

REGULAR MEETING OF THE BOARD, JANUARY 6, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 411 S. Eucalyptus St. Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
James L. Gose	Carl Cool
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	

2. **Invocation and Pledge of Allegiance**

The County Administrator gave special recognition in his prayer for the passing of former County Attorney, Robert Dunty, by reading into the record, the July 9, 1957 minutes where the Board of County Commissioners approved his appointment as County Attorney. Recognition was also given in the passing of Mr. Royce Walker, who served with the Highway Patrol for 25 years. The Pledge of Allegiance was led by Richard Conover.

3. **ANNOUNCEMENTS:**

A. **Sheriff**

Col. Bill Jones presented the Daily Jail Log of inmate Count for the period ending January 6, 1998.

1. **Local Law enforcement Block Grant Fund**

The Commission gave a consensus to approve the signature of the Chair for the grant funding. The amount of the funding included \$66,857, with a match of \$7,429.

2. **Housing of Federal Prisoners**

Commissioner Barrett questioned if this issue has been addressed. Col. Jones advised that there are some concerns for available room for the housing. The Sheriff's office is still negotiating with the US Marshall's office. An update will be forthcoming.

B. **Clerk**

- Mr. Brooker reported on Teen Court and invited everyone to attend the two sessions to be held this month.
- He also reported on the *new Jury listing*, where the jurors are drawn from the Motor Vehicle Drivers License Bureau. The Clerk's office is in compliance and will be effective January 1, 1998.

C. **Future upcoming meetings:**

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public.

4. CITIZENS NOT ON AGENDA:

- A. Mr. Harold Springer of Lorida spoke in favor of paving Willow Street before the paving of Oak Street. He opposed the residents paying for the paving.
- B. Mr. Melvin Picking also spoke on the paving of Willow Street, and agreed to lend the County the money, without interest.
- C. Richard Conover presented information in regards to Highlands County vendors not responding to county bids.
- D. Joan Pflueger requested information regarding salaries of the Chamber of Commerce employees. The Board Attorney responded that he cannot give a definitive answer as he has not researched the matter. Generally, a not for profit organization is not subject to public records law or public meeting requirements.
- E. Ray Napper discussed *shredder waste* and how it will affect us in the future.
- F. Preston Colby spoke to the Commission regarding G.F. Enterprises and the indebtedness to the County. Letter entered into the record from Thomas Portz, Asst County Administrator. See SMB 30 Page 175.
- G. Jean Nichols stated concern for the policies and procedures with the Landfill Operations.

5. ACTION:

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to set the action agenda with changes as listed:

- 1. Add Proclamation "Red Light Running" to be placed under Commissioner Flowers.
- 2. Under Item A. *Sick leave policy*- Mr. Pollard will not be present due to a funeral in the family.
- 3. Add Government Center update to Item H. Number 2.
- 4. Add Workshop on Sludge and Fluff on February 10, 1998
- 5. Add an additional item under the Board Attorney - Request from attorney in Pinellas County.

Upon roll call, all Commissioners voted aye. Motion carried.

A. Vaden Pollard / Sick leave policy

Carl Cool, County Administrator, presented an overhead transparency, detailing his thought process and how he decided Vaden Pollard's termination with the focal point

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being *Did he leave in good standing and is he entitled to be paid for unused sick leave?* Mr. Cool outlined state statutes regarding the responsibilities of bringing to fruition all policies, ordinances, directives and resolutions established by the Board of County Commissioners. The Personal Policy on sick leave and annual leave was reviewed. Discussion was held on the termination requirement for employees to leave *in good standing*. Mr. Cool reported that Mr. Pollard gave him two resignations. One was undated and the other was dated December 22, 1997. Mr. Pollard asked Mr. Cool what date he would like on the resignation. He responded December 23, 1997 and Mr. Cool came to the conclusion that Mr. Pollard did give the *two-week notice requirement*, as he was willing to give any date requested.

Mr. Macbeth explained that the County Administrator has authority over the hiring, firing and disciplining of county employees without any Commission review. The current policy was written expressly to take personnel decisions out of the commission's hands.

Commissioner Maxcy questioned the sick leave policy. The Board Attorney explained that a pending investigation would not rise to the level of instances that would constitute "not leaving in good standing" as cited in the policy.

Commissioner Flowers addressed the issue of secondary employment. Mr. Macbeth explained that the Board should look at our policy regarding business arrangements. An employee of the county can be a shareholder in a corporation and receive benefits through a cooperative enterprise without being an employee of that company. Mr. Flowers also addressed the issue of leaving in good standing and the fact that a reprimand was not issued for the EPA violation or the fluff indebtedness. Mr. Cool explained the decision not to issue the reprimand. Commissioner Barrett and Canale presented comments opposing the payment of the sick leave. Commissioner Gose presented comments in favor of Mr. Cool's decision.

The external auditors brought this to managements attention sometime in September. The decision was to try and collect the receivables. The size of the County's budget requires that we rely on good internal controls. The mistake that was made was not running this revenue through receivable at the very beginning.

The Chairperson explained that after reading the policy, her decision to withhold the sick leave check was to give the full Board an opportunity to decide.

Motion by Commissioner Barrett, seconded by Commissioner Flowers to pay the Annual Leave to Mr. Pollard and to withhold the Sick Leave payment. The Chair opened the floor to the public:

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- Jeanette White asked that the amount of money be identified for plastics at the Landfill.

Commissioner Barrett amended the motion to deny sick leave benefits and that Mr. Pollard did not leave in good standing. The Chair opened the floor to the public:

- Gabriel Reed spoke in opposition to time and money spent and in favor of the motion.
- Ray Napper spoke opposing the motion.
- Dee Thomas, Dee McIntyre Organic, spoke in favor of the motion.
- Gary McGahee, spoke in favor of the motion.
- Hank Kowalski, spoke in favor of the motion.
- Bob York spoke in favor of the motion.
- M.R. Rhoades spoke in favor of the motion.
- Don Noyer spoke in favor of the motion.
- Jean Nichols spoke in favor of the motion and stated concerns.
- Melvin Picking spoke in favor of the motion.
- Von Whitesides spoke in favor of the motion.
- Joan Pflueger spoke in favor of the motion.

Commissioner Maxcy questioned what legal action could be taken by Mr. Pollard if the County withholds his sick leave. The Board Attorney responded that if the commission wants to review Mr. Cool's decision, it would have to hold a formal hearing, to establish a factual basis for denying Mr. Pollard the money. Without such a due process hearing, a court would almost certainly overturn the commission's decision.

The motion was amended by Commissioner Barrett, seconded by Commissioner Flowers, to authorize the Annual Leave payment to Vaden Pollard but to deny the Sick Leave payment because Vaden Pollard did not leave in "good standing."

The Board discussed the motion

Preston Colby suggested the Board make a factual finding and state that Mr. Pollard did not leave in good standing because . . . and set out the findings.

Motion by Commissioner Flowers, seconded by Commissioner Barrett, to table the motion on the floor, pending the outcome of a hearing as recommended by the Attorney. The hearing to be held for a decision by February 3, 1998. Upon roll call, all Commissioners voted aye. Motion carried.

Lunch 12:00 p.m. - 1:30 p.m.

The Chair asked if there were any other action on Item A. Ross Macbeth explained the hearing procedures. Commissioner Gose presented questions regarding disclosure statements. Mr. Macbeth advised that any conversations should be revealed, since December 23, 1997, when the Chair decided to withhold the check. Discussion was held on whether to obtain a hearing officer. The attorney presented advice on the hearing.

The County Administrator asked if the majority of the Board disagrees with his decision, he would like the time allowed for him to relook at the information with the facts presented today and to bring back his recommendation.

The consensus of the Board was to allow Mr. Cool to take another look and bring back recommendations in writing with evidence in two weeks and the hearing to continue as scheduled. The County Administrator asked the Board to reschedule the review of his contract until after the hearing. The Board agreed to his request.

Clayton Womer spoke in opposition to the Board allowing Mr. Cool to rethink the sick leave issue.

B. Public hearing to consider vacation of easement in Lake Saddlebags Subdivision

Proof of Publication and Petition entered into the record by the County Engineer, Bill Lecher. See SMB 30 Page 176. The Chair opened the floor to the public. No one spoke for or against the vacation.

Motion by Commissioner Barrett, seconded by Commissioner Gose, to adopt Resolution vacating the utility and drainage easement along the northerly 20 feet of lot 4, Block 2, Lake Saddlebags Subdivision. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 11 Page 134.

C. Public hearing to consider an ordinance amending Section 11.5-23 for Hiway Park Utility System

Proof of Publication entered into the record by the County Engineer, Bill Lecher. See Proof of Pub Ordinance Book 2 Page 2. Captions of the ordinance read into the record and the intent of the ordinance was identified. The Chair opened the floor to the public. No one spoke for or against.

Motion by Commissioner Barrett, seconded by Commissioner Gose, to adopt Ordinance amending Subsection (c), Section 11.5-23 providing for connection with the Hiway Park Utility System. Upon roll call, all Commissioners voted aye. Motion carried.

D. Joan Pflueger: Jackson Creek Canal

This item was postponed at her request.

E. Neil Thomas: Request to reverse bid award

Mrs. Dee Thomas, representing DeMcIntyre Organics, approached the Board with a request for a reversal on the Shell Bid Award. She stated that his company was the low bidder for hauling shell but the Operations Director did not recommend approval. Vicki Pontius stated that the issue of Mrs. Thomas hauling under the other bidder was not discussed at the meeting. The consensus of the Board was to allow Mrs. Dee Thomas to haul under the other bidder if they request her assistance. See SMB 30 Page 177 for copy of request.

F. Development Director:

1. Environmental impact report - Lake Placid Holding Company property- postponed

2. Request waiver of application fee for School Board

Motion by Commissioner Flowers, seconded by Commissioner Barrett, to approve request of Clay Oberhausen, Attorney for the School Board, to waive the application fee of \$450.00 for rezoning and Small Scale Amendment to the Comprehensive Plan. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 30 Page 178.

G. Special Projects Director: Request to accept donated property

Motion by Commissioner Flowers, seconded by Commissioner Barrett, to approve request of Bill Stephenson, Special Projects Director, to accept Lots 11130 and 11131, Unit No. 34, Avon Park Lakes as donated property from the Brownell Family Trust. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 30 Page 179.

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to declare surplus and to place out to bid. Upon roll call, all Commissioners voted aye. Motion carried.

I. Board Attorney: E.O. Douglass Ballfield Lease Agreement

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to approve for execution the lease agreement with the School Board for the E.O. Douglass Ballfield. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 30 Page 180.

2. Pinellas County decision on Indigent Criminal Appeals

The Board Attorney advised that Highlands County only have three cases and it is not advisable to join with Pinellas County in sharing cost. A consensus of the Commission was not to respond.

H. County Engineer: Highland's Park Estates road improvement contract

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to approve and execute the contract with Macaspalt in the amount of \$425,792.16 to construct two (2) miles of road in Highlands Park Estates. Commissioner Barrett questioned how these roads are selected. Ted Clay of Highlands Park Estates, reported that the roads were picked by a *Roads Committee* in conjunction with the Homeowners Association and in accordance with the ordinance established by the Trust Fund, and the number of residents on the road. It was also approved by the Homeowners Association. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 30 Page 185.

1. Government Center Update

Update presented by Bill Lecher, County Engineer. He advised that the building has been completed and a certificate of occupancy has been issued. See Government Center file for copy.

Mr. Cool reported that there is a design flaw in the chiller system. HOK has admitted that it is their responsibility and it will cost approximately \$30,000. No response has been received on the sunlight problem. They have suggested that verticle blinds be installed to cut the light. The Chair requested that the County Administrator negotiate with HOK for consideration of placing verticle blinds at the windows in concert with the lateness of the completion of the contract.

J. County Administrator:

1. Long term debt - Highlands County's ranking

The County Administrator presented a spread sheet showing the long term debt of each county as reported from the Florida Department of Banking and Finance comptroller's office. He noted that the Board should be commended for the ranking of *Highlands County*. Only two other counties have less long term debt than our county. See SMB 30 Page 181 for copy of results.

C. Michael Eastman suggested that the verbiage include "General Long Term Debt."

2. Training policy recommendation

Carl Cool presented a *suggested training policy* to the Board for adoption to add standardization to the training of county employees. Commissioner Gose requested that he get approval of the policy by the Employee Awareness Committee. See SMB 30 Page 182.

3. Request not to attend meeting of February 17, 1998

The Board gave the County Administrator a consensus not to attend the meeting of February 17, 1998. This time has been designated for a vacation.

4. Workshop issues

Mr. Cool advised that the issues of *fluff and sludge* will be discussed at the February 10, 1998-workshop. After discussion the Board decided that Mr. Kowalski’s concerns were answered and there was no need to schedule sludge for a discussion. The item of *fluff will be discussed*.

5. Signs - for placement at Highlands County Lakes

Commissioner Flowers commended the County Administrator on the signs to be placed at all public docks and asked that the verbiage “*Vessel and Personal Water Craft*” contain red lettering to bring more attention to those words.

K. Consent agenda:

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to approve the Consent Agenda as listed. Rick Helms corrected an error on budget amendment 97- 98-67. It should read .14 cents instead of .41 cents. This will be carried over to the revised budget amendment

1. **Approval to pay all duly authorized bills**

Law Library	1,357.86
General	2,398,505.63
County Transportation Trust	34,756.64
E911 Operations	10,915.75
Intergovernmental Radio Communication	1,874.15
Law Enforcement Education	594.00
Local Govt Infrastructure Surtax	2,513.54
Affordable Housing Assistance	602.95
Government Center	217,291.76
Solid Waste	208,014.00
Placid Utilities	468.33
Hiway Park Utility	77.75
Risk Retention	3,373.45
Employee Benefit	132,509.15
2. **Approval of minutes of 12-9-97 and 12-16-97**
3. **Approval to accept Emergency Food and Shelter Grant**
4. **Approval to execute FDEP Hazardous Waste Co-op Grant with Glades County**
5. **Approval to trade in vehicles and equipment. See SMB 30 Page 183.**
6. **Approval to execute Emergency Management Grant 98EM-8N-07-38-10-028. See SMB 30 Page 184.**
7. **Approval to execute agreement for Children’s Advocacy Center.**

- 8. Approval of short term loan to Heartland Library Cooperative.
- 9. Approval of budget amendments 96-97-446 (Hiway Park Utility year end close out) 96-97 -447(year end close out) and 97-98-66 (Purchasing computer- purchase) 97-98-67(County Jail) 97-98-68 (Relocate State Attorney Modular) 97-98-69 (OMB Budget Software upgrade) 97-98-70 (Construction of Government Center)
- 10. Approval to execute amendment to medical insurance Plan Document

Upon roll call, all Commissioners voted aye. Motion carried

6. COMMISSIONERS

A. Commissioner Flowers - Proclamation "Stop Red Light Running"

Commissioner Flowers read the Proclamation into the record. Motion by Commissioner Flowers, seconded by Commissioner Maxcy, to adopt Proclamation, designating the week of January 11-17, 1998 as:

Stop! Red Light Running Week

Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 11 Page 135.

7. ADJOURN

The meeting adjourned at 3:38 p.m.

Chairperson

Attest: _____
Clerk

REGULAR MEETING OF THE BOARD, JANUARY 20, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 411 S. Eucalyptus St. Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
James L. Gose	Carl Cool
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	

2. **Invocation and Pledge of Allegiance**

The meeting opened with a prayer by the County Administrator, Carl Cool.

3. **ANNOUNCEMENTS:**

- A. **SHERIFF**

Lt. Benton presented the Daily Jail Log of Inmate population for the period ending January 20, 1998. The Annual report and Farm report was also given.

- B. **CLERK**

No report given.

- C. **FUTURE UPCOMING MEETINGS:**

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public.

4. **Citizens Not on Agenda:**

1. David Flegel announced the upcoming concert "*Up with People*" to be held February 8 through February 14, along with other related activities and community services projects. He requested support from citizens in the County to be the host to the international students.
2. Melvin Picking spoke regarding roads in the Lorida area. He offered to lend the County \$3,000 without interest to pave Willow Avenue.
3. Ray White spoke regarding safety for the disabled citizens. He requested an awareness day in recognition.
4. Angela White also spoke in favor of disabled persons being able to ride their IMV's. She requested sidewalks be constructed for their use.
5. Joan Pfluger presented information regarding January 2, 1991 Commission meeting where a discussion occurred about funds received from recycled

garbage. She asked why trash is being brought from other counties. The County Administrator advised that it was not. The Chair reported that Fluff will be discussed on February 10, 1998.

6. Earl Pickett asked if the Community Traffic Safety Team made a decision on the signal at George Blvd. Commissioner Flowers stated that the Traffic Safety Team is endorsing this signal wholeheartedly and DOT has agreed to take a second look. He will also ask the Commission for support.

5. ACTION:

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to set the action agenda as listed:

- Remove Item D. Human Services Director.
- Postpone Item G. Development Director: Environmental Impact Report
- Add an additional item under F. County Engineer - Recording of a County Maintained Map.
- Add two items under item I. County Administrator
 5. (Sun'n Lake Preserve) No Hunting Signs
 6. (Waive fees for the Avon Park Booster's Club)
- Discussion on Consent agenda item 8 & 15.

Upon roll call, all Commissioners voted aye. Motion carried.

A. Bert Harris: Petition for the renovation of Central Avenue

Attorney Bert Harris appeared before the Board with the petition for the Renovation of Central Avenue submitted by the Chamber of Commerce and the Resolution supporting the renovation project. Other petitions were also entered into the record in support of the request.

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to support the Resolution for the renovation of Central Avenue, with the elimination of item one. Commissioner Barrett amended the motion to accept the road for maintenance upon the right of way being acquired. The motion was withdrawn after discussion.

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to accept the Resolution for Central Avenue as presented, minus item number one, with a budget amendment, to be paid for out of the Capital Improvement Plan.

Upon roll call, all Commissioners voted aye. Motion carried. Mr. Harris to come back with a JPA. He also asked that engineers come up with a concept on what is needed for Hillcrest West. Hank Kowalski suggested a right-hand turn lane and spoke in favor of the project. See Town of Lake Placid file for information. See Res. Book 11 Page 145.

Break 10:30 a.m. - 10:45 a.m.

B. Ray Napper: Drug testing

Mr. Ray Napper approached the Board with the request that all elected officials be required to conduct county business and their private lives as the employees who work for the County. He asked that the County Commission be required to undergo drug testing if reasonable suspicion exists that drugs and alcohol are affecting their decision making. The Board discussed the issue and no action was taken. See SMB 30 Page 186.

C. Joan Pflueger: Jackson Creek canal

Ms. Pflueger spoke regarding the condition of the Jackson Creek Canal. She stated that roots and grass were floating on the top of the Canal. She feels that something should be done about the Canal. The County Administrator stated that if someone has been spraying up the Canal, it will cause these plants to float to the top.

Carl Cool presented minutes of 1983 where Mr. Fred Morrison requested a joint clean up project with the County. As a result of the project, it may have over stabilized Lake Josephine. After speaking with Clell Ford, there might need to be a relook at the environmental issues as the result of the Upper Jackson Josephine Watershed. He suggested a joint project agreement between the County and SWFWMD. The consensus of the Board was to pursue this avenue.

D. Human Services Director: Polk County Legal Aid Society

Item postponed.

E. Special Projects Director: Request to accept donated property

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to accept donated property from Edward A. Ksiazak for all of Lots 23 and 24, block 3, Leisure Lakes section 1, plat book 6, page 6, and to place out to bid. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 30 Page 187.

F. County Engineer:

1. Request to set public hearing for road closing

Motion by Commissioner Maxcy, seconded by Commissioner Gose, to set a public hearing date to close a road right of way for Bernie Wolcove for a portion of Third Avenue West lying South of Lakefront Drive in Desoto City, Second Subdivision. The Board addressed the issue of *lake access*. It was determined that lake access is addressed at the Boat Ramp. Mr. Macbeth asked the Commission to consider the *public access* to the lake. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 11 Page 139.

2. Utilities maintenance contract

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to approve recommendation of the County Engineer to modify the contract with Short Utility Services to include Highway Park Utilities with no increase in the monthly fee. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 30 Page 188.

3. Recording of County Maintained Map

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to approve recording of the County maintained Road Map for the year. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 30 Page 189.

G. Development Director: Environmental Impact Report - Lake Placid Holding company

Postponed.

H. Board Attorney:

1. Gregory and Michelle Bash lien

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to accept the payback for the Bash lien using the same calculations as used for Mrs. Bash, which is 44.78% of the total lien. Upon roll call, all Commissioners voted aye, except Commissioner Gose who stated a conflict, due to being a business partner of Attorney Kelly. Commissioner Gose submitted a conflict form to be entered into the minutes of the meeting. Motion carried. See SMB 30 Page 190 for copy.

2. Dept. Of Labor - Stipulated settlement

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to approve the Department of Labor - Stipulated Settlement, case number 97-003826 with Highlands County paying 11.02% of the cost. Upon roll call, all Commissioners voted aye, except Commissioner Gose who abstained, due to a conflict of interest, as his employer is one of the petitioners. Commissioner Gose entered into the record a conflict form to become a part of the minutes. See SMB 30 Page 191. Motion carried.

3. City of Sebring discussion

The County Administrator reviewed the response from the City of Sebring regarding a joint meeting to discuss the annexation issue. Mr. Hoffman requested specific questions and concerns in advance. The consensus of the Commission was to allow the Chair and the County Administrator to set the agenda for the joint meeting. The Chair opened the floor to the public. Frank Celentano, Highlands Citizens for Better Government, stated that three or four citizens would like to speak and state their concerns at a workshop. See SMB 30

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I. County Administrator

1. Recommendation on sick leave payment

Carl Cool read into the record a revised opinion of Vaden Pollard's resignation. Mr. Cool stated that his opinion memo of 12-22-97 to Mike Eastman stated that Mr. Pollard left "in good standing." This memo was based on his understanding of the eligibility requirements found in the Personnel Manual on Page 54. After carefully reviewing the opinions of the Board on January 6th, he understood that the Boards viewed the eligibility requirements differently. To look at the eligibility requirements as performance standards as the Board did, instead of examples as he did, renders one an entirely different opinion. Based on all of the factors noted, he reversed his opinion of December 22, 1997 and issued a revised opinion that Vaden Pollard did not leave in good standing. Mr. Cool stated that this opinion is issued at the present time with the facts that he has now. Once the FDLE and State Attorneys' office investigations are concluded, additional information may be available to further clarify the issues.

With this opinion, he recommended the following to the Board:

- 1) Mr. Pollard's unused annual leave hours are approved to be paid to him immediately.
- 2) The February 3rd hearing for Mr. Pollard to appear before the Board be canceled because, according to the Board's Personnel Manual, any appeal Mr. Pollard would want to make would have to be made at the Circuit Court level.
- 3) The payment of the unused sick leave hours be kept under consideration until the FDLE and State Attorney's office investigations are completed, and then reconsidered at that time.

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to pay Mr. Pollard his annual leave. Upon roll call, all Commissioners voted aye. Motion carried.

The Chair asked that the Board's policy and procedure's manual be reviewed for further consideration. It was a consensus for Mr. Cool to bring back a draft to the Commission. The Board discussed the legal effect of the sick leave issue. Commissioner Gose cautioned the Board on their decision.

The Chair opened the floor to the public.

Ray Napper asked for clarification on the decision of the Chair toward Mr. Cool. Mr. Floyd Holland spoke in opposition to the Boards' decision. Dee Thomas also suggested a revision to the Board policy.

The Board Attorney asked for cancellation of February 3, 1998 hearing.

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to cancel the hearing scheduled for February 3, 1998 until after the FDLE investigation. After discussion Commissioner Maxcy rephrased his motion to incorporate item number three and to cancel the hearing until after the investigation. Ray Napper spoke in opposition to the motion.

Commissioner Maxcy restated his motion to include items number two and three. Commissioner Flowers seconded the motion. Upon roll call, Commissioner Maxcy voted aye. All other Commissioners voted nay. The Motion did not carry.

Motion by Commissioner Flowers, seconded by Commissioner Barrett, to cancel the February 3, 1998 hearing. Upon roll call, Commissioners Flowers, Barrett, Canale voted aye. Commissioners Gose and Maxcy voted nay. Motion carried.

2. Water Supply Authority feasibility study

The County Administrator reviewed the letter from Jeffrey Spence, Natural Resources and Drainage Division, Polk County, regarding the Water Supply Authority Feasibility Study. A Water Supply Authority Cooperative Interlocal Agreement has been drafted for consideration by Hardee, Highlands and Polk County and the Southwest Florida Water Management District. Commissioner Barrett asked that this item be referred to the current Water Advisory Committee. See SMB 30 Page 194.

3. Legislative Delegation issues

The County Administrator asked that the Commission put together issues for the Legislative Delegation on January 26, 1998. He will be working with the Chair to bring these ideas before the Delegation. Commissioner Gose asked that the issue of rural representation on the Florida Boards be addressed. Tom Portz advised that the telecommunication bill will significantly impact the right-of-way determinations in the County and he would request the Board not endorse. It was a consensus to instruct the legislators that we are not in favor. Commissioner Flowers suggested designating the center lane of the new six lanes or the right lane for thru traffic in the congested areas and ask that DOT act on this in a timely manner.

4. Recommendation on modification of lease with STAR Program

Item deleted.

5. Sun'n Lake Preserve

Motion by Commissioner Gose, seconded by Commissioner Barrett, to declare the Sun 'N Lake Preserve as a "no hunting and no trespassing area." Upon roll call, all Commissioners

voted aye. Motion carried.

6. Request to waive fee for the Avon Park Booster Club

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to waive the \$50.00 fee for the Avon Park Booster Club to hold a carnival. Upon roll call, all Commissioners voted aye. Motion carried.

7. Discussion by the Chair on Consent Agenda item number 8- Resolution on Hiway Park water line

The Board Attorney answered questions.

8. Discussion by the Chair on Consent Agenda item number 15- Approval to terminate contract with Centro Campesino

David Heacock, Housing Coordinator, explained the contract.

J. Consent agenda:

Motion by Commissioner Barrett, seconded by Commissioner Gose, to approve the Consent Agenda as listed with a correction to budget amendment 97-98-76 as provided by Rick Helms and the addition of items 8 and 15 to be included:

1. Approval to pay all duly authorized bills

Law Library	44.62
General	1,130,333.91
County Transportation Trust	76,321.05
E911 Operations	4,572.28
Intergovernmental Radio Communication	350.00
Law Enforcement Education	1,416.00
Local Govt Infrastructure Surtax	57,790.59
Affordable Housing Assistance	23,439.16
Government Center	704.24
Solid Waste	129,443.55
Placid Utilities	10,460.57
Hiway Park Utility	19,196.55
Risk Retention	16,638.15
Employee Benefit	91,228.74

2. Approval of minutes of 1-6-98 meeting

3. Accept into record - December Monthly Report

4. Approval to remove surplus vehicles from inventory. See SMB 30

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- 5. Approval to execute resolution amending housing Activity Work Plans. See Res. Book 11 Page 136.**
- 6. Approval to Execute FDOT Traffic Signal agreement order #29.**
- 7. Approval to trade in vehicles. See SMB 30 Page 196.**
- 8. Approval to execute resolution on Hiway Park water line. See Res. Book 11 Page 137.**
- 9. Approval to carry over annual leave balance(Mark Fairfield). See SMB 30 Page 197.**
- 10. Approval to waive landfill fee for Lake Placid Craft Fair. See SMB 30 Page 198.**
- 11. Approval of budget amendments 97-98-75 (Conservation Trust Fund) 97-98-78(OMB new PC and Fax Machine) (97-98- 83(Don Hanna -one month extension) 97-98-85 (Refuse Disposal Heavy Equipment Rental) 97-98-91 (Personnel Office DDC-training).**
- 12. Approval to execute Satisfaction of Mortgage (Roberto Mendez and Ann D. Mendez). See SMB 30 Page 199.**
- 13. Approval of an amendment agreement to Avon Park Housing Authority. See SMB 30 Page 200.**
- 14. Approval of amendment to Consumer Credit Counseling Service contract. See SMB 30 Page 201.**
- 15. Approval to terminate contract with Centro Campesino. See SMB 30 Page 202.**
- 16. Approval of resolutions and budget amendments' 97-98-73(Sebring Airport 97-98-76 (Community Traffic Education) 97-98-77 (entrance of fairgrounds) 97-98- 81(Cell #2 Landfill). See Res. Book 11 Page 138.**
- 17. Approval to refund garbage fee to five Star Investment Group. See SMB 30 Page 203.**
- 18. Approval to settle EMS bill of Gylla Thomas. See SMB 30 Page 204.**
- 19. Approval to execute Cooperator Agreement with Game and Fish Commission.**

Upon roll call, all Commissioners voted aye. Motion carried.

Clayton Womer spoke on the renovation of Central Avenue and asked that the Board please revisit after the cost analysis and review of the work.

6. COMMISSIONERS: GOALS FOR 1998

Chairperson Canale:

- 1) Add policy and procedures review
- 2) Introduction of Quality Assurance plan for Highlands County
- 3) Annual report

Other Commissioners were instructed to draft their goals for 1998 and give to the County Administrator. See SMB 30 Page 205 for copy.

Commissioner Flowers requested that the Board of County Commissioners draft a Resolution supporting a traffic signal at the Intersection of George Boulevard and Highway 27.

Motion by Commissioner Flowers, seconded by Commissioner Barrett, to approve a Resolution in support of the traffic signal. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 11 Page 144.

Commissioner Maxcy reported that several phone calls were received praising the Road and Bridge staff for their excellent work.

Commissioner Gose suggested that the Board instruct the County Administrator to follow through with Mr. Melvin Picking's offer to lend the County money to pave Willow Avenue in Lorida.

7. ADJOURN

The meeting adjourned at 11:45 a.m.

Chairperson

Attest: _____
Clerk

REGULAR MEETING OF THE BOARD, FEBRUARY 3, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 411 S. Eucalyptus St. Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
James L. Gose	Carl Cool
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	

2. **Invocation and Pledge of Allegiance**

The meeting opened with a prayer by the County Administrator, Carl Cool. The Pledge of Allegiance was led by Harold Owen.

3. **ANNOUNCEMENTS:**

A. Sheriff

No report given.

B. Clerk

C. Michael Eastman, Director of Accounting and Finance, read into the record, a letter from the Government Finance Officers Association. The letter notified Mr. Eastman that Highlands County comprehensive annual financial report (CAFR) for the fiscal year ended September 30, 1996 qualified for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. Mr. Eastman reported that this is the fifth year we have received this Certificate since Mr. Brooker became Clerk of Courts, and the thirteenth time since 1982. See SMB 31 Page 5.

C. Future upcoming meetings:

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public.

4. **CITIZENS NOT ON AGENDA:**

- A. Mr. Earl Pickett spoke regarding the review of the County Administrator's contract. He presented a report into the record in support of Carl Cool. See County Administrator file for copy
- B. Mr. Norman Megill spoke regarding discharge of fire arms within the county. The Board advised him to speak with the Sheriff. Commissioner Maxcy to serve as the liaison.

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- C. Mr. George Perkins spoke regarding the vacation of the Town of Harding Plat. He requested an amendment to the vacation as it denied him access. Mr. Macbeth advised that the Board cannot amend the action taken at the public hearing. The hearing must be reopened and that would require an eminent domain as the road has already been closed. No action was taken.
- D. Bill Fielden spoke regarding the Canal in Palm Haven Estates. Petition was entered into the record in opposition to removing boards at the drainage easement, as it allows low standing water and causes a major mosquito problem, along with affecting the stocked fish in the canal. See SMB 31 Page 6. Carl Cool explained that Mrs. Larson is sure that the water standing in her yard is caused by the placement of the boards. The Water Management District disagrees with this opinion. The County Survey Crew has performed a survey and found that water level is unrelated to the boards being raised or lowered. The Chair opened the floor to the public. Doug Denny spoke in opposition to the removal of the Boards. The Chair asked that Commissioners not get involved with pulling boards and let the Road and Bridge Department do their job.
- E. Harold Owen invited everyone to attend the Lake Placid Country Fair this weekend.

5. ACTION:

Motion by Commissioner Gose, seconded by Commissioner Barrett, to set the Action Agenda with the following changes:

- 1) Correct Item 5 A - Approval to set Public Hearing to consider text changes to Zoning Code.
- 2) Postpone Item G 1- to allow other candidates to consider this appointment.
- 3) Addition of two agreements under the County Engineer to be placed after the Development Director.
- 4) Remove Consent Agenda item K- 4 and to place under the Special Tax Districts.
- 5) Under Commissioner Barrett - driveway request.

Upon roll call, all Commissioners voted aye. Motion carried.

Vaden Pollard asked that he be placed on the agenda to discuss facts pertaining to the fluff at the next scheduled meeting. Mr. Cool asked that the Commissioners change the workshop scheduled for next week to include a noticed special meeting. It was a consensus by the Commissioners.

Break 9:55 a.m. - 10:05 a.m.

A. Public hearing date to consider text changes to Zoning Code

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Motion by Commissioner Gose, seconded by Commissioner Maxcy, to set the Public Hearing date for 9:00 a.m. on February 17, 1998. Upon roll call, all Commissioners voted aye. Motion carried.

