

MINUTES OF THE GLADES COUNTY BOARD OF COUNTY COMMISSIONERS
MEETING ON TUESDAY, JULY 8, 2014 AT 9:00 A.M. IN THE COUNTY
COMMISSIONERS MEETING ROOM, GLADES COUNTY COURTHOUSE, MOORE
HAVEN, FLORIDA

The Glades County Board of County Commissioners met on Tuesday, July 8, 2014 at 9:00 a.m. with the following Commissioners present:

Donna Storter Long, Chairman
Tim Stanley, Vice Chairman
Russell Echols
Paul Beck
Crystal Drake

Others present:

Julie Mann Braddock, Administrative Secretary
Sandra H. Brown, Clerk of Court
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
Angela Snow-Colegrove, Emergency Management Director
Tycee Prevatt, Ag Extension Agent
Dale Milita, CAS Governmental Services
John Ahern, City Council
Ellen Beers, Planning Commission
Byron Story
Donnie Lundy
Tommy Perry
James Hull, AIM Engineering
Gary Ritter, South Florida Water Management District
Tracy Whirls, EDC
15 citizens

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

PRAYER

Commissioner Drake gave the invocation.

PLEDGE

Commissioner Echols led the Pledge of Allegiance.

AGENDA AMENDMENTS

There were none.

PRESENTATIONS / AWARDS

There were none.

PUBLIC INPUT ON AGENDA ITEMS

There was none.

PUBLIC HEARINGS

1. Continued Public Hearing on Adoption of Noise Control Ordinance

Attorney Pringle stated this was a continued Public Hearing on the adoption of a Noise Control Ordinance. He stated the hearing had been properly noticed and continued until today. He stated revisions had been made and circulated. He stated he had tried to address the comments made by the public and the Board.

Chairman Storter Long asked that Attorney Pringle explain the changes that had been made.

Attorney Pringle stated one of the revisions was made was on page 6 of 12. He stated he had added a new subsection 4 about noise disturbances during a funeral. He stated language had been added that stated that at no time during a funeral shall any person create or permit any noise disturbance as defined in any part of this Ordinance, including plainly audible sound. He stated there were provisions above and below this section that define plainly audible sounds.

Commissioner Beck questioned free speech.

Attorney Pringle explained that stated there had to be a balance between the County's ability to legislate activity that was also to some degree protected by other federal and state laws and the Constitution. He stated there had to be a striking of a balance with the interest of free speech and the enforcement of this Ordinance. He stated there would be limitations on the enforcement authority even with the adoption of this Ordinance. He stated some discretion would have to be exercised by the law enforcement officer as to whether the activity was a protected activity of free speech or a noise disturbance.

Chairman Storter Long stated the model airplane club uses the east part of the cemetery that has not yet been opened for sales to the public. She asked if there was a contract in place that allowed the club to use the property. She stated she believed the club mowed the property. She suggested that a sign be placed regarding the operation of the planes during a funeral.

Attorney Pringle stated revisions had also been made on page 8 of 12. He stated he had added a new sub paragraph 9 which created an exception for the operation of recreational vehicles, including air boats, for the purposes for which they are manufactured. He stated there were no time limitations on this provision.

Chairman Storter Long called for public input.

Sheriff Whiddon requested that the Board allow him and his staff to review the Ordinance prior to adoption. He stated he believed the State law regarding noise had been ruled unconstitutional. He stated he had trouble enforcing the noise statute. He asked that the Board wait until the next meeting for approval.

ON MOTION of Commissioner Echols seconded by Commissioner Beck the Board continued the public hearing on the adoption of a Noise Control Ordinance until August 12, 2014 at 9:00 a.m. to give Sheriff Whiddon and his staff time to review the ordinance.

Chairman Storter asked if there was any other public input. There was none.

Attorney Pringle stated he may decide to re-advertise the public hearing prior to the approval.

Motion carried by 5 – 0 vote.

