into the application of this Ordinance. He stated he could add this language to the Ordinance if the City so desired. He stated this would not change the factual basis of the Ordinance but the matter could be set for public hearing and come before the Board at a later date for approval.

John Ahern, City Councilman, stated he believed this was great start. He stated he believed the City of Moore Haven would be opting to use the Ordinance. He stated there were a few minor tweaks such as the provisions regarding livestock that would not apply to the City. He suggested that the Board address noise at the cemetery during funeral services and noise during church time on Sunday mornings.

There was a brief discussion regarding the noise at the cemetery and how to address this in the Ordinance.

Attorney Pringle stated the Ordinance could state that no one was authorized to use the cemetery for any other reason when a service was being held or a gravesite being prepared.

Commissioner Beck questioned the decibel meter reader and if it was calibrated and certified.

County Manager Carlisle stated the reader came with a certification disks that validated information and had data downloads. He stated the meter would record the event and you could print out the noise patterns and decibel pressures.

Commissioner Beck asked if this would be enough to hold up in court.

County Manager Carlisle stated the Judge would make the final decision.

Paul McGehee, Glades Electric, asked how this would affect the use and operation of a large bank of generators that were used during emergency situations.

Attorney Pringle stated this type of noise would be covered under section 6 (Exceptions) of the Ordinance and would be considered a pre-existing business.

County Manager Carlisle further explained that emergency services were exempt.

Vice Chairman Stanley questioned the use of air boats in Buckhead Ridge.

Attorney Pringle stated the Ordinance included an exception for air ports but not air boats.

Chairman Storter Long suggested that the Board wait a few months and see how the implementation went before adding more provisions to the Ordinance.

Attorney Pringle stated air boat shops would be covered under commercial business exceptions in section 1. He stated he could add a provision regarding the use of air boats (during normal use) to the Ordinance. He stated it would be no different than the provisions regarding rail ways, shipping lanes, and the operation of airports.

Chairman Storter Long read the title of the Ordinance into the record. She stated the Board had considered the option for the City to join in on the Ordinance and making a provision for air boats.

Commissioner Beck stated he would like to see the final version before voting.

Attorney Pringle stated that would be his preference also. He stated he would prepare something and have it ready for consideration at the next day meeting.

ON MOTION of Commissioner Beck seconded by Vice Chairman Stanley the Board continued the public hearing regarding the adoption of Ordinance 2014- regulating noise to the July 8, 2014 meeting.

Motion carried by 3 - 0 vote.

### **3. Cemetery Ordinance**

Chairman Storter Long stated the old Ordinance regarding the cemetery had been revised and was before the Board for consideration.

Attorney Pringle stated this was a public hearing was related to the adoption of an Ordinance amending certain provisions of Chapter 14 of the Glades County Code. In particular, the Ordinance verified: the size of a cemetery lot as being 5' x 515', the interment of cremains, and the revision of the existing headstone provision (Section 14 – 23) in the Code. He stated this Ordinance included the recommendations of a committee that had been formed some time ago. He stated several other issues had been raised by Chairman Storter Long and could be addressed today. He stated the Ordinance had been properly published and the Board had several different options. He stated the Board could discuss the item and receive public input today and adopt the

Ordinance or they could continue the item, after discussion, and have it placed on the agenda for consideration at a future meeting.

Chairman Storter Long stated the first question would be how many cremains could be buried in a single burial lot if there had been no prior casket interment.

County Manager Carlisle stated the prior recommendation had been 4 cremains if there had been no prior burial of a casket.

Commissioner Beck questioned the size of the vault and the material that would be used for the burial of the cremains. He asked if the vault would be steel, concrete, or a similar material and stated this would have a direct effect on the number of cremains that could be placed in a single burial lot.

Chairman Storter Long questioned the types of material that would be used and the definition of “equivalent liner”. She suggested that a permit form be filled out for the burials that would indicate this information.

There was a discussion regarding how far beneath ground level the vault would be placed.

Chairman Storter Long stated some research needed to be done on these issues prior to her feeling comfortable enough to take a vote.

