

MINUTES OF THE GLADES COUNTY BOARD OF COUNTY COMMISSIONERS
MEETING ON TUESDAY, AUGUST 12, 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, August 12, 2014
at 9:00 a.m. with the following Commissioners present:

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

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
Matthew Howard, Johnson Engineering
Terri Anascavage, E911 Coordinator
Smokey the Bear
Stuart Whiddon, Glades County Sheriff
Avant Brown, Road Superintendent
Missie Barletto, AIM Engineering
Donnie Lundy
Tommy Perry
John Ahern
Byron Storey
Inga
Charlie Murphy, Okeechobee Radio
Gary Ritter, South Florida Water Management District
10 citizens

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

PRAYER

Chairman Storter Long gave the invocation.

PLEDGE

Vice Chairman Stanley led the Pledge of Allegiance.

AGENDA AMENDMENTS

There were none.

PRESENTATIONS / AWARDS

1. Resolution Proclaiming August 9, 2014 as the 70th Birthday of Smokey Bear

Chairman Storter Long read the Resolution into the record and the Board proclaimed August 9, 2014 as Smokey the Bear's 70th Birthday.

ON MOTION of Commissioner Beck seconded by Commissioner Drake the Board approved Glades County Resolution 2014-18, proclaiming August 9, 2014 as the 70th Birthday of Smokey Bear and marking his Wildfire Prevention Campaign as the Longest Running Public Service Campaign in U.S. History.

Motion carried by 4 – 0 vote.

PUBLIC INPUT ON AGENDA ITEMS

There was none.

PUBLIC HEARINGS

2. Continued Public Hearing on Adoption of Noise Control Ordinance

Chairman Storter Long stated this item had been previously continued so that Sheriff Whiddon could review the document and legal staff could make revisions as needed.

Attorney Pringle stated proper notice had been published for the continuation of this Public Hearing. He stated some revisions had been made to incorporate comments made by Sheriff Whiddon concerning the civil penalty aspect of the Ordinance. He stated he had also reviewed a recent Supreme Court decision related to the enforcement of Noise Control Ordinances. He stated he believed this Ordinance was sufficient as written. He stated there was always the possibility that the court may not agree. He stated the law continued to change so this Ordinance may be amended in the future.

Commissioner Drake asked about the language in Section 8 regarding the County Manager or his designee.

Attorney Pringle stated he had instead deleted the criminal aspect of the Ordinance. He stated the County Manager, or his designee, being the Code Enforcement Officer would be able to issue citations.

Chairman Storter Long read the title of the Ordinance into the record.

ON MOTION of Vice Chairman Stanley seconded by Commissioner Drake the Board adopted Glades County Ordinance 2014-8, regulating noise.

A roll call was taken and the results were as follows:

Vice Chairman Stanley - yes
Chairman Storter - yes
Commissioner Drake - yes
Commissioner Beck - yes

Motion carried by 4 – 0 vote.

3. Public Hearing to Adopt Floodplain Ordinance

Attorney Pringle stated this public hearing was in regards to the adoption of a Floodplain Ordinance. He stated the Federal and State governments had provisions in place through FEMA and the State of Florida that dealt with flood damage prevention. He stated as a result of these laws, Glades County was required to adopt an Ordinance. He stated this Ordinance had been reviewed by representatives of both the State and Federal governments. He stated this Ordinance did not contain a reference to the possible adoption of a 1 foot freeboard provision. He stated this Ordinance did not contain the one foot free board. He stated there was a deadline of September 26, 2014 for adoption of this Ordinance.

Chairman Storter Long called for public input. There was none.

Chairman Storter Long read the title of the Ordinance into the record.

ON MOTION of Commissioner Beck seconded by Vice Chairman Stanley the Board adopted Glades County Ordinance 2014-9, amending Glades County's Code of Ordinances to repeal Part II, Chapter 117 "Flood Damage Prevention"; adopting a new Part II, Chapter 117; adopting Flood Hazard maps, designating a Floodplain Administrator, and adopting procedures and criteria for development in Flood Hazard areas.

Attorney Pringle stated this public hearing had been properly advertised.

A roll call was taken and the results were as follows:

Vice Chairman Stanley - yes
Chairman Storter - yes
Commissioner Drake - yes
Commissioner Beck - yes

Motion carried by 4 – 0 vote.