2. Adopt Master Service Assessment Ordinance

Attorney Pringle stated this public hearing was for the consideration of the adoption of a master service assessment ordinance. He stated this proposed ordinance, if adopted, would amend Chapter 70 of the Glades County Code. He stated it would add a new Article 3 to Chapter 70 authorizing the imposition of assessments for purposes other than EMS. He stated this ordinance would establish the procedure that the Board would use in the future to establish specific assessments. He stated the Board would need to have a study performed for any assessment the County may consider imposing in the future. He stated the only action under today's public hearing was to create the process for the Board to impose assessments in the future. He stated this was a prerequisite step to the Board's consideration of the later initial assessment resolution listed on today's agenda as Item #11.

Chairman Storter Long asked if the Board had any questions.

Attorney Pringle stated this public hearing had been properly advertised.

Commissioner Beck asked if this master service assessment ordinance referred to anything other than fire and EMS services.

Attorney Pringle stated this ordinance was not directed to any one particular type of assessment.

Chairman Storter Long clarified that this was part of a process and did not establish a MSBU for fire or any other service. She stated adoption of this proposed ordinance would simply state the process and grant the authority to begin the process for anything else. She stated Item #11 would begin the process for considering an initial assessment for fire services.

Chairman Storter Long called for public input.

Tommy Perry, resident of Glades County, stated the County had a restriction of 10 mills on their ad valorem tax. He stated there was a reason that the State, the Constitution, and the citizens restricted this tax. He stated MSBU's were a method of getting around this restriction. He stated the County had done this once with a MSBU for police protection, which effectively raised the County's millage cap. He stated this was a mechanism that would allow the County to do this over and over again. He stated a previous Commission had attempted a MSBU for EMS services and had been challenged by the RV Parks. He stated it had been found to be unconstitutional and was defeated. He stated he believed that having MSBU's were detrimental to the County. He stated they were an open-ended way to see the County's taxes get out of control. He urged the Board not to adopt this ordinance. He stated the County should operate within the ad valorem tax structure that was in place.

Commissioner Beck stated although the Board was not able to implement a new and creative tax for the property owners of Glades County adoption of this ordinance would be the creation of a "Pandora's Box" with the lid already cracked. He stated the Board had wound up in a lawsuit over the EMS MSBU and it was currently not in use.

Attorney Pringle clarified the lawsuit with the RV Parks over the MSBU for EMS services. He stated there had been an issue with the assessment methodology that was used.

Chairman Storter Long stated part of the issue had been that there was not a direct benefit to the property for Emergency Medical Service, whereas, fire protection was a direct benefit to all property.

Attorney Pringle explained that fire services and EMS services were very different.

Chairman Storter Long reminded everyone of the fairness of a MSBU versus an ad valorem tax. She stated this assessment was not based on the value of property but on the service to the property.

Commissioner Beck expressed concern with taxing the citizens that create jobs in the county. He stated people will demand faster medical services once this assessment was implemented and a new ambulance would be needed. He stated this would go on and on. He stated the failure of all governments in society related directly back to high taxes. He stated this assessment would hurt this community.

Chairman Storter Long commented on the tax abatement that the Board had adopted and stated there were pros and cons for the issue.

County Manager Carlisle stated he had a public comment from David Dannenhauer who did not wish to speak. He read the comment into the record "This proposed ordinance will increase my tax bill by 45.6%. This large of an increase will put an undue hardship on my tenants. I am opposed to this tax as written. Please give those of us affected in such a large way more time. Who do I contact to verify that my tax bill has been computed correctly? Thank you, David Dannenhauer".

Chairman Storter Long asked if someone had given Mr. Dannenhauer an amount because no amount had been named. She questioned how a percentage could be computed.

County Manager Carlisle stated he had gone over the tax roll based on some of the preliminary figures.

Chairman Storter Long asked if there was any more public comment.

Joe Collins agreed with Mr. Perry's comments. He stated he appreciated Commissioner Beck using the word "tax" because that is what this would be. He stated he realized this was the beginning of a process; however, his concern was that this ordinance was overly broad and would potentially start a set off a domino effect. He urged the Board to vote against the ordinance.