B. Review County Administrator ordinance

C. Review County Administrator contract

The Board of County Commissioners reviewed the information provided by the County Administrator. Discussion followed. All five agreed that the County Administrator is doing an outstanding job. The Chair stated that he works hard to meet performance goals. Commissioner Maxcy dialoged on the issue of communications. Commissioner Barrett discussed the issue of outside work. Mr. Cool reported that he has not performed any work outside his job as the County Administrator, since the last discussion. However, his contract has not been amended. The Chair asked for a follow up system to log complaints and asked for the bad news as well as the good news, to make an informed decision. Commissioner Flowers noted that he has no problem with this form of government or the County Administrator. The only change he would like to make is on the *performance evaluations*, to take it a step further and review the goals that were set at the beginning of the year and a follow up procedure to be held in a public meeting.

Commissioner Maxcy suggested that we enhance the County Administrator's position with a public relations position in the next budget year. Commissioner Gose stated that he has no problem with the Administrator but the Board needs to solidify his contract to send the word out that Carl Cool is in charge of Personnel to allow the employees to get back on track.

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to reenter into contract with Carl Cool as the County Administrator to solidify Mr. Cools' position and to help the moral in the county. The Chair opened the floor to the public. Earl Pickett spoke regarding a county paid fire department. Dee Thomas spoke regarding the Personnel Policy. Ken Hannum spoke in favor of Mr. Cool. Upon roll call, all Commissioners voted aye. Motion carried. See County Administrator file for copy.

D. Jimmy Wohl: Request for modification to lease with Super Sweet, Inc.

Jimmy Wohl, President of Super Sweet, Inc. appeared before the Commission requesting authorization for the construction of an irrigation well on the leased premises of the property at the County Landfill on Arbuckle Creek Road. Mr. Wohl noted that many improvements have to be made to facilitate efficient irrigation and drainage. Before pursuing the permits for well construction, he requested an addendum to the lease that will prohibit any termination of the lease without flagrant and continued breach.

The consensus of the Board was that the Board Attorney and Mr. Wohl prepare a

modification to the lease that will provide the necessary language and bring back for Board approval.

E. Allon Fish: Women's Professional Bowling Association

Mr. Fish commended Mr. Cool *as good or the best County Administrator* that he has ever worked with, although he has worked with six other County Administrators who has more experience and more education.

Mr. Fish asked consideration of the Commission to support the Womens Professional Bowing Association tournament to be held February 3, 1998 in the amount of \$7,500. Jim Stanfill, EDC, spoke in favor of the enhancement of recognition in Highlands County. The Chair opened the floor to the public. Jim Swears, Clayton Womer, Winifred Swears and Hank Kowalski spoke in opposition. Bob Bullard, Town of Lake Placid, spoke in favor. Board members discussed the comments received from the sponsorship by the county of the Mens Professional Bowling Association Tournament. Commissioner Flowers suggested that this item should be addressed in the EDC or the Convention Visitors budget. He also discussed the consideration of a lesser amount. Commissioner Gose spoke in favor due to the advertising impact to our county. Commissioner Gose made a motion to sponsor the promotion in the amount of \$5,000. The motion died for lack of a second. See SMB 31 Page 7.

F. Jeanine Cohen: Legal Aid proposal

Peggy Shaffer explained the amended proposal for the Legal Aid in Highlands County. She requested a formal vote from the Commission in support of the proposal. Discussion regarding fees. The Board Attorney advised that the statutes authorize fees similar to the Library fees. Polk County Legal Aid Society has asked the Board to authorize the fees and the Board requested more definite numbers for what they would be doing as for as their local presence here. The consensus of the Board was to invite both vendors to present their proposal at the same time. See SMB 31 Page 8.

G. Development Director:

1. Appointment to Natural Resources Advisory Commission

Rescheduled.

2. Environmental Impact Report - Lake Placid Holding Company

Jim Polatty presented request for the Commission to approve, pursuant to Policy 3.15 of the Highlands County Comprehensive Plan, the Environmental Impact Report (EIR) prepared by Polston Engineering, Inc. for approximately 19.71 acres of commercial property in the Placid Lakes development. The applicant is requesting consideration of that prior sale as mitigation under Policy 3.15 (d) for development of the subject property. The Attorney suggested that this mitigation option process is being abused and

explained that the property owner got full value for the property that he sold. Carl Cool explained the prior sale and stated that no mitigation options were considered with the sale. It was an arms-length transaction. Lew Carter spoke regarding the different type of permits that will be required and the bureaucracy involved in the mitigation process. He is opposed to county mitigation and feels that state and federal regulations are adequate. Hank Kowalski spoke in opposition to the previous sale being acknowledged as fully mitigating the impact on lands. Mr. Macbeth advised that the Board may delete paragraph number two and allow the state and federal mitigation process.

Motion by Commissioner Gose, seconded by Commissioner Barrett, to approve the Environmental Impact Report for the Lake Placid Holding Company property, with the applicant to comply with all requirements of permitting agencies and the deletion of paragraph two. The Board to accept the mitigation requirements of the state and federal governments. Von Whitesides spoke in favor of the motion. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 9.

Lunch Break 12:45 p.m. - 1:45 p.m.

3. Explanation of Binding Letter of Interpretations of Vested Rights

Jim Polatty, Development Services Director, addressed Florida Statutes **380.06**, regarding Development of Regional Impact. DRI's are defined as any development, because of its character, size or location, that would have a substantial effect upon the health, safety, or welfare of citizens of more than one county. The Country Club of Sebring and the Lakeshore Mall have been approved under the DRI statute. **F.S. 380.06 (17)** requires that the local government issuing the development order is responsible for monitoring the development and enforcing the provision.

The DRI statute includes a provision (**F.S. 380.06 (4)**) that allows DCA to issue a BLIVR, vesting existing large scale developments against the DRI law. A modification of the BLIVR is called a Binding Letter of Interpretation Modification (BLIM). Mr. Polatty also explained how the county could be eliminating the property rights of another property that already has zoning "vested" by the BLIVR.

The local government issuing the development order is primarily responsible for monitoring the development and enforcing the provisions of the development order. Local governments shall not issue any permits or approvals or provide any extensions of services if the developer fails to act in substantial compliance with the development order. See SMB 31 Page 10.

4. Sun 'n Lake Improvement District zoning request

Jim Polatty presented request of John K. McClure, attorney for the Sun'n Lake District. The request is to assist the District in cleaning up zoning issues. The County would initiate several zoning changes to bring the District in compliance with both the Comprehensive Plan and with potential densities set forth in the Binding Letter of Vested Rights and the Binding Letter of Modification obtained by the District from the DCA. An inconsistency currently exists between

the number of units that could be built within Sun'n Lake if the current zoning was followed, which is limited by the actual densities approved in the Binding Letters applicable to lands within the District. If the proposed rezoning is completed, then the potential development that could occur would be reduced and more in conformance with the goals and objectives of the Comprehensive Plan. The District would also like to establish a new zoning classification for multiple dwellings that does not have semi-commercial ancillary uses allowed.

John McClure, attorney for the District, reviewed zoning problems that exist. He advised that the District will be hiring a planner to help with the problems. The Chair suggested that zoning notification could be placed in the newsletter. Mr. Macbeth advised that it depends on the type of zoning. Jim Polatty stated that Highlands County has very stringent notice provisions. Discussion on the type of notices to be mailed. Mr. Macbeth stated that it might be proper just to mail to property owners within Sun'n Lake and publication and posting around the area for non-property owners. The consensus of the Commission was to ask the Board Attorney to address the issue of a code change in the ordinance for Sun'n Lake rezones and bring back to the Commission. See SMB 31 Page 11.

G-1. County Engineer:

1. Wells Motor Company-Escrow and Maintenance Agreement

Motion by Commissioner Gose, seconded by Commissioner Flowers, to approve an escrow and a maintenance agreement with the Wells Motor Company, and allow them to open its new facility February 2, 1998, and acknowledge commitment to the completion of the paving and construction according to design and permit standards. Upon roll call, all Commissioners voted aye, except Commissioner Maxcy, who abstained due to Wells Motor Company being a client. Commissioner Maxcy entered into the record a memorandum of voting conflict to become a part of the minutes. See SMB 31 Page 12. Motion carried.

2. Modification to contract CH2M Hill and Solid Waste Facility

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to approve modification to the contract for the Solid Waste Management Facility for construction services required beyond the current contract completion date, not to exceed the amount of \$25,400.00. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 13.

3. Additive Change Order CH2M Hill

Motion by Commissioner Maxcy, seconded by Commissioner to approve additive change order in the amount not to exceed \$13,215.10 for removal of the valve and replacement for Ground Improvement Techniques, Inc., contingent upon approval by the Board Attorney and Budget Office. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 14.

H. Personnel Director: Revision of sick leave incentive eligibility

The Personnel Director reviewed the suggested revision of the Personnel Rules and Regulations regarding the eligibility portion of the Sick Leave Incentive program.

The Board discussed the requirements deemed "*not in good standing.*"

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to approve the

revision of the Personnel Rules and Regulations as recommended by staff. Clayton Womer asked if this revision could be retroactive. The Attorney stated that he felt that there was no change in substance. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 15.

I. Board Attorney

No report.

Chairperson Canale left the meeting at 2:45 p.m. Vice-Chair James Gose presided.

J. County Administrator:

1. Government Center inspection

The County Administrator reported that there will be a contract modification at no cost to the Board. He will report back.

2. Professional development guidelines

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to adopt the Professional Development Guidelines reviewed and endorsed by the Employee Awareness Committee. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 16 for copy.

3. Request for demonstration project at Ag Center

Pat Hogue, County Extension Director, presented request for a joint research and demonstration project at the Ag Center for a Grape Seminar to be held on March 26, 1998. The vineyard will be used by the Center for Viticultural Sciences at Florida A & M University in Tallahassee as a demonstration vineyard to promote grape growing in Central and South Florida. The center will assist in the installation costs and will use the vineyard for research purposes. All the materials needed have been donated to help in this project.

Chairperson Canale accepted the gavel back at 2:50 p.m.

Motion by Commissioner Gose, seconded by Commissioner Barrett, to approve request of David DeVoll, Horticultural Agent, to waive the fees of the Ag Center and grant the use of the area designated for a five year period. See SMB 31 Page 17. Mr. Jerry Million, President of the Grape Growers Association, spoke in favor of the motion. Upon roll call, all Commissioners voted aye. Motion carried.

K. Consent agenda:

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to approve the Consent Agenda as listed:

1. Approval to pay all duly authorized bills

Law Library	731.00
General	1,346,637.34

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County Transportation Trust	50,381.92
E911 Operations	10,673.66
Intergovernmental Radio Communication	379.76
Local Govt Infrastructure Surtax	191,465.35
Affordable Housing Assistance	39,955.00
Government Center	422.46
Solid Waste	841,863.95
Placid Utilities	2,382.35
Risk Retention	5,826.67
Employee Benefit	252,594.82

2. Approval of minutes of 1-13-98 and 1-20-98
3. Approval to change road name - Oakland Rd. to Mike Kahn Rd. See SMB 31 Page 18.
4. ~~Approval of change order #4 for Better Roads - Riverdale Rd.~~
Moved to Sebring Highlands Special Tax District.
5. Approval to sell tax certificate (Arlene S. Hays). See SMB 31 Page 19.
6. Approval of Letter of Agreement with SFCC and Polk Community College.
7. Approval of budget amendments 97-98-90(Aquatic Weed Control)97-98-93(Sebring Airport Authority) 97-98-94(maintenance of courthouse facilities) 97-98-97(Planning computer system) 97-98-99 (Central Ave-Lake Placid) and 97-98-101(County Administrator computer).
8. Approval of purchase of two computers for Law Library. See SMB 31 Page 20.
9. Approval of resolutions and budget amendments 97-98-87 (Lake Jackson) 97-98-96 (CDBG Hiway Park Water System) and 97-98-98 (Law Enforcement Education) See Res. Book 11 Page 142.
10. Approval to execute contract with The Nature Conservancy, staff person for the CARL site land closings. See SMB 31 Page 21.
11. Approval to execute resolution adopting Evaluation and Appraisal Report. See Res. Book 11 Page 143.
12. Approval of change order to LaGrow for Highway Park Project. See Highway Park file for copy.
13. Approval to replat portion of Tanglewood Resort. See SMB 31 Page 22.
14. Appointments of Tom Koppein, Sam Leonor and Jonathan Jones to Industrial Development Authority. See SMB 31 Page 23.

6. COMMISSIONERS:

Commissioner Barrett presented a request from a lady residing off of 7th Street West, in a mobile home. The county code requires an apron leading to the mobile home. Motion by Commissioner Barrett, seconded by Commissioner Flowers, to authorize the County to

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pave the apron with her paying the material cost of \$22.62. Mr. Macbeth advised that the Commission will be competing against private enterprise. The chair opened the floor to the public. Clayton Womer spoke in opposition to the request. Upon roll call, Commissioners Barrett and Maxcy voted aye. Commissioners Gose, Canale and Flowers voted nay. Motion did not carry.

7. ADJOURN

The meeting adjourned at 3:17 p.m.

Chairperson

Attest: _____
Clerk

SPECIAL MEETING OF THE BOARD, FEBRUARY 10, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 411 S. Eucalyptus St. Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
James L. Gose	Carl Cool
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	

2. **Invocation and Pledge of Allegiance**

The meeting opened with a prayer by the County Administrator, Carl Cool. The Pledge of Allegiance was led by Earl Pickett.

3. **ANNOUNCEMENTS:**

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public.

Update on the Nuisance Ordinance

Carl Cool gave an update on the nuisance ordinance regarding complaint filed by Norman Megill. He believes that the nuisance is resolved. The Sheriff's Department has visited the neighbor and they have agreed not to repeat the violation. The Code Enforcement Officer has also started the process from his office.

Motion by Commissioner Gose, seconded by Commissioner Barrett, to set the Action Agenda with items four and six as action agenda items and seven and eight as workshop items. Upon roll call, all Commissioners voted aye. Motion carried.

Commissioner Maxcy asked for a break to review a letter by the Asst. County Administrator. The Chair called a break from 9:15 a.m. - 9:25 a.m.

4. **Automotive Shredder Fluff workshop**

- A. **Review of Highlands County Sanitary Landfill Operations: Carl Cool**

Mr. Cool gave a presentation on the history of the Sanitary Landfill Operations. Preston Colby presented questions.

- B. **What is automotive shredder fluff? : W.Z. Baumgartner, Jr. consultant**

Mr. Baumgartner explained the shredder fluff and the safety of the product. Preston Colby asked that Mr. Baumgartner explain the commodity, if it is a waste product or a beneficial use for sale. He advised that it depends on the vendors' needs. The Chair asked for the bad news from the use of fluff. Mr. Baumgartner stated that materials found in the fluff consist of a small quantity of several metals. Peggie Highsmith spoke regarding stringent state regulations. Bill Krumbholz stated that the county should have the responsibility of the testing. Phil Barbaccia, Environmental Administrator with FDEP, suggested the county perform their own test and split samples with the producer. Preston Colby spoke regarding the time between the delivery and the testing. Hank Kowalski presented questions regarding the threat to birds. He stated that there is no evidence that the birds are not affected. Mr. Baumgartner advised that if we observe the landfill, the birds are not located where the fluff is spread. Commissioner Flowers reminded the Board that the county should be performing tests weekly.

Break 11:25 a.m. - 11:35 a.m.

C. Why do we use it? : Carl Cool

Explanation - it is a benefit to the county due to revenue we receive and its use as a cover material. Discussion on compaction.

D. Is it safe to use? : Phil Barbaccia, FDEP

Bill Krumbholz, FDEP

Dr. W.Z. Baumgartner, Consulting Engineer

Carl Cool

E. Does it save money? : Carl Cool

Yes, unless it is overused. Mr. Cool presented information on why Hillsborough County does not use fluff. Mr. Baumgartner addressed the issue of the PCB's.

F. How did G.F. Enterprises get \$147,000 behind? : Tom Portz

1. Tom Portz explained the breakdown with staff. See SMB 31 Page 24 for copy of memo.
2. Carl Cool presented a graph with cost savings listed. See SMB 31 Page 25.
3. Carl Cool explained the current procedures in place.

G. Who knew about the debt? : Tom Portz

H. How do we get back our \$147,000+? :

Carl Cool explained the meeting with G.F. Enterprises to try to collect the money. His recommendation on payment of the debt is that GF Enterprises be given 30 days to pay with interest.

Commissioner Canale asked the Board Attorney how the County can get the money paid back to them. Mr. Macbeth suggested an agreement in which both parties agree to the terms and security. If not acceptable then the only recourse is through the Courts. The Chair recognized Preston Colby. Mr. Colby stressed contract compliance. He also asked the Board to consider placing fluff out to bid. Mr. Cool asked Bill Baumgartner what should Highlands County charge to receive fluff at the landfill for cover. He recommended a range from \$12.00 to \$45.00 per ton as waste.

Attorney John McClure, representing GF Enterprises, stated that the problem was *no contract*. Since the county landfill is set up as an enterprise fund, it may not be a constitutional issue. GF Enterprises stopped paying the \$3 per ton tipping fee from April 1996 to November 1997 when the county would not give them a contract. At that time they were getting their fluff from Sunshine Recycling. This Company went into bankruptcy and has been granted a \$37,000 settlement. Mr. McClure offered to give the County the \$37,000 when recovered. He also offered to continue paying the county its \$3 per ton tipping fee, but only if the money would be applied to the \$147,000 debt and if they promise not to find another source of fluff while GF Enterprises is paying the debt. They do not agree to pay interest and they want a written agreement. Carl Cool stated that it would take more than two years to repay the debt under those terms and would be taking the fluff into the landfill free when it is likely another company producing fluff would be willing to pay the county for the same service. Preston Colby presented arguments to the proposal. He asked for bids to be placed with no existing indebtedness to the county.

The Chair opened the floor to the public. Dee Thomas spoke regarding the profit on hauling and the debt owed. Gabriel Reed from Avon Park spoke in favor of payment of the debt.

Carl Cool repeated his proposal as 30 days at 5 1/2% interest for payment and if terms are not met, to sue and place out to bid. Commissioner Maxcy requested the Board consider a mediation process.

Motion by Commissioner Barrett to support Mr. Cool's proposal and at the end of 30 days to address the issue of continued use at the landfill. Commissioner Canale passed the gavel and seconded the motion. Commissioner Flowers stated that thirty days is sufficient based on the stop payment by Mr. Bielecki. A contingency should have been set aside. Commissioners Maxcy and Gose asked for mediation and stated concerns for the repayment. Ross Macbeth advised that GF Enterprises does have one asset, a contract with Norstar that the Board can attach. He also stated that the issue of the enterprise fund did not matter. They owe the county the money and they should pay. The Chair opened the floor to the public. Dana Davis, Clayton Womer, Preston Colby, Jean Nichols and Von Whitesides spoke in favor of the motion. Upon roll call, Commissioners Barrett, Canale, Flowers and Gose voted aye. Commissioner Maxcy voted nay. Motion carried.

I. What safeguards should we have in place in the future? : Carl Cool

The Chair suggested that we afford them the time to pay the debt and then go out to bid.

5. Vaden Pollard

Mr. Pollard did not appear at the Board meeting.

6. Approval of budget amendments 97-98-112 and -113

Motion by Commissioner Flowers, seconded by Commissioner Barrett, to approve 97-98-112 and 97-98-113 for the reallocation of funds for completion of Cell 1 B at the Arbuckle Landfill. Upon roll call, all Commissioners voted aye. Motion carried.

Break 1:25 p.m. -1:30 p.m.

7. Keith Kolasa, SW Fla. Water Management District. : Little Lake Jackson update

Keith Solasa, Environmental Scientist of SW Florida Water Management District, presented an overhead transparency, updating the Board on the status of the lakes in Highlands County.

Little Lake Jackson Diagnostic Feasibility Study. In summary, the internal water quality data for Little Lake Jackson displayed several indications of poor water quality, such as low dissolved oxygen and high bottom ammonia concentrations. Whole lake alum treatment may be feasible for in-lake water quality enhancement.

The paleolimnological analyses revealed that a substantial increase in the hardness of the lake has occurred. This change may be caused from hydrologic modifications within the watershed. Hydrologic modifications would be difficult to correct.

The runoff survey indicated that the ammonia loading rate during the study period to Little Lake Jackson was high. Additionally, a large flush of orthophosphorus and total phosphorus occurred during the peak storm event. Although conventional detention ponds can provide efficient reductions in phosphorus loads, ammonia reductions are typically difficult to achieve. Stormwater researchers from FDEP and SWFWMD recommended using aquatic plant uptake to achieve ammonia reductions. In addition, high concentrations of orthophosphorus concentrations were found in the ground water wells near the lake. Installing a series of shallow ground water wells and analyzing ground water samples for orthophosphorus would be necessary to find the best location for a treatment system.

Commissioner Canale left the meeting at 2:10 p.m. Commissioner Gose presided as chair.

Discussion regarding Little Lake Jackson and storm water run-off. Rick McCleery recommended an amendment to the cooperative funding proposal for 98-99. He will present the suggestion to the Peace River Basin Board. Staff to perform a cost benefit analysis. See SMB 31 Page 26 for copy of summary.

8 11:00 a.m. - Peggie Highsmith, DEP: Questions from the public, in Room 31 or Room 34

. ADJOURN

Chairperson

Clerk



REGULAR MEETING OF THE BOARD, FEBRUARY 17, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 411 S. Eucalyptus St. Sebring, Florida with the following members present:

James L. Gose	C Michael Eastman
Guy Maxcy	Carl Cool
David Flowers	J Ross Macbeth
J. D. Barrett	Louise Graham

Chair Jeri Canale was absent from the meeting. The Vice Chair, James Gose presided.

2. Invocation and Pledge of Allegiance

The meeting opened with a prayer by Commissioner David Flowers. The Pledge of Allegiance was led by Earl Pickett.

3. ANNOUNCEMENTS:

A. Sheriff

Lt. Benton presented the Daily Jail Log of Inmate Count for the period ending February 17, 1998.

Request for SHOCAP funds

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to sign a letter committing to support the Sheriff in using funds from the COPS office to further the SHOCAP efforts in Highlands County. Upon roll call, all Commissioners voted aye. Motion carried. The COPS office will give Highlands County \$25,000 a year for three years toward funding for an entry level officer. Lt. Benton to bring back to the Commission a cost figure package.

B. Clerk

No report.

C. Future upcoming meetings:

The Asst. County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public.

Tom Portz reported on the flooding problem in the county. Tim Eures gave an update on the flooding situation.

4. CITIZENS NOT ON AGENDA:

A. Earl Pickett presented a memo praising Tom Portz, Asst. County Administrator. See SMB 31 Page 27.

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- B. Hank Kowalski asked why Highlands County is not taking advantage of free sand at Mr. Mason's landfill. Mr. Portz advised that staff is preparing a cost analysis to see if it would be more cost effective.
- C. Allon Fish, Sebring Chamber/Convention Visitor Bureau, discussed the promotion of the Womens Bowling Association. He reported that the City of Avon Park, the City of Sebring, the Town of Lake Placid and the Convention Visitor Bureau has committed to a combined total of \$3,500. He requested the County reconsider participation.
- D. Joel Lowman, Lake Placid Chamber/Convention Visitor Bureau, spoke in favor of the county participating.
- E. David Greenslade, Executive Director of the Avon Park Chamber, spoke of the positive impact to the county.
- F. Pauline White, Sebring City Council, asked the Board please to reconsider and support the tournament.
- G. Dennis Davis, Manager of the Kegel Bowling Lanes, spoke in support of the Ladies Tournament.
- H. Cherry Logan, Asst. Manager of the Kegel Bowling Lanes, also spoke in favor of the promotion of the Bowling Tournament.

Motion by Commissioner Flowers, seconded by Commissioner Maxcy, to allocate \$3,000 from the Board Contingency to the Convention Visitors Bureau to use as they see fit to promote tourism and to approve the budget amendment. Hank Kowalski and Clayton Womer spoke in opposition. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 28.

5. ACTION:

Motion by Commissioner Flowers, seconded by Commissioner Barrett, to approve the Action Agenda with inclusion of budget amendment #97-98-125. Upon roll call, all Commissioners voted aye. Motion carried.

A. Public hearing to consider proposed Zoning Code text changes

Jim Polatty, Development Services Director, presented proof of publication into the record. See Proof of Publication Ordinance Book 2 Page 6. Captions of the ordinance read into the record.

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to adopt the ordinance approving the Zoning Text Amendments as recommended by the Development Services Director. The Chair opened the floor to the public. No one spoke for or against the changes. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 29.

B. Personnel Director:

1. Lead Worker Designation

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to authorize two Lead Worker Positions as requested by Al Bowles, Building Operations and Maintenance Supervisor. See SMB 31 Page 30. Upon roll call, all Commissioners voted aye. Motion carried.

2. Employee-to-resident ratio report

Fred Carino, Personnel Director, presented a survey of the size of the employee work force under the Board of County Commissioners for all 67 Florida counties. He pointed out that the statewide average ratio is 5.95 BOCC employees per thousand residents. By comparison, Highlands County has a current ratio of 3.97 per thousand residents. Regionally, Highlands County ranks second lowest in employee-resident ratios of all adjacent counties. See SMB 31 Page 31 for copy of information.

3. Job description for Public Information Coordinator

The Personnel Director presented a job description for a Public Information Coordinator, to work under the Assistant County Administrator. Motion by Commissioner Flowers, seconded by Commissioner Maxcy, that the Board establish a position of Public Information Coordinator, and to approve the job description at a Pay Grade 20, with the approval of a budget amendment. Jim Cash and Earl Pickett spoke in favor of the position. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 32.

C. County Engineer:

1. Government Center concrete contract

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to approve request for the County Engineer to award the Government Center concrete contract to Macasphalt for \$48,310.00 to construct concrete sidewalk and curb work subject to the review and approval of the Board Attorney, OMB, Finance and Purchasing Department. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 33.

2. Permit approval request from Florida Power

The County Engineer presented a hand out with a request from Florida Power for a utility permit for 33 feet high local service utility poles on the east side of Landry Road in Avon Park, from Starr Road to north of Anderson Road and from Reed Road to north of Seiple Road. The power line is a distribution line to service the high-level transmission lines on the east side of Landry Road. Some high level poles were shortened due to the proximity of the Avon Park Airport. The proposed power line will provide power for the warning lights on the high level poles and provide local service. The County Engineer reported that this issue should be discussed at a public forum. Tom Portz reported that the City of Avon Park will discuss this permit next Monday evening. The Chair opened the floor to the public. Don Wittenberg, Avon Park Estates, spoke opposing the placement of the poles in

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that area. Commissioner Barrett suggested that John Martz of Florida Power bring back alternatives to be considered. See SMB 31 Page 34.

3. Request for easement

Bill Lecher, County Engineer, presented a handout for a 60-foot wide drainage easement in Knoll Subdivision on Montsdeoca Road west of US 27. There has been a continuing problem of drainage. The County would like to obtain an easement to the pond and improve the drainage and offer some relief to the subdivision. See SMB 31 Page 35.

Break 10:26 a.m. - 10:40 a.m.

D. Development Director: SHIP amendment/adoption of resolution

Motion by Commissioner Flowers, seconded by Commissioner Maxcy, to approve SHIP amendment and adoption of resolution for Highway Park, as recommended by the Affordable Housing Advisory Committee. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 11 Page 146.

E. Assistant County Administrator:

1. Mitigation Strategy funds update

The Board gave a consensus to Tom Portz, Asst. County Administrator, for participation in the Local Mitigation Strategy funding by revising its membership to include representatives from each city. The cities to hold a joint committee meeting with the Boards members and report back to the Board of County Commissioners with recommendations. See SMB 31 Page 36 for copy of grant information.

2. Update/direction on Emergency Operations Center status

Tim Eures updated the Board on the problems associated with the heavy rains at the EOC building. Recommendations were presented that the Board move forward with obtaining design and cost estimates for a new facility. The Board gave a consensus for Tom Portz to put figures together and to bring back to the Board, and to move forward in planning and reviewing the cost with the use of grant funds to construct a new EOC 911 Dispatch Center to be located behind the new Desoto City Fire Station and the County Health Department. This area would place the new EOC in proximity to emergency resources in the areas of EMS, Fire, Road and Bridge, Human Services and the Ag-Center shelter. See SMB 31 Page 37.

3. Newsletter discussion

It was a consensus of the Board to allow the Public Information Officer to bring this back to the Commission for approval. See SMB 31 Page 38.

4. Approval of County fee schedule

The Asst. County Administrator presented a schedule of County fees. The Board commented on the accessibility of information. See SMB 31 Page 39.

5. Salvation Army contract

Tom Portz presented information regarding the contract with the Salvation Army and how other counties are handling their probation and parole. Commissioner Maxcy suggested that we remain with the Salvation Army.

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to waive the purchasing manual and enter into the contract with the Salvation Army. Commissioner Flowers asked that all public records be available *subject to state law*. Commissioner Flowers and Barrett accepted the amendment. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 40.

F. Board Attorney: Interlocal Agreement with Heartland Workforce Development Board

Ross Macbeth updated the Commission on the modifications of the new Interlocal Agreement regarding JTPA. Commissioner Gose noted a conflict of interest as he is the Coordinator for the Heartland Workforce Investment Board. Memorandum of voting conflict entered into the record and made a part of the minutes. See SMB 31 Page 41.

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to approve the new Heartland Workforce Interlocal Agreement forming the consortium with the three counties and changes as outlined. Upon roll call, all Commissioners voted aye, except Commissioner Gose, who abstained. Motion carried. See SMB 31 Page 42.

G. Consent agenda:

Motion by Commissioner Flowers, seconded by Commissioner Barrett, to approve the Consent Agenda with the addition of budget amendment 97-98-125:

1. Approval to pay all duly authorized bills	
Law Library	3,235.50
General	480,298.03
County Transportation Trust	36,612.64
E911 Operations	141.95
Intergovernmental Radio Communication	350.00
Local Govt Infrastructure Surtax	95,309.62
Affordable Housing Assistance	46,444.56
Government Center	33,378.16
Solid Waste	16,003.72
Placid Utilities	1,913.91
Highway Park Utility	290.88

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Risk Retention	1,201.00
Employee Benefit	40,615.10
Tax Deed Surplus	633.59

2. **Approval of minutes of 1-27-98 and 2-3-98**
3. **Accept into record - January Monthly Report**
4. **Approval to declare nuisance, case # 9798-048. See SMB 31 Page 43.**
5. **Appointment of members to Heartland Library Cooperative-Jeri Canale, Jeanne Renton and Perry Newport. See SMB 31 Page 44.**
6. **Accept into record - audited financial statements from garbage haulers. See file for copy.**
7. **Approval for employment extension-Eugene Wilson. See SMB 31 Page 45.**
8. **Approval of modification of SHIP Mortgage Agreements. See SMB 31 Page 46.**
9. **Approval of Adopt a Highway Agreement with Leisure Lake Homeowners**
10. **Acceptance of Lakeshore Mall DRI Annual Status Report. See SMB 31 Page 47.**
11. **Approval to sell tax certificate #95-6633. Robert C. Saffold or Joe Ramsey. See SMB 31 Page 48.**
12. **Approval of budget amendments 97-98-106 (Maintenance Shop computer) 97-98- 108 (Land at Government Center) 97-98-110 (Relocate Pretrial Release) 97-98-111 (Courthouse facilities) 97-98-114 (Landfill Closure) 97-98-115 (Zoning Department Computer upgrade) 97-98-118 (Highway Park amendment) and 97-98 125 (network wiring for State Attorney).**
13. **Approval of resolution and budget amendment 97-98-107 (Supervisor of Election warehouse expansion) and 97-98-117 (SHIP program). See Res. Book 11 Page 146 and 147.**
14. **Approval of resolution for Community Development Block Grant amendment. See Res. Book 11 Page 148.**
15. **Approval to execute agreement with Melvin Picking.**

Upon roll call, all Commissioners voted aye. Motion carried.

6. COMMISSIONERS

- A. Commissioner Barrett—"Hazardous Weather Awareness Week."
- B. Commissioner Flowers reported that there is no hydrilla on Lake Istokpoga.
- C. Commissioner Gose presented questions regarding right-of-way wireless

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communication. The Asst. County Administrator to follow up.

- D. Commissioner Maxcy asked consideration for a discussion with John McClure representing GF Enterprises in regards to getting the County's money back.
No action taken

7. ADJOURN

The meeting adjourned at 11:04 a.m.

Chairperson

Attest: _____
Clerk

EMERGENCY MEETING OF THE BOARD, FEBRUARY 18, 1998

1. The meeting was called to order at 4:45 p.m. in the Board of County Commission Chambers at 411 S. Eucalyptus St. Sebring, Florida, with the following members present:

James L. Gose	Thomas Portz
Guy Maxcy	C. Michael Eastman
David Flowers	Louise Graham
J. D. Barrett	

Chair Jeri Canale was absent from the meeting. The Vice Chair, James Gose, presided. Board Department members were also present.

- 2. Invocation and Pledge of Allegiance**

The meeting opened with a prayer by Vice-Chairman, James L. Gose. The Pledge of Allegiance was also led by the Vice-Chair.