CONSENT AGENDA

4. **Approve payment of County Warrants. (Exhibit A)**
General Fund: 73980 – 74073
Buckhead Ridge Utility: 0192
Intergovernmental Radio: 10248
Courthouse Facilities Grant: 1428 - 1429

Vice Chairman Stanley questioned a check in the amount of \$8,000.00 to AIM Engineering for “no wake” signs in Harney Pond Canal.

County Manager Carlisle stated these signs were requested by the Game Commission so that they could enforce the current Ordinance. He stated these signs had to be GPS located.

Chairman Storter Long asked how many signs were installed.

County Manager Carlisle stated 3 signs would be installed and the channel had to be surveyed.

Vice Chairman Stanley suggested that the signs in the Rim Canal at Buckhead Ridge be taken care of at the same time.

County Manager Carlisle stated the Rim Canal had not been brought to his attention.

Chairman Storter Long suggested that these kinds of signs be built into the original plans on any canal work that was done in the future.

ON MOTION of Vice Chairman Stanley seconded by Commissioner Drake the Board approved the Consent Agenda items with the noted amendments.

Motion carried by 4 – 0 vote.

BUSINESS AGENDA

5. **Draft Amendment to Flood Damage Prevention Ordinance to Add “1 Foot Freeboard” above the Base Flood Elevation**

Attorney Pringle stated as he had indicated earlier, he had elected to not include this item in the Flood Plain Ordinance. He stated this provision had been mentioned by the FEMA representatives as a possible change to the Ordinance. He stated FEMA representatives had indicated that a 1 foot freeboard requirement had been proven to result in lower flood damage in flood events and as a result would lower insurance premiums. He stated this change was not necessary but could be beneficial.

Commissioner Beck stated he would tend to support this revision. He stated the Health Department elevations had been figured at 2 feet above the flood plain which would render this item moot.

Chairman Storter Long clarified that this would be above the flood plain level for each zone.

Attorney Pringle stated this was correct and would only apply in the flood plain zones.

Chairman Storter Long stated the flood plain maps had not been revised since 1982.

Vice Chairman Stanley expressed concern with the cost of having to bring in more fill dirt in to build homes within the County. He stated he would like to review the flood plain maps prior to making a decision on this matter.

Chairman Storter Long inquired about a “grandfather clause”.

Attorney Pringle stated any existing structures would be exempt, as well as any pending permits. He stated this standard would only apply for reconstruction greater than 50% or new construction.

Chairman Storter Long asked that the maps be circulated and this item placed on the agenda sometime in October.

6. Proposed Salaries Increase

Chairman Storter Long stated Glades County employees had not had a salary change since 2009 and during the budget workshops several options had been discussed. She stated one of these was a lump sum payment and one was an hourly raise based on percentages or a flat rate.

Commissioner Beck stated he would support a lump sum payment.

Commissioner Beck made a motion to approve a one-time lump sum payment of \$858.81 to all employees who have been employed with the County, as of October 1st, for one year or more.

Chairman Storter Long seconded the motion on the floor.

Vice Chairman Stanley stated he would rather go with the .38 cent increase in the hourly rate for each employee who had been employed by the County for a year or more.

Chairman Storter Long stated the lump sum amount would save the County some money on the retirement and definitely did not benefit the employee as much as the hourly increase.

Commissioner Beck explained why he would only support the lump sum payment. He stated the hourly raise would probably do the employees more good in the long run; however, the County had brought in \$1 million less than what they had brought in on income. He stated the County could only run about 2 – 3 more years on the current reserves. He stated the County could not finance salaries out of the reserves.

Vice Chairman Stanley suggested that this item be tabled until Commissioner Echols could be present and vote.

Commissioner Drake stated the hourly rate increase could help as a recruitment tool, as well as, help employee morale. She stated the Board really needed to show their employees that they appreciate them. She stated the employees were the Board's greatest asset.

Commissioner Beck withdrew his motion on the floor.

Chairman Storter Long withdrew her second to the motion on the floor.

ON MOTION of Commissioner Beck seconded by Vice Chairman Stanley the Board tabled Item #6 – Proposed Salary Increases until the August 25, 2014 at 6:00 p.m. meeting.

Motion carried by 4 – 0 vote.

7. Fire MSBU

Chairman Storter Long stated staff had asked the Board how they would like to proceed with the Fire MSBU and the study for the assessments. She stated the objections the Board had received were not against fire protection but the broad scope of the Ordinance.