After a lengthy discussion the Board directed Attorney Pringle to research the liner and vault requirements, and to delete the language in the proposed Ordinance that stated the County Road Department was responsible for opening and closing grave sites. He stated he would prepare a revised proposed Ordinance for Board review prior to re-advertising for the public hearing.

ON MOTION of Commissioner Beck seconded by Vice Chairman Stanley the Board continued the discussion regarding a cemetery Ordinance amending Chapter 14 of the Glades County Code related to county-owned or County-operated cemeteries in Glades County so that Attorney Pringle could gather more information and produce a draft Ordinance to the Board for review prior to re-advertising for the public hearing.

Motion carried by 3 – 0 vote.

#### **CONSENT AGENDA**

- 4. Approve payment of County Warrants. (Exhibit A)**  
**General Fund: 73547 – 73621**  
**Courthouse Facilities Grant: 1409 – 1412**  
**SHIP: 1586**  
**Intergovernmental Radio: 10239**

**5. Approve the Minutes of the May 23, 2014 Workshop.**

ON MOTION of Commissioner Beck seconded by Vice Chairman Stanley the Board approved the Consent Agenda items.

Motion carried by 3 – 0 vote.

**BUSINESS AGENDA**

**6. Glades County Emergency Operations Center Construction Project  
Second Addendum to Contract with Wright Construction**

County Manager Carlisle stated Wright Construction staff was present to answer any questions the Board may have.

Attorney Pringle stated the Board had previously taken action to approve certain value engineering modifications to the Emergency Operations Center construction project scope of work. He stated the Board had previously approved an Agreement and a First Addendum to the Agreement with Wright Construction. The First Addendum provided that Second Addendum to the Agreement would be prepared which would incorporate the final construction documents, the construction completion date, and the final Guaranteed Maximum Not-to-Exceed Price. He asked that the Board authorize County Manager Carlisle to spend contingency funds, regardless of the amount, up to \$100,000.00.

Chairman Storter Long stated the first item to be addressed in paragraph 1 would be the date of the revised construction documents which would be May 30, 2014. She stated this same date would be used in paragraph 2; she stated the deadline for substantial completion of construction in paragraph 3 was March 31, 2014 with a final completion date of April 30, 2015; she stated the Guaranteed Maximum Price in paragraph 4 would be \$4,180,476.00.

Fred Edman, Wright Construction Group, stated the substantial completion would need to be pushed out a little. He stated this date would still be in compliance with the grant.

County Manager Carlisle stated the new substantial completion date would be April 15, 2015 and final completion would be May 15, 2015.

Attorney Pringle referred to the GMP book and stated all of this information was included in this book.

Chairman Storter Long stated paragraph 5 authorized the County Manager to spend the contingency funds in any amount up to \$74,965.00.

Mr. Edmond stated he was thrilled to start this project.

ON MOTION of Commissioner Beck seconded by Vice Chairman Stanley the Board approved the Second Addendum to the Agreement with Wright Construction, as presented, for the construction of the Emergency Operations Center Project using the revised construction documents dated May 30, 2014 by CRA and a Guaranteed Maximum Not-To-Exceed Price of \$4,180,476.00 and authorized the Chairman to execute same. (See Exhibit B)

Motion carried by 3 – 0 vote.

**7. Hiring Special Legal Counsel related to the Services Assessment Approval Process**

Attorney Pringle stated the Board had previously decided to move forward with the creation of a special assessment for fire services. He stated it would be his recommendation that Glades County enter into a special legal counsel arrangement with Nabors, Giblin, & Nickerson (NGN) for NGN's representation of the County as special legal counsel beginning immediately.

Chairman Storter Long asked if this would delay the Board's current schedule for implementation of the special assessment.

Attorney Pringle stated it would not.

Vice Stanley asked if this would be a minimal cost unless something happened in the future.

Attorney Pringle stated the goal was to NGN's input up front and overcome any challenges that may be raised in the future and to prohibit any of these challenges.