Tom Portz, Asst. County Administrator, advised that this is an emergency meeting that was called at 9:30 a.m. The notice was posted on the bulletin board and was also faxed to the newspapers and radio stations. See SMB 31 Page 51.

- 3. Situation Update**

- A. Press Release**

Mr. Portz reported that a press release was issued to alert the citizens regarding the status of the county due to the President's Day Storm. Highlands County does have some trouble spots but is in better condition than most counties. See SMB 31 Page 52.

- B. State Status**

Mr. Portz presented a status of other counties. See SMB 31 Page 53. He reported that the Board may wish to declare a state of a local emergency in order to request any available assistance.

- C. Lake Status**

Clell Ford, Lakes Manager, reviewed the map of Highlands County. The status of the lakes is that they are very full. Lake Jackson is at an all time high. The current elevation according to engineering is 103.75 feet above sea level. This means it is at an all time high over the last fifty years. This is due to excessive rainfall and other mitigating factors. More calls have been received from citizens from Lake Jackson. The Grass Carp Fence is causing some trouble at the outfall of Little Lake Jackson. The flow is being impeded by the fence. Lake Josephine may come up a small amount. Lake Sebring is not at the ten-year flood level yet. There was an obstruction in the outflow from Lake Sebring. It flows into Little Red Water in Avon Park. The obstruction has been removed and the level of Lake Sebring will be coming down and the level of Little Red Water will be going up.

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Lake Bonnet is not doing badly at all. Lake Lotela has water flowing out due to poor drainage, but it does not appear to be flooding. He reported that the Water Management has opened all gates. If we get more rains, there will be more problems. Commissioner Gose asked that we not panic. He does not want to open all the gates and suddenly find us dry again. Vicki Pontius stated that she would hate to lose the carp on Lake Jackson. Clell indicated that there could be a problem with Lake Jackson Shores.

Mr. Portz was directed to have staff continue to monitor the problem; if there is a need, then pull the carp structure. Engineering to shoot the lakes again tomorrow and analyze the situation. See SMB 31 Page 53 for copy of map.

D. County Road System

Vicki Pontius gave an update on the County Road System. Road and Bridge are keeping up with the county maintained roads. Lake Placid is in good shape. Overall, the county maintained roads are in satisfactory condition.

Bill Stephenson stated that he visited Buttonwood Bay and spoke with the manager. He alerted him that they may receive a surge of water within the next few days if the county removes the tussock.

E. Non-County Maintained Road System

The real issue is the non-maintained roads. The hardest hit was Vantage Point, Colony Point, Avon Estates, Sebring Country Estates and the Bombing Range and Hammock areas.

Tom Portz identified eight areas of concern. Commissioner Gose stated a problem with the county performing maintenance on non-maintained roads. Mr. Portz reported that he spoke with Mr. Macbeth and read the language of the emergency statutory guidelines. Mr. Macbeth requested that exclusive statutory language be written into the Resolution that would show a disclaimer for future actions. He stated that there probably will still be litigation in the future, even with the Resolution. Mr. Portz advised that this step is necessary in case we do have major problems. Commissioner Gose asked if we have a cost estimate. He cautioned the Board on setting a precedent.

Commissioner Flowers stated that two of the roads are already on the list to come up next year. Commissioner Maxcy stated that staff should take it on a case by case basis and the key factor is for the health and safety of the person. Tom Portz stated that the criteria should be if a road is declared impassable. Tim Eures commented that we want to stop the problem and not rebuild the roads. Vicki Pontius stated concern for repairing the roads within a seven day period when the Resolution expires. She also advised the Board that the list was for calls received, and not a recommended list from staff.

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to allow staff, in cooperation with the Emergency Operations, to make a determination as to whether personal health, safety, and well being is being jeopardized and to conduct themselves

according to the Resolution. The final call will be from the Asst. County Administrator until the County Administrator returns. Upon roll call, all Commissioners voted aye, except Commissioner Gose, who voted nay. Motion carried.

4. Local Emergency Declaration

Tom Portz advised that the county will have the opportunity to file for certain reimbursements, but the major side effect of the state of the local emergency is to seek mutual aid from the state. The Division of Forestry was good enough to pump Vantage Point. Otherwise, we would already have declared a state of an emergency. This will give us the alternative to seek mutual aid. However, it took many months to receive reimbursement from Hurricane Andrew and it will take some time to receive these funds. The benchmark is 25 homes and five businesses. We currently have 16 homes and eight businesses and we have reached the benchmark. There is a dollar amount of approximately a quarter of a million tied to this benchmark. Commissioner Gose stated that the Declaration is good for seven days only.

A. Statutory Reference

B. Proclamation

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to adopt Resolution 98-20 for the seven-day period. Oscar Garner stated that the Resolution can be terminated anytime. Vicki Pontius asked questions regarding the time limit. Oscar Garner advised that the Resolution can be extended three times. Tom Portz read the Resolution into the record. Upon roll call, all Commissioners voted aye. Motion carried.

**C. Staff to file for any entitlement available-
immediate mutual aid relief**

Consensus of the Commission.

5. Other Business

Staff to continue to monitor the lakes.

6. Adjourn

The meeting adjourned at 6:10 p.m.

Chairperson

Attest:

Clerk

REGULAR MEETING OF THE BOARD, MARCH 3, 1998

The meeting called to order at 9:00 A.M. in the Board of County Commission at 411 S. Eucalyptus St. Sebring, Florida with the following members

Jeri Canale
James L. Gose
Guy Maxcy
David Flowers
J D Barrett

Invocation and Pledge of Allegiance

meeting opened with a prayer by the County Administrator, Carl Cool. Pledge of

3.

A.

Lt. Susan Benton presented the Daily Jail ending Florida Community College to the for Benton investigation of a possible stolen vehicle.

B. Clerk

No report given.

C. Future upcoming meetings:

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public. Tom Portz introduced Scott Detrick, FEMA Representative. Mr. Detrick gave a brief overview of the program and suggested that the county participate. See SMB 31 Page 59 for copy of information.

4. CITIZENS NOT ON AGENDA:

- A. Melvin Picking spoke to the Commission in opposition to the money donated to the Bowling League. Mr. Picking also spoke regarding the loan that he made to the Board for the paving of Willow Avenue.
- B. Earl Pickett presented a certificate to Bill Stephenson, a life time member of the West Sebring VFD.
- C. Frank Celentano, Citizens for Better Government, spoke regarding the upcoming workshop with the City of Sebring to discuss the annexation issue. He asked that his group also be given a copy of the information that the City has requested. Mr. Cool

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advised that the City has requested a specific list from each Commissioner on what their questions are and a copy of the report that the County prepared on the impact to the Commission, if properties are annexed. Discussion followed regarding the list of concerns. The consensus of the Commission was to hold a workshop *for the citizens* and invite the City Council Tuesday, March 10, 1998 at 9:00 a.m.

- D. Joan Pflueger spoke to the Board regarding the *apple snails*. She asked the Board to not spray Lake Josephine between the months of April and October, when the water fowl are nesting. The Board informed Ms. Pflueger that Dr. Bill Haller will give a presentation on *Aquatic weed control*.

5. ACTION:

Motion by Commissioner Gose, seconded by Commissioner Flowers, to set the Action Agenda with changes as listed:

- A. Delete Item A.
- B. Add item number 6 under the County Administrator- John McClure's letter regarding GF Enterprises.
- C. Add item number 7 under the County Administrator- Budget Amendment 97-98-143 and 97-98-144.
- D. Add item number 8 under the County Administrator- Budget Amendment and Resolution for payment of the Healthy Kids Program.
- E. Add item number J. under the Asst. County Administrator
 - 1. Request to extend the Emergency Resolution
 - 2. Stroke Care Victim Contract

Upon roll call, all Commissioners voted aye. Motion carried.

A. Public hearing on Nuisance Abatement - case #9697-080 Crispin and Alicial Molina

Item deleted.

Break 9:55 a.m. - 10:05 a.m.

B. Dr. Bill Haller: Aquatic weed control presentation

Vicki Pontius, Asst. Operations Director, introduced Dr. Bill Haller from the University of Florida. Dr. Haller presented the history of the hyacinth and hydrilla and gave a slide presentation on the importance of spraying to control the plants.

C. Tom Deer, Gene O'Dell, FDOT: Briefing on Agri-Civic Center traffic signal

Gene O'Dell, Public Information Director for DOT, briefed the Commission on the traffic count at the Agri-Civic Center signal. He advised that the volume of traffic using the intersection does not warrant the light. The major point of concern is the traffic flow. The traffic count was conducted on two different eight-hour days with the use of a computer. Out of eleven warrants not one of these were met. The concern is that not enough vehicles come out of George

Boulevard to justify stopping the traffic on U.S. 27. Their experience shows nationwide, that there are more traffic crashes at a *signalized* intersection than at a *flashing light* intersection. He believes that a traffic light would not decrease fatalities, but set a precedent to put a traffic light at every intersection on U.S. 27. Adding the light would violate a list of prerequisites used to warrant a traffic signal. Ignoring those criteria would jeopardize FDOT 's federal funding. The Commissioners discussed the findings and considered other alternatives. Commissioner Maxcy voiced opposition to the findings.

The Chair opened the floor to the public. Richard Conover suggested reducing the speed limit in that area. Hank Kowalski spoke in opposition to the traffic designation by DOT. Rick Weigand, EMS Director, stated that the main factor is when events are scheduled at the Ag Center. Also, the uniqueness of an EMS Center located on George Blouvard. Dee Thomas and Gabriel Reed presented questions. Lt. Benton spoke regarding the manual operations of the signal. Discussion continued on the possibility of placing a deputy at the intersection during events to control the light manually. The County Administrator suggested providing groups who rent the Ag center, the option of hiring deputies to patrol the intersection. The Board asked that DOT relook at the situation. See SMB 31 Page 60 for copy of DOT documentation.

Commissioner Barrett asked that trucks be instructed to stay in the center lane.
Chuck Level, District Traffic Operations, stated that this question can be addressed to the attorneys for DOT.

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to authorize the Chair to send a letter, asking DOT the feasibility of restricting trucks to the middle lane. Neil Thomas, truck driver, spoke in opposition. Upon roll call, all Commissioners voted aye. Motion carried.

D. Development Director:

1. Natural Resources Advisory Commission appointments

Jim Polatty, Development Services Director, presented recommendations for the appointment of the new NRAC members to fill the Development Representative and Professional Representative slot.

Motion by Commissioner Gose, seconded by Commissioner Flowers, to appoint Pete McDevitt to fill the unexpired term of Stephen L. Miller as Development Representative and Curtis DeYoung to fill the unexpired term of Peggy Chapman as Professional Representative to the Natural Resources Advisory Commission. Upon roll call, Commissioners Gose and Flowers voted aye. Commissioners Canale, Barrett and Maxcy vote nay. The motion did not carry.

Motion by Commissioner Barrett to fill the Development slot with Curtis DeYoung. Commissioner Gose seconded the motion. Commissioner Barrett amended the motion to add John W. Clark as the Professional Representative. Commissioner Gose withdrew his second. The Chair asked for a second to Commissioner Barrett's motion. The motion died for lack of a second.

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Motion by Commissioner Maxcy to appoint Curtis DeYoung in the Development slot, seconded by Commissioner Barrett. Upon roll call, all Commissioners voted aye, except Commissioner Gose, who voted nay. Motion carried. See SMB 31 Page 61 for copy of resume.

Motion by Commissioner Barrett, seconded by Commissioner Canale to accept John W. Clark as the Professional Representative. The Chair opened the floor to the public. Hank Kowalski, member of NRAC, advised that he will not be available during the summer months. Commissioner Barrett withdrew his motion.

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to appoint Pete McDevitt as the Development Representative and Curtis DeYoung as the Professional Representative to NRAC. Kurt Olsen suggested that the Board send this decision back to NRAC for recommendations. Upon roll call, Commissioners Gose and Flowers voted aye. Commissioners Maxcy, Barrett and Canale voted nay. The motion did not carry. The consensus of the Board was to ask that NRAC recommend an appointee for the Professional slot.

2. Royce family property acquisition

Jim Polatty, Development Services Director, presented recommendations from the Natural Resources Advisory Council on the Royce Family property acquisition. General terms were negotiated by NRAC. See SMB 31 Page 62 for copy. Discussion followed regarding the requirement for the Board to build a shell road through the area. Ray Royce spoke in favor of the purchase.

Motion by Commissioner Gose, seconded by Commissioner Flowers, to commit to an expenditure of the County Conservation Trust Funds to obtain an FCT certified appraisal of the property; hire a consulting firm to prepare the FCT grant application; and have staff come back to the Board at that point. Tom Portz stated that the Board has a bigger issue, and that is if we are going to help NRAC be more aggressive we need to look at the fee structure, otherwise we will be impacting the General Fund, and lowering your level of service on the road system countywide. Commissioner Maxcy discussed the idea of not building the road at this time. Commissioner Flowers spoke in opposition to that idea as it would not be accessible to everyone. Hank Kowalski spoke in favor of the motion. Kurt Olsen, a member of NRAC, explained why he voted no. Upon roll call, all Commissioners voted aye, except Commissioner Barrett, who voted nay. Motion carried.

Lunch Break 12:35 - 1:30 p.m.

The meeting was called back to order with all members present.

E. Special Projects Director: Request to accept donated property

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to accept donated property from Paul Schloss for Lot 7 and 8, Block 127 of Placid Lakes, Section #10 and put up for sale. Upon roll call, all Commissioners voted aye. Motion carried. Commissioner Maxcy suggested that the funds from the sale of this property be used to pave Willow Lane in Lorida

and to refund Melvin Picking his \$3,000.00. Mr. Stephenson stated that we may not get that amount for the sale. The Board instructed Mr. Stephenson to come back with information regarding the amount of sale for possible consideration.

F. County Engineer: State Attorney's Building moving contract

Motion by Commissioner Gose, seconded by Commissioner Barrett, to waive the agenda to add two additional items. Upon roll call, all Commissioners voted aye. Motion carried.

Bill Lecher, County Engineer, presented recommendations for the State Attorney's building moving contract. Discussion regarding placing this item out to bid. Staff advised that Spacemaster was the only vendor that would guarantee the building.

Motion by Commissioner Barrett, seconded by Commissioner Gose, to execute the contract with Spacemaster International to move the State Attorney's office building in the amount of \$20,919.00, subject to review and approval by the Board Attorney, Finance Department, Budget office and the Purchasing Department. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 63.

2. Suspension of Drive Way re-inspections

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to suspend the normal \$30.00 reinspection fee for driveway permits for forty-five days, due to the continuing rains. The contractors will continue to guarantee completion within 30 days of final inspection of the driveway construction. Upon roll call, all Commissioners voted aye. Motion carried.

3. Florida Power distribution line-Landry Road

The County Engineer stated that the City of Avon Park has reviewed Florida Power's proposal to place an overhead primary distribution line along Landry Road west of the Avon Park Municipal Airport. This line will feed flashing lights on the tall transmission poles already in place and the shorter replacement poles to be installed by Florida Power. These lights are required by the FAA for safety of flight purposes. The City of Avon Park has no objection to the issuance of a permit by Highlands County for this project. See SMB 31 Page 64. Discussion by the Board on the placement of the poles. The Chair advised that she will place this item back on the agenda to allow residents to respond to the issue. Commissioner Gose spoke in opposition to not issuing the permit at this time, and asked for the deed restriction for the Avon Park Estates area. After Board discussion, staff was instructed to place back on the agenda in two weeks.

G. Board Attorney: Alpine Village garbage exemption classification

Ross Macbeth explained Chapter 8.5 of the Code of Ordinance as it relates to the Highlands County Solid Waste Ordinance. He concluded that under the Highlands County code, it was a reasonable interpretation to categorize it as *commercial*. The Chair opened the floor to the public. Clayton Womer requested clarification on the discussion. The consensus of the Commission was to accept the recommendations of the Board Attorney and continue the classification as Commercial property. See SMB 31 Page 65.

H. County Administrator:

1. Request to clean out mouth of Arbuckle Creek

The County Administrator presented request from Mr. & Mrs. Neibert who own a fish camp at the intersection of 98 and Arbuckle Creek Road. They asked that staff clean out the mouth of Arbuckle Creek. Mr. Cool stated that the only way to perform this maintenance and obtain a permit would be with a dredge. He did not recommend the Board move ahead to clean out the sand bars. Commissioner Barrett reported that he has surveyed the area and found it to be restricting the flow of water. It was a consensus of the Board to send a letter to the Corp of Engineers requesting assistance and advising that it is a navigable waterway.

2. Recommendation on workshops for fire districts

The County Administrator presented the following recommendations for the fire districts:

Workshop - May 5, 1998 at 5:30 p.m. at the Town Hall in Lake Placid for Lake Placid District.

*Workshop - Wednesday, May 6, 1998 at 5:30 p.m. in Venus for Venus Fire District
Pubic Hearing to be held June 23, 1998 at 5:30 p.m. at the Lake Placid Town Hall for Lake Placid Fire District.*

Pubic Hearing to be held June 23, 1998 at 5:30 p.m. at the Lake Placid Town Hall for Venus Fire District.

The Board gave a consensus on the above.

3. Proposed Organization for a County Public Works Department

Carl Cool, County Administrator, presented a proposed organization chart change in the County Public Works Department. He requested a discussion and then to be placed back on the agenda in two weeks.

He asked that consideration be given to reducing the Operations Director position and to establish a position for a Road and Bridge Superintendent and a position for a Public Works Director. It would be changing Vicki Pontius position to the position of Operations Manager. He recommended that we put out a public announcement for the Public Works Director and allow people to bid on the position. He would suggest a temporary appointment of Bruce Van Jaarsveld as the Superintendent. See SMB 31 Page 66. Action to be taken in two weeks.

4. Article V Court Funding Participation

The County Administrator explained the *Floridians for Fairness in Court Funding Program*. Highlands County's appropriation amount is \$21,059.00 or 27 cents per person to place monies into a pool to help eliminate Article V funding requirements of the County and to pass the State Court System cost back to the state. Mike Eastman expressed some concerns regarding this expenditure. He stated that we want to make sure that it is proper for the county to contribute to this organization. He also stated that the Clerk's Association is sympathetic to this issue. Commissioner Gose advised that there is an opinion letter in the Florida Association of Counties

packet that will answer Mike's questions. Commissioner Maxcy asked for additional information as to the makeup of the organization. Staff to report back.

Motion by Commissioner Gose, seconded by Commissioner Barrett, to approve a budget amendment to be taken out of the contingency and to participate in the program, subject to the Clerk's and Board Attorney's approval. Upon roll call, all Commissioners voted aye. Motion carried.

5. County responses to auditor's management letter

The County Administrator reviewed the fiscal year audit comments with the proposed responses by the County. Discussion followed on the findings.

Commissioner Gose directed questions regarding the SHIP Program to David Heacock, Housing Director. Carl Cool spoke regarding the SHIP Program and the constraint that 30% of money has to be expended to families that are in the very low income category. It is a struggle to meet these guidelines and to get the grant expended properly and in accordance with all requirements of SHIP in the time frame. Centro Campesino was contracted to do this but the county released them. Most of the contract that was recently let for housing and refurbishing went to the very low income. However there can be a saturation point in the county and we cannot spend all the money. He reported that the new position in Housing has been a great asset to the County. Commissioner Gose stated concern for the use of funds to pay for the water system. Mr. Heacock explained the program.

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to accept the Management Letter and responses into the record. Commissioner Barrett questioned the *conflict of interest policy*. Mike Carter, Auditor, stated that this policy is in addition to the secondary employment policy and there is a state statute, and they will recommend that every employee sign. Mr. Cool will bring back for adoption. Other discussion evolved, regarding the Sinking Fund. Mike Eastman advised that this has been corrected. The Chair opened the floor to the public. Richard Conover mentioned several items that were noted in the audit. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 68.

6. John McClure: GF Enterprises of Central Florida, Inc. Letter

Attorney John McClure, representing GF Enterprises, appeared before the Board with request that the Commission ignore the letter dated February 13, 1998. See SMB 31 Page 69 for copy. He suggested an option instead for the repayment with a promissory note in the amount of \$155,183.62, bearing interest at 5.5 percent per annum, payable in 28 monthly payments of \$5,918.18 per month, the first payment due March 15, 1998 and each payment thereafter due and payable on the 15th day of each month until paid in full. Any payment that is more than five days late shall incur a penalty of an additional \$150.00. Mr. McClure advised that if the County stops his company from delivering fluff, we will get nothing. There are no assets, other than the contract. If the county wishes to seize the contract, we will be delivering fluff to ourselves. They cannot stop us from doing that. This also includes the \$3.00 tipping fee that will be paid to the county. Commissioner Barrett and Canale spoke favorably for the

Promissory Note.

Commissioners Flowers stated that he has a problem with the note. The Board Attorney advised that the Promissory Note is no better than the Company and Mr. McClure has stated that the Company has no assets except the contract. It is merely a way of documenting a repayment plan, which hopefully they can do. It is unsecured. He stated that it is not as good as what was proposed in January, but is better than nothing.

The Chair asked Mr. Cool how many loads of fluff are being delivered to the Landfill. The County Administrator stated that no more than one per day or two or three for the week. Mr. Cool advised that a testing program is being instituted to test fluff. After completed there will be *No more fluff delivered to the Landfill, depending on the outcome.* Mr. McClure stated that he did not know his client's position in this matter, but it would not be feasibility for them to supply fluff in the event it is determined to be hazardous waste. Mr. McClure asked that until the Board makes a determination on the note, that the February 11, 1998-letter be held in abeyance, or at least the ramifications.

Mr. Cool asked their attorney if they would consider a personal guarantee with the Promissory Note. Mr. McClure advised that they will not.

Commissioner Flowers suggested that we extend the date of March 15, 1998 to March 17th, the date of our next Board meeting. Have the check in their hand on that date and should we decide to agree to this Promissory Note, the payment will be there.

Motion by Commissioner Flowers, seconded by Commissioner Maxcy, to extend the fluff through 5:00 p.m. on March 17, 1998 and to take action on that date. Upon roll call, all Commissioners voted aye. Motion carried.

7. Budget Amendment 97-98-143 and 97-98-144

Motion by Commissioner Gose, seconded by Commissioner Flowers, to approve budget amendment 97-98-143 (Placid Utilities) and 97-98-144 (Government Center Window Treatment). Discussion by the Commissioners on HOK's responsibility for window treatment. Staff to research minutes for an answer. Richard Conover asked for a full disclosure of the Government Center cost. Upon roll call, all Commissioners voted aye. Motion carried.

8. Budget Amendment 97-98-145 and Resolution-Healthy Kids

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to approve budget amendment and resolution for disbursement of \$119,019.67 for the Florida Healthy Kids Corporation. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 11 Page 155.

I. Consent agenda:

Motion by Commissioner Gose, seconded by Commissioner Flowers, to approve the Consent Agenda as listed. Upon roll call, all Commissioners voted aye. Motion carried.

1. Approval to pay all duly authorized bills

Law Library	3,607.20
General	1,493,679.27
County Transportation Trust	44,526.89
E911 Operations	10,902.39
Conservation Trust	1,890.00
Intergovernmental Radio Communication	374.15
Local Govt Infra Surtax	85,498.01
Affordable Housing Assistance	28,392.14
Government Center	2,465.50
Solid Waste	570,333.83
Placid Utilities	10,420.15
Highway Park Utility	30.32
Risk Retention	8,144.46
Employee Benefit	120,094.79
Flexible Benefit Trust	1,956.63

2. Approval of minutes of 2-10-98, 2-17-98 and 2-18-98

3. Approval of budget amendments 97-98-119 (Planning Department extension of Don Hanna position) 97-98-123 (Landfill Refuse Disposal System)

4. Approval to declare items surplus and dispose of County property. See SMB 31 Page 70.

5. Approval for contract labor in commodity program. See SMB 31 Page 71.

6. Appointments to Children's Services Council. (Valerie R. Pfister and S. Rebecca Gillies). See SMB 31 Page 72.

7. Accept into record Sun 'n Lake of Sebring annual report

Upon roll call, all Commissioners voted aye. Motion carried.

K. Asst. County Administrator

A. Extension of Emergency Resolution 98-20

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to extend the Emergency Resolution another seven days. Ross Macbeth raised a question on the extension. He stated that the work has to be related to the emergency that the Board declares. Upon roll call, all Commissioners voted aye. Motion carried. SMB 31 Page 73.

B. FMQAI-Stroke Victims-Contract

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to approve the contract for stroke victims. Upon roll call, all Commissioners voted aye. Motion carried.

6. COMMISSIONERS

A. Commissioner Maxcy requested a copy of daily landfill receipts for fluff for the

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past year.

- B. Commissioner Gose - statement on Board appointments.
- C. Commissioner Canale- Softball lighting at Max Long. No action taken

De McIntyre - County Public Works Department-questions

7. ADJOURN

The meeting adjourned at 4:00 p.m.

Chairperson

Attest: _____
Clerk

WORKSHOP MEETING OF THE BOARD, MARCH 10, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 411 S. Eucalyptus St. Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
James L. Gose	Carl Cool
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	

2. Invocation and Pledge of Allegiance

The meeting opened with a prayer by the County Administrator, Carl Cool. The Pledge of Allegiance was led by Richard Conover.

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to waive the agenda for review of items as listed:

- Extension of Emergency Resolution
- Jenny Hurd - Heartland Rural Health Network
- Jim Polatty - Local Government verification of Affordable Housing

Upon roll call, all Commissioners voted aye, except Commissioner Gose, who vote nay. Motion carried.

3. Extension of Emergency Resolution

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to extend the Emergency Resolution for seven days to allow staff to clean up emergency operations. Upon roll call, all Commissioners voted aye. Motion carried.

4. Heartland Rural Health Network endorsement-Jenny Hurd

The Board gave a consensus for the County Administrator to write a letter for the Chairperson's signature in support of the Heartland Rural Health Network grant.

5. Local Government Certification of Affordable Housing Incentives

John Borgemeister, speaking for the Heritage Company, appeared before the Board with request that the Commission *certify confirmation of county policy*, that provides incentives for affordable housing. This is for a development called Park Crest Terrace and will be located on Youth Care Lane. Representatives speaking in favor of the project were Keith Dusenberry, Karen Headrick and Gregory Popp.

Motion by Commissioner Barrett, seconded by Commissioner Gose, to direct staff to certify the form for Affordable Housing Incentives for the Heritage Company, in order for the company to receive tax credits. Richard Conover of Avon Park, spoke in favor of the motion. Upon roll call, all Commissioners voted aye, except Commissioner Maxcy, who voted nay. Motion carried. See SMB 31 Page 74.

6. ANNOUNCEMENTS:

The Chair read the reported meetings into the record. Additional meetings were announced for the benefit of the public. Carl Cool reminded the Commission of a meeting with the Committee to discuss proposed rates for Placid Utilities. The meeting to be held March 10, 1998 at 6:30 p.m. at the Agric-Civic Center.

7. Workshop: Landfill privatization

Carl Cool introduced the following representatives who are in the privatization business.

Clif Betts, Okeechobee County Commission Chairman

Carolyn McCreedy, representing Chambers Waste Systems of Okeechobee County

Charles Wilson, Public Sector Manager of BFI

Lee Cullens, representing Reliable Sanitation

Steve Taylor, representing Republic Industries, Kentucky

Break 10:00 a.m. -10:10 a.m.

Okeechobee County Commissioner, Clif Betts, explained the benefit of going to privatization. He stated that his County let Chambers Waste Systems buy its landfill property and the decision has saved taxpayers a lot of money. Tipping fees at the landfill dropped from \$60 a ton to \$24.80 a ton and the property tax rate, for many years at the state cap of \$10 for every \$1,000 of taxable value, now is \$8.25. The Okeechobee landfill accepts garbage from outside the county, and only accepts fluff as a waste product, charging \$28 a ton to have it dumped there. Carolyn McCreedy, district manager for Chambers landfill, stated that Okeechobee has been designated as a regional landfill. They accept about 3,000 tons of solid waste a day compared with Highlands 300 tons. Highlands County is within the service area.

Charles Wilson, of Browning Ferris, Inc. stated that *quality management* is the way a private company can do it cheaper than government. Some landfills are operated by three or four people and some counties use 25-30. The number depends on the type of operation and the extra services provided. He operates more efficiently, sometimes with less equipment.

Steve Taylor, Republic Industries, parent company of Reliable Sanitation, stated that the national firm has several landfills accepting 500 tons of waste a day. He also agreed that small operations are not the most profitable. Republic operates 43 landfills, owning 35-40 of them.

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Gabriel Reed, resident of Avon Park Lakes, stated concerns for a private landfill. David Will spoke in opposition to bringing other waste into our county.

The consensus of the Board was to form a Solid Waste Committee with Commissioner Maxcy as the liaison and each Commissioner to submit a name and an alternate by next meeting to look into this further.

8. ADJOURN

The meeting adjourned at 11:24 a.m.

Chairperson

Attest: _____
Clerk

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REGULAR MEETING OF THE BOARD, MARCH 17, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 411 S. Eucalyptus St. Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
Guy Maxcy	Carl Cool
David Flowers	J Ross Macbeth
J D. Barrett	Louise Graham

Commissioner James Gose was not present.

2. Invocation and Pledge of Allegiance

The meeting opened with a prayer by Commissioner David Flowers. The Pledge of Allegiance was led by David Seitz.

3. ANNOUNCEMENTS:

A. SHERIFF

Lt. Benton presented the Daily Jail Log of Inmate population for the period ending March 17, 1998. The County Administrator spoke regarding the over population and the new state law that requires the inmate to serve more than 85% of the jail time.

B. CLERK

No report given.

C. FUTURE UPCOMING MEETINGS:

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public.

4. CITIZENS NOT ON AGENDA

- A. John Griffin presented a St. Patrick day proclamation to each Board member.
- B. Bob Boggus, Florida Power Corporation, presented brochures on the *Surge Protection Service* offered by Florida Power Corporation at their office.
- C. Richard Conover spoke regarding the issue of window covering for the Government Center and Juvenile Justice week.
- D. Earl Pickett thanked the Board for the placement of the agenda on the Internet. He also spoke on the Water Advisory meeting.
- E. Keith Renish advised the Board that it is the county's responsibility to repair the damage at Vantage Point.
- F. De Thomas asked that she be recognized to speak when public input is called for. She is opposed to the reorganization of the Public Works Department. She also requested a copy of the Shell Tickets from January until the present.

5. ACTION:

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to set the Action Agenda with changes as listed:

- 1. Remove Consent Agenda number 14, Water Supply Authority study.

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2. Remove item number 6 Water Advisory Committee recommendation and place after Judge Durrance presentation.
3. An addition to the Consent Agenda item number 4-add Sterling Oaks easement.
4. An additional item under the Asst. County Administrator -K.-2 for an Emergency Hire and a budget amendment.
5. Under the County Administrator, Item N-5, *delete*.
6. Under the County Administrator, add Item N-7: *waiving of dumping fees* for the Avon Park C & D site for a floating tussock.
7. Add item N-8 *Extension of the Emergency Resolution for Sparta Road and Killarney*.

Upon roll call, all Commissioners voted aye. Motion carried.

A. Circuit Judge Dale Durrance and Linda Moore: Polk Legal Aid Society

Circuit Judge Dale Durrance spoke to the Commission in support of Polk legal aid services in Highlands County.

Linda Moore, Executive Director, gave a follow up to the society's initial presentation of October 14, 1997. She discussed providing free family law legal services to the low income county residents. She stated that no fees are charged. She requested that the Board Attorney prepare an ordinance allowing an increase in the court filing fees to fund the Legal Aid Society. She also requested a new name for the agency and volunteers to serve on the board of directors.

Bob Germaine, Director of Civil Court, stated that the Court has approximately 2,000 cases filed per year that could be taxed at \$5.00 per case and would net just over \$10,000.00. Ms. Moore advised that these monies would be used to provide service along with helping to generate other funding.

Kevin Roberts, Director of Human Services, spoke to the Board, regarding the need for legal aid services in Highlands County. He advised with the name change the Children's Advocacy Center could accommodate the office space. Carl Cool noted that Capt. Parrish, of the Salvation Army, has offered free housing for the service.

It was a consensus to direct the Board Attorney to prepare an ordinance allowing an increase in Highlands County court filing fees to fund the Legal Aid Society, Inc. and to bring back to the Board to set a public hearing. See SMB 31 Page 75.

B. Kurt Olsen: Presentation of check from US Air Force timber resources

Kurt Olsen presented a check from the US Air Force in the amount of \$ 34,964.87 from forest resources. This check will be earmarked for roads and schools. Commissioner Flowers asked that the Commission look at funding a specific project for the School Board. Carl Cool reported that this money has already been anticipated in the budget and allocated for the Road and Bridge Fund. Commissioner Flowers asked that he meet with Mr. Cool later to discuss a line item transfer.

Wendell Whitehouse - Water Advisory Committee

Mr. Whitehouse requested the Board draft a letter of support to the Chair of the Water and Resource Management Committee, asking for minor changes in House Bill 3503, and to send suggested language to Sec. 373.019 of Florida Statutes.

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to send the letter of support from

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the Board Chairperson to Chair Lisa Carlton, Water and Resource Management Committee, with suggested verbiage to the state. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 76.