County Manager Carlisle asked if the Board would like to define the Fire Assessment as a specific assessment and not as open and broad to alleviate the concern of some Board members and citizens.

Chairman Storter Long stated she realized the time constraints on the adoption of the Ordinance; however, she would prefer that the Board had a chance to review the draft Ordinance prior to scheduling the public hearing for adoption.

Commissioner Beck stated he was not in favor of continuing this item at this time. He stated how could staff come up with an accurate assessment when the County did not know what future development was coming to Glades County. He stated the Board needed to look and see where the money would be coming from in the long term to be able to provide these services. He stated if 2 more fire fighters were hired and placed in Buckhead Ridge and one in Muse, the community of Lakeport would be screaming for

their unit because they were paying the assessment. He stated he did not see an end to this.

Chairman Storter Long stated the Board could also consider Fire Districts.

Jimmy Cianfrani, resident of Muse, expressed concern with the Board spending \$30,000.00 for a study and the public never seeing the results of that study. He stated the County needed paid firemen. He stated the Board needed to follow the suggestions made in the study.

Tommy Perry, resident of Moore Haven, stated he was opposed to the tax and did not believe there was a great benefit in implementing the assessment. He stated the citizens paid an ad valorem tax and needed to live within the means of what the County had. He stated he had read the study and pointed out that a significant cost of the new fire tax would be in the collection of the tax. He stated he believed the figure was approximately 1/3 of the tax. He stated these funds did not go to helping the fire departments or buying equipment. He stated the report listed a number of fire calls but did not specify what the calls were for. He stated there was no way of knowing if these calls were for a fire truck or if the calls were really ambulance calls. He stated there was a distinct difference between the two. He stated if the reason for the calls were medical needs, the County had adequate ambulances. He stated these ambulance calls should not be contributing to the County increasing its fire departments. He stated the ISO rating could be lowered by doing certain things; however, adding two additional fire fighters would not lower the rating. He stated many insurance companies did not use ISO ratings as part of their insurance ratings today. He stated they use actual losses. He stated this study did not get the County a paid fire fighter, it only added two additional firemen. He stated the County was still a volunteer fire department and it worked.

Bob Murhee, resident of Port LaBelle, asked how the Board was going to provide service to the people that live south of the Caloosahatchee. He stated these residents paid and did not get the service. He stated they relied on fire and ambulance from LaBelle.

Diane Cianfrani, resident of Muse, expressed concern with the fire protection provided to the Muse area. She stated if the Board did not move forward with the adoption of an Ordinance were they again dead in the water and if they approved an Ordinance for fire services only, was it mandatory to move forward with the implementation of the tax. She stated the County needed to do something. She stated the citizens needed fire protection countywide. She urged the Board to take another look at the Ordinance.

JC Long, resident of Ortona, stated if the Board did pass this Ordinance only certain parts of the County would see the benefits. He stated everyone in the County was paying taxes now and only a few were seeing the benefits. He asked what the difference would be in paying a fire tax and not getting more service and paying taxes

and not getting black top roads. He addressed the comment regarding the raising of taxes and stunting the growth of the County. He stated if the County did not have fire protection no one would want to come to this County. He urged the Board to review the Ordinance again and move forward with the implementation of the fire services tax.

Chairman Storter Long stated she did not know why the Board could not move forward with the Ordinance and bring forth the possibilities for what the tax would provide. She stated Commissioner Echols had said many times an MSBU was the fairest and everyone would pay. She stated this tax would not be based on the value of your property.

Carl Perry, resident of Moore Haven, clarified that the citizens were against all MSBU's. He stated people will move here without adequate fire services. He asked if this item would continue to be on the agenda in the future. He stated the County needed to live within the current budget.

Chairman Storter Long stated the agenda was published and suggested that Mr. Perry get on the Clerk's Office mailing list.

Donnie Lundy, resident of Moore Haven, stated he did not envy anyone on the Board. He stated everyone wanted fire departments but the County had to live within their means. He expressed concern with the Board thinking that two additional firemen could provide countywide service. He asked if it was possible to try and strengthen the volunteer fire departments.

Chairman Storter Long suggested disbanding the fire departments and outsourcing the service.