ON MOTION of Commissioner Beck seconded by Vice Chairman Stanley the Board approved an independent contractor agreement with Nabors Giblin & Nickerson (NG&N) for their representation of the County regarding the County's creation and implementation of a services assessment process beginning immediately pursuant to the terms of the attached Letter of Engagement and authorized the Chairman to execute same. (See Exhibit C)

Motion carried by 3 – 0 vote.

**8. Agricultural Lease with Melvin Guerry (amended)**

Attorney Pringle stated County Manager Carlisle had gone thru the RFB process and selected Melvin Guerry as the most responsive. He stated he had prepared a proposed lease for the 42 acre County owned site. He stated he had given the County the opportunity to terminate without cause and any improvements to the property would be prorated, such as the cost of installing the perimeter fence. He stated this would be a 5 year lease with an option to extend.

Melvin Guerry, Glades County resident, stated he had not yet seen the final lease agreement.

Attorney Pringle explained the terms of the lease. He stated the rental rate would be \$1,050.00/annually; Mr. Guerry would fence the property according to state laws on fencing requirements; if he vacates or abandons the lease will be cancelled; he will not permit any person to cut or remove any trees, wood, timber or stumps from the property; he will not remove any topsoil, rock, gravel, marl, or any mineral of any kind from the property; he will use the property for agricultural purposes only and get permission to dig lakes or water bodies; he will keep the property fully enclosed and gated and agrees to install fencing at his expense, which will be prorated back to him in the event the lease is terminated; he will provide receipts on these costs to the County; he will keep gates locked and provide keys & lock combinations to the County Manager; he will indemnify the County (per PRM language provided in the insurance policy) and will maintain comprehensive liability insurance in the amount of \$1 million and list the County as an additional insured on the policy; he will maintain perimeter fencing which will remain at the end of the lease term; he will not allow any activity that is in violation of any law; he will adhere to the rules of the USDA and EPA regarding cattle ranching; he will not use chemicals or fertilizers unless they are approved by the Florida Department of Agriculture; he will not allow the dumping of any waste and will leave the acreage clean and in forage ready condition at the end of the lease term. Attorney Pringle apologized to Mr. Guerry for not getting him a copy of the revised lease for review.

Mr. Guerry commented on the requirement for Workman's' Compensation insurance and stated he had no employees and would not need to obtain this insurance.

ON MOTION of Vice Chairman Stanley seconded by Commissioner Beck the Board approved an Agriculture Lease with Melvin Guerry for an initial five (5) year term, with possible extensions, pursuant to the Lease Agreement terms as contained in the proposed Agriculture Lease, as presented (and revised), and authorized the Chairman to execute same. (See Exhibit D)

Commissioner Beck questioned Mr. Guerry about his being in the cattle business. He commented on the fencing that Mr. Guerry was going to install. He commented on the requirements for fencing if grant monies were received to help with the costs.

Chairman Storter Long commented on the removal of non-native vegetation and the modification to the agreement.

Mr. Guerry explained the fencing requirements dictated by his insurance policy. Attorney Pringle clarified that the fencing requirements would be the minimum and that he would strike the end of paragraph R.



Motion carried by 3 – 0 vote.

**9. Surplus County Equipment (amended)**

Chairman Storter Long stated the Ortona Community Association had added some additional items to the list of surplus equipment: Three (3) 4-drawer filing cabinets, table and the desk.

ON MOTION of Commissioner Beck seconded by Vice Chairman Stanley the Board declared Canon IR 3035 Copier, Property No. 3546, along with three (3) 4-drawer filing cabinets, a table, and a desk from the Ortona Community Association, as surplus and deleted them from the Property Records.

Motion carried by 3 – 0 vote.

**10. Roads Considered for SCOP and SCRAP Projects**

Avant Brown, County Road Superintendent, stated there were several long roads that had been broken down into segments (different project) at the request of the Department of Transportation.

Commissioner Beck questioned Avenue J project. He asked if this road was the one that was in conflict with the Warr property.

Mr. Brown stated this was the road in question.

Chairman Storter Long stated engineering would be done for this project and would determine exactly where the right-of-ways were.