C. Annexation to City of Sebring:

1. Presentation of questions by citizens

- A) Frank Celentano, representing a group known as “Highlands County Citizens for Better Government” spoke to the Commission in opposition to the annexation. His topic was the impact to county revenue and growth. Other members speaking were as follows:
- B) Scott Maxson, concerned citizen, reported on the negative impact of forced annexation on the county residents.
- C) Ginny Haymaker, business owner, spoke in opposition to the annexation.
- D) John Griffin, business owner, presented information in opposition.
- E) Dave Seitz, a resident and business owner in Sebring, spoke in opposition.

Frank Celentano advised that all of his members have been represented and he would like the Board Attorney to research statutes on annexation and then give his group permission to form a committee with a representative from the City Council, the Board of County Commissioners, a business owner, and a representative from the residential area, and allow them to meet for the benefit of this cause.

Christine Hands, representing the Lakeshore Mall, stated that the mall has hired an attorney to fight the annexation. She asked that the board review the annexation plans presented to the county by the city last year. She also questioned whether annexation plans will provide effective police, fire and utility services for the city of Sebring. Frank Platt, mall tenant, stated that he cannot afford to run his business if the annexation is approved.

Break 10:20 - 10:30 a.m.

Jeff Carlson, resident of the City of Sebring, asked that we focus on the business owners that are in downtown Sebring and try not to lose the businesses that we have.

2. City / County discussion of questions presented

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to authorize the Chair to send a letter asking that the City Council hold up on the annexation until a committee is formed and direct our attorney to provide answers legally. Commissioner Maxcy asked Mr. Macbeth if there is a legal way for the County to stop the annexation. Mr. Macbeth advised that the statute does not provide any direct means for the County to stop an annexation. It states that the cities are required to file with the County, a report of the annexation. Upon roll call, all Commissioners voted aye. Motion carried. The County Administrator to draft the letter to the City Council. See SMB 17 Page 77.

D. Betty Laudig: Sidewalk request for DeSoto Road

Ms. Betty Laudig introduced Helen Marshall, who is on the Board of Directors for the Francis II Mobile Home Park. Ms. Marshall presented a sidewalk installation request for Desoto Road and Real McCoy Road to Highlands Avenue. She stated that this would provide a safe manner of access in an unprotected area. A petition was entered into the record with 36 signatures.

The consensus of the Board was to request that staff get with the Board of Directors and perform a cost

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estimate and bring back to the Commission. See SMB 31 Page 78.

E. Preston Colby: Contract compliance proposal

Preston Colby reviewed an independent contractor agreement with the Commission for obtaining a determination of leases, agreements and contracts with the Board and various entities.

The Board discussed the proposal and requested Mr. Macbeth's advice. Mr. Macbeth stated that this contract was not bid out. He addressed the possibility of performing the compliance "in-house" with staff and not for just a three month period but; an ongoing basis. Mike Eastman stated concerns for payment before services are rendered. Bob Jamison suggested that staff define what it is that we want to accomplish and get as much benefit as possible. If we prepare an RFP and solicit proposals from various qualified organizations, we may find that there are software packages available that are designed for contract administration. Commissioner Flowers spoke in favor of bidding out the contract package. The consensus was to request staff follow policy. See SMB 31 Page 78.

H. Dan Foley, Highlands County Citrus Growers: Illegal dumping

Dan Foley appeared before the Board with a request that Commissioners establish an account funded by general revenues to fund the *waiving of tipping fees at the Solid Waste Management Center* at the same rate established by the Commission. See SMB 31 Page 79.

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to adopt the six points as outlined in the memo, with the establishment of an account funded by general revenues to fund the waiving of tipping fees at the same rate established by the Board of County Commissioners, and a budget amendment to set up the account. Hank Kowalski presented questions as to the policy and procedures. Wilson Elliott, Avon Park Estates, spoke regarding dumping in his neighborhood. Upon roll call, all Commissioners voted aye. Motion carried.

F. Terry Johnson, SWFWMD: Southern Water Use Caution Area update

Refer to tape for more information. Dan Foley spoke to the reduced impact of the Citrus Industry to the water supply. Hank Kowalski stated concerns for the monitoring wells.

G. Keith Fountain, The Nature Conservancy:

- 1. Request for drainage easement**
- 2. Request for Quit Claim Deeds**

Motion by Commissioner Flowers, seconded by Commissioner Maxcy, to approve request of Keith Fountain, Nature Conservancy, to accept Drainage Easement for property in section 3, township 34 south, range 29 east and quit claim deeds conveying Riverdale Road, Maxcy Road and the Riverdale Road retention structure and conveying a portion of Riverdale Road and Maxcy Road to the Board of County Commissioners, subject to review by Board Attorney and staff. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 80.

I. Budget Officer:

- 1. Budget calendar for FY 98-99**

Rick Helms, Budget Officer, presented the 1998-99 Fiscal Year revised Budget Calendar. See SMB 31 Page 81.

- 2. Lease for ASCS**

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Rick Helms presented information regarding the renewal of the lease for ASCS. See SMB 31 Page 82. His recommendation was \$9.18 per square foot.

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to accept the recommendation of the budget officer and renew the lease for one 5-year period. Upon roll call, all Commissioners voted aye. Motion carried.

J. Asst. Director of Operations: Road status changes

Vicki Pontius, Asst. Director of Operations, presented a request to reclassify roads considered *paved* and are in deplorable condition. She asked that *the asphalt be removed*, and road base material be added, upgrading them in accordance with the current standards for dirt roads in Highlands County. The Chair reported that the residents are in opposition to this request. They would like to form a committee and decide how to improve the roads. It was a consensus of the Board for Commissioner Barrett to set up a meeting with the homeowners and receive their input. See SMB 31 Page 83.

K. Asst. County Admin.: Secondary financing for DeSoto City VFD

Tom Portz reviewed the DeSoto City VFD financing request with the Commissioners. Motion by Commissioner Barrett, seconded by Commissioner Flowers, to instruct the Clerk of Court to solicit a loan in the amount of \$200,000.00 with a debt repayment of fifteen years for the construction of the DeSoto City Volunteer Fire Department on George Boulevard. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 84.

Emergency Hire for Employee and Budget Amendment

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to approve an emergency OPS Hire for temporary replacement of an employee to comply with the family medical leave act, and a budget amendment. Upon roll call, all Commissioners voted aye. Motion carried.

L. Personnel Director: Proposed personnel changes

Motion by Commissioner Flowers, seconded by Commissioner Barrett, to approve request of the Personnel Director to authorize adjusting the half-time position (with benefits) at the Recycling facility to a full time position and adjusting the half-time position (with benefits) at Road and Bridge Department to a full-time position. The net effect will be to add one full time equivalent (1.0 FTE) Secretary PG-9 to the organization. The current OPS employee at Recycling will be placed in the new position, while the position with Road and Bridge will be covered through continued use of OPS and Work Study student workers until the regular employee can resume work. The Chair called for public input on the motion. Richard Conover presented questions regarding the cost estimate. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 85 for copy.

M. Board Attorney: Agreement with FHREDI

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to approve and execute the agreement with FHREDI as recommended by the Board Attorney. The Chair asked for input on the motion. Richard Conover presented questions. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 86 for copy.

N. County Administrator

1. Proposed Public Works Department

The County Administrator presented a proposed reorganization for a County Public Works Department.

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Motion by Commissioner Barrett, seconded by Commissioner Canale, to adopt the organization for a Public Works Department as proposed by the County Administrator.

Commissioner Flowers stated concerns for creating the position of Operations Manager without advertising the position and the degree requirement with other positions. Commissioner Barrett disagreed with the Public Works Directors' requirement to report to the Asst. County Administrator. He stated that it is creating another layer of government. Commissioner Maxcy asked that a full Board be present to decide. Commissioner Barrett withdrew his motion and Commissioner Canale withdrew her second.

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to approve the proposed Organization for a County Public Works Department *less the Public Works Director*. This position to be held for a Board Workshop. The Chair called for input on the motion. Richard Conover spoke in favor of increasing the salary of the Operations Manager. Wilson Elliott commended Vicki Pontius for her service to the County. Vicki Pontius asked if the AA degree would be a requirement of her job. The Chair advised not at this time. Upon roll call, all Commissioners voted aye, except Commissioner Flowers, who vote nay. Motion carried. See SMB 31 Page 87.

2. Promissory Note from G.F. Enterprises

Carl Cool presented recommendations to accept the promissory note and require a personal guarantee to go with it. Commissioner Maxcy spoke regarding the Board not having a contract with GF Enterprises. Ross Macbeth advised that the Board adopted a rate structure and staff should collect the money owed. This is a normal course of business.

John McClure reviewed the promissory note from GF Enterprises. They are not willing to give a personal guarantee. Discussion followed.

Motion by Commissioner Flowers, seconded by Commissioner Maxcy, to accept the Promissory Note from G.F. Enterprises with the principal sum of \$155,183.62, bearing interest at the rate of 5.5 percent per annum. Payable in 28 monthly payments of \$5,918.18 per month. Don Wittenberg spoke in opposition. Upon roll call, all Commissioners voted aye, except Commissioner Barrett, who voted nay. Motion carried.

3. Appointment to Placid Utilities Advisory Committee

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to appoint Mr. Harold Owen to replace Mr. Spence Lloyd and Mr. Chester Gates as his alternate on the Placid Utilities Advisory Committee. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 88.

4. Landry Road utility permit

The County Administrator presented information on the utility easement. A letter was entered into the record from John Martz, Florida Power Corporation, stating that he cannot attend the meeting and would like to reiterate his position regarding the permit application to provide electric service to the warning lights on the new transmission line west of Avon Park. He also reminded the Board of the potential liability facing the County should an aviation accident occur. He requested the Commission direct the County Engineer's office to issue the permit under its existing policy. See SMB 31 Page 89.

Mr. Wilson Elliott read a letter into the record with a petition in opposition from citizens residing on Landry Road. See SMB 31 Page 90. Don Wittenberg, Avon Park Estates, spoke in opposition to the utility pole. Lynn Blalock also spoke in opposition.

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to direct staff to issue a utility permit for 33 feet high local service utility poles on the east side of Landry Road with the restriction that the poles are placed underground. Upon roll call, all Commissioners voted aye. Motion carried.

5. ~~Placid Utilities easement~~

6. Change Order #4 - LaGrow Systems - Highway Park Water Treatment

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to approve and execute an additive change order for the Highway Park Water Treatment Facility Project, in the amount of \$3,445.00, striking the work rebid. The Chair opened the floor to the public. Richard Conover presented questions. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 91.

7. Waive Dumping Fees

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to waive fees for dumping of floating tussock. Upon roll call, all Commissioners voted aye. Motion carried.

8. Emergency Resolution Sparta Road and Killarney

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to extend the Emergency Resolution for the location of Sparta Road and Killarney Road only. Upon roll call, all Commissioners voted aye. Motion carried.

The County Administrator reported that all the lake levels that have been a problem with high water is now below the ten-year flood level warning.

O. Consent agenda:

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to approve the Consent Agenda as listed with a correction to item number 2 - Approval of minutes of 3-3-98.

Richard Conover presented questions on several items. Refer to tape for further details.

1. Approval to pay all duly authorized bills	
Law Library	462.26
General	532,458.78
County Transportation Trust	44,908.28
E911 Operations	3,503.92
Law Enforcement Education	1,163.67
Intergovernmental Radio Communication	350.00
Local Govt Infra Surtax	49,169.60
Affordable Housing Assistance	49,115.13
Government Center	20,758.15
Solid Waste	154,028.32
Placid Utilities	5,607.69
Highway Park Utility	24,449.60
Risk Retention	173,320.54
Employee Benefit	133,579.43
Flexible Benefit Trust	1,766.97

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2. **Approval of minutes of 2-24-98 and 3-3-98. Correction to Minute Book 17 Page 532 to read:**

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to authorize the Chair to send a letter to DOT, asking the feasibility of restricting trucks to the middle lane and to ask that DOT relook the proposed traffic signalization at US 27 and George Boulevard. Upon roll call, all Commissioners voted aye. Motion carried.

3. **Accept into record - February Monthly Report**
4. **Approval to record plat and drainage easement for Sterling Oaks. See SMB 31 Page 92.**
5. **Approval to accept road for maintenance - Lake Front Drive and release the escrow account securing the improvement agreement. See SMB 31 Page 93.**
6. **Approval of request for payment without purchase order - Landfill. See SMB 31 Page 94.**
7. **Approval of contract with DeMott Auction, Inc. for surplus property. See SMB 31 Page 95.**
8. **Approval of change order for sheet piling for Lake Sebring structures. See SMB 31 Page 96.**
9. **Approval to sell tax certificates. See SMB 31 Page 97.**
10. **Approval of budget amendments 97-98-130 (Interpreters Circuit Guardian Ad Litem) 97-98-131 (OMB) 97-98- 133(Circuit Court Admin.) 97-98-134 (County Court) 97-98-135 (State Attorney) 97-98-136 (Law Library and Public Library) 97-98-138(Guardian Ad Litem) 97-98-139 (Work Study) (97-98-140 (P.D. conflicts) 97-98-146 (Emergency Mgmt.) 97-98- 148 (CVB Promotion-Bowling Tournament) 97-98-150 (Public Information Officer) 97-98-152 (Children's Advocacy Center) 97-98-154 (Water Supply Feasibility Study) & 97-98-158 (Public Defender network wiring).**
11. **Approval of resolutions and budget amendments' 97-98-129 (Local Emergency Mgmt. Grant) 97-98-132 (County-Wide Libraries donations) and 97-98-141 (Belle Aire Estates SBD). See Res. Book 11 Page 156.**
12. **Accept into record - Sebring Airport Authority financial report. See file for copy.**
13. **Approval of interim draw request for Tanglewood/Better Roads escrow deposit. See SMB 31 Page 98.**
- ~~14. Approval to execute Interlocal Agreement for Water Supply Authority study.~~
15. **Approval to execute Interlocal Agreement for Central Avenue**
16. **Appointment to Insurance Committee (Kim Motsinger). See SMB 31 Page 98.**
17. **Approval of letter supporting Town of Lake Placid sewer improvements. See SMB 31 Page 100.**
18. **Approval to release escrow funds to Wells Motor Co. See SMB 31 Page 101.**

Upon roll call, all Commissioners voted aye. Motion carried.

6. COMMISSIONERS

Commissioner Barrett: Water Advisory Committee recommendation moved under item A.

7. ADJOURN

The meeting adjourned at 2:10 p.m.

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Chairperson

Attest: _____
Clerk

EMERGENCY MEETING OF THE BOARD, MARCH 20, 1998

1. The meeting was called to order at 1:30 P.M. in the Board of County Commission Chambers at 411 S. Eucalyptus St. Sebring, Florida with the following members present:

**Jeri Canale
Guy Maxcy
David Flowers**

**Carl Cool
Thomas Portz
J Ross Macbeth
Louise Graham**

2. **Invocation and Pledge of Allegiance**

The meeting opened with a prayer by Commissioner Guy Maxcy. The Pledge of Allegiance was led by Bob Balgemann.

Carl Cool placed into the record - Notice of the meeting faxed to the press. See SMB 31 Page 107.

3. **Situation Update**

Tom Portz reported that within the last 24 to 36 hours the county has received an estimate of four to six inches of rain. Evacuations are proceeding in Bonnie Brae and Vantage Point. The Agricultural Center has been opened on an emergency basis. Channel Five has been broadcasting and the Red Cross has been activated. Twelve families have been relocated with family or friends. If the county receives the projected one-half to four inches of rain this afternoon, several places will become impassable. The Division of Forestry is in the County and pumping at four locations. The Volunteer Fire Department worked last night and placed many sandbags, trying to save homes. Colony Point is impassable at this point. The Road and Bridge Crew will be working if the need is there, and the State will provide veterinarian services if it becomes necessary to move animals. We are currently under a FEMA declaration

Preston Colby advised that the Airport or the Raceway is not taking any extra precautions for the storm. Mr. Colby presented other questions of concern.

4. **Local Emergency Declaration**

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to declare a state of local emergency and adopt an Emergency Resolution. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 11 Page 157.

5. **Other Business**

Ross Macbeth advised that Vaden Pollard has pending against the County, an

unemployment compensation claim and it is currently on appeal before the Unemployment Compensation Bureau, Document number 98-6522 U. Mr. Macbeth requested to meet with the Board under Fl. Statutes 286.0118, to talk about the case settlement negotiations and litigation strategy. The meeting is being noticed for Tuesday, March 24, 1998 at 10:15 A.M.

6. Adjourn:

The meeting adjourned at 1:50 a.m.

Chairperson

Attest:

Clerk

SPECIAL MEETING OF THE BOARD, MARCH 31, 1998

1. The meeting was called to order at 5:30 p.m. in the Board of County Commission Chambers at 411 S. Eucalyptus St. Sebring, Florida with the following members present:

Jeri Canale	Carl Cool
James L. Gose	J Ross Macbeth
David Flowers	Thomas Portz
	Louise Graham

Also present were staff members, Tim Eures, Emergency Operations Director, and Oscar Garner, Emergency Management.

2. **Invocation and Pledge of Allegiance**

The meeting opened with a prayer by the County Administrator, Carl Cool. The Pledge of Allegiance was led by Preston Colby.

3. **Agenda**

Motion by Commissioner Gose, seconded by Commissioner Flowers, to set the Agenda with the addition of the Humane Society's request to waive fees *under other business*. Upon roll call, all Commissioners voted aye. Motion carried.

4. Carl Cool, County Administrator entered into the record *Notice of Meeting*. This notice was also faxed to the news media and radio stations. See SMB 31 Page 110.

5. **Situation Update and Lake Information**

Carl Cool presented a situation update. He reviewed the adopted lake levels of specific lakes in the County. Lake Letta and Lake Bonnet are above the ten-year flood level. After completion of the work by County staff to divert the water, Lake Letta is receding. The lake levels dropped more than one inch. Little Lake Red Water is also receding. The County may have seen the worst of the situation except Lake Lotela. The lake is still coming up.

Mr. Cool reported that he met with the FEMA representative and signed the report that identified road repair work. He stated that Eastview has been approved for a new road. He believes that funding will be received from FEMA for most of the work done in the County. He requested that the Commission approve extension of the Resolution for seven days to allow County staff to continue the work through that time.

6. **Continuation of Local Emergency Declaration, Resolution 98-28**

Motion by Commissioner Gose, seconded by Commissioner Flowers, to approve the continuation of the Local Emergency Declaration, Resolution 98-28 for seven days. Preston Colby presented questions regarding the extension dates, damages and what plans will be considered for future flooding. Mr. Cool reported that the County has sustained estimates of \$855,000 in damages. He

reviewed the drainage route and other disaster measures accomplished. Tom Portz further updated the Commission on the flooding problem. He thanked the Forestry Division for their help. Bonnie Brae is in good shape. The Forestry Division is prepared to place a couple of pumps in the Vantage Point and Thunderbird area. The problem is that they are pumping the ground water table. He is hoping that an engineering solution can be reached. Commissioner Canale asked if staff is taking care of the septic tank problem. Carl Cool stated that the Health Department has been called out often. He is not aware of any ground water contaminated from malfunctioning septic tanks. Preston Colby asked if criteria is established where the County will decide that the flooding problem is finished and we will start looking at a long term solution. Commissioner Canale stated that she does not feel that this will be a continuing problem and that El Nino is responsible. Commissioner Gose agreed that the flooding is extraordinary. The last time this happened was when Hurricane Donna came through, the County cut ditches all over the county and drained it dry. He asked that staff be very careful and cautious when they dig ditches. Upon roll call, all Commissioners voted aye. Motion carried.

6. Other Business

Motion by Commissioner Gose, seconded by Commissioner Flowers, to waive the County license tag fees as requested by the Humane Society, to allow Dr. Saunders and Dr. Sprott to offer rabies vaccinations to the public for their dogs and cats Saturday, April 4, 1998 at Glisson's Animal Supply in Sebring. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 111.

6. Adjourn

The meeting adjourned at 5:55 p.m.

Chairperson

Attest: _____
Clerk

REGULAR MEETING OF THE BOARD, APRIL 7, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 411 S. Eucalyptus St. Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
James L. Gose	Carl Cool
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	

2. **Invocation and Pledge of Allegiance**

The meeting opened with a prayer by Carl Cool, County Administrator. The Pledge of Allegiance was led by Richard Conover.

3. **ANNOUNCEMENTS:**

A. Sheriff

Lt. Susan Benton presented the Daily Jail Log Inmate Count for the period ending April 7, 1998. The February Farm Report was also given.

B. Clerk

No report given.

C. Future upcoming meetings:

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public.

4. **CITIZENS NOT ON AGENDA:**

A. Mr. Richard Conover reported on the recent agreement between the Children Services Council and Albertson's Food Chain. A percent of all sales will go to the Highlands County Children Services Foundation. He also spoke on the importance of attendance by Commissioners serving as liaison to appointed committees.

B. Mr. Hank Kowalski handed out a legal conservation score card. It showed how senator s and representatives voted on environmental issues. See SMB 31 Page 112.

C. Mr. Thurston Farr appeared before the Board regarding flooding on Blueberry Lane in the Thunderbird Hill East, area. Pictures were entered into the record. See file for copy. Carl Cool and Tom Portz gave an update on the flooding. Mr. Cool advised that residents should call the FEMA hot line for reimbursements for loss of property. There is a temporary fix in place and the Forestry Service is standing by to help. The County does need a long term solution with more detailed engineering. Mr. Portz reminded the Board that only a percentage of the funds will be reimbursed. Review tape for further details.

5. ACTION:

Motion by Commissioner Gose, seconded by Commissioner Barrett, to set the Action Agenda with the following changes as stated:

- 1) Introduction of the Solid Waste Manager- add Item number 3 under the County Administrator
- 2) Readoption of the Emergency Resolution- add Item number 4
- 3) Health Care Advisory- add Item number 5
- 4) Sebring Commerce Center Plat- add Consent Agenda Item 18

Richard Conover asked that he be allowed to present questions on Consent agenda items number 7-13 and 15. Commissioner Maxcy asked for a discussion on Mr. Barrett's office furniture. These three items to be placed under the County Administrator.

Upon roll call, all Commissioners voted aye. Motion carried.

A. Faye Olds, Adoptions and Foster Care: Proclamation "Child Abuse Prevention Month"

Fay Olds presented a request before the Board for the adoption of a Proclamation recognizing adoptions and Foster Care. Commissioner Maxcy read the proclamation into the record.

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to adopt Proclamation designating the month of April as *Child Abuse Prevention Month*. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 11 Page 162.

B. Richard Vanderlaan, Vantage Pointe: Retention pond

Mr. Richard Vanderlaan, President of Vantage Pointe Homeowners Association, appeared before the Commission requesting that the Board help with the resolution of the water retention pond at the Northeast corner of their community. Petitions were also entered into the record. See SMB 31 Page 113. Ed Sharpnack, representing nine families, spoke regarding the flooding in their home. Carl Cool reported that he authorized a contract with Chastain Skillman to design a solution to the problem. The next step is to meet with the residents to review the proposal in the Vantage Pointe and the Thunderbird Hill area. Chastain Skillman will present the costs associated with the engineering, permitting and construction costs and staff will put together a grant to the Department of Emergency Management for hazard mitigation. Meanwhile, the work has been authorized to eliminate the problem.

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to direct County staff to provide assistance to alleviate the water retention problem and to provide an update every week. Tom Portz asked if a limit should be placed on the amount of funds involved. Commissioner Maxcy advised that an update each week will be sufficient. Upon roll call, all Commissioners voted aye. Motion carried.

Carl Cool asked the Board to consider the problem with the roads. He suggested that the Board direct staff to perform a detail survey to see how much cost is involved to bring those roads up to county maintenance and to set up a meeting with the homeowners. He asked that a moratorium be placed on the right side of the development to prevent a recurrence of the same situation, until a solution can be reached.

Motion by Commissioner Maxcy, seconded by Commissioner Gose, to place a moratorium on the lots, effective upon entrance of judgement. Commissioner Barrett asked that the \$200,000 escrow be applied to the first section. Ross Macbeth advised that there is a real problem in terms of moratoriums if it is not owned by the developer. Options will be available if the developer comes back into title or some entity he controls is in title. There is a subdivision improvement agreement and that will be a litigating issue. Actions will be needed to recover some costs that the County incurs. The Board asked that Ross Macbeth review all information and bring it back in two weeks.

Motion by Commissioner Flowers, seconded by Commissioner Gose, to table the issue. Commissioner Canale suggested a complete follow-up to alleviate the water problem. Upon roll call, Commissioners Flowers, Maxcy and Gose voted aye. Commissioners Barrett and Canale voted nay. The Motion carried.

The County Administrator reported that engineering for Comet Terrace and Second Terrace is being done in house to solve the flooding problem.

Break 10:20 a.m. - 10:30 a.m.

C. John Martz, Florida Power: Power lines on Landry Road

John Martz, representing Florida Power Corporation, reported that he has made the statement in the past that the distribution lines could be placed underground, having made that statement, he will abide by that and place the distribution line underground. However, that does not mean that there will never be poles placed in Avon Park Estates. As growth develops there will be power lines on the west side of Landry Road at some point, to get the power to the homes. Commissioner Flowers thanked Mr. Martz for his willingness to cooperate with the Commission. Wilson Elliott thanked Mr. Martz for his cooperation. Gabriel Reed spoke in favor of all lines going underground.

G. Board Attorney: Underground utilities

No action.

D. Development Director:

1. Preservation 2000 Resolution

Motion by Commissioner Gose, seconded by Commissioner Canale, to execute the first Resolution submitted, in support of the continued funding of the Preservation 2000 Program. A letter in opposition was entered into the record. See SMB 31 Page 114. The Chair called for input on the motion. Dan Foley explained the P-2000 Resolution and the house bills. He asked that limits be considered. Hank Kowalski spoke in support and corrected the statement that the land purchased

is held in perpetuity. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 11 Page 161.

2. Reconsideration of BCC action - Acquisition of Royce family property

Jim Polatty presented request of Commissioner Flowers for the reconsideration of the Royce family property acquisition. Discussion by the Commission on the liability and access issues. Ross Macbeth reported that liability issues probably will not be significant with disclaimers and warnings, since it is a remote camp site. It should be properly noticed.

Motion by Commissioner Flowers, seconded by Commissioner Barrett, to rescind the previous action of March 3, 1998 for the expenditure of the County Conservation Trust Funds to acquire the Royce family property. Lew Carter explained the Natural Resources four to one vote and spoke in favor of the acquisition. Hank Kowalski also spoke in favor of the acquisition. Clayton Womer spoke in support of the motion. Dan Foley advised that Mr. Reynolds represents the Agriculture community and spoke in favor of the motion. Bill Bone, a resident of that area, stated that he is opposed to the Board buying the property for public use. Commissioner Maxcy questioned the disability access. Fred Carino speaking for the ADA, advised that there are disability access floating docks and ramps that can be procured to help facilitate people with that type of disability. Ray Royce spoke in favor of the purchase. Gabriel Reed spoke in favor of the preservation. Barbara Stewart spoke in opposition to the purchase. Von Whitesides spoke in favor of the purchase. Upon roll call, Commissioners Flowers, Barrett, Maxcy and Canale voted aye. Commissioner Gose voted nay. The motion carried. Refer to tape for further details.

The Board discussed the contract with DEP for funding, to allow County staff to trim the low limbs at Josephine Creek to make it more navigable. The Commissioners objected to having the creek disturbed. Mr. Bill Bone also spoke in opposition. The County Administrator to check with County staff and report back under Commissioners.

Motion by Commissioner Maxcy, seconded by Commissioner Gose, to purchase this property in the thought of preservation and apply for the grant to be used for preservation and Conservation only. Clayton Womer spoke in opposition. Bill Bone spoke in favor. Upon roll call, Commissioners Maxcy, Gose and Canale voted aye. Commissioners Flowers and Barrett voted nay. Motion carried. See SMB 31 Page 115.

E. Special Projects Director: Request to accept donated property

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to accept donated property from Lindsay Macarthur for Lot 14, Block 11, Orange Blossom Estate Unit 3. Upon roll call, all Commissioners voted aye. Motion carried. Bill Stephenson was directed to check if the County may need the property, otherwise he will bring back to the Board for approval to put up for sale. See SMB 31 Page 116.

F. Assistant County Administrator:

1. Jail Project excess interest

Tom Portz advised that the jail project has been completed with interest earning of approximately \$375,000. Interest earnings exceeded cost due to the excellent borrowing rate and aggressive investment by Mike Eastman, Finance Director. He requested permission to utilize this excess for early debt retirement of the jail loan.

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to approve the request to utilize funds and pay off the jail loan. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 117.

2. RFP for Mitigation Strategy grant

Mr. Portz presented recommendation that Central Florida Regional Planning Council be retained under contract to provide service to develop a local mitigation strategy for applying for the grant. It was determined that the County and Cities cannot retain any funds if this strategy is developed through local staff resources.

Motion by Commissioner Barrett, seconded by Commissioner Gose, to approve staff recommendations that the Central Florida Regional Planning Council be retained under contract. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 118.

3. Chastain-Skillman Supplemental Agreement #15

Motion by Commissioner Gose, seconded by Commissioner Flowers, to approve agreement with Chastain Skillman for the expansion of the Elections facility in Avon Park and the Asst. County Administrator be designated as the project manager. Richard Conover spoke in favor of the motion. Upon roll call, all Commissioners voted aye. Motion carried.

4. Highway Park Water System additional deposits and budget amend. 97-98-194

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to approve budget amendment #97-98-194 to transfer funds from the Reserve for Contingencies for deposits in the Highway Park Enterprise Fund. Upon roll call, all Commissioners voted aye. Motion carried.

H. County Administrator:

1. Update on PSI contract

Mr. Cool reported that PSI has a contract with Highlands County in the amount of \$27,909. On July 1, 1997, the Board approved an additive change order for additional testing in the amount of \$8,074.00 for a total contract amount of \$35,983.00. The final contract amount was \$33,279.75. Carl Cool stated that PSI has decreased their invoice by \$1,500 leaving a total contract amount of \$31,779.75 for a total due of \$6,691.00. Peter Brown Construction, Inc. has agreed to pay \$1,500.00 of this amount as their payment for required retest. These funds will be deducted from Peter Brown's final payment. The total revised contract amount is \$30,279.75. See SMB 31 Page 119.

2. Recommendation on Sun 'n Lake Preserve proposal

Carl Cool presented recommendations on Sun'n Lake Preserve proposal to reject the bid of Harold McClelland for the management of the Preserve.

Motion by Commissioner Gose, seconded by Commissioner Flowers, to reject the only proposal received on the management of the Sun'n Lake Preserve and readvertise. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 120.

3. Introduction of Solid Waste Manager

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to approve the employment of Jerome Leszkiewicz as the new Solid Waste Manager. Upon roll call, all Commissioners voted aye. Motion carried.

4. Emergency Resolution

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to adopt new Emergency Resolution to become effective, Wednesday, April 8, 1998. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 11 Page 170.

5. Sebring Airport Appointments

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to waive the agenda to hear discussion on appointments. Upon roll call, all Commissioners voted aye. Motion carried. The consensus of the Board was to recommend John Martz and David Hickman to the Sebring City Council for consideration of appointment to the Sebring Airport Authority. See SMB 31 Page 121.

6. Designate Official Bulletin Board

It was a consensus of the Board to designate the bulletin board at the Government Center as the *official Bulletin Board*. Richard Conover asked that the Bulletin Board remain here until the Board moves. It was a consensus that the designation begin when the meetings start in the Government Center.

7. Consent Agenda Item number-13 (Budget Amendment-Furniture for Commissioner Barrett's office)

Commissioner Maxcy asked reconsideration of the request of Commissioner Barrett on budget amendment 97-98-195 for office furniture. Commissioners Maxcy and Flowers spoke in opposition to the request. The County Administrator was asked to meet with Commissioner Barrett for a satisfactory solution. See SMB 31 Page 122.

Commissioner Barrett left the meeting at 1:15 p.m.

Rick Helms reported that budget amendment #97-98-192 was revised at the request of the Clerk's office. The appropriate Resolution will be forthcoming.

Motion by Commissioner Gose, seconded by Commissioner Flowers to approve Consent Agenda

Item number 13 with budget amendments and the revision to #97-98-192 and appropriate Resolution. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 11 Page 171.

Richard Conover questioned Consent Agenda item number 15- Highway Park Water Treatment Facility -change order for Tri Sure. Carl Cool explained the increase.