Bob Jones, Public Safety Director, explained why the fire trucks may be sent on ambulance calls. He stated 90% of the County's firemen worked in the daytime, therefore there was not a lot of coverage available during the daytime. He explained the idea behind putting two firemen in each district. He stated the Board could outsource the service but would still be paying for the service. He stated Glades County did a lot of different things with their fire departments that other County's did not do. He stated there were multiple reasons for this. He stated we did not have a hospital next door. He stated there was a lot of detail in the service. He explained how Okeechobee County operated their fire and ambulance services. He stated they offered a combined service.

Commissioner Drake stated she was not against the hiring of more firemen but understood the budget constraints. She stated she was against the MSBU way of taxing to get the fire coverage. She stated she did not feel comfortable that the Board had exhausted every avenue of funding two more firemen. She stated Glades County's High School was required by the State of Florida to provide career academy for

students. She stated if a student passed the State Certification test at the end of their course work the school would get added funding and the student would get a certificate that they could begin their career with. She stated she had already talked to Scott Bass, Superintendent of Schools, and to Mr. Jones about working together to get a Fire Fighter I Career Academy at the high school. She suggested cross training County employees. She suggested that the Animal Control Officer be cross trained and be able to respond during the day. She suggested getting waivers from the State Certification.

Mr. Jones stated he had tried to get waivers for many years. He stated fire fighters did not have to take a State exam if they are willing to stay at the F1 level, but the practical handbook that had to be completed made it rough. He stated he had looked at every option to circumvent some of these requirements, but ultimately the County needed to be protected from lawsuits. He stated the good thing about an MSBU was that everyone would pay the same.

Commissioner Drake thanked Mr. Jones for his efforts. She commented on budget monies going to fund non-profit agencies. She stated she believed this was great if the County could afford it; however, she thought the County needed to take care of their needs first and then be benevolent with what funds were left over.

Chairman Storter Long stated most of the non-profit agencies provided services that the County could not provide. She stated before the County could increase their ad valorem taxes to get more money for fire services they needed to figure out how to take care of their \$1.2 million deficit.

County Manager Carlisle stated the study had shown that it would cost on average \$108.00 per residential unit for two additional firemen. He stated it would cost approximately .03 cents/acre for vacant land and \$4.64 for up to 160 acres and then .03 cents/acre for every acre above 160 acres for a total of approximately \$28.00/section.

Commissioner Drake questioned the referendum option.

Attorney Pringle stated there was not a State Law authorization for the County to use a referendum process to create an MSBU. He stated it was a County Commission decision that had to be made. He stated the County could do a non-binding referendum or ballot question. He stated it was very difficult to write a ballot question because you could only use 75 words. He stated the process to ultimately implement an MSBU for fire services was a two step process. He stated what the Board considered was the adoption of an Ordinance to create an MSBU method of creating an assessment. He stated the Board did not get past this step. He stated as a result the Board never got to the question of the fire services assessment. He stated this was where the contents of the report by GSG would have been made relevant, public and would have been discussed and used by the Board to make the decision to implement a fire assessment.

Chairman Storter Long asked if there was any reason why the Board could not discuss the findings of the study and move forward if they so wished.

Attorney Pringle stated timing was critical. He stated all of this related back to the process that the Board had started in December 2013 when the Board passed a Resolution stating that they intended to consider the adoption of an assessment. He stated there was an alternative. He stated in the first year of the assessment imposition the Board could send out the assessment by regular mail and not put it on the tax bill. He stated this would allow for further discussion.

Chairman Storter Long asked if the assessment was sent by regular mail would it be discountable and enforceable.

Attorney Pringle stated it would be enforceable but not discountable. He stated the Board would still have the same enforcement abilities as if the bill was sent by the Tax Collector.

Chairman Storter Long expressed concern with the statement made by Mr. Perry regarding 1/3 of the cost of the assessment being used for collection.

Attorney Pringle stated he represented a few districts in Lee County. He stated these districts were independent special fire control districts which were legislatively created. He stated these districts had their own taxing authority. He explained that the concept was that different communities had different level services desires for fire and rescue services. He stated these districts had a tax millage cap that was generally set at 3.75 mills. He stated the districts held separate budget hearings and established their own budgets.

Chairman Storter Long stated it had been discussed and would cost approximately .6 mills based on this year's budget for what services were being provided today.

Commissioner Drake asked if the Board had hired a special attorney to assist in writing the Ordinance and how much this had cost.