ON MOTION of Vice Chairman Stanley seconded by Commissioner Beck the Board approved the following roads for SCOP & SCRAP Projects: CR 74 – SR 29 to Charlotte County Line; CR 721 (Indian Reservation road) – SR 78 to Highlands County Line; Bakers Hwy/CR 720 (Lundy Road) – River Road to Hwy 27; and Riverside Drive – Avenue J to end of pavement.

Motion carried by 3 – 0 vote.

**11. Approve Records Disposition from Human Resources**

County Manager Carlisle stated this request was to dispose of records that were beyond their retention schedule.

ON MOTION of Commissioner Beck seconded by Vice Chairman Stanley the Board approved Records Disposition Document No. 2014-1 (4 years of Employment Applications – all positions and 5 years of Workers' Compensation Records) as submitted by Mary Ann Whitney, Human Resources Director. (See Exhibit E)

Motion carried by 3 – 0 vote.

**12. Schedule Budget Workshops**

Chairman Storter Long stated Clerk Brown had suggested holding a budget workshop immediately after the July 8<sup>th</sup> day meeting and, if needed, a second workshop on Friday, July 18, 2014 at 9 a.m.

ON MOTION of Commissioner Beck seconded by Vice Chairman Stanley the Board scheduled the Budget Workshops for the following dates: Tuesday, July 8, 2014 immediately following the day meeting and Friday, July 18, 2014 at 9:00 a.m.

Motion carried by 3 – 0 vote.

**13. Right of Way Curry Island**

Commissioner Beck stated that in order for FDOT to complete their bike path along SR 78 the County needed to show a lease or ownership to a right-of-way from DEP. He asked for consensus from the Board to direct Attorney Pringle to pursue a right-of-way from DEP for County owned property at Curry Island.

It was the consensus of the Board to direct staff to pursue a right-of-way to County owned property at Curry Island from DEP.

**CONSTITUTIONAL OFFICERS**

There was no discussion.

**COUNTY ATTORNEY**

There was no discussion.

**COUNTY MANAGER & DEPARTMENT HEADS**

County Manager Carlisle stated he had attended a great meeting with DOT regarding the Moore Haven Canal project and that he had taken Ken Kuhl, of the DEP, to view the project. He stated he had spoken with a representative from Scotts Miracle Grow and had been informed that the County qualified for a \$500.00 grant for landscaping at the Harney Pond Pavilion. He stated the Clerk's Storage building was now complete and staff was in the process of doing a final clean up so that Ms. Brown could order her shelving.

Chairman Storter Long asked if County Manager Carlisle had received any feedback from Bob Beck, representative of DEP, regarding the Cypress Knee Museum property.

County Manager Carlisle stated he had been informed by Mr. Beck that DEP's legal counsel had made comments on the proposed revisions to the lease agreement for the property but he had not seen them yet.

County Manager Carlisle reminded everyone of the Legislators Appreciation Bar-b-que that would be held on Saturday, July 26<sup>th</sup> at the Doyle Conner Building.

**PUBLIC INPUT ON NON-AGENDA ITEMS**

There was none.

**COMMISSIONERS ITEMS AND COMMENTS**

Commissioner Beck commented on a meeting Mr. Brown had attended with contractors to get quotes on the air boat ramp improvements at the Harney Pond Canal. He stated this item would be brought to the next Board meeting. He invited everyone to attend a Bar-b-que rib cook-off at the Lakeport Community Center on July 19, 2014.

Chairman Storter Long invited everyone to attend an Ice Cream Social on July 3, 2014 at the Ortona Community Building. She stated the Glades County Salute to Veterans Dinner would be held on November 8, 2014 and that she would be selling tickets for the raffle a shotgun for that event.

Vice Chairman Stanley asked that everyone attend the Legislator Appreciation Day and to thank the Legislator's for their efforts in funding \$3.5 million for the Training Center in the Industrial Park.

ON MOTION of Commissioner Beck seconded by Vice Chairman Stanley the Board moved to adjourn the meeting.

**ADJOURN**

There being no further discussion, Chairman Storter Long adjourned the meeting at 10:55 a.m.

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Donna Storter Long, Chairman

ATTEST:

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Sandra H. Brown, Clerk of the Circuit Court

Approved: July 8, 2014