I. Consent agenda:

Motion by Commissioner Gose, seconded by Commissioner Flowers, to place Consent Agenda item number 15 back on the Consent Agenda with the addition of item number 18- Approval of Commerce Center Plat and to approve the Consent Agenda as listed:

1. Approval to pay all duly authorized bills

Law Library	1,570.69
General	2,354,976.25
County Transportation Trust	56,980.26
E911 Operations	13,162.35
Intergovernmental Radio Communication	374.15
Local Govt Infra Surtax	58,160.81
Affordable Housing Assistance	48,520.19
Government Center	208,990.22
Solid Waste	135,732.29
Placid Utilities	15,296.14
Highway Park Utility	455.34
Risk Retention	4,092.56
Employee Benefit	192,185.10

2. Approval of minutes of 3-10-98, 3-17-98, 3-20-98 and 3-24-98
3. Approval of preliminary assessment for Nuisance Abatement #9697-100. See SMB 31 Page 123.
4. Approval to execute grant #98CP-3V-38-11-012 - Hazardous Materials. See SMB 31 Page 124.
5. Approval of appointment of Michael Terry, Administrator of HRMC, to EMS Advisory Council. See SMB 31 Page 125.
6. Approval of Sun 'n Lake Management Plan to delete fencing. See SMB 31 Page 126.
7. ~~Approval to designate Official Bulletin Board. See SMB 31 Page 127.~~
8. Approval of organizational change - Emergency Management Supervisor to Emergency Management Director. See SMB 31 Page 128.
9. Approval to execute Supplemental Agreement no. 14 - CSI Project no. 6150.23-Solid Waste Management Center
10. Acceptance of drainage easement from Terry J. Massey
11. Approval to execute software maintenance agreement with City of Jacksonville

12. Approval to donate surplus inventory (radio equipment to the American Red Cross). See SMB 31 Page 129.
13. ~~Approval of budget amendments 97-98-149 (Law Library) 97-98-153 (OMB redistribute revenue) 97-98- 157 (overtime for Gene Wilson-Highway Park) 97-98-159 (Veterans Service Office overtime) 97-98- 164 (Bldg Operations-OPS) 97-98-165 (Advocacy Center) 97-98-167 (Sebring Airport) 97-98-168 (Court Reporter costs) 97-98- 171 (Public Defender conflicts) 97-98- 176 (Recycling and small grants) 97-98-177 (Illegal dumping policy) 97-98-178 (Public Defender wiring) 97-98-179 (Local Criminal Justice) 97-98-181 (Aquatic Weed Control grant) 97-98-182 (Sheriff) 97-98-183 (School Resources grant) 97-98-184(DARE grant 97-98-185 (Non-Ad Valorem assessments, OPS) 97-98-191 (Enterprise Fund CDBG grant, water system salaries) 97-98-192 (SHHP, down payment cases) and 97-98-195(Commissioners furniture).~~
14. Approval of resolutions and budget amendments' 97-98-160 (Willow Ave paving) 97-98- 172 (Melaleuca treatments) 97-98-173 (DEP Aquatic Plant Control Grant) 97-98-175(Local Law Enforcement grant) and 97-98-180 (Staywell Clinic). See Res. Book 11 Page 163-167.
15. Approval of change order #4 for Highway Park Water Treatment Facility project. See SMB 31 Page 130.
16. Approval to adopt resolution establishing public hearing on Lake June Vista for April 28, 1998. See Res. Book 11 Page 168.
17. Approval to adopt resolution establishing public hearing on Weigle Ave for April 28, 1998. See Res. Book 11 Page 169.
18. Approval of Commerce Center Plat.

Upon roll call, all Commissioners voted aye. Motion carried.

Vicki Pontius - Lake Josephine Creek Request

Vicki Pontius stated that requests were received to trim limbs in the area from highway 27 to the mouth of Istokpoga so that people could canoe down the Creek. She asked DEP if they would allow this request to make the waterway more navigable. DEP agreed to allow the maintenance and to pay for the work to be done. She directed that the limbs be trimmed in the traveled area and stack them on the bank. The Board discussed the project and instructed staff to discontinue the trimming. Hank Kowalski spoke in opposition to discontinuing the project.

6. COMMISSIONERS

Commissioner Maxcy: Mosquito Control

Commissioner Maxcy led the discussion on Mosquito Control. He asked for suggestion in controlling the problem and reminded the Board members that due to the heavy rains, we may expect a threat to public health. The County Administrator advised that he did not recommend a spraying program. The most effective way to prevent mosquito bites is to be cautious, wear clothing and wear repellent. Roger Christopher, Environmental Health Director, presented information from Dr. Stephen

Wiersman, Deputy State Epidemiologist, Florida Department of Health. His outlook was that there would be an above average population of mosquitos due to the heavy rains. However, it would be more of a nuisance than a health threat. The mosquitos that we have now will be biters, but will not carry diseases. Dr. Weirsman feels that the Encephalitis cases will be less this year than last year, due to all the birds being infected, and the cycle must be repeated. There were only eight deaths in the whole state. He agrees with the County Administrator that we need to protect ourselves from the mosquito. Roger Christopher alerted every one of the invasions of the Buffalo Gnat. Conditions are perfect for these gnats. He also informed the Board that five lakes have been tested for bacteria and despite the heavy rains they are well within the safe range for swimming.

Commissioner Gose-Istokpoga Park

Commission Gose stated concerns for the lack of bathrooms at Istokpoga Park The County Administrator stated that restrooms are in the budget for this year.

Commissioner Canale- HL Bishop Park- drownings

Commissioner Canale requested that the County Administrator update the Board on the plan to prevent drownings at H.L. Bishop Park during May. Mr. Cool advised that a Water Safety Committee has been formed. This committee addressed the issues of lifeguards, and if the County should fund them. After reviewing the issue, the committee was unanimous that there was not enough traffic to justify full time lifeguards on any particular day. Changes have been made at the Park. The swimming area has been moved in. Signs have been posted in English and Spanish saying swim at your own risk and no lifeguards on duty. Commissioner Canale asked about posting signs indicating that there have been deaths here. Mr. Cool advised that the committee did not recommend this verbiage.

7. Adjourn:

The meeting adjourned at 1:26 p.m.

Chairperson

Attest: _____
Clerk

WORKSHOP & REGULAR MEETING OF THE BOARD, APRIL 14, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 411 S. Eucalyptus St. Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
James L. Gose	Carl Cool
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	Belinda Decker

2. **Invocation and Pledge of Allegiance**

The meeting opened with a prayer by Carl Cool, County Administrator. The Pledge of Allegiance was led by Richard Conover

3. **ANNOUNCEMENTS:**

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public.

Carl Cool presented a press release regarding the Highway Park water system. After the first test came back with EDB contaminants, other tests revealed that EDB was not present in the water. Bottled water will be given away until the third test shows that the water is completely free of contaminants. The Company that did the first test will be contacted for possible reimbursement of the bottled water cost.

L E "Luke" Brooker, Clerk of Courts, advised that the new Safety Director for the City of Sebring will be sworn in Tuesday, April 21, 1998 at 5:00 p.m. at the City Hall. Secondly, on April 21, 1998 at 11:00 a.m., we will be celebrating Highlands County's 77th birthday with the Historic Preservation Commission in the rotunda of the Courthouse. On May 7, 1998 at 11:00 a.m., there will be a brief ceremony to celebrate the "National Day of Prayer." Commissioner Gose congratulated the Clerk on his son, "Bo" being accepted to Annapolis Military Academy.

Preston Colby presented an announcement regarding an emergency management seminar set for April 16, 1998.

Proclamation for National County Government Week

The Proclamation was read into the record by Commissioner Flowers. Motion by Commissioner Barrett, seconded by Commissioner Gose, to adopt Proclamation designating the week of April 19-25, as "National County Government Week" in Highlands County. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 11 Page 172.

Frank Celentano-Highlands Citizens for Better Government

Frank Celentano spoke regarding the Board of County Commissioners meeting of March 17, 1998, in which the Board asked that a committee be formed to study the Annexation of the City of Sebring.

Mr. Celentano stated concerns that the City of Sebring did not comply with the request of the Board of County Commissioners and continued to proceed with annexation plans. He feels that the City has violated state statutes by not presenting documents, maps and plans, to the County Commissioners before annexation procedures began. Mr. Celentano suggested that we continue with the committee with volunteers, *possibly real estate appointees* to oversee the annexing. He recommended one member of the county commission. Commissioner Maxcy agreed to serve as a liaison only.

4. Capt. Louie Robertson, Fla. Game & Fish Commission: Bird sanctuary

Bill Stephenson explained that Capt. Robertson was speaking before the Board, regarding the proposed bird sanctuary, designated for Avon Park Estates. Capt. Robertson advised that specific guidelines have to be met and approved. He discussed the right of landowners to hunt various game in that area - for example, if a landowner owns 10 - 20 tracts he is by law allowed to hunt on that property if it is not a hazard to others. The real issue is open firearms in the presence of a residential area. Commissioner Flowers suggested that a petition be sent to the landowners asking for their opinion. The issue of trespassing was also addressed. Wilson Elliot of Avon Park Estates spoke regarding the sanctuary and his part in sending out letters to all landowners asking for their opinion. Lynn Blalock also spoke in favor of the sanctuary. She expressed a concern for the land and the safety of landowners. Commissioner Maxcy asked if the Game Commission will have a meeting to discuss the sanctuary and the location of the meeting. Commissioner Barrett suggested writing the committee and requesting a location near Highlands County so that we may be represented. Mr. Vaughan Whiteside, representing Highlands County Audubon Society, spoke in favor of the sanctuary.

5. Proposed Public Works Director position

Carl Cool spoke in favor of the need of a Public Works Director. He advised that the position would bring all Road and Bridge, Engineering, Solid Waste, and other Public Works activities under this one management position. Commissioner Barrett spoke in reference to the coordination between Engineering and the County Administrators office. He spoke in favor of the proposed position. Commissioner Maxcy raised the question how much things have changed in the past ten years and maybe that should be a factor in this decision. Commissioner Gose spoke in favor of having the County Engineers' office and the County Administrators' office working more closely together. Fred Carino, Personnel Director, presented information as to the budget amount of the position. Commissioner Gose made a motion to approve the organization for a County Public Works Department with the position. Commissioner Barrett seconded the motion.

Preston Colby questioned the recommended motion as to what the Board is creating, a position or a department. Chairperson Canale spoke in opposition to the position. She expressed a concern for other departments and their lack of staff. Should this position be added when other departments are in need of staff. Clayton Womer, Dan Foley, Richard Conover and Von Whitesides spoke, opposing this position. Commissioner Flowers expressed his concerns. Preston Colby asked for the data supporting this position. Commissioner Maxcy suggested the Commission consider a return to the "old way" of doing things, such as a Public Works Director and an Administrative Assistant. Upon roll call, Commissioner Gose voted aye. All other Commissioners voted nay. The motion did not

carry. Commissioner Maxcy presented a discussion regarding the County Administrator form of Government. See SMB 31 Page 131.

Break at 10:50 a.m. Resume at 11:00 a.m.

6. Assessments for Special Tax Districts-Sun'n Lakes Fire District

Tim Eures, Emergency Operation Director, spoke to the Commission in support of increasing the assessment from \$9.00 to \$20.00 per unit to increase the level of service. His suggestion was to add an EMT and a firefighter (on salary) during the hours of 8:00 a.m. and 5:00 p.m. Questions were raised regarding the area involved. Mr. Eures advised that the two positions will cost the county approximately \$56,000.00. This includes a salary of \$16,500.00 per person with benefits and overtime. See Sun'n Lake District file for copy of the budget.

Discussion by the Commission on the creation of a county wide Fire Department. Hank Kowalski of Sun n' Lakes, spoke in opposition to the method used to fund these new positions. Attorney Macbeth assured him that the public will be duly notified. Treasa Handley, Assessment Coordinator, was directed to set the Public Hearing for June 23, 1998 at the Lake Placid Town Hall.

7. Landfill Committee goals

Carl Cool reviewed the draft of suggested goals for the Landfill Committee. See SMB 31 Page 132. Chairperson Canale suggested, that in addition to the six goals, a time line should be included. Commissioner Maxcy discussed the committee tackling "fluff." It was a consensus that the committee address fluff. Commissioner Maxcy, as liaison to the Committee, selected Ray Napper to serve as his alternate. He also asked that Charles Lairsey of the Clerk's office be invited to participate when the committee discusses the fluff issue

8. Life Guards for H.L. Bishop Park

Commissioner Barrett reviewed the water safety committee minutes. Preston Colby suggested a correction to the minutes on item number 8 to read: Motion by Preston Colby, seconded by Mike Roberts, that the water safety committee recommend to the Board, consideration of contracting with a lifeguard service instead of hiring employees.

Preston Colby also discussed the high cost involved to contract with the life guard service. He suggested ways to help with funding the cost. Also, discussed was the cost of the insurance involved. Commissioner Maxcy suggested staff talk to Dee McDonald of the YMCA. Commissioner Gose asked if the County is only going to address the one swimming area. H.L. Bishop is the only designated swimming area in the County. Commissioner Flowers raised questions. He stated concerns with the Bather and Safety Rules, specifically items' no. 3, 5 and 15.

Commissioner Barrett made a motion, seconded by Commissioner Maxcy, to ask that staff work with the Water Safety Committee and come back with recommendation on cost, staffing and scheduling to hire lifeguards with the hours as recommended. See SMB 31 Page 133.

Tom Portz raised concerns regarding the liability and the cost involved. Mr. Clayton Womer spoke

in opposition. Mr. Baumgart stated that staff has presented recommendation. Commissioner Flowers expressed an idea on the funding - .50 cents a day for residents - \$1.00 a day for non-resident to help with the funding. Attorney Macbeth stated that there is a cost involved in charging people to use the facility. Upon roll call, Commissioners Barrett, Maxcy, and Canale voted aye. Commissioners Flowers and Gose voted nay. The motion carried.

9. County Administrator -Emergency Resolution

Motion by Commissioner Flowers, seconded by Commissioner Maxcy, to adopt Emergency Resolution. Carl Cool presented a weekly report on the maintenance progress of the Vantage Pointe subdivision. Upon roll call, all Commissioners voted aye. Motion carried.

Commissioner Barrett introduced Lisa Burley as the new Public Information Coordinator.

10. Adjourn

The meeting adjourned at 12:30 p.m.

Chairperson

Attest: _____
Clerk

REGULAR MEETING OF THE BOARD, APRIL 21, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 411 S. Eucalyptus St. Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
Guy Maxcy	Carl Cool
David Flowers	J Ross Macbeth
J D. Barrett	Louise Graham
James L. Gose	

2. **Invocation and Pledge of Allegiance**

The meeting opened with a prayer by the Human Services Director, Kevin Roberts. The Pledge of Allegiance was led by Richard Conover.

3. **ANNOUNCEMENTS:**

- A. **SHERIFF**

Lt. Benton presented the Daily Jail Log of Inmate population for the period ending April 21, 1998.

- B. **CLERK**

C. Michael Eastman reminded everyone of the "National Day of Prayer" set for Thursday, May 7, 1998 at 11:00 a.m.

- C. **FUTURE UPCOMING MEETINGS:**

The County Administrator announced the celebration of Highlands County 77th birthday in the Rotunda of the Courthouse at 11:00 a.m. Additional meetings were announced for the benefit of the public.

4. **CITIZENS NOT ON AGENDA:**

- A. Joan Pflueger questioned why the loan for the Arbuckle Landfill for \$750,000 at 8-1/2 % was not renegotiated. Staff to get Ms. Pflueger a reply. She also spoke on the spraying in Lake Josephine and the destruction of the Water Fowl and Apple Snails. She asked that the Chair write a letter to the state in protest.

- B. Hank Kowalski spoke on the acquisition of the Ray Royce property and entered into the record proposals of properties offered to the Natural Resources Advisory Commission by landowners. See file for copy.

- C. Mike Carr requested the Board look at the Avon Park Animal Control Ordinance and consider adopting some provisions of the ordinance.

Tom Portz advised that this issue has been addressed previously and he does not feel that the Board should become involved in a neighborhood dispute. Keith Albritton, Animal Control Officer, is not

of the opinion that we need this ordinance. Commissioner Maxcy suggested that a noise ordinance could be addressed. The Chair asked that this item be placed on the workshop agenda for discussion in May.

D. Mr. Keith Renish stated that the water system is working for Vantage Pointe. He suggested that the County also complete the maintenance of roads.

E. Mr. Floyd Barnard presented questions regarding canoeing at Josephine Creek. Mr. Barnard was advised that this item will be addressed later on the agenda.

5. ACTION:

Motion by Commissioner Gose, seconded by Commissioner Barrett, to set the Action Agenda with additions as listed:

- 1) Resolution on Volunteers
- 2) Resolution on Emergency Management
- 3) Presentation of the New County Engineer
- 4) Payment for the Relocation of a Water Line

Upon roll call, all Commissioners voted aye. Motion carried.

A. Public hearing on SHIP Housing Assistance Plan 1998-2001

Proof of Publication entered into the record. See SMB 31 Page 134. The Development Services Director explained the new Housing Assistance Plan for 1998 through 2001.

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to adopt Resolution authorizing the SHIP Housing Assistance Plan and to approve execution of the document. Upon roll call, all Commissioners voted aye. Motion carried. See SHIP file for copy.

B. Kay Johnston, Outback USA: Josephine Creek

Derell Johnston, representing Outback USA, addressed the Board regarding the Josephine Creek Conservation area. He requested that the Board allow the nature loving conservationist to visit and enjoy the Creek. He entered into the record 147 signatures who signed in favor of opening the creek from U.S. 27 all the way thru to Lake Istokpoga. See SMB 31 Page 135 for copy.

Larry Hooper, a Scout leader, Joan Pflueger, Jim Brooks, John and Michelle Tauchen, Property Owners, Floyd Barnard, Dick Wack, Jimmy Wohl and Curtis DeYoung, a member of the NRAC, spoke in opposition to opening the Creek. Hank Kowalski, Kay Johnston, Gabriel Reed, and Clayton Womer spoke in favor. Frank Reynolds asked if it was the decision of the Board of County Commissioners or the State to decide this issue. Ross Macbeth advised that he has not researched the question. The Chair asked the other Board members if there was a motion for a change to the recent consensus to keep the creek in its natural state. No action was taken. See SMB 31 Page 136. Refer to tape for further details.

C. Gregory McDonald, Aquatic Plus, Inc.: Tree Trimming in Josephine Creek

Mr. Gregory McDonald, representing Aquatic Plus, discussed the bid that he received for *over water tree trimming* for the Josephine Creek area. He was awarded the bid and received a purchase order for 249 hours of work. The purchase order that was issued called for 480 hours to complete the job. He worked 37 hours and a verbal stop work order was issued to him on April 7, 1998. Mr. McDonald stated that he has purchased additional equipment to complete the project and if necessary he will obtain legal counsel for reimbursement. He also asked that the county consider closing the public boat ramp, as it is a very dangerous area. Commissioner Flowers agreed with this suggestion.

Carl Smith, Weed Control, explained the process with DEP to receive the funding for the tree trimming. The Board discussed the bid award and directed the County Administrator to negotiate a settlement with Mr. McDonald and bring back recommendations.

Break 11:15 a.m. - 11:45 a.m.

D. Gary Mooney: Girls' softball

Mr. Gary Mooney, representing the Sebring Youth Fast Pitch Girls' Softball, appeared before the Commission with a request for poles to place lights on the field. The estimated cost is \$6,500.00. Vicki Pontius presented information on the recreational allocation to the City of Sebring. The Board discussed the allocation being used for a vehicle. The County Administrator explained that Rick Helms reviews the disbursement from each city and they are not reimbursed if they do not follow the contract.

Motion by Commissioner Canale, seconded by Commissioner Maxcy, to provide the poles for the lights for the Girls' Softball Team from the recreational funds in the amount of \$6,500.00. Upon roll call, all Commissioners voted aye. Motion carried. Mr. Mooney to contact the County Administrator to work out the details.

E. Operations Manager: Award and execution of contract for Lincoln Heights Multi-Use Field

Vicki Pontius, Operations Manager, discussed the award and execution of the contract for Lincoln Heights Multi-Use Field. She stated that this project was funded by the Department of Environmental Protection grant through the Florida Recreation Development Assistance Program. The low bidder's price came in over budget. Staff has met with the contractor and has agreed to modify several line items. See SMB 31 Page 137 for copy.

Motion by Commissioner Barrett, seconded by Commissioner Gose, to award the bid to Excavation Point with modifications as listed and execute the contract for the Lincoln Heights Multi-Use Field. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 138 for copy.

F. Development Director:

1. Binding Letter of Interpretation for Modification Application, Village 7 Springlake

The Development Services Director explained the Binding Letter of Interpretation for the

modification application to the Department of Community Affairs merging Village VII and Fairway Lakes of Spring Lakes. See Spring Lake Subdivision file for copy.

Motion by Commissioner Barrett, seconded by Commissioner Gose, to approve request to proceed with the BLIM application to the Florida Department of Community Affairs. Upon roll call, all Commissioners voted aye. Motion carried.

2. Evaluation and Appraisal Report (EAR)

Jim Polatty, Development Services Director, updated the Board regarding the Highlands County adopted Evaluation and Appraisal Report by County Resolution 98-9, adopted on February 2, 1998. He stated that DCA has completed its sufficiency review and has determined that it does not meet the requirements of Florida Statutes. Highlands County is precluded from amending its comprehensive plan until the EAR is found sufficient, except from amendments to implement recommendations in the EAR. DCA has received Highlands County's revised EAR, which may have addressed the sufficiency concerns. The Department will review the revised EAR adopted on February 24, 1998 by Resolution No. 98-22 to determine its sufficiency status. No action is necessary until the Board addresses the new findings. See EAR file for copy.

3. Appointment to Natural Resources Advisory Commission

Discussion by the Commission on resumes presented for appointment.

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to appoint Barbara Stewart to the NRAC as the professional representative. Hank Kowalski spoke in opposition.

Motion by Commissioner Canale, seconded by Commissioner Maxcy, to table this motion. Upon roll call, Commissioners Canale and Maxcy voted aye. Commissioners Barrett, Flowers and Gose voted nay. Motion did not carry. The Board discussed the procedure for appointments. Hank Kowalski stated opposition. Richard Conover presented comments regarding Roberts Rules of order. Upon roll call on the main motion, Commissioners Barrett, Gose and Flowers voted aye. Commissioners Canale and Maxcy voted nay. Motion carried. See SMB 31 Page 139 for copy of Ms. Stewart resume.

G. Assistant County Administrator

1. Contract for construction Desoto City VFD and Cobb Construction

Tom Portz reported that this contract needs additional work and Mr. Macbeth will advise. He briefed the Board that staff has reached contract conclusion with the vendor. His recommendation is to bring the contract back on May 5, 1998 in the amount of \$497,000 to perform a turnkey contract for a 12,000 sq. foot volunteer fire department for Desoto City located off George Blvd. at the Health Department. The contract is with Cobb Construction for the new fire station for Desoto City VFD.

2. Mitigation strategy grant

Tom Portz presented recommendations for a grant contract between the Board of County Commissioners and DCA through the Division of Emergency Management. The contract will be subcontracted to the Regional Planning Council to perform for the County. Sebring, Lake Placid and

the County wishes to utilize the RPC. Avon Park is reviewing their options that include a contracted consultant. Mr. Portz also recommended that the current county mitigation committee be restructured.

Motion by Commissioner Barrett, seconded by Commissioner Gose, to approve the appointment of the new committee as follows:

Tom Portz as the County Appointment
Sebring appointment
Avon Park appointment
Lake Placid appointment

Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 140.

3. Approval to execute FEMA Damage Survey Reports

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to approve the Chairperson to execute the FEMA Damage Survey Reports and allow Mr. Cool to be the designated grantee representative. Upon roll call, all Commissioners voted aye. Motion carried.

4. Vehicle acquisition and budget amendment 97-98-210

Motion by Commissioner Barrett, seconded by Commissioner Gose, to approve budget amendment 97-98-210 for a transfer from reserve for vehicle transfer and pick up truck purchase; acquisition of a vehicle from EOC to County Administrator's cost center from FY 97-98 base grant. See SMB 31 Page 141 for copy of explanation. Richard Conover questioned the transfer. Upon roll call, all Commissioners voted aye. Motion carried.

5. Building lease and budget amendment 97-98-205

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to approve Building lease agreement with John Martz, Jr. and Barbara K. Martz to facilitate office and storage areas into one location with a budget amendment 97-98-205 for remodeling of the building, a chain link security fence, archives and records section and fiber optics for interconnection to the County's local area network. The Board Attorney noted a correction to the commencement date to read June 1, 1998. Richard Conover commented on the additional amount of funds being used for improvements and rent. Gabriel Reed asked why we do not microfilm documents. Clayton Womer asked why not utilize donated property. Mr. Portz advised that the initial process was to move Mr. Bowles operation to Pre-Trial and move Pre-Trial to one of the houses closer to the courthouse. The roof is settling in on the Building Operations facility and the bids to repair it was \$33,000. It would not be cost effective to spend that much money on the small facility. It will eventually be demolished. There are two small buildings left, but they will not meet the needs for storage. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 152

6. Volunteer Appreciation Resolution

The Asst. County Administrator read the Resolution into the record.

Motion by Commissioner Gose, seconded by Commissioner Barrett, to adopt Resolution in affirmation of National Volunteer Week, April 19-25, 1998. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 11 Page 173.

H. Board Attorney

Mr. Macbeth reported that he looked for a decision by the Florida Supreme Court dealing with the Public Defender for our circuit in the second district. The Public Defender is not allowed to take any more cases on appeal until later this year. It will be expensive as the county will pick up the cost for hiring outside counsel to represent criminal defendants on appeal. The overflow of appeal cases must be picked up by the Board of County Commissioners. Highlands County will be writing checks for Article V costs.

Mr. Macbeth advised that he has a model ordinance for the Board to consider with the Florida Association of Counties organization to eliminate Article V cost. Mike Eastman stated that the Clerks' office is still looking into the issue and hasn't decided if it is a valid expenditure. He has a letter from Robert McDonald of Greenburg Attorneys, and they have asked for an attorney general's opinion. He will forward to the Board Attorney.

I. County Administrator

1. Recommendations and status report on lifeguards at H.L. Bishop Park

Carl Cool did not have any recommendation. The committee has requested proposals to be delivered by Friday noon from organizations of the American Red Cross, YMCA and a firm that provides lifeguards nationwide, *Ellis and Associates*. These will be reviewed and placed back on the agenda for an action item at next meeting.

2. Status report on Vantage Point and Thunderbird Hill

The County Administrator presented the weekly status report on Thunderbird Hills/Vantage Pointe Drainage. See SMB 31 Page 142. Allon Fish, resident of Vantage Pointe, presented questions regarding the collection points and maintenance and stated that there has been a diversion of the flow of the water. Staff to survey and report back.

3. Water line on Bridge in Lake Placid

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to approve payment of \$10,000 to the Town of Lake Placid to relocate a water line attached to the bridge. Funds to come out of the contingency. Commissioner Gose stated concerns for the reduction to the contingency fund. Discussion regarding the emergency repairs done and the impact to that fund. The Chair called for public input on the motion. Clayton Womer asked why the county is sharing the largest portion. Carl Cool stated that the \$10,000 represents 35.51% of the total cost of the water line. Upon roll call, all Commissioners voted aye. Motion carried.

4. Emergency Resolution

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to adopt Emergency Resolution as recommended by the Attorney. Upon roll call, all Commissioners voted aye. Motion carried. Commissioner Gose questioned page 3, column 2, that reads Residential Property. The County

Administrator requested the line be removed. Motion by Commissioner Gose, seconded by Commissioner Maxcy, to remove the verbiage from the Resolution. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 11 Page 174.

5. Acceptance of new County Engineer

Motion by Commissioner Barrett, seconded by Commissioner to Gose, to approve Ramon Gavarrete as the new County Engineer. Upon roll call, all Commissioners voted aye. Motion carried.

J. Consent agenda:

Motion by Commissioner Gose, seconded by Commissioner Barrett, to approve the Consent Agenda as listed:

1. Approval to pay all duly authorized bills

Law Library	1,271.39
General	244,057.73
County Transportation Trust	152,529.73
E911 Operations	40.71
Local Govt Infra Surtax	69,005.45
Affordable Housing Assistance	37,233.80
Government Center	2,318.04
Solid Waste	50,655.82
Placid Utilities	6,300.88
Highway Park Utility	2,837.97
Risk Retention	2,518.73
Employee Benefit	41,677.77

2. Approval of minutes of 3-31-98 and 4-7-98 meetings

3. Accept into record - March Monthly Report

4. Approval to declare nuisance, case no. 9798-076. See SMB 31 Page 143.

5. Approval to declare nuisance, case no. 9798-077. See SMB 31 Page 144.

6. Approval to declare nuisance, case no. 9798-078. See SMB 31 Page 145.

7. Approval to sell tax certificate #93-11240 (Carl A. or Dorothy Darby) See SMB 31 Page 146.

8. Approval to execute CDBG Grant amendment

9. Approval of Polk County Legal Aid name change(Heart of Florida Legal Aid Society, Inc.) and Board appointment (Kevin J. Roberts). See SMB 31 Page 147.

10. Approval of honorary appointment of Ruth Handley to the Children's Services Council. See SMB 31 Page 148.

11. Approval of application for plat recording - Villages of Highlands Ridge Phase IV. See SMB 31 Page 149.

12. Approval of budget amendments 97-98-189 (Fire Hydrants) 97-98- 193 (reroofing of the State Attorney's office) 97-98 196(Highway Park software

purchase) 97-98-197(Unemployment Compensation O&M) 97-98-199(Court Reporting cost centers) 97-98- 203 (Clinical Evaluation Circuit new cost centers).

- 13. Approval of resolution and budget amendment 97-98-198 (Lake Sebring Structures). See Res. Book 11 Page 175.
- 14. Approval of Sun 'n Lake Preserve outparcel contracts and disbursement of funds from the Conservation Trust funds. See SMB 31 Page 150.
- 15. Approval of proposed Personnel action to extend temporary employee with benefits (Recycling Technician II). See SMB 31 Page 151.

Upon roll call, all Commissioners voted aye. Motion carried.

6. COMMISSIONERS

- A. Announcement by Commissioner Maxcy - 2nd annual "adopt a leader prayer breakfast" on May 7, 1998 the same day as the "National Day of Prayer."

Commissioner Maxcy requested an outline of his responsibilities as supervisor of the Sun'n Lake Improvement District. Discussion by the Commission on the debt incurred by the district. The consensus of the Board was to place on the workshop for May.

7. ADJOURN

The meeting adjourned at 1:24 p.m.

Chairperson

Attest: _____
Clerk

REGULAR MEETING OF THE BOARD, MAY 5, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 411 S. Eucalyptus St. Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
James L. Gose	Carl Cool
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	

2. **Invocation and Pledge of Allegiance**

The meeting opened with a prayer by Carl Cool, County Administrator. The Pledge of Allegiance was led by Richard Conover.

3. **ANNOUNCEMENTS:**

- A. **Sheriff**

Lt. Susan Benton presented the Daily Jail Log Inmate Count for the period ending May 5, 1998. The Farm report was also given. The Chairperson reminded Lt. Benton of a workshop next Tuesday, May 12, 1998 regarding the Noise Ordinance. She requested the participation of Sheriff Godwin.

- B. **Clerk**

L.E. "Luke" Brooker, Clerk of Courts, presented three announcements as follows:

- 1) The last "Teen Court Session" will be held Monday, May 11, 1998 at 5:30 p.m. Certificate presentations will follow. Training Sessions for next year will begin in August and the Teen Court Session will start in September.

- 2) All fourth-grade students from the County have been participating in educational visits to the Courthouse to view the court systems.

- 3) The National Day of prayer will be held Thursday, May 7, 1998 at 11:00 a.m. on the Courthouse Lawn. This is the fifth year of observance.

- C. **Future upcoming meetings:**

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public.

4. **CITIZENS NOT ON AGENDA:**

- A. Mrs. Verdelle S. Medlin spoke in favor of keeping H.L. Bishop Park open for swimming. She presented several suggestions to make the Park a safer place. She also entered into the record pictures of the Park. See file for copy.

- B. Mr. Keith Renish requested the County develop a master plan for drainage at Vantage Pointe. He also requested a program for road development in the area. Carl Cool

explained that efforts are moving along to complete this list.

- C. Mr. David Will suggested that H.L. Bishop Park remain open with emphasis on management and enforcement. Mr. Will also requested information on the payments from GF Enterprises. The Chair advised that two payments have been received.
- D. Gary Miller spoke in favor of the handyman license for home repairs in Highlands County.

5. ACTION:

Motion by Commissioner Gose, seconded by Commissioner Barrett, to set the Action Agenda with the following changes.

- 1) Report from the Lake Placid Town Council
- 2) Addition under the County Administrator - Item K - offer of an easement
- 3) Addition under the County Administrator - Vantage Pointe update.
- 4) Addition under Item L 4-Consent Agenda- Budget amendment 97-98-233
- 5) Addition under Item L 5- Consent Agenda -Budget amendment and Resolution 97-98-231 and 234.

Upon roll call, all Commissioners voted aye. Motion carried.

Report from the Lake Placid Town Council-H.L. Bishop Park

Preston Colby presented a report from the Lake Placid Town Council concerning the H.L. Bishop Park. It was a unanimous vote to determine if the swimming area could be moved from the existing area of Bishop Park to the opposite side of the Lake, where the lake bottom is cleaner, the slope is more gradual and the drop-off is not as deep. These recommendations were intended for the Water Safety Committee and the Board of County Commissioners. They also recommended that the pier be used for fishing and boating only. Jim Cash suggested that the secret to prevent drownings is a gradual slope and clear water and to keep the boats out. David Will stated that it boils down to management. Carl Cool reported that the weeds could not be pulled due to the mitigation involved.