Chairman Storter Long stated this was correct and the cost had been approximately \$2,000.00 - \$3,000.00.

Attorney Pringle stated the special attorney had been paid to assist in writing the Ordinance and Resolution.

Commissioner Stanley suggested tabling this item until next year. He stated just because the Board spent \$30,000.00 for the study the money had not been wasted. He stated this was a tool used to help the Board make a decision. He stated he was not

against the fire tax but did not believe the County was ready for implementation right now.

Attorney Pringle asked if the Board wanted staff to do anything further with the implementation of the assessment.

It was the consensus of the Board to do nothing further at this time with the implementation of a fire assessment MSBU.

8. Lease Agreement with The Institute St. Onge

County Manager Carlisle stated the County was currently under a lease with The Institute St. Onge for the site at the Business Park for a Training Center. He stated there were several things that were required to be done by the end of June that had not been done. He stated this was in part because of negotiations with the State for legislative appropriations. He requested that the Board authorize Attorney Pringle to negotiate a termination of the lease.

Attorney Pringle stated this lease really needed to be terminated. He stated it was a ground lease that had anticipated that St. Onge would do all of the construction, design, development, financing, and all of the operation after completion. He stated the facts had drastically changed since entering into the lease. He stated he had written in a termination clause. He stated the County could unilaterally terminate the lease but he would prefer to first approach St. Onge and see if they would voluntarily terminate the lease.

ON MOTION of Chairman Storter Long seconded by Commissioner Beck the Board authorized Attorney Pringle to draft a letter requesting that The Institute St. Onge voluntarily terminate the lease agreement. In the event they will not, then Attorney Pringle is authorized to terminate the lease agreement and the Chairman is authorized to sign.

Motion carried by 4 – 0 vote.

CONSTITUTIONAL OFFICERS

There was no discussion.

COUNTY ATTORNEY

Chairman Storter Long inquired about the situation with American Earth Movers.

Attorney Pringle stated he had all of the information. He stated the numbers had not drastically changed. He stated enough time had passed that he was now comfortable that there were not any sub-contractors that were going to come back at the County for payment.

COUNTY MANAGER & DEPARTMENT HEADS

County Manager Carlisle gave a brief report on his recent trip to Tallahassee. He stated he was very encouraged by his discussions. He stated he was finalizing comments of the Tower Leases for additional cell tower services. He stated he had received the lease from the Land Trust regarding the Cypress Knee Museum. He stated he was awaiting some additional information on the legal descriptions. He stated this item should come before the Board for consideration in the near future.

Chairman Storter Long questioned who would do an employee's job if an employee was out on Family Medical Leave Act (FMLA) leave for 12 weeks and what budget that person would be paid from.

County Manager Carlisle stated FMLA did not pay salaries. He explained that the person that was out would be paid whatever leave-time they had accrued. He stated the job would be absorbed by other staff or whoever he chose to fill the position.

Chairman Storter Long asked if someone was going to be hired to help in the Agricultural Extension Office while the secretary was out on FMLA.

County Manager Carlisle stated every situation would be different and the salary would be paid from that department's budget, which may require a budget amendment.

PUBLIC INPUT ON NON-AGENDA ITEMS

There was none.

COMMISSIONERS ITEMS AND COMMENTS

Commissioner Beck stated Glades County staff had been very well received in Tallahassee this past week. He commented on County Manager Carlisle's ability to problem solve and present alternatives to the Legislators.

Commissioner Drake thanked Commissioner Beck and County Manager Carlisle for making the trip to Tallahassee. She stated she had heard from Representative Cary Pigman who was also very impressed with the ideas that had been presented. She stated the County was very blessed to have County Manager Carlisle as our Administrator.

Vice Chairman Stanley thanked Avant Brown, Glades County Road Superintendent, for taking care of some culvert problems in Buckhead Ridge and also thanked Gary Ritter, SFWMD, for finding an article for him regarding the purchase of lands in Glades County.

Commissioner Drake thanked Missie Barletto for the email she sent regarding this issue.

Chairman Storter Long urged everyone to get on Clerk Brown's agenda email list.

ADJOURN

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

There being no further discussion, Chairman Storter Long adjourned the meeting at 11:46 a.m.

Donna Storter Long, Chairman

ATTEST:

Sandra H. Brown, Clerk of the Circuit Court

Approved: September 9, 2014

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