Commissioner Echols commented on the legislature playing games with homestead exemption. He stated it very difficult to provide services with 10 mills. He stated a lot of the people using the services were only paying a partial amount or are not paying for their services at all.

ON MOTION of Commissioner Beck seconded by Commissioner Drake the Board denied the adoption of the Master Service Assessment Ordinance.

Motion carried 3 – 2 vote.

Chairman Storter Long and Commissioner Echols voted against the motion on the floor.

CONSENT AGENDA

3. **Approve payment of County Warrants. (Exhibit A)**
General Fund: 73726-73818
Courthouse Facilities Grant: 1419 – 1420
Intergovernmental Radio: 10241 – 10242
SHIP: 1588
4. **Approve the Minutes of the June 10, 2014 Regular Meeting.**
5. **Approve the Minutes of the June 23, 2014 Regular Meeting.**

Commissioner Echols clarified that he was not present at the June 10, 2014 meeting.

Chairman Storter Long clarified that the motion regarding approval of the purchase of tax certificates should have read approval of application for tax deeds. She stated this was Item #5 – Application for Tax Deeds under the Business Agenda at the June 23rd meeting.

ON MOTION of Commissioner Echols seconded by Commissioner Beck the Board approved the Consent Agenda items with the noted amendments.

Motion carried by 5 – 0 vote.

BUSINESS AGENDA

6. Appoint Three Members to the Value Adjustment Board

Chairman Storter Long asked how long the Value Adjustment Board would be seated.

Sandra Brown, Clerk of Court, stated the Board was normally seated through the end of October.

ON MOTION of Commissioner Echols seconded by Commissioner Beck the Board appointed Commissioner Drake and Commissioner Beck to the 2014 Value Adjustment Board.

Chairman Storter Long stated the citizen member would be appointed at a later date.

Motion carried by 5 – 0 vote.

7. Grant Application for Glades County Business Park

Commissioner Echols declared a conflict of interest due to his employment.

County Manager Carlisle stated this was a grant application through the Infrastructure Improvement Grant for the State of Florida to try and secure monies to pay for the engineering on the remainder of the Business Park project and for the entrance way into the Americas Gateway. He stated the County had also applied for a Community Development Block Grant also to assist with the infrastructure cost. He stated the engineering and design work needed to be completed for the infrastructure.

Commissioner Beck asked if \$300,000.00 would be enough to take care of engineering and the administration fees.

County Manager Carlisle stated it would be close.

ON MOTION of Commissioner Beck seconded by Commissioner Drake the Board authorized County Manager Carlisle to apply for grant funding from the Rural Infrastructure Grant Program to be used for engineering services for the Glades County Business Park and Americas Gateway access and utilities.

Motion carried by 4 – 0 vote.

Commissioner Echols abstained from the vote. (See Exhibit B)

8. CAS Governmental Services, LLC Contract Amendment

County Manager Carlisle stated there had been no change in CAS Governmental Services LLC's contract since 1998. He stated they had done an exemplary job in getting funding for several projects. He stated they had asked for a couple of changes in their existing contract. He stated their existing contract included a \$12,000.00 retainer to do lobbyist work on behalf of the County. He stated they had requested that this retainer be increased to \$18,000.00 annually. He stated the current contract was a flat fee of 4.5% for administrative fees. He stated the request would change this amount to a flat fee of 4.5% for the first \$1 million and 2.5% for everything thereafter. He stated staff had reviewed these changes and recommended approval to the Board.

ON MOTION of Commissioner Beck seconded by Commissioner Drake the Board approved Amendment #2 with CAS Governmental Services, LLC and the Glades County Board of County Commissioners. (See Exhibit C)

Commissioner Beck commented on the work and efforts that CAS Governmental Services, LLC had provided for Glades County throughout the years.

Chairman Storter Long stated Mr. Milita and Mrs. Vanassche had served the County very well over the years.

Motion carried by 5 – 0 vote.

9. Letter from the Florida Legislature Joint Legislative Auditing Committee

Ms. Brown stated she had received a letter from the State Legislative Auditing Committee requesting a response and the County's corrective action plan for 2 audit findings that had been on the audit report for 3 years in a row. She stated she had

drafted a response. She stated one of the audit findings had been cleared as of this year's audit. She stated she was still working to clear the other finding.