Motion by Commissioner Barrett, seconded by Commissioner Gose, to place back on the table the motion to close the Park to swimming. Upon roll call, all Commissioners voted aye. Motion carried.

Motion by Commissioner Flowers, seconded by Commissioner Gose, to close the Park temporarily to swimming until research can be performed and permits sought for moving the swimming area to the west side of the Park. Preston Colby presented questions regarding the length of time the Park will be closed as it could increase swimming at the Lake June Park. Commissioner Flowers amended the motion to add that this research be done quickly. Bill Borgemeister asked that the Board consider hiring a lifeguard just for the interim period until permits can be obtained and also to place other designated signs. Preston Colby and Hank Kowalski spoke in opposition to hiring the lifeguard. Von Whitesides stated that people should be responsible for their own safety. Upon roll call, Commissioners Flowers and Gose voted aye. All other Commissioners voted nay. Motion did not carry. Motion by Commissioner Barrett, seconded by Commissioner Gose, to direct staff to come back with a cost estimate as soon as possible to move the swimming area to the west side

of the Park, leaving the Park open until that time. Upon roll call, all Commissioners voted aye. Motion carried.

Motion by Commissioner Maxcy to hire a lifeguard for the interim period and pay seven dollars per hour for a ten-hour day, taking the money out of the contingency fund, with an offer to the YMCA to service this program. No second was received and the motion died for lack of a second.

Break 10:15 a.m.- 10:30 a.m.

G. Thomas Deer, Chairman of Keep Highlands County Beautiful, Inc. Coordinator Position

Thomas Deer, Chairman of the “Keep Highlands County Beautiful, Inc.” presented request for the Board of Directors to make the KHCB Inc. Coordinator a full time county staffed position, with the future of the position contingent upon funding provided by grants and charitable contributions. His recommendation is that the coordinator report to the County’s recycling coordinator and that the office be located permanently under the Solid Waste Department.

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to approve the “Keep Highlands County Beautiful” Coordinator Position as a full time position with recommendations as stated. Richard Conover stated concerns on funding. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 164.

A. Proclamation: “Foster Parent Month”

Commissioner Gose read the proclamation into the record. Philomena Greco, Senior Children and Families Counselor, accepted the Proclamation.

Motion by Commissioner Barrett, seconded by Commissioner Gose, to adopt Proclamation recognizing May as *Foster Parent Month in Highlands County*. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 11 Page 181.

B. Fran Dillon: Driveway request

Frances Dillon appeared before the Board with request that the Commission repair wash out of a driveway at her home, caused by excess water from swells from neighbors property. Pictures were also entered into the record. See file for copy. Carl Cool explained that he has met with Mrs. Dillon on her property and this is a true statement. However, this is private property, not an easement or county right-of-way. This dispute is between two private property owners. Mr. Cool and Attorney Ross Macbeth advised that the county has no say with the two private properties. See SMB 31 Page 165.

C. Wallace A. Turney: Petition to close Vicki Drive to through traffic

Wallace A. Turney appeared before the Board with a petition from residents of Largo Vista and Vicki Drive, requesting to close Vicki Drive at the line where commercial and residential properties come together at the wall behind Taco Bell. They are requesting that Vicki Drive be a dead-end street with no entrance or exit at that line. See SMB 31 Page 166 for copy. Mr. Turney also asked if this petition is turned down could the County put a four-way stop at Clearview and Springhill Court. The

County Administrator stated it would not meet the criteria for the stop sign but will ask the County Engineer to review the request. The County Engineer stated that when the new signal is placed at Howey Road, this will help the traffic situation. Commissioner Maxcy suggested a center line. David Will suggested that speed bumps be strategically placed. Carl Cool stated that speed bumps create too much liability. No other action was taken.

D. Hank Kowalski: Florida Audubon Society Report

Hank Kowalski presented a copy of the Florida Naturalist Magazine and gave a brief report on the endangered species in Florida. See Florida file for copy.

E. Dorrell Hancock and Carter-Financial Presentation -September 30, 1997

Dan Dorrell introduced David Touchton, Managing Partner, Mike Carter, Partner and Bill Benton, Manager, with the firm. Mr. Touchton stated that the opinion of the firm was that the County Financial Statements are presented fairly and they have given us an unqualified opinion. Mike Carter gave a summarized presentation on the financial condition of the County. Discussion by the Board on the Landfill operation expenses and depreciation. Mr. Carter advised that the numbers should be looked at in the future. Charles Lairsey Internal Auditor, of the Clerk's office agreed with Mr. Carter, that we should be looking at the operating costs. In the General Fund, we have increased the fund balance by \$700,000. There are some issues in the Enterprise funds that need investigated, but on the governmental side, we are strong with a very small debt.

Lunch Break 12:15 p.m. resume 1:30 p.m.

F. Lt. Susan Benton: C.H.A.N.C.E. Grant Award Acceptance

Lt. Susan Benton explained that this grant for \$73,987 is to provide a summer youth activities program through the Sheriff's office, for 66 high risk youths in Highlands County.

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to approve acceptance of the C.H.A.N.C.E. Grant Award. Upon roll call, all Commissioners voted aye, except Commissioner Gose, who abstained, due to a voting conflict, as he is the coordinator of the Workforce Board and has monitoring and oversight authority on the grant. A memorandum of voting conflict entered into the record and made a part of the minutes. Motion carried. See SMB 31 Page 167.

H. Development Director:

1. Binding Letter Policies

Jim Polatty, Development Director, reviewed the problems associated with the Binding Letter Policies. He presented recommendations on the policies. The consensus of the Board was to endorse the policy. See BLIVR file for information.

2. Request to receive input concerning review and comment for building Permits

Jim Polatty presented recommendation on the review policy to route all building permit applications in the designated CARL sites to the State of Florida, Department of Environmental Protection for their review and comment. The consensus of the Board is to refer this issue to the Natural Resource

Advisory Commission for their recommendation and direct staff to send a letter to DEP to inquire if the Department will respond to the review and comment period in an efficient manner to make this process work to the benefit of the property owner, County and State of Florida. See SMB 31 Page 168.

3. Paul & Vivian Corll Property on Lake Grassy pertaining to land clearing

Jim Polatty presented an update of events pertaining to the Land Clearing by Paul and Vivian Corll property. Duane Neiderman reviewed the County land clearing permit. The Corll's were filling on an area already filled and it was only a one-half acre lot. Mr. Macbeth advised that the Board has instructed staff not to issue a building permit until input has been received. If no further action is taken, when the building permit comes in staff will review, and approve it or not approve in the normal fashion. The Board does not need to get involved in the building permit process. Hank Kowalski, Heartland Environmental Council, spoke to the land clearing issue and updated the Board as to how events occurred. Pictures of the property entered into the record. See file for copy. He suggested that the Comp Plan should be followed and we should issue a moratorium. Alan Decker, Code Enforcement Officer, stated that Mike Durham went to the building site to ascertain the amount of land clearing if any, had taken place. Kim Sapp, Attorney for the Corlls, clarified several issues that Mr. Kowalski had mentioned. Bill Borgemeister, member of the Planning and Zoning Commission, spoke for the Corlls. Richard Conover commented on land clearing without a permit. No other action was taken. Staff was directed to continue to do their job. A card was entered into the public record by Commissioner Gose. See Lake Grassy Home sites Subdivision file for copy of information.

Commissioner James Gose left at 2:35 p.m.

I. Assistant County Administrator

1. Approval Budget Amendment 97-98-230 for Chair Replacement

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to approve budget amendment 97-98-230 for chair replacement at the Agric-Civic Center. Richard Conover questioned the cost involved. Upon roll call, all Commissioners voted aye, except Commissioner Maxcy, who voted nay. Motion carried.

3. Approval of CFRPC Contract for DCA Mitigation Strategy

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to approve contract with Central Florida Regional Planning Council for DCA Mitigation Strategy, subject to approval by the Board Attorney. Upon roll call, all Commissioners voted aye. Motion carried.

4. Open Enrollment

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to approve a waiver of open enrollment during midyear for this one case only. Upon roll call, all Commissioners voted aye. Motion carried.

J. Board Attorney: Discussion of Settlement with Vaden Pollard

Postponed.

K. County Administrator

1. Local Option Gas Tax Distribution

Carl Cool reviewed the Local Option Gas Tax Distribution with the County and the Cities. The only governmental unit to be adversely affected by the revision will be the City of Avon Park. This would result in a substantial loss in revenue for the City of Avon Park based on the transportation expenditures' formula. The County Administrator requested direction from the Commission on a revision with the municipalities. The consensus of the Board was to direct staff to proceed with a revision of the ordinance and any Interlocal agreements with the municipalities as suggested by the County Administrator and to place back on the agenda for action on May 28, 1998. Clayton Womer presented comments on the amount Sebring will receive. Refer to tape for further details. See SMB 31 Page 169.

2. Budget amendment on Government Center

Carl Cool presented a current breakdown of the budget for the Government Center along with the estimated final totals for each of the line items. Discussion by the Commission on the total project cost. Commissioner Canale commented on the window treatment expense. The Board Attorney presented discussion on the design defect with HOK. He recommended that the Board continue with the project and establish the amount of the damage and if they wish to hold payment they may, pending resolution with HOK.

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to approve budget amendment 97-98-233 to transfer funds to complete the project costs on the Government Center with the recommendations of Mr. Macbeth. Richard Conover questioned the additional costs. Upon roll call, all Commissioners voted aye except Commissioner Canale, who voted nay. Motion carried. See SMB 31 Page 170.

3. Pinecrest Drainage Easement

Motion by Commissioner Flowers, seconded by Commissioner Barrett, to approve the County Administrator seek an easement through the Golf Course to drain the yard areas and the County road and clean out the ditch. Upon roll call, all Commissioners voted aye. Motion carried.

4. Update on Vantage Pointe

Carl Cool reported that Ron Cauthen is moving ahead to develop a design to solve the drainage problem in Thunderbird Hill and Vantage Pointe. FEMA advised that the County must get the cost benefit ratio up to 1.00 to receive the reimbursement. Getting it to that ratio will be hard. He has spoken to the homeowners and this will be addressed with the Disaster Preparedness in Tallahassee. See SMB 31 Page 175.

L. Consent agenda:

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to approve the Consent Agenda as listed:

1. Approval to pay all duly authorized bills

General	1,462,645.12
County Transportation Trust	81,650.76
E911 Operation	10,948.45
Intergovt Radio Communication	379.76
Local Govt Infra Surtax	150,066.54
Affordable Housing Assistance	21,030.22
Government Center	26,264.33
Solid Waste	250,612.65
Placid Utilities	23,205.46
Highway Park Utility	62,939.47
Risk Retention	4,344.94
Employee Benefit	203,872.87

2. Approval of minutes of 4-14-98
3. Approval to designate Lead Worker in Building Operations Dept. (Grounds keeper). See SMB 31 Page 171.
4. Approval of budget amendments 97-98-208(consolidating Internet services to General Services) 97-98-211(Special Projects Director Computer) 97-98-213 (Code Enforcement travel) 97-98-217(SHIP Down payment) 97-98- 219(Small County Grant) 97-98- 220(Highway Safety) 97-98-222(Recycling grants) 97-98-224 (Fire Coordinator, purchase of trailer) 97-98-225 (Veterans Service, overtime and recertification) 97-98-227(Lighting at Max Long Complex) Budget Amendment 97-98-233 (Project cost on the Government Center).
5. Approval of resolutions and budget amendments' 97-98-216 (Affordable Housing Assistance Centro Campensino Contract and Home Repair) 97-98-231(CHANCE Grant) 97-98-234 (SHIP Down Payment Program). See SMB 31 Page 172 and Res. Book 11 Page 183-185.
6. Approval to accept into record Independent Auditor's Report, Storer Communications, Inc. See Franchise file for copy
7. Approval for CDBG Highway Park Water System contract amendment-Resolution and Agreement. See SMB 31 Page 173 and Res. Book 11 Page 182.
8. Approval to execute commodity contract and related budget amendment. See Res. Book 11 Page 187.
9. Approval of Spring Lake Improvement District Audited Financial Statements for the Year ended September 30, 1997. See Spring Lake file for copy.
10. Approval of pay adjustment-Pat Hogue. See SMB 31 Page 174.

Upon roll call, all Commissioners voted aye. Motion carried.

6. COMMISSIONERS

- A. It was a consensus of the Board to approve request of Commissioner Flowers to grant permission to send a letter to the individual Volunteer Fire Departments to designate a representative to establish a meeting to work toward a County wide Fire Department.
- B. Commissioner Barrett requested that staff fax the agenda to the Newspapers.
- C. Commissioner Canale advised that she did not receive the letter from Pauline

White City of Sebring regarding annexation meeting until after the Board meeting. Their meeting is set for May 28, 1998-6:00 p.m. at the Sebring City pier. Highlands County Commissioners to attend if possible.

- D. Commissioner Canale suggested Jason Byrne, a senior at Sebring High School, be appointed to the Landfill Committee.

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to appoint to the Landfill Committee, Ray Napper as the alternate for Commissioner Maxcy, and Jason Byrne as alternate for Jean Nichols. Upon roll call, all Commissioners voted aye. Motion carried.

- E. Commissioner Canale requested two resumes for appointment to the IDA/EDC.

- F. Commissioner Maxcy-Proclamation-Salvation Army

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to adopt Proclamation designating the week of May 10-16, 1998 as Salvation Army Week. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 11 Page 186.

7. ADJOURN

The meeting adjourned at 3:48 p.m.

Chairperson

Attest: _____
Clerk

WORKSHOP MEETING OF THE BOARD, MAY 12, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 411 S. Eucalyptus St. Sebring, Florida with the following members present:

Jeri Canale	Carl Cool
James L. Gose	C Michael Eastman
C Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	

2. **Invocation and Pledge of Allegiance**

The meeting opened with a prayer by the County Administrator, Carl Cool. The Pledge of Allegiance was led by Mr. Richard Conover.

3. **ANNOUNCEMENTS:**

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public.

4. **Workshop on noise ordinance**

Col. Bill Jones, representing the Sheriff's Department, appeared before the Board with suggestion that the Sheriff's Attorney, the Board's Attorney and the State's Attorney come together for a solution to utilize the existing Chapter 5.6 of the Highlands County Code of Ordinances, to develop an intake system for complaints, appointing a hearing officer, and abating this type of complaints. He stated that the Sheriff's Office will continue to answer the complaints in an effort to resolve them. He offered to assist the County in working on a nuisance complaint form that can be provided to the complainant by the deputy. The Board discussed using a Code Enforcement Board. Ross Macbeth advised that the Hearing Officer will involve more expense. Commissioner Canale and Flowers spoke in favor of the Code Enforcement Board. Commissioner Gose reminded the Board of the cost that might occur with this type of involvement.

Avon Park Chief, Tony Velong, explained the Avon Park ordinance. He stated that it is very crime specific and it details for barking dogs only. The ordinance is a civil infraction and it addresses nuisance animals, *not necessarily barking dogs*. The ordinance states that anything more than 15 minutes of continuous barking is a nuisance. This ordinance has been very effective in addressing the animal issues. There were 44 calls last year and most of those were repeat offenders. They are also struggling with the same issues as the county and are looking at an ordinance that will address issues with zoning and Code Enforcement.

Carl Cool asked how much involvement the Board would like to enter into. Commissioner Gose asked for a cost estimate. Commissioner Canale questioned the tracking of the revenues. Tom Portz advised that staff can set up a cost center and track the revenues. Setting up an Enterprise Fund will not be appropriate. Alan Decker explained the difference in using a Code Enforcement Board and

the process that the County now uses. He was not in favor of the Code Enforcement Board.

Jim Polatty, Development Services Director, advised that staff wanted to distinguish between the ordinance and the ways to enforce the ordinance. His Department is opposed to the Code Enforcement Board. The Chair opened the floor to the public. An unidentified man asked the Board to consider an arbitrator. Loren Eby asked for relief from all the noise in the neighborhood.

The consensus of the Board was to request that Col. Jones and the Attorneys proceed with language that will address these issues and bring back with a cost estimate for action before the Commission.

5. County Administrator:

1. Report on H.L. Bishop Park swimming area

The County Administrator reported on action by the Board to move the swimming area to the west side of the Park. Ramon Gavarette, County Engineer, presented a cost estimate on the relocation in the amount of \$11,675.00 for mitigation and permits. Vicki Pontius estimated \$19,000 to relocate the swimming area. Peggy Highsmith, DEP, was not in favor of removing the mitigation from the present location and the Committee did not recommend moving the swimming area. The Water Safety Committee held a special meeting and a motion was made to recommend that the County hire lifeguards at H.L. Bishop Park.

Mr. Cool advised that a near drowning took place Sunday. Commissioner Maxcy suggested that the Board provide management for the Park. Commissioner Barrett recommended that we hire lifeguards or keep the Park closed. Ladd Baumgart, Public Risk Manager, advised that we need to extend the swimming area around to the northeast to maintain the gradual slope and have human intervention. Commissioner Flowers spoke in opposition to lifeguards. Tom Portz recommended user fees to help maintain the Park. Red Bohanon and Richard Conover spoke in opposition to lifeguards and recommended user fees to pay for the swimmers. Fred Carino, Personnel Director, suggested lifeguard service at the Park and offered 10% of his salary to provide for the service. Commissioner Gose recommended that we close the Park to swimming. Commissioner Canale discussed privatizing the Park. Ernest Aviles, Lifeguard who recused the drowning man, provided information on the beach area and the need for lifeguards.

Commissioner Canale relinquished the gavel to Vice Chair Gose for a short break at 10:45 a.m. The Vice Chair asked for direction from the Board. Commissioner Barrett suggested that staff enforce the recommendations of the Water Safety Committee. The Vice Chair handed the gavel back to the Chair at 10:50 a.m.

Commissioner Flowers asked for a cost estimate to take the Pier down. Mr. Cool estimated approximately \$10,000. Commissioner Flowers recommended that we take the Pier down, and leave it open for swimming with boating on the other side. This would eliminate the need for a lifeguard.

Commissioner Gose made a motion that the Sheriff provide a deputy on Saturdays and Sundays to be paid for out of the Board's contingency and to ask that staff come back with a course of action,

as to whether we should remove the Pier. Commissioner Flowers seconded the motion. Clayton Womer asked that the Board please close down the Park as we cannot afford the management. Commissioner Gose withdrew his motion. Commissioner Flowers withdrew his second. The consensus of the Board was to keep the Park closed until further notice.

Commissioner Gose left the meeting at 10:55 a.m.

Motion by Commissioner Barrett to take the advice of the Water Safety Committee. No second was received.

2. Resolution on President's Day Storm Projects

Carl Cool presented a Resolution that allows the completion of the road projects but will not automatically accept the roads for maintenance. The Resolution was read into the record with changes as recommended by the Board Attorney.

Motion by Commissioner Flowers, seconded by Commissioner Barrett, to adopt Resolution as read. Carl Cool explained the work needed at the Lake Lotela Basin. This is a ditch that needs to be cleaned. He has met with the Board of Directors at Pinecrest and they are agreeable for the County to do the maintenance. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 11 Page 188.

The Board Attorney advised that the county does not have authority under the emergency declaration to go on private property without a dedicated easement unless there is a threat of health, safety and welfare. Commissioner Flowers noted a public health concern brought up by the residents and there was a health study performed. Carl Cool stated that a letter is in the file regarding health issues in that area. However, the water is not rising. After discussion, the Board directed the County Administrator to bring back facts to justify that this is a health, safety and welfare issue. Clayton Womer stated that the County should not be using taxpayers' money to perform maintenance on private property.

Tom Portz advised that the President Declaration closed May 6, 1998 and the County is not currently doing any pumping. If a storm occurs or the need arises, we will be asking for an Emergency Session. Commissioner Maxcy reported that he is still receiving calls for maintenance. Carl Cool addressed the issue of maintenance cost and FEMA reimbursement. A report will be presented at the next meeting. See SMB 31 Page 178 for copy of Ron Cauthan's weekly status report.

Commissioner Barrett suggested that the Board disband the Water Safety Committee as the recommendations are not being followed.

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to disband the Water Safety Committee. Upon roll call, Commissioners Maxcy and Barrett voted aye. Commissioners Flowers and Canale voted nay. Motion did not carry.

6. Adjourn

The meeting adjourned at 11:30 a.m.

Chairperson

Attest: _____
Clerk

REGULAR MEETING OF THE BOARD, MAY 19, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 411 S. Eucalyptus St. Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
James L. Gose	Carl Cool
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	

2. **Invocation and Pledge of Allegiance**

The meeting opened with a prayer by Carl Cool, County Administrator. The Pledge of Allegiance was led by Richard Conover.

3. **ANNOUNCEMENTS:**

- A. **Sheriff**

Lt. Susan Benton presented the Daily Jail Log Inmate Count for the period ending May 19, 1998.

- B. **Clerk**

No report given.

- C. **Future upcoming meetings:**

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public.

4. **CITIZENS NOT ON AGENDA:**

- A. Gwynne Kirkman read a prepared statement into the record with concerns for Little Red Water Lake. She stated that since the installation of a structure the flow of the water has been obstructed and has caused the water level to recede. She asked that Board members protect the lake not only from the lack of a water supply but the assaults from other directions. Clell Ford, Lakes Manager, and Carl Cool, County Administrator, presented information in relation to lake levels and the history of the lake. Commissioner Barrett suggested that staff meet with the homeowners to do a study of the problem. It was a consensus of the Board that the County Administrator follow through and research the problem. Commissioner Maxcy asked that Clell Ford monitor the evaporation level of the lake and report back in two weeks.
- B. Fran Dillion spoke regarding incident when EPA was notified regarding dust on her road. No action was taken.
- C. Richard Conover presented comments regarding H.L. Bishop Park and the Government Center cost.
- D. Joan Pflueger presented questions regarding renegotiation of a loan. Mike Eastman will bring back information.

- E. Keith Renish spoke regarding the problems with Vantage Pointe and suggested a feasibility study for a Highlands County drainage plan.
- F. Frank Celentano, representing Highlands Citizens for Better Government reminded the Board of the annexation meeting and the issues facing the county.

5. ACTION:

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to set the Action Agenda with changes as listed.

- A. Delete Item D.
- B. Add item number 2 under the County Administrator-Report and Emergency Resolution for Pine Crest.
- C. Remove Consent Agenda item number 8 to the Special Improvement District.
- D. Add item number 3 under the County Administrator-Supplemental Agreements number 18-19-20-21 from Chastain-Skillman.
- E. Add item number 4-request from Florida Heartland Rural Economic Development Initiative Grant.
- F. Add item number 5- under the County Administrator- Report on Vantage Pointe.
- G. Add the wording Contract to Consent Agenda item number 4.
- H. Add item under Board Attorney-Alcohol Ordinance.
- I. Add item number 15 on the Consent Agenda-budget amendments 97-98-247 and 97-98-251.

Upon roll call, all Commissioners voted aye. Motion carried.

A. Proclamation: "Teen Pregnancy Prevention Awareness Month"

Holly Boyer read the Proclamation into the record. Motion by Commissioner Barrett, seconded by Commissioner Flowers, to adopt Proclamation recognizing the month of May 1998, as Teen Pregnancy Prevention Awareness month in Highlands County Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 11 Page 189.

B. Proclamation: "Buckle Up America Week"

Proclamation read into the record by Commissioner Flowers. Motion by Commissioner Maxcy, seconded by Commissioner Gose, to adopt Proclamation recognizing the week of May 17-23, 1998, as Buckle Up America! week in Highlands County and urge the community to observe the week with appropriate programs to increase the use of safety belts and seats. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 11 Page 190.

Break 10:05 a.m.-10:20 a.m.

C. Risk Manager: Quarterly Status Report

Ladd Baumgart, Public Risk Manager, presented a status report of the Highlands County Employee Benefit Plan through March 31, 1998. See SMB 31 Page 179. Mike Eastman reported that this

statement is a *cash basis statement*. An accrual statement will be presented at the end of the year. With the cash basis statement, the expenses are recognized when they are paid, not when they are incurred. Tom Portz advised that the plan is in good condition at this point. Commissioner Maxcy commended the committee on their good work. The Public Rick Manager also presented an update on the County Casualty and Property Insurance.

D. Development Director: Binding letter of Interpretation of Vested Rights in Sun 'n Lake of Sebring

Item deleted.

E. Board Attorney: Purchase of Tax Deed

Mr. Macbeth presented recommendation that the Board authorize an expenditure to satisfy the tax certificate for property in Desoto City, Second Subdivision and proceed with the foreclosure action. The County has an outstanding lien on the property (nuisance abatement, Case #91-012). Motion by Commissioner Barrett, seconded by Commissioner Gose, to approve to purchase tax deed and request that the Board Attorney move to foreclose. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 180.

1. Alcohol Ordinance on County Property

Motion by Commissioner Gose, seconded by Commissioner Barrett, to direct the Board Attorney to proceed with an ordinance that will address alcoholic beverages on County Property with appropriate sanctions. Commissioner Barrett discussed the Sheriff having off duty police patrol the area with limited alcohol consumption. Lt. Benton stated that the Sheriff cannot arrest people in violation of Board policy. An ordinance or state statute must be in place to enforce. The Board Attorney spoke in opposition to allowing alcohol on Board property due to the liability issue. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 181.

F. County Administrator:

1. Albritton Road right-of-way discussion

Carl Cool explained the road right of way located on Deer Lake. It is a 40 foot dedicated public right of way that has never been accepted for county maintenance. The property is the eastern extension of a county maintained road called Albritton Road. Commissioner Flowers asked that it be placed on the agenda for action to provide public access into the small lake. Plants have been placed in the right of way prohibiting use to the lake. Rev. Tom Shankweller spoke in favor of leaving the right of way as it is and the county not be required to spend money for removal of trees or to construct a public boat ramp. He agreed to move the fence from that part of right of way. The Board discussed removing the trees to allow access to the public. Commissioner Gose cautioned the Board Members on opening 40 foot right of ways on lakes for public access. The Board Attorney cautioned the Commission on clearing right of way that is not county maintained. The Board took no action. The property owners were advised to work out a solution that will benefit both parties. See SMB 31 Page 182 for copy of letter.

2. Drainage Problems-Emergency Resolution-Pine Crest Subdivision

Resolution read into the record by the Board Attorney with changes to the document. Motion by Commissioner Gose, seconded by Commissioner Maxcy, to adopt Resolution as read into the record. Clayton Womer spoke in opposition to cleaning the ditch. Discussion by the Board on the reimbursement from FEMA. Upon roll call, Commissioners Maxcy, Gose and Barrett voted aye. Commissioner Canale voted nay. Commissioner Flowers abstained as a business associate will directly benefit from flood damage work. Memorandum of voting conflict entered into the record to become a part of the minutes. See SMB 31 Page 183. Motion carried. See Res. Book 11 Page 191.

3. Chastain-Skillman-Supplemental Agreement #18-Knolls Subdivision Drainage

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to approve and execute Supplemental Agreement #18 with Chastain-Skillman for the Knolls Subdivision Drainage in the amount of \$23,836.00 and a budget amendment to come out of the Road and Bridge contingency. The Chair opened the floor to the public. Charlie Masterman presented questions regarding the retention pond. Carl Cool advised that the owner is not agreeable to allow the maintenance. Upon roll call, all Commissioners voted aye. Motion carried. Chastain-Skillman-Supplemental Agreements #19-20-21 to be considered at a later date.

4. FHREDI- Grant -SFWMD-Archeological Study

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to approve the expenditure and a budget amendment to provide the local match in the amount of \$18,250.00 for the Historic Preservation S & P Grant. Upon roll call, all Commissioners voted aye. Motion carried.

5. Update on the Vantage Point Drainage

The County Administrator presented an update on the Vantage Pointe drainage. See SMB 31 Page 184 for copy. Commissioner Canale asked if the County will go forth and encourage the developer to bring the roads up to standards for the county to accept for maintenance. Mr. Cool reminded the Board that we have three options available.

- 1)The County can expend dollars to bring the roads up to minimum standards
- 2)File suit against the developer
- 3) Form a Special Tax District and allow the homeowners to have the roads paved.

The Board Attorney reported on the lawsuit in Vantage Pointe #1 to force the developer to bring the roads up to county maintenance standards.

G. Consent agenda:

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to approve the Consent Agenda as listed. Richard Conover questioned the change order cost for the audio and visual equipment.

1. Approval to pay all duly authorized bills

Law Library	46.60
General	459,332.12
County Transportation Trust	215,154.34

E911 Operation	185.97
Conservation Trust	100.00
Intergovt Radio Communication	700.00
Local Govt Infra Surtax	1,395,195.22
Affordable Housing Assistance	8,169.17
Government Center	7,644.84
Solid Waste	57,366.50
Placid Utilities	3,881.46
Highway Park Utility	693.45
Risk Retention	3,015.59
Employee Benefit	

2. Approval of minutes of 4-21-98, 4-28-98 and 5-5-98
3. Accept into record - April Monthly Report
4. Approval of Contract and Change order #1 for Ancha Electronics, Inc. for Govt Center Audio & Video System. See SMB 31 Page 185.
5. Approval of Supplemental Agreement #14 with Chastain-Skillman for engineering services for the runoff containment and transfer system. See SMB 31 Page 186.
6. Approval to accept Improvement Agreement and Performance Bond for Walmart subject to final approval by the Board Attorney. See SMB 31 Page 187.
7. Approval to execute Residual Hauler Agreements with Pugh Utilities and RotoRooter for sludge hauling from the Tomoka Wastewater Treatment Plant. See SMB 31 Page 188.
8. Approval of budget amendments 97-98-232 (purchase of software and computer to run Govt Center HVAC interface). 97-98-236-236 (landfill charges for tussock removal from DEP grant). See SMB 31 Page 190 & 191.
9. Approval of resolutions and budget amendments 97-98-238(construct new fire station for Desoto City VFD) 97-98-239 (SHIP 4th year). 97-98-241 (Anti Drug grant/DARE Project IV). See Res. Book 11 Page 195A.
10. Approval to waive permit fee for Lake Placid Jaycees. See SMB 31 Page 192.
11. Approval to execute Modification to Base Grant #98CP-05-07-38-01-028. See SMB 31 Page 193.
12. Approval to expend funds from Base Grant #98CP-05-07-38-01-028
13. Approval to execute Interlocal Agreement with Town of Lake Placid, Central Ave. See SMB 31 Page 194.
14. Approval of Resolution and budget amendments' 97-98-247(transfer funds from the Citrus Ave project to the Cowhouse Road project) and 97-98-251(payment for correctional facility). See Res. Book 11 Page 192.

Upon roll call, all Commissioners voted aye. Motion carried.

6. COMMISSIONERS

- 1. Commissioner Flowers reported that his District one meeting will not be held this month, however Harold Stiles has discussed continuing the meeting.
- 2. Commissioner Barrett recommended that the Board designate Avon Park Estates as a Bird Sanctuary. It was a consensus to wait until the state makes a decision.
- 3. Commissioner Canale asked that the County discontinue use of the fluff.

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to discontinue the use of the fluff immediately. Upon roll call, all Commissioners voted aye. Motion carried.

7. ADJOURN

The meeting adjourned at 12:15 p.m.

Chairperson

Attest: _____
Clerk

REGULAR MEETING OF THE BOARD, JUNE 2, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 411 S. Eucalyptus St. Sebring, Florida with the following members present:

Jeri Canale	Charles Lairsey
James L. Gose	Carl Cool
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	

2. **Invocation and Pledge of Allegiance**

The meeting opened with a prayer by Kevin Roberts, Human Services Director. The Pledge of Allegiance was led by Richard Conover.

3. **ANNOUNCEMENTS:**

A. Sheriff

Col. Bill Jones presented the Daily Jail Log Inmate Count for the period ending June 2, 1998.

B. Clerk

L.E. "Luke" Brooker, Clerk of Courts, presented a report on the Jury Program. A new statute is in effect for the Judicial Circuits, including the Tenth Circuit, that allows jurors to donate their compensation of \$15.00 per day up to the first two days or \$30.00 thereafter, to either the Safehouse or the Guardian Ad Litem Program. Mr. Brooker advised that thirty Jury Trials are scheduled for next week. Commissioner Barrett questioned the Jury Trial by Drivers License Program. Mr. Brooker reported that about 30% are selected from this poll.

C. Future upcoming meetings:

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public.

4. **Signing ceremony for Children's Advocacy Center**

Kevin Roberts, Director of Human Services, presented an update on the Children's Advocacy Center. He stated that the Children's Services Council, in partnership with the Children's Services Foundation have been working toward the development of the Advocacy Center. Construction began in January 1998 and will be completed this summer, with agencies moving into the Center in August of this year. An Interagency Agreement has been developed by the Children's Advocacy Center Sub-Committee and all parties participating in the development have asked that the execution of this agreement be in the presence of the Board of County Commissioners. The consensus of the Board was to endorse the official signing of the Interagency Agreement with Sue Gray, District Administrator, Children and Families, Jerry Hill, Tenth Judicial Circuit, State Attorney, Arthur O'Hara, Executive Director, Children's Home Society, Howard Godwin, Sheriff's Office, Mark Zwingelberg, Marge Brewster Behavioral Health Division, Wendy Renfro, Highlands County School Board, Sandy Billings, Big

Brothers and Big Sisters, Tony Velong, Chief, Avon Park Police Department, Thomas Dettman, Public Safety Director, Sebring Police Department, Jerry Pendarvis, Chief, Lake Placid Police Department, Bert Lacey, Peace River Center Personal Development, and Keven Roberts, Children's Services Council. See SMB 31 Page 203.

5. CITIZENS NOT ON AGENDA:

- A.** Clay W. Oberhausen, representing Robert Harrington, requested the Board give a response to his client if an investigation is pending, and that it be concluded so that his client may proceed. Attorney Macbeth responded that he did not wish to address the matter at this time.
- B.** Frank Celentano, representing *Citizens for Better Government* reported on the joint meeting with the Board and the City Councils regarding the annexation issue. He questioned the Board Attorney's reply as to the role the County has in the issue. Mr. Macbeth stated that under the statute the Board is the repository and is designated to receive a copy of the report that the City has to complete. The question of who may appeal the decision by the City Council was not asked. If the Board has property in the area, they have the same rights as any other property owner to appeal procedural matters. The Board has no responsibility under the statutes to hold hearings or vote in the matter. If the Board thinks that the City did not follow proper procedures they can file an appeal. Mr. Celentano disagreed with counsel's advice. Michael Berry also spoke regarding the impact of the annexation to the Economic Development of Highlands County.
- C.** Joan Pflueger addressed the issue of the loan at 8 ½ percent and why staff did not renegotiate. Charles Lairsey, Clerks Office, advised that Mr. Eastman will respond to the question when he arrives back in town. Ms. Pflueger also questioned why Clifton Street was paved last month when nothing was wrong with the street. Carl Cool advised that he will check into the matter.
- D.** Keith Renish of Vantage Pointe, asked that maintenance of roads be considered in his development. He also requested the Board develop a master plan for drainage. Carl Cool presented an update on the Thunderbird Hills/Vantage Pointe Drainage. See SMB 31 Page 202 for copy. Ross Macbeth advised that the County should not wait on the drainage plans because funds will not be available for that part. The Board discussed the problems associated with the development and no action was taken.

6. ACTION:

Motion by Commissioner Flowers, seconded by Commissioner Barrett, to set the Action Agenda with changes as listed.

- 1) modification to the Housing Assistance Program as Item #3 under the County Administrator.
- 2) exemption to the Housing Assistance Program as Item #4 under the County Administrator.
- 3) pull Consent Agenda item # 12 for discussion.
- 4) discussion on Consent Agenda item number # 9-budget amendment #97-98-242 and 243.

Upon roll call, all Commissioners voted aye. Motion carried.

A. Public hearing to consider an ordinance amending Section 11.5-22, regarding Highway Park water

Proof of Publication entered into the record. See Proof of Publication Ordinance Book 2 Page 16. Captions of the ordinance read into the record by the County Administrator. Mr. Cool explained that staff is adding a new paragraph (c) to Section (11) of the Code of Ordinances to accommodate the residents served by the water system in the Highway Park area. The maximum residential water use charge for the first three months of water service will be set at \$18.60 per month. Commissioner Barrett spoke in favor of the ordinance but to deny any other subsidy to the customers. Commissioner Gose agreed. Commissioner Canale spoke in regards to the problems associated with the water system.

Motion by Commissioner Barrett, seconded by Commissioner Gose, to adopt ordinance amending section 11.5-22 of The Code of Ordinances, establishing a limited cap on residential water use charges within the Highway Park area. The Chair asked for comments from the public. Richard Conover commented on the lack of support from the customers. Commissioner Maxcy stated concerns for the future of the water system in Highway Park. He suggested a workshop in two months. Charles Lairsey, Clerk's Internal Auditor, spoke in opposition to actions that might cause the County to reimburse the state for grant funds. Bob Diefendorf explained the procedure for notification to the homeowners. Upon roll call, all Commissioners voted aye. Motion carried.

B. Col. Bill Jones, S.O.: Drug Abuse Grant application approval with match

Col. Jones explained the proposal. Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to approve request of Col. Bill Jones to execute Drug Abuse Grant application with match and a budget amendment from the Contingency. Upon roll call, all Commissioners voted aye. Motion carried.

Break 10:25 a.m. - 10:35 a.m.

C. Personnel Director: Proposed change to Personnel Rules

Fred Carino, Personnel Director, explained the new Deferred Retirement Option Program (DROP). The new program allows eligible members to retire but continue to work until a date certain, as much as five years in the future. The retired payments are deposited in an annuity. Upon entering DROP, members cease to earn creditable years of service. FRS contributions paid by the employer are reduced by 6.5 percent for DROP participants. Upon final employment termination, members may rollover funds to an eligible retirement account or take a full or partial lump-sum payment. The Personnel Director requested a revision to the Personnel Rules per Subsection 121.091, FS to permit members to boost their five-year average by adding up to 240 hours of paid annual leave just prior to entering the DROP program. In some cases this may increase the monthly retirement benefit by \$50 or more.

Motion by Commissioner Gose, seconded by Commissioner Flowers, to approve the revision of

Section A-8.10 of the Personnel Rules as recommended by staff. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 204 for copy of the revision

D. County Engineer:

1. Bluffs of Sebring - drainage improvements request

The County Engineer presented drainage improvement request for the Bluffs of Sebring. Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to accept for maintenance the existing 50-foot drainage easement (an outfall ditch 1900 foot canal) length from Lot 197 to Valerie Boulevard, parallel to Grouper Drive connected to Valerie Boulevard swale system and the Board commit to see drainage improvement be completed. The County Administrator explained the cost benefit ratio in order to qualify for FEMA funds. Tom Dlugos, Chairman, Board of Director from the Bluffs, spoke in favor of the maintenance. Barbara Shaffer Brooks, Property Manager, also spoke in favor of the improvements. Richard Conover questioned the cost of cleaning other ditches in the County. Commissioner Flowers stated that the emphasis should also be placed on the drainage effect on 240 acres in the back of Sebring Ridge. Upon roll call, all Commissioners voted aye, except Commissioner Flowers, who abstained, due to a conflict as an owner of a business that is under contract to the Bluffs of Sebring. A memorandum of voting conflict was entered into the record to become a part of the minutes. Motion carried. See SMB 31 Page 205.

2. Proposed reorganization of Engineering Department

Ramon Gavarette, County Engineer, presented suggestions for a proposed reorganization of the County Engineering Department. Commissioner Maxcy asked if this savings would qualify for a benefit under the *SAVE Program* as a bonus for the Engineering Department. Mr. Cool advised that it would be a good candidate for consideration. Commissioner Gose asked for the recommendation of the Personnel Director. Mr. Carino stated that he supports the reorganization.

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to approve the reorganization including all modifications to existing positions. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 206.

E. Asst. County Administrator

1. Communications update

Bob Jamison, General Services Director, reported that the Communication Committee has recommended obtaining a consultant to revisit the overall communication plan. He presented the Committee with a work product to procure a firm to provide overall direction to the County. Commissioner Canale suggested that staff consider checking with other counties for direction.

Motion by Commissioner Gose, seconded by Commissioner Barrett, to authorize staff to proceed with an RFP process to procure a consultant to provide a formal Strategic Telecommunication Plan. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 207.

2. Proclamation: "Train Safety Awareness Days"

Commissioner Flowers read the Resolution into the record. Motion by Commissioner Flowers,

seconded by Commissioner Maxcy, to adopt Proclamation designating *May 27, August 26 and November 25, 1998* as "Train Safety Awareness Days" in Highlands County and to urge all residents to recognize this event by using caution when approaching railroad crossings. Richard Conover advised that this Proclamation is the recommendation of the Highlands County Traffic Safety Committee and he supports the motion. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 11 Page 199.

G. Board Attorney

Commissioner Canale requested an update on the Nuisance Abatement Board. Ross Macbeth reported that he has received information from the Sheriff's Department. They have requested that the Board use a Hearing Officer and make it a civil function and not include them in the loop.

Commissioner Gose asked the Board Attorney if we have reached settlement in the litigation proceedings with the Vaden Pollard Compensation Case. Mr. Macbeth advised that the case concluded. There was a final determination by the Hearing Officer and it was not appealed.

H. County Administrator:

1. Report on Arbuckle Creek clean out request

Carl Cool reviewed the letter from the Corps of Engineers advising that the area requiring maintenance is not a part of the existing Federal project. The improvements to the area in question will be a local responsibility, since they have no federal authority to participate. Carl Cool reminded the Board of the proposed development on the Eastern side of Arbuckle Creek by Mr. Terry Mock. A three party agreement was developed with DEP and SFWMD in July 1989. The County was responsible for the design, engineering and permitting. SFWMD donated \$50,000.00 and a bid was received from Spring Lake Services. At that time Mr. Mock went bankrupt and was unable to continue the project. Staff could pursue the same type of agreement but all permits must be obtained and that requires a great deal of time. The consensus of the Board was to request that the County Administrator draft a Resolution to the SFWMD and the DEP asking for consideration of the maintenance at Arbuckle Creek and bring back to the Board. See SMB 31 Page 208 for back up information.

2. Water Supply Authority recommendation

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to approve recommendations of the Highlands County Water Advisory Committee to enter into the Water Supply Feasibility Study with Polk and Hardee County and fund its \$5,000 share and the SFWMD put up the other one half for the cost of the study. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 209.

3. Housing Assistance Plan

Motion by Commissioner Gose, seconded by Commissioner Barrett, to adopt Resolution approving new verbiage to the SHIP 1995-98 H.A.P. Plan to allow the Board to make exceptions to the requirements to the maximum amount allowed for Home Repair on a case by case basis in Highway Park. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 210 and Res.

Book 11 Page 200.

4. Housing Assistance Special Exception Case

Motion by Commissioner Gose, seconded by Commissioner Flowers, to approve exceptions to the Plan for additional work of Home Repair at 110 Carver Street in Highway Park. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 31 Page 211.

5. Consent Agenda item #12-Approval to purchase tarp machine and budget amendment 97-98-266

The consensus of the Commission was to bring these items before the Landfill Committee for discussion first, before Board approval. Discussion regarding the cost of freight. Commissioner Flowers suggested that County staff may want to pick up the equipment. Bob Jamison, General Services Director, reported that a purchase order has already been issued for the wheels. The Board Attorney advised that we need to talk to the owner regarding consequences. Staff to check into the matter and report back to the Board. See SMB 31 Page 212.

6. Budget Amendment 97-98-242

Richard Conover presented questions regarding the increase in overtime salaries since the four-day work week was implemented. Carl Cool presented the overtime figures for the last three fiscal years and noted the decrease in last fiscal year.

7. Budget Amendment 97-98-243

Mr. Conover also commented on the \$2,000.00 budget amendment for an OPS worker in the Emergency Management Department. Carl Cool reported that the Dispatch Department is short an employee.

I. Consent agenda:

Motion by Commissioner Flowers, seconded by Commissioner Maxcy, to approve the Consent Agenda as listed:

1. Approval to pay all duly authorized bills	
Law Library	568.29
General	1,503,545.71
County Transportation Trust	199,758.55
E911 Operation	10,784.96
Conservation Trust	11,000.00
Intergovt Radio Communication	374.15
Local Govt Infra Surtax	109,165.70
Affordable Housing Assistance	145,005.05
Government Center	33,470.01
Solid Waste	206,725.97
Placid Utilities	8,077.05
Highway Park Utility	36,279.14

Risk Retention	1,168.00
Employee Benefit	136,427.77

2. **Approval of minutes of 5-12-98 and 5-19-98 meetings**
3. **Accept into record - Transcript of litigation session on March 24, 1998-Vaden Pollard. See SMB 31 Page 213.**
4. **Approval to accept EMS bid 98-77-purchase of a new Squad Rescue Vehicle. See SMB 31 Page 214.**
5. **Approval to execute Resolution Pertaining to Reimbursement of Attorneys' Fees-Earl Rich-Case No. 93-14039 CIV-Paine. See Res. Book 11 Page 201.**
4. **Appointment to Construction Licensing, Enforcement and Appeals Board- Charles Dorman to fill the term of Steve Gilbert, expiring 3-30-99. See SMB 31 Page 215.**
5. **Approval of Preliminary Assessment Roll for Nuisance Abatement (Case 94-95-058 and 998-048). See SMB 31 Page 216.**
8. **Approval to trade in equipment(1987 Fiat Allis Model FR -12B RB-1188 to purchase a new wheeled loader. See SMB 31 Page 217.**
9. **Approval of budget amendments 97-98-237(Code Enforcement Certification) 97-98-242 (overtime for Maintenance Shop and Warehouse) 97-98-243 (overtime-Fire Coordinator) 97-98 257 (Planning Dept. Laser Printer and Gas & Oil account, staff coordination Highway Park) 97-98- 258 (CDBG-Highway Park) 97-98-260 (Sheriff Detention) 97-98-262(Emergency Management purchase of Toxics Program Commentary). See SMB 31 Page 218.**
10. **Approval of resolutions and budget amendments' 97-98-248(Site lighting at the Government Center). and 97-98-263 (Home Repairs Highway Park). See Res. Book 11 Page 202.**
11. **Approval to sell tax certificates. See SMB 31 Page 219.**
- ~~12. Approval to purchase tarp machine and budget amendment 97-98-266~~
13. **Approval to execute Addendum VII to Conceptual Approval Agreement for Sun 'n Lake Preserve.**
- ~~14. Approval of additional gain time~~

7. COMMISSIONERS

Commissioner Barrett requested that the County Administrator advise Mr. Darrel Johnston, owner of Outback USA that the Board is not in favor of continuing the work on Lake Josephine. Mr. Cool reported that Vicki Pontius has taken care of this item.

The Board gave a consensus to Chairperson Canale to appoint the members to the Aquatic Water Safety and Recreation Committee with names to be added to the list, removing the County Administrator as a voting member and other small changes as designated by the Committee. The Mission Statement to be voted on by the Committee. Discussion regarding disbanding the Committee. Commissioner Flowers suggested that committee members be advised that they are an advisory board and the Board of County Commissioners do not always take the recommendation of the committee.

Vicki Pontius was designated as the liaison to the Committee.

8. ADJOURN

The meeting adjourned at 12:19 p.m.

Chairperson

Attest: _____
Clerk

REGULAR MEETING OF THE BOARD, JUNE 9, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 411 S. Eucalyptus St. Sebring, Florida with the following members present:

Jeri Canale	C. Michael Eastman
James L. Gose	Carl Cool
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	

2. **Invocation and Pledge of Allegiance**

The meeting opened with a prayer by Carl Cool, County Administrator. The Pledge of Allegiance was led by Richard Conover.

3. **ANNOUNCEMENTS:**

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public. Mr. Cool entered into the record the Historical Resources Grants-In Aid application for the Courthouse restoration. He reported that this application contained many letters of support from the fourth grade class and other students in the Highlands County schools. Much of the support for this grant was accomplished by the efforts of Luke and Marty Brooker (fourth grade teacher) and Jim and Colleen Polatty (Social Studies teacher). The grant request is in the amount of \$208,502.

Mr. Cool also presented into the record the executive summary of an environmental impact for the proposed CONRAIL acquisition. It pertains mostly to rail acquisition in the northern part of the United States. It could impact the eastern side of Florida.

Motion by Commissioner Gose, seconded by Commissioner Barrett, to set the Action Agenda with the Sun'n Lake item to be heard first and adding adoption of Resolution to all Local, State and Federal officials with request to the Federal Highway Administration as Agenda item number 5. Upon roll call, all Commissioners voted aye. Motion carried.

**JOINT WORKSHOP
BOARD OF COUNTY COMMISSIONERS
and
SUN 'N LAKE IMPROVEMENT DISTRICT
AGENDA**

1. **Introductions**

- A. **Self introductions:**

Board of County Commissioners-Carl Cool, County Administrator, explained the agenda and introduced Ross Macbeth, Board Attorney and Thomas Portz, Asst. County Administrator.

Donna Whittington, General Manager of the Improvement District, introduced the Board of Supervisors for the District, Mrs. Edith Gonzalez, President, Mr. John Clark, Mrs. Pat Borst, Mr. Bud Puffenburger, Mr. Norm Daniels and John McClure, Attorney for the District. In addition, Kevin Hennessey, representing Lewis Longman and Walker, Attorneys, and Dale Merrill, Controller of the District.

B. Purpose of meeting and format

Carl Cool reported that the joint meeting was being held to address issues that were presented to the Board of County Commissioners and to explore any corrective avenues. The Improvement District was created by an ordinance adopted by the Board of County Commissioners. If any changes to the District were made, an additional ordinance must be adopted to amend the previous ordinance. The Board Attorney explained the legal duties of the Board of County Commissioners. This District operates as a Charter, set up by an ordinance. It can be changed by revisions to the ordinance but must be consistent to state law.

C. Introduction of public notice: Carl Cool

See SMB 32 Page 2.

2. Review of history of District: John McClure

Attorney John McClure presented a brief summary of the formation of the District.

Lots in the District include 13,340. The District owns 2,305 lots. 2,969 lots were sold by the District. The Bond Holder has 1,785 lots. There are 41 miles of roads. Refer to tape for detailed information.

3. Review of election procedures for District: John McClure, Kevin Hennessey, Attorney for the Florida Association for Special Districts - Florida Statutes Chapter 189

Four of the five Supervisors are elected on a one lot, one vote basis.

The fifth is elected at large. Some residents want all five elected by popular vote to avoid large landowners controlling the community. The Chair opened the floor to the public.

- A. Thomas B. Welch presented a handout. He favors improvements but would like a change in the control to a popular vote.
- B. Rex Bond, resident, spoke in favor of a change. He would like an ordinance adopted to conform with the laws of the State of Florida.
- C. Bob Severino, resident, spoke in favor of a change in the election.
- D. Lawrence A. Stange, resident, spoke in favor of one person, one vote.
- E. Elizabeth Skuta spoke in favor of a majority vote.
- F. Al McFarland spoke regarding voting rights.
- G. Don Johnson, President of Manor Hill Home Owners Association, stated roads as number one priority.
- H. Al Schoverling spoke in favor of the present system.
- I. Dottie Hughes spoke in favor of the present system.

Break 11:05-11:20 a.m.

Commissioner Gose left the meeting at 11:05 a.m.

- J. Jim Walters supports the orderly vote, in favor of things to remain status quo.
- K. Bill Winters supports the present system.
- L. Edith Gonzalez, President, Board of Supervisors, gave a brief update on the membership.
- M. Donna Whittington addressed the issue of funds.
- N. Dale Merrill, controller, reviewed figures on the Candlelight Restaurant.
- O. Patrick Iris spoke regarding the study of the golf course and the restaurant.
- P. Bud Puffenburger, Board Member, presented comments.

John McClure presented comments in rebuttal.

4. Review of District funding and financial status

- A. Revenues and expenditures**
- B. Golf course**

Norman Daniels, Chairman of the Golf Association, presented remarks. Alex Miller spoke regarding the perception that Golfers control the community.

C. Candlelight Restaurant

Discussion regarding the reorganization.

5. Future plans of District

John McClure discussed the future plans to include transportation corridors.

6. Public suggestions and comments

John Clark, Board Member, spoke regarding the mission for the Improvement District.

- a) Develop a set of policies.
- b) Results of Demographic study.
- c) Consider a non binding referendum.

Commissioner Maxcy commented on the workshop and commended all persons involved. Refer to the tape for further information.

Break 12:25 p.m. - 12:35 p.m.

REGULAR MEETING CONTINUED

4. Public Hearing to consider an ordinance amending Chapter 12, Zoning Code

Proof of Publication entered into the record. See Proof of Publication Ordinance Book 2 Page

14. The Development Services Director read the captions of the ordinance into the record and explained the three changes.

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to adopt ordinance, but to change the 500 feet residentially. The Chair opened the floor to the public. John McClure spoke in opposition to the motion. Richard Conover commented on the raising of hogs. Commissioner Barrett withdrew his

motion. Commissioner Maxcy withdrew his second.

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to adopt ordinance with verbiage in Section 4 -(2) to read -The raising of hogs or poultry shall not be placed, kept or permitted within 500 feet of any dwelling under separate ownership or within 500 feet of residentially zoned property or within 200 feet of any lot line. The Board Attorney suggested the elimination of Section 4-(3) and to bring 4-(4) up with other verbiage necessary. Refer to Ordinance # 98-13 for corrected document. Upon roll call, all Commissioners voted aye, except Commissioner Canale, who voted nay. Motion carried.

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to approve adoption with corrections as stated by the Board Attorney. The Chair opened the floor to the public. John McClure spoke in favor of the motion. Upon roll call, all Commissioners voted aye. Motion carried.

5. Resolution requesting assistance from the Federal Highway Administration

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to adopt Resolution requesting financial assistance and reimbursement from the Federal Highway Administration. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 11 Page 203.

6. ADJOURN

The meeting adjourned at 1:05 p.m.

Chairperson

Attest: _____
Clerk

REGULAR MEETING OF THE BOARD, JUNE 16, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 411 S. Eucalyptus St. Sebring, Florida with the following members present:

**Jeri Canale
James L. Gose
Guy Maxcy
David Flowers
J D Barrett**

**C. Michael Eastman
Carl Cool
J Ross Macbeth
Louise Graham**

2. **Invocation and Pledge of Allegiance**

The meeting opened with a prayer by Carl Cool, County Administrator. The Pledge of Allegiance was led by Richard Conover.

3. **ANNOUNCEMENTS:**

- A. Sheriff**

Lt. Alex Whitbeck presented the Daily Jail Log of Inmate Count for the period ending June 16, 1998. The Farm Report was also presented.

- B. Clerk**

No report presented.

- C. Future upcoming meetings:**

The County Administrator read the reported meetings into the record. Mr. Cool also thanked staff for their participation with the United Way Day of Caring. See SMB 32 Page 3 for copy of Thank You card received. Additional meetings were announced for the benefit of the public.

4. **CITIZENS NOT ON AGENDA:**

- A.** Hank Kowalski spoke regarding the salvage yard at Lorida and requested the Board consider two additional staff in the Code Enforcement Department. He suggested that staff monitor the C & D Landfills to meet requirements for hazardous materials. The Board Attorney reported on the hazardous waste fire in Lorida and the violations by the company. He recommended that county staff should be checking the conditions that the Board of Adjustment imposes. Commissioner Gose asked for a discussion under Commissioners on recommendations for the C & D landfills and the junkyards.

- B.** Gabriel Reed spoke on Land Development Regulations for Highlands County and development control.

- C.** Betty Giries and Paul Marlborouat asked for consideration of paving Lilac Street in Highlands Park Estates. They have been trying for ten years to get this paved. Mr. Cool reported on the lawsuit where monies were collected by the state from the developers for road construction. He also explained how the District was charged with the task to submit

suggested roads for paving.

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to send a letter to the Homeowners Association, citing Lilac as a road that should be placed at the top of the list for paving. Commissioner Maxcy amended the motion to include language - this road has been requested to be paved for ten years and other roads that meet the same criteria have been paved. Why has this road not been paved? Commissioner Barrett seconded the amendment. Upon roll call, all Commissioners voted aye. Motion carried.

D. Richard Conover spoke regarding the budget hearings and the lack of attendance.

5. ACTION:

Motion by Commissioner Gose, seconded by Commissioner Barrett, to set the Action Agenda with changes as listed:

- 1) Addition of a budget amendment to consent agenda item #9 -97-98-286
- 2) Pull consent agenda item #2 for discussion
- 3) Addition under the Board Attorney- Wellhead protection easement and Improvement Agreement
- 4) Addition under the Asst. County Administrator item G-2- EMS Certificate of need

Upon roll call, all Commissioners voted aye. Motion carried.

A. Public hearing to consider an amendment to the Land Development Regulations

Proof of Publication entered into the record by Jim Polatty, Development Services Director. See Proof of Pub ordinance Book 2 Page 17. Mr. Polatty read the captions into the record and explained that this ordinance will implement strategy to allow the County to conform to the Florida Statutes and FAC requirements that required the County to adopt a Housing Incentive Plan. Since the HIP was recently merged with the Housing Assistance Plan with some strategies being deleted, these amendments will allow the County to retain its SHIP funding.

The Chair opened the floor to the public. Gabriel Reed presented questions regarding the EAR Hearing.

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to adopt ordinance pertaining to Land Development Regulations, providing amendments to Affordable Housing, the Building and Fire Code. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 4.

B. Road & Bridge Superintendent: Proposed list of roads for County maintenance

Bruce Van Jaarsveld, Road and Bridge Superintendent, presented a list of roads that have met the requirement for FEMA reimbursement as a result of the storm events. All of the roads are currently non-county maintained. FEMA will pay the county for the repairs to the roads. He requested that once these roads are brought up to county standards, that the county accept them for regular county maintenance. Commissioner Maxcy presented questions and stated opposition to the additional burden that the maintenance could bring to county staff. Commissioner Flowers spoke in favor, due to FEMA paying the total cost to bring the roads up to county standards. Carl Cool spoke in favor, to allow staff to grade the roads and keep them to that standard, rather than letting them deteriorate. No additional staff or equipment will be required. Eastview Road will be the only paved road. All other roads are dirt roads.

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to accept the list of roads for county

maintenance, once each road is brought up to current standards. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 5 for list. Commissioner Gose recommended that the Special Tax District's try to consider a way to place asphalt on the roads in place of the shell rock.

The Board gave the County Administrator a consensus to bring back recommendations in July to make Bruce Van Jaarsveld's position permanent.

Commissioner Maxcy presented questions regarding the stockpiling of shell. Mr. Van Jaarsveld advised that shell is being brought in from Okeechobee County earmarked for the FEMA roads, and was purchased on the existing contract.

Break 10:10 a.m. - 10:20 a.m.

C. County Engineer: FDOT Transportation Enhancement Program project requests

Ramon Gavarrete, County Engineer, presented seven transportation enhancement projects for consideration to forward to FDOT for the Departments use in determining eligibility. A letter was entered into the record from the Sebring Airport Authority to amend the Authority's application by \$100,000 to include the cost for Landscape/hardscape for the Tower Plaza.

Motion by Commissioner Gose, seconded by Commissioner Barrett, to approve the seven applications as submitted and direct engineering staff to forward the project applications to FDOT for determination of eligibility. Upon roll call, all Commissioners voted aye. Motion carried. See DOT file for copy.

D. Solid Waste Manager:

1. Request approval to purchase automatic tarp machine

Jerry Leszkiewicz, Solid Waste Manager, presented request for the acquisition of a Tarp Machine with funds from the Small County Grant.

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to approve request to purchase the automatic tarp machine and tarp assemblies needed to implement the procedure for the Arbuckle class one landfill site. Gabriel Reed, a member of the Committee spoke in favor of the purchase. Richard Conover spoke in favor of the purchase but questioned the attendance of members of the landfill meeting and the mission of the committee. Commissioner Maxcy advised that the number one goal is to look at the operation of the landfill and take it out of the money losing situation and put it back into a wash. The purchase will transpose into a benefit. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 6 for copy of memo.

Motion by Commissioner Gose, seconded by Commissioner Maxcy also to include the budget amendment with the purchase of the tarp, to reallocate funds for the balance of the purchase of the tarp assemblies not covered by the county grant. Upon roll call, all Commissioners voted aye. Motion carried.

2. Request approval to purchase landfill compactor wheels

Jerry Leszkiewicz, Solid Waste Manager, presented the estimated cost savings to be achieved by changing the compactor wheels from Caron to Bomag Packall. See SMB 32 Page 7.

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to approve request for purchase of

Landfill Compactor Wheels to achieve compaction efficiency at the Landfill. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 7. Jerry Leszkiewicz reported that he will be attempting to salvage the existing wheels and find a buyer so that we can recoup some of the \$55,000 cost. Commissioner Maxcy commended the Solid Waste Manager for his ideas. Tom Portz asked that the Board look at the long term picture and not make preconceived assumptions, before the recommendations come back from the committee. Mike Eastman, Finance Director, advised that a budget amendment may be necessary, as the \$55,000 should be capitalized as it is not a maintenance item. It should be spread over the five-year period.

E. Development Director:

1. Resolution to adopt revised Evaluation and Appraisal Report

Jim Polatty, Development Director, presented proof of publication into the record. See SMB 32 Page 8. He reviewed revisions and adjustments to the EAR to satisfy the concerns of DCA on the sufficiency review.

Motion by Commissioner Flowers, seconded by Commissioner Gose, to postpone the adoption of the Resolution until the July 7th meeting. The Chair opened the floor to the public. Gabriel Reed stated environmental concerns. Hank Kowalski spoke in opposition due to the environmental concerns. Upon roll call, all Commissioners voted aye. Motion carried.

2. Proposed housing tour for elected officials

Jim Polatty, Development Services Director, presented recommendations from the Affordable Housing Advisory Committee. The request is that staff organize a bus tour for the County Commissioners and School Board Members. The tour is to familiarize the elected officials with housing and its problems from Highway Park to Avon Park. The concern of the Committee is the deteriorated housing and lack of care and maintenance.

The Board gave a consensus to proceed with the tour. See SMB 32 Page 9.

F. Valerie Pfister, CPHU: Adoption of fee schedule for County Public Health Unit

Valerie Pfister, Administrator, reported a budget shortfall in the amount of \$253,358. Due to the projected shortfall, she is requesting a total allocation of \$525,000 from the Board, which includes additional funds in the amount of \$50,000 over last year's allocation. The health department will also seek additional revenues by altering its fee structure upon approval by the Board of County Commissioners. She is requesting adoption of the fee schedule for the County Public Health Unit.

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to approve adoption of the fee schedule as recommended by the Health Administrator. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 10 for copy of fee schedule.

G. Asst. County Admin.:

1. Mitigation Contract with City of Sebring

Motion by Commissioner Gose, seconded by Commissioner Barrett, to approve execution of the Mitigation Contract between the City of Sebring and Highlands County Board of County Commissioners for the statewide Mitigation Strategy project. Upon roll call, all Commissioners voted aye. Motion carried.

2. EMS - Certificate of Public Convenience and Necessity

Motion by Commissioner Barrett, seconded by Commissioner Gose to execute the Certificate of Public Convenience and Necessity for the Emergency Medical Service. Upon roll call, all Commissioners voted aye. Motion carried.

H. Board Attorney

1. Wellhead Protection easement and Improvement Agreement-Lake Park Village

Motion by Commissioner Barrett, seconded by Commissioner Gose, to approve the Wellhead Protection easement and Improvement Agreement for the Lake Park Village Development. Upon roll call, all Commissioners voted aye. Motion carried.

I. County Administrator: Recommendations for H.L. Bishop Park

- A. Carl Cool presented recommendations from staff to make H.L. Bishop Park safer and more user friendly. He suggested hiring lifeguards with funds from the Parks and Recreation budget.
- B. Preston Colby, Chair of the Aquatics Recreation and Safety Committee, addressed the recommendations. The Chairperson asked that his concerns be addressed in committee.
- C. Commissioner Gose asked if Mr. Colby is an expert witness in the case of the drowning. He reported that he is not. Commissioners Gose and Barrett spoke in favor of hiring lifeguards and reopening the Park.
- D. Commissioner Flowers suggested eliminating the Pier as lifeguards cannot monitor the water.

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to approve Scenario B, for the hiring of lifeguards only, and the equipment. The Board Attorney mentioned a delegation problem. The Chair opened the floor to the public. Clayton Womer spoke in opposition to lifeguards and reopening of the park. Dee McDonald, YMCA, Executive Director, spoke against lifeguards unless they can work seven days a week. She believes that the focus of the committee should be on Water Safety education rather than enhancing the recreational bodies. She will not be comfortable placing her lifeguards in that type of water clarity. Upon roll call, Commissioner Maxcy voted aye. All other Commissioners voted nay. The motion did not carry.

Motion by Commissioner Barrett, seconded by Commissioner Gose, to open the Park as it was before and to take the recommendations from the Committee. The Chair opened the floor to the public. Jim Cash of Lake Placid, spoke in favor of opening the Park and allowing someone to have the authority to expel the people. Ross Macbeth stated that he supports staff enforcing rules at the Park. Carl Cool spoke regarding the pier and asked that the Board designate the pier as a "fishing pier only" and allow the Fish and Game to help with the enforcement. Commissioner Barrett amended the motion to include the pier as "fishing only." Commissioner Gose seconded the amendment. Upon roll call, Commissioners Barrett, Gose, and Flowers, voted aye. Commissioners Maxcy and Canale voted nay. Motion carried. Preston Colby stated concerns for the depth of the water and inadequate lifeline. Jim Cash stated support for Lt. Knapp. The Chairperson handed the gavel to Vice-Chair Gose. He asked that Mr. Cool appoint a staff member to work

with the Committee and reevaluate them. The Board gave a consensus to allow Mr. Cool to place signage at the Park. Fred Carino, Personnel Director, spoke regarding Water Safety. He suggested a professional come in and evaluate and give us a professional recommendation. Commissioner Gose asked that the General Services Director proceed with an RFP to get a cost estimate for a consultant. The consensus of the Board was to move forward. The Chairperson received the gavel back from the Vice-Chair. See H.L. Bishop Park file for staff recommendations.

2. Update on Vantage Pointe

Mr. Cool presented an update on Vantage Pointe. A survey of all the roads has been completed. Ron Cauthen has basically completed the design on the drainage solution. The County is moving ahead to have a temporary solution in place, which involves pumping, when and if we do get thunderstorms. The survey should also be completed this week for Thunderbird Hills South.