Commissioner Beck asked how long it would take to clear the other finding.

Ms. Brown stated the audit finding that was still there referred to the audit adjustments. She stated this was something that Mrs. Choban and Mrs. Patterson were working on. She stated Mrs. Choban had always been under the impression that the Finance Department was not supposed to do the audit adjustments; however, this auditing firm handled these adjustments differently.

There was a discussion regarding this audit finding and how long it would take to clear the finding from the audit.

ON MOTION of Commissioner Beck seconded by Commissioner Drake the Board authorized the Chairman to send a written response to the Florida Legislature Joint Legislative Auditing Committee regarding prior year audit findings.

Motion carried by 5 – 0 vote.

10. Special Legal Counsel Agreement with Nabors, Giblin & Nickerson for Completion of Fire Services Assessment Implementation Process

Attorney Pringle stated based upon the decision by the Board regarding the ordinance adoption this item and item #11 were now moot and needed to be removed from the agenda.

ON MOTION of Commissioner Echols seconded Vice Chairman Stanley the Board rendered Item #10 – Special Legal Counsel Agreement with Nabors, Giblin & Nickerson for Completion of Fire Services Assessment Implementation Process and Item #11 – Initial Assessment Resolution for Fire Protection Services moot and removed them from the business agenda.

Motion carried by 5 – 0 vote.

11. Initial Assessment Resolution for Fire Protection Services

See above motion.

CONSTITUTIONAL OFFICERS

There was no discussion.

COUNTY ATTORNEY

Attorney Pringle stated a condemnation suit had been filed by the Florida Department of Transportation related to the taking of a public road that connected to Highway 80. He

stated there maybe some revenue generated from this lawsuit that would benefit the County.

COUNTY MANAGER & DEPARTMENT HEADS

County Manager Carlisle reminded everyone of the Legislative Appreciation Day that would be held on Saturday, July 26th at noon at the Chalo Nitka Grounds. He stated the ground breaking for the Emergency Operations Center would also be held that day at 11:00 a.m. behind the Health Department.

PUBLIC INPUT ON NON-AGENDA ITEMS

There was none.

COMMISSIONERS ITEMS AND COMMENTS

Vice Chairman Stanley commented on the MSBU for fire services. He stated he had voted against the MSBU because he felt that it was moving along too fast and the public needed to be more informed; however, he knew something needed to be done eventually.

Commissioner Echols invited everyone to attend the Friends of the NRA Banquet on Saturday, July 12th at the Doyle Conner Building. He stated he would be selling tickets for the event.

Commissioner Drake thanked Mr. Carlisle for his time and Ms. Anascavage, as well, as Mr. Jones. She stated they had all answered a lot of questions for her and she realized that she had a lot to learn.

Commissioner Beck thanked the Road Department for all of the work they had done at the Harney Pond Canal. He stated the park was looking very good. He stated he had recently got some prices in for the new airboat ramp. He stated the only other improvement needed at the park would be to the parking area. He stated he had inquired about various grants from State agencies for funding. He stated County Manager Carlisle had met with a paver last week and it would cost approximately \$220,000.00 to pave the parking lot area. He stated the park was coming along very nicely and the pavilion was complete. He stated he received compliments all of the time and the park was something that Glades County could be proud of.

Chairman Storter Long urged everyone to stay and attend the budget workshop. She urged the public to stay and help the Board through the process. She commented on the MSBU for fire services.

ADJOURN

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

GLADES COUNTY COMMISSION – JULY 8, 2014

There being no further discussion, Chairman Storter Long adjourned the meeting at 10:00 a.m.

Donna Storter Long, Chairman

ATTEST:

Sandra H. Brown, Clerk of the Circuit Court

Approved: July 28, 2014

THESE MINUTES ARE NOT A VERBATIM RECORD. TAPES ARE AVAILABLE FOR ANYONE INTERESTED IN LISTENING TO THE ENTIRE MEETING.