Commissioner Flowers noted for the record, a correction to the minutes of Book 17 Page 606, item number 6-Appointment to the Fire Task Force, identifies Charles Anderson, Chief of the Sun'n Lakes, Lake Placid Fire Department. The corrected minutes should read Charles Andrews.

The Board Attorney asked for an addition to Consent Agenda item number 13- Approval of Plat Recording and Drainage Easement.

J. Consent agenda:

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to approve the Consent Agenda as amended.

- 1. Approval to pay all duly authorized bills**

Law Library	99.00
General	654,243.16
County Transportation Trust	76,968.44
E911 Operation	214.09
Intergovt Radio Communication	350.00
Local Govt Infra Surtax	30,345.95
Affordable Housing Assistance	60,146.97
Government Center	14,948.37
Solid Waste	18,549.28
Placid Utilities	8,226.12
Highway Park Utility	5,918.26
Risk Retention	162,726.99
Employee Benefit	153,004.07
- 2. Approval of minutes of 5-26-98 and 6-2-98 meetings with correction as stated.**
- 3. Accept into record - May Monthly Report**
- 4. Approval of grant application Recycling/Education, Small County, Waste Tire, and Litter Control.**
- 5. Approval to sell tax certificates 95-8308 and 95-8309 (Michael A. Lightsey). See SMB 32 Page 11.**

6. **Approval to execute resolution on SHIP Special Review Committee. See Res. Book 11 Page 204.**
7. **Approval of revised 1998-2001 Housing Assistance Plan and Resolution. See Res. Book 11 Page 205.**
8. **Approval for disbursement of funds for Florida Healthy Kids Corp. See SMB 32 Page 11.**
9. **Approval of budget amendments 97-98-271(courthouse facilities) 97-98-272 (Bldgs Operations Maintenance) 97-98-275 (Emergency Management base grant items) 97-98-277 (Court Reporter) 97-98-279(SHIP consolidation of accounts)**
10. **Approval of resolutions and budget amendments 97-98-267(proceeds from auction) 97-98 278 (purchase of a playground slide for the Greater Lorida Community Club). See Res. Book 11 Page 206 and SMB 32 Page 15.**
11. **Approval of budget amendment and purchase of fire hydrants (Town of Lake Placid). See SMB 32 Page 12.**
12. **Approval to accept EMS bill settlement offer (Kimberly J. Warrick). See SMB 32 Page 13.**
13. **Approval of plat recording and drainage easement Country Club of Sebring, Phase Two Section Three (Enchanted Oaks). See SMB 32 Page 14.**

Upon roll call, all Commissioners voted aye. Motion carried.

6. COMMISSIONERS

- A. Commissioner Flowers presented a request to waive part of a fee for an owner whose dog was bitten by a rabid bat and is required by statutes to be quarantine for six months. Motion by Commissioner Gose, seconded by Commissioner Flowers, to set the fee at \$5.00 per day, not to exceed \$500.00 for six month period. Upon roll call, all Commissioners voted aye. Motion carried.
- B. Commissioner Gose discussed the problems with the construction and demolition landfills. He requested that the county look into hiring a full time position in Code Enforcement to monitor and oversee the landfills. Staff to look into an ordinance to adopt fees for the landfill companies to fund this position.
- C. Commissioner Canale requested that the Board Attorney proceed with a hearing officer for the noise abatement board procedure.

Tom Portz reported that the state has activated their ESF-4, which is Fire Services. They are now at level two and will be going to level three. They have six counties with fires burning out of control in northern Florida and have asked for our support. Highlands County will be sending vehicles and personnel there.

7. ADJOURN

The meeting adjourned at 1:02 p.m.

Chairperson

Attest: _____
Clerk

REGULAR MEETING OF THE BOARD, JULY 7, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 411 S. Eucalyptus St. Sebring, Florida with the following members present:

Jerl Canale	Charles Lairsey
James L. Gose	Carl Cool
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	

2. **INVOCATION AND PLEDGE OF ALLEGIANCE**

The meeting opened with a prayer by the County Administrator, Carl Cool, with special remembrance to the family of eight who lost their lives in Lake Placid. The Pledge of Allegiance was led by Richard Conover.

3. **ANNOUNCEMENTS:**

- A. **Sheriff**

Lt. Susan Benton presented the Daily Jail Log of Inmate Count for the period ending July 7, 1998. The farm progress report for May and June was also given. Lt. Benton reported that inmates will now be charged \$1.00 per day for their stay at the Jail. Carl Cool advised that additional pods are scheduled for construction in the year 2000.

- B. **Clerk**

No report was presented.

- C. **Future upcoming meetings:**

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public.

Tom Portz, Asst. County Administrator, publicly thanked Mr. Spencer Overstreet for allowing the County to remove his fence on Highway 98, when the tractor trailer overturned, and place the distressed cattle on his property until the area was secured.

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to approve the Chairperson sending a letter thanking Mr. Overstreet for his assistance. Upon roll call, all Commissioners voted aye. Motion carried.

The County Administrator read a letter into the record from the County Manager in Glades County thanking the county staff for responding to a fire in Palmdale.

- D. **Recognition of firefighters**

Tim Eures, Emergency Operations Director, commended the following firefighters and presented certificates of appreciation to those who participated in the fires in North Florida:

Dustin Fitch and Donnie Walker, West Sebring VFD, Ben Henley, Desoto City VFD, Richard Gavagni and Bobby Baggs, Highlands Park VFD. Michael Leicht also went to North Florida, but was unable to attend the Board meeting.

A plaque was also presented to Chief Art Roberts and Brenda Roberts, from West Sebring VFD, as she was honored with the State Volunteer Firefighter of the year award.

4. CITIZENS NOT ON AGENDA:

- A. Mr. Preston Colby questioned the hold up of the Bike Path at Lake Jackson. Carl Cool responded that the maintenance agreement needs to be negotiated with the County and the City of Sebring.
- B. Mr. Richard Conover presented several suggestions to the Board for consideration.
- C. Ms. Barbara Bazley, representing the Lakes Association, spoke in favor of the funding of the \$35,000 for the Lakes Study.

5. ACTION:

Motion by Commissioner Maxcy, seconded by Commissioner Gose, to set the action agenda as listed with a discussion at the request of Richard Conover on Consent Agenda item number ten. (Budget Amendment 97-98-303). Upon roll call, all Commissioners voted aye. Motion carried.

A. Public hearing to consider adopting resolution to approve revisions and to transmit EAR

Proof of Publication entered into the record. See SMB 32 Page 32. The revisions to the text and to the list of EAR based amendments were reviewed by Jim Polatty, Development Services Director. Commissioner Flowers presented suggested changes to the text with the elimination of the maps. Refer to tape for details. Discussion by the Commission regarding deleting the maps. Attorney Ross Macbeth advised that staff is already using the maps as it is part of the data that is in our information base and it will not change any existing practice to send or not to send the maps. He also reported that changes to the EAR are important but it is also important that all issues should be correct before we send it up for DCA review. A workshop was suggested with NRAC. Commissioner Gose asked for an evening workshop to review the changes and Commissioner Flowers asked that we include the Planning and Zoning Commission. See SMB 32 Page 33 for copy of information.

The Chair opened the floor to the public. John Williams and Hank Kowalski, members of the NRAC, spoke in favor of conservation lands. Dan Foley presented information regarding the maps and preservation of lands. Ray Napper suggested that the county staff update the map system to accomplish a good data base system. The consensus of the Board was to hold the workshop August 11, 1998 at 6:00 p.m.

Break 10:35 a.m. -11:45 a.m.

C. Human Services Director: Avon Park Youth Academy update

Kevin Roberts, Human Services Director, introduced Mr. Richard Powell, Chief Executive of Securicor Custodial Services and Mr. Peter Plant, Avon Park Youth Academy Administrator. Mr. Powell updated the County Commissioners on the current activities of the Avon Park Youth Academy. See SMB 32 Page 34 for copy of information.

B. John Martz: Lighting service to transmission line on Landry Road

John Martz, Florida Power Corporation, appeared before the Board seeking permission to modify the permit to install three poles and attach directly to the transmission poles to provide lighting service to the transmission line on Landry Road in Avon Park. Mr. Wilson Elliott is agreeable to the proposal since they will not be installing poles on the west side of the road, and will save Florida Power approximately \$9200. It was a consensus of the Board to direct staff to issue the permit. Commissioner Flowers requested that Mr. Martz follow through with the Company to provide lighting to all of the poles.

D. Development Director:

1. Natural Resources Advisory Comm. request for bicycle trail

Jim Polatty explained the motion of the NRAC for the BOCC to include in the Capital Improvement Program, the location of a Recreational/Bicycle Path along Lake Jackson Canal with the involvement from the City of Sebring for the concept of placing a trail along the portion of the canal within its jurisdiction.

The Board determined to take this request under advisement for the inclusion in the CIP. See SMB 32 Page 35.

2. Proposed changes to Chapter 12, zoning code

Proof of Publication entered into the record. See Proof of Publication Ordinance Book 2 Page 19. Jim Polatty presented a recommendation of John McClure to change the special exception language in the proposed R-3 NC Non-Commercial District to read: Open Accessory Parking Lots incidental to a residential use. Captions of the ordinance read into the record. The Board Attorney started the review of the proposed changes but due to the rearrangement of the ordinance, was unable to note these changes. The Board gave a consensus to bring this section back at a latter date.

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to adopt ordinance, providing for changes to Chapter 12, of the Code of Ordinances, pertaining to zoning, providing for amendments to permitted uses, special exceptions, and minimum lot requirements in the A-U Agricultural District, deleting sections 1-2-4 and 5 and renumbering the other sections. The Board Attorney mentioned the inclusion of the special exception language, Open Parking Lots Accessory to a residential use. Commissioner Gose amended the motion to reflect the added language. Commissioner Maxcy accepted the amendment. The Chair opened the floor to the public. Richard Conover commented on lack of information to the public. John McClure, representing the Sebring Improvement District, spoke in favor of the motion. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 36.

E. County Engineer: Lakeshore Mall south access from Howey Rd.

The County Engineer discussed the proposed access to Lakeshore Mall from Howey Road. He also

provided preliminary drawings and estimates. Three options were presented for discussion. See SMB 32 Page 37 for copy. In summation, he noted that the construction cost of Option A and Howey Road would be excessive. It is expected that Option C will adversely impact the existing northern access road to Alan Jay's automotive dealership and Lakeshore Mall. Option B presents vast impact to wetlands. Commissioner Maxcy suggested a sidewalk the length of Brunns Road if we complete the project. Carl Cool reported that Christine Hands, manager of the Lakeshore Mall, is opposed to any access road and CBL and Associates will not participate with the construction. It was a consensus of the Board to take a wait and see attitude.

F. Assistant County Administrator:

1. Discussion of Employee Dental Plan

Tom Portz, Asst. County Administrator, presented a status report of the Employee Dental Plan. He reported that very few dentists will participate in the plan within Highlands County. The Insurance Committee met and came back with options to improve the situation. The Insurance Committee requested that staff explore Option (3) to establish a self-insured dental plan for employees and determine if a program for all employees could be covered within the premium structure of the current self-insured health plan. Mr. Ford Heacock presented the Board with an in-depth review of the details of a self-insured dental plan. He advised that in order to be self-insured, it will cost \$50,851 for the remainder of this year, but next year we will need \$175,000 in the reserve. The bottom line is that providing a self-insured dental plan will require an upward rate adjustment.

Commissioner Maxcy and Flowers spoke in favor of providing a self-insurance plan for the employees. Ross Macbeth advised that the reserve is there to protect the tax payers. There should be an adequate reserve in the pool. Commissioner Barrett requested that we look at using the money from the Health Facility Authority. Mr. Macbeth stated that legally we could use the money but we will need their permission. Carl Cool spoke regarding the issue of the dental plan as an employee benefit instead of a raise. Commissioner Canale cautioned that the employees are not interested in that concept.

The Chair opened the floor to the public. Bill Jones, Chair of the Insurance Committee, stated that the Committee wants direction from the Commission in which way to proceed. Ross Macbeth suggested that the Board decide if dental should be a part of the benefit package provided. The consensus of the Board was to send back to the Committee with options for a sliding scale, preventive care enforced, or employee shared expense plan and to terminate the current plan and implement a self-insured Dental Plan, effective January 1, 1999. See SMB 32 Page 38 for copy of information.

2. Home occupational license enforcement

Tom Portz reviewed the suggested policy for the Home Occupation License Enforcement. Motion by Commissioner Gose, seconded by Commissioner Flowers, to approve suggested policy to have the Tax Collector's personnel advise all in-person purchasers to respond to the Zoning Department for a copy of the affidavit for Home Occupations. An executed copy of this will be kept in the Zoning Department for any future code enforcement activities. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 39 for copy of suggested policy.

3. Building use recommendation

The Asst. County Administrator reviewed recommendations from the Building Use Committee to write a letter to the Governor's office appealing the Florida Department of Transportation ruling, regarding the Traffic Signal at Highway 27 and George Boulevard.

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to approve the recommendation of the Building Use Committee and send a letter to the Governor requesting that he overrule the FDOT and allow full-time activation of the traffic signal for safety reasons. Commissioner Flowers suggested that additional language be added to the letter that the Community Traffic Team is also in support. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 40.

4. Humane Society request

Tom Portz presented request of Blanche G. Chafe, Vice President of the Humane Society of Highlands County, to waive tipping fees for the organization. She stated that they are providing a service to the community when the County facility is not available and the animal shelter serves all of Highlands County. The Society is solely dependent on donations to maintain operations and this will help eliminate a cost that would help the budget immensely.

Mr. Portz advised that the County Animal Control Department can absorb the costs of these charge backs for the Humane Society for euthanized animal disposal at the landfill. This would not cover household garbage, yard debris and white goods, etc. Fees should not be waived as the landfill is an enterprise fund experiencing its own difficulties.

Motion by Commissioner Flowers, seconded by Commissioner Barrett, to absorb the charge backs for the Humane Society for euthanized animal disposal at the landfill, but not to waive other fees. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 41.

5. Designation of Government Center as Courthouse Annex

Motion by Commissioner Barrett, seconded by Commissioner Gose, to designate the new Government Center as a Courthouse annex, per Fl. Statutes 43.28. This designation provides additional security to county staff and if the court calendar is crowded, the new Commissioners room can be used as a court room. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 42.

G. Board Attorney: Offer on claim from Robert Harrington

Commissioner Maxcy presented a statement into the record for his reasons of not attending the called meeting by the Chairperson. Refer to tape for details.

The Board Attorney advised that he has real reservations discussing this matter. He did not place this item on the agenda. Claims are filed against the Board frequently and the Board has always expressed the desire to have these dealt with, once litigation is filed. Then the Board can meet in an executive session and discover if there is any substance to the allegations. At this point we have a

couple of letters from an attorney and he has done some investigation. He would rather not get into a discussion in a public forum as it may not be to the best interest of the taxpayers. To go through and detail information in public gives the claimant or litigant an advantage over the taxpayers that we do not have, as we are not going into their discussions between them. He is doing his job the way he has always been doing it. If he is to do it differently, then the Board needs to tell him, and he will. He did not anticipate that the claimant would present information to the newspaper.

Commissioner Flowers stated that he has spoken to the sheriff's department and this is still an on-going criminal investigation, but they have promised to complete as soon as possible. He also asked that the Chair think things through before making decisions to call meetings.

Commissioner Barrett reported that he still would like to be informed on issues. Commissioner Gose advised that he was relying on the attorney to handle the matter and he did. The Chair reported that she called the meeting because the Board could not discuss anything privately and felt that important issues need to be discussed.

The Chair opened the floor to the public. Dee Thomas and Clayton Womer spoke in favor of being informed on issues.

H. County Administrator

1. Sebring Airport Board nominations comments

Motion by Commissioner Barrett, seconded by Commissioner Gose, to recommend John C. Martz to the Sebring City Council, as the appointee for the Sebring Airport Authority member in the replacement seat of John O'Neal whose term expires 4/30/2001. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 43.

2. Proposal on escrow monies for G.F. Enterprises

Kimberly L. Sapp, representing G.F. Enterprises Unlimited, Inc. presented a request regarding the return of escrow monies in the amount of \$11,200.00 held as security for tipping fees. The total tipping fees due today are \$6,030.51. The request is for the County to pay the \$6,030.51 tipping fees and then apply the remaining monies to the July 15th payment for the promissory note, with G.F. Enterprises of Central Florida to pay the difference of \$748.69 to Highlands County. Ross Macbeth stated his position is that these monies can be applied to the promissory note made by G.F. Enterprises of Central Florida, Inc. to the Board of County Commissioners. A security deposit is for the total obligation. His recommendation is to apply this security deposit to the tipping fees and if a balance is left over to apply that to the back end of the obligation to reduce the overall amount owed.

Carl Cool reminded the Board of the internal audit by Charles Lairsey of the Clerk's office, information was discovered regarding fluff that left Northstar and was unaccounted for. If G.F. Enterprises does not reveal this information, the county will never know the answer to the missing 31,000 tons. Mr. Cool feels that the answer to this question should be a consideration.

Kimberly Sapp, representing G.F. Enterprises, stated that her research shows no basis for Mr.

Macbeth's position and she will be advising her client that the monies held in escrow on behalf of G.F. Enterprises, Unlimited can be applied as she mentioned. Mr. Macbeth advised that if the company defaults, the county will take appropriate action.

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to request a grand jury investigation to determine where the 31,000 tons of unaccounted fluff were placed. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 44.

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to deny the request of G. F. Enterprises. The Chair opened the floor to the public. Jean Nichols presented questions regarding the correct ownership. Dee Thomas spoke regarding the missing fluff. Upon roll call, all Commissioners voted aye. Motion carried.

3. Recommendation on appointment of Road and Bridge Superintendent

Motion by Commissioner Barrett, seconded by Commissioner Canale, to appoint Bruce VanJaarsveld as the Road and Bridge Superintendent with his six-month probation start date set at March 17, 1998. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 45.

4. Proposed office space for legislators

Carl Cool presented a proposed sketch for office space for the state senators and representatives with an estimated cost at \$42,000. The location proposed is for the second floor of the annex. Clayton Womer spoke in opposition to the proposal. The Commissioners advised that they are not opposed to the use of the space but object to any remodeling cost. See SMB 32 Page 46.

5. Recommendation of FY 1998-99 budget

Carl Cool presented to the Board a recommended budget for FY 1998-99. He read into the record a letter to the Chairperson listing the total recommended budget at \$66,193,242. The budget represents an overall reduction in expenditures of \$1,735,851 from the 97-98 budget, which was adopted at \$67,928,992. The Chairperson asked that the Board be allowed to review the budget and discuss at a workshop on July 14, 1998. See SMB 32 Page 47.

6. Budget Amendment #97-98-303

Richard Conover of Avon Park presented questions regarding the acquisition of a vehicle for several departments and why it was assigned to one department, only. The Asst. County Administrator explained the procedure for vehicle use.

I. Consent agenda:

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to approve the Consent Agenda as listed:

- 1. Approval to pay all duly authorized bills**
- Law Library 3,838.61
- General 1,926,708.71

- County Transportation Trust 43,198.19
- E911 Operations 11,918.40
- Intergovernmental Radio Communication 374.15
- Local Govt Infrastructure Surtax 113,524.15
- Affordable Housing Assistance 22,536.35
- Government Center 1,887.91
- Solid Waste 82,144.30
- Placid Utilities 4,815.73
- Hiway Park Utility 2,673.56
- Risk Retention 23,923.23
- Employee Benefit 190,251.20
- 2. Approval of minutes of 6-9-98 and 6-16-98
- 3. Approval to sell tax certificates. See SMB 32 Page 48.
- 4. Approval of expenditure from Special Law Enforcement Trust Fund. See SMB 32 Page 49.
- 5. Appointment of Mr. John Harding to EMS Advisory Council. See SMB 32 Page 50.
- 6. Approval to certify Tax Collector's recapitulation. See SMB 32 Page 51.
- 7. Approval to execute Health Facilities Authority Compensation Agreement. See SMB 32 Page 52.
- 8. Approval to accept donated property Michael F. Simon. See SMB 32 Page 53.
- 9. Approval of carnival application for Christ Fellowship. See SMB 32 Page 54.
- 10. Approval of budget amendments 97-98-273 (Highway Safety) 97-98-280 (Veterans Service overtime) 97-98-283 (FHREDI matching funds) 97-98-289(County Engineer overtime for flooding) 97-98-294 (Bldg. Maintenance unemployment compensation) 97-98-295 (Purchase of land, tax deed sale) 97-98-299 (Avon Park Library staffing) 97-98-303 (acquisition of vehicle EOC) 97-98-304 (Supervisor of Elections) 97-98-305 (Landfill Compactor Wheels) 97-98-308 (Nuisance Abatement) 97-98-310 (Work Study and Senior Citizens Tax Work Program) 97-98-311 (Refuse Disposal System tarp laying machine cost)
- 11. Approval to execute Grant Agreement for Lockett Estate Trailhead - FRDAP No. F99084
- 12. Approval to execute contracts for Sun 'n Lake Preserve out parcels. See SMB 32 Page 55.

Upon roll call, all Commissioners voted aye. Motion carried.

6. COMMISSIONERS

- A. Commissioner Flowers recommended that Department Heads present staff reports with options for consideration.
- B. Commissioner Barrett presented questions regarding the missing flag at Lake

Jackson and Highway 27. The County Administrator will respond.

- C. Commissioner Maxcy presented a petition to the County Administrator for the paving of Gardenia. Staff to respond to the citizens.
- D. Commissioner Canale explained that the Board is working together as a team to get the county to move forward and to plan for its future.

7. ADJOURN

The meeting adjourned at 2:19 p.m.

Chairperson

Attest: _____
Clerk

BUDGET WORKSHOP OF THE BOARD, JULY 14, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 411 S. Eucalyptus St. Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
James L. Gose	Carl Cool
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	

2. **INVOCATION AND PLEDGE OF ALLEGIANCE**

The meeting opened with a prayer by the County Administrator, Carl Cool. The Pledge of Allegiance was led by Richard Conover.

3. **ANNOUNCEMENTS**

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public.

- A) Mr. Cool presented an article from the Sun Sentinel, dated June 5, 1998, regarding Lake Istokpoga and the 16-pound bass caught.
- B) Steve Houchin, State Attorney, briefed the County Administrator on the fluff issue. FDLE reported to the County Administrator on the *missing Fluff*. They believe that the Fluff was delivered to Seminole County. Seminole County landfill accepted fluff from January 1997 to September 1997 on an experimental basis and did not charge GF Enterprises tipping fees during that time. FDLE is satisfied that it was an accounting error. Ross Macbeth advised that he expects an official letter of notification from FDLE on the matter.
- C) Mr. Cool reported on the Thunderbird Hills/Vantage Pointe Drainage and the Hazard Mitigation Grant application. See SMB 32 Page 56. In Addition, the county crews will begin work on the Bluffs of Sebring drainage.
- D) The County Administrator reported that the Government Center Sound System is installed and the meetings can begin August 1, 1998 in the new Board room.

Pat Hogue, County Extension Director, presented an update on the Mediterranean Fruit Fly. He requested a letter of support from the Commission to the Environmental Protection Agency for aerial spraying of Malathion.

Motion by Commissioner Gose, seconded by Commissioner Barrett, to waive the agenda and add the Medfly discussion with action to be taken. Commissioner Canale stated concerns for the spraying because of the elderly. Valarie Pfister, Administrator Health Department, stated that the Department is setting up a hot line to give information to the public. Richard Conover presented the proof of publication in answer to concerns regarding the advertisement of a special meeting. Upon roll call,

all Commissioners voted aye. The motion carried.

Pat Hogue introduced Ed Burns and Daniel Phelps from the Florida Department of Agriculture's Plant Division. A report was presented, outlining the details of aerial spraying. Three options were also given. A letter was read into the record in support of eradication of the Mediterranean Fruit Fly. Upon roll call, all Commissioners voted aye. Motion carried.

Motion by Commissioner Gose, seconded by Commissioner Barrett, to authorize the Chair to send a letter of support from the Commission to the appropriate members of Congress for the early eradication of the Medfly. The Chair opened the floor to the public. Clayton Womer presented questions regarding home fruit applications. Dan Foley, representing the Citrus Growers Association, spoke in support of the motion. Hank Kowalski presented remarks regarding the impact to the endemic species. Dr. Mark Deyrup spoke on the endangered species issue. Pauline White spoke in favor of the letter of support. Upon roll call, all Commissioners voted aye. Motion carried.

Break 10:05 a.m. - 10:20 a.m.

Carl Cool reported that Rep. Spratt is seeking help from prisoners to pick up fruit under the trees to help with the eradication of the Medfly. Ross Macbeth read statutes that would authorize the Board to use prisoners, if it is determined to be a health, safety and welfare issue. Todd Bonlarron, Office of Rep. Spratt, advised that the State office of Corrections will make the prisoners available, when they receive permission from the landowners. Dan Foley has agreed to coordinate these efforts. Col. Bill Jones advised that the same will apply to the Sheriff's office.

Motion by Commissioner Barrett, seconded by Commissioner Gose, to allow our trustees to pick up the fruit and the Board deem it necessary to the health, safety and welfare of the community. Hank Kowalski spoke in favor of the motion. Dan Foley discussed the availability of crews and the disposal of the fruit. Upon roll call, all Commissioners voted aye. Motion carried.

4. Budget workshop:

The County Administrator presented a statement into the record in favor of the proposed budget and keeping the millage at 8.500 mils. Rick Helms, Budget Officer, reported that the millage rate, when compared with the roll back millage rate will show a reduction of 2.84%. If the Board imposes the roll back rate for this year, that rate will be at 8.75 mils. The devaluation of the citrus has caused the millage rate to show an actual reduction to the roll back rate.

Carl Cool asked that Valerie Pfister be allowed to speak first because of her busy schedule with the fruit fly issues.

F. Health Department: Valerie Pfister

Valerie Pfister thanked the Board for the funding of \$475,000 for the Health Unit.

A. American Red Cross: Jeanne Smith

Jeanne Smith, Executive Director, presented information as to the services provided and requested

the same funding given for 96-97. Chairperson Canale invited all Board members to work at McDonalds for the next four weekends to raise money for the American Red Cross.

B. Children's Museum: Linda Crowder

Linda Crowder, Director of the Childrens Museum, requested funding of \$2,000 to provide services to the Museum. Letters were entered into the record in support of the funding by Commissioner Gose. See SMB 32 Page 57.

C. City of Avon Park: Tony Anderson

Tony Anderson did not appear.

D. Convention & Visitors Bureau: Joel Lowman

Joel Lowman, President of the CVB, and Allon Fish, CVB and Chamber Director, presented a Marketing Plan and budget summary to the Commission. Funding was requested in the amount of \$40,000. Pauline White spoke in support of the funding. David Greenslade, vice-president of the CVB and Executive Director of the Avon Park Chamber, spoke in favor of the funding. Mark Cox, Treasurer of the Chamber, expressed support for the grant funding.

E. Economic Development Commission: Jim Stanfill

Jim Stanfill, Executive Director, presented a Marketing Plan and requested funding in the amount of \$367,000. David Kolzow, Lockwood Greene Consulting, endorsed the Plan and spoke of the opportunities available in Highlands County. Hank Kowalski entered a statement from the Tampa Tribune dated in 1987 when Thomas Portz, the Budget Officer then, stated concerns for the EDC. Mr. Kowalski advised that he agrees with the concerns. See EDC file for copy. Mr. Portz responded that the Board has placed an audit requirement on the outside agencies when the funding fee exceeds \$50,000. He cautioned the Board that it is a significant cost. Lumping the agencies together brings the funding up more than \$400,000 annually. He will continue to recommend that the Board look at Tourist Development.

G. NuHope: Sandy Foster

Ms. Foster did not appear.

H. Ridge Area ARC: Desi Lee

Desi Lee did not appear.

I. STAR Program for Highway Park: Theresa Williams

Theresa Williams, Project Director of the Star Program, presented request for a Parks Recreation Supervisor, Assistant, and new recreation equipment for the STAR Center in Highway Park. Rev. McGahee, lifelong resident of Highway Park, spoke in favor of the request.

Evon Richard, representing the Big Brothers and Sisters, advised that he will not be speaking for that organization. He will be attending their meetings, but not speaking in their behalf.

Break 12:30 p.m. - 12:40 p.m.

J. Central Florida Health Care -Dianne Wolcott

Ms. Wolcott, Chief Finance Officer at Central Florida Health Care, amended the request from \$140,000 to \$56,000. The proposal will allow the purchase of dental equipment in the new Highlands County facility in Avon Park. The funding will ensure that county residents have local dental services on a sliding fee scale within their local community. The Chairperson suggested that county staff look at sending money paid for premiums for the dental plan to the Health Unit with consideration of them providing dental service to our employees. Commissioner Maxcy advised that the Insurance Committee will review. The County Administrator to instruct the Insurance Specialist to contact Ms. Wolcott.

K. Natural Resources

Carl Cool asked that the Board reconsider the Lake Jackson Storm water Survey and the Native Plant Restoration Pilot Program. Commissioner Barrett suggested that we consider the tranquilizer gun and accessories for the Animal Control Department. The Chairperson asked that we fund the Childrens Museum. Commissioner Maxcy presented comments regarding adjustments to the budget. He also questioned the compensation provided for employees. Commissioner Gose asked that we look at additional funding for the IDA-EDC after the first quarter of the fiscal year.

The consensus of the Board was to use last years funding level for all outside agencies, except the Airport, and it be reduced to \$300,000, with the inclusion of the Natural Resources two requests and the Animal Control request. Commissioner Flowers stated that he does not approve of supporting the charities with taxpayers funds. He supports the programs but would like to do it individually.

5. ADJOURN

The meeting adjourned at 1:25 p.m.

Chairperson

Attest: _____
Clerk

REGULAR MEETING OF THE BOARD, JULY 21, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 411 S. Eucalyptus St. Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
James L. Gose	Carl Cool
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	

2. **INVOCATION AND PLEDGE OF ALLEGIANCE**

The meeting opened with a prayer by the County Administrator, Carl Cool. The Pledge of Allegiance was led by Richard Conover.

3. **ANNOUNCEMENTS:**

- A. **Sheriff**

Lt. Susan Benton presented the Daily Jail Log of Inmate Count for the period ending July 21, 1998.

- B. **Clerk**

No report presented.

- C. **Future upcoming meetings:**

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public.

Pat Hogue, County Extension Director, presented an update on the Medfly eradication. The first spray was completed Saturday morning with the Malathion bait. Before that time there were 114 trappings in the county. Thursday and Friday, 11 more were captured. However, they were in the spray zone and were no real concern. The spraying took place in a 33 ½ sq. mile area. Since then there has been no new finds, however they are continuing their efforts outside the initial area. Ground spraying will continue around the lakes area. There will be four other aerial sprays. Mr. Hogue also gave a report on the Health Alert. No problems were reported.

Ray Napper presented information regarding a new product called "Sure-Dye" that is more effective and completely safe for spraying of the medfly. Pat Hogue will check the information and report to the Board.

Lisa Burley, Public Information Coordinator, presented a plaque to Chairperson Canale for completion of certification for designation of County Commissioner.

4. **CITIZENS NOT ON AGENDA:**

- A. Audrey Vickers, Chair of the facility committee for Central Florida Health Care,

invited everyone to attend ground breaking services for the new Health Care facility Friday morning at 10:00 a.m. on their property, State Road 17, Lake Brentwood.

- B. Joan Pflueger presented questions regarding the county loan for \$750,000 at 8 ½ percent interest. Mike Eastman of the Clerk's office will respond to her questions.
- C. Richard Conover spoke regarding the lack of attendance at committee meetings.

5. ACTION:

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to set the Action Agenda with the following changes.

- 1) Addition under Assistant County Administrator - item G-6 - Request payment without P.O.
- 2) Addition to the Consent Agenda of budget amendments 97-98-337 revised with Resolution, budget amendment 97-98-338- Sheriff's Department and 97-98- 345, realignment of funds for the design of the fire alarm system in the Courthouse.
- 3) Landfill Audit item under the County Administrator item I-2

Upon roll call, all Commissioners voted aye. Motion carried.

A. Donald Umperovitch: Request for road maintenance

Mr. Donald Umperovitch appeared before the Board with request from residents that live on Gardenia Avenue for road repair. He believes that the safety factor alone justifies the request. Pictures were entered into the record. See file for copy. The Board discussed the policy for residents to supply the money for materials and the Board to provide the labor. Carl Cool reminded the Commission of monies recovered from a lawsuit that is in the Orange Blossom Special District Fund. The Board directed staff to meet with the resident and bring a recommendation back to the Commission. Commissioner Flowers asked that staff define the level of maintenance that we are accepting for certain roads and at least make them passable. The Board discussed road maintenance. The Chair opened the floor to the public. Irene Knutson spoke in favor of road repair in Orange Blossom. See SMB 32 Page 58.

B. James Cobb: Request to open boat ramp at Albritton Road

Mr. James Cobb explained the request concerning the opening of the boat ramp at Albritton Road. Carl Cool reminded the Board that this is not a county maintained road but a public right of way. This issue was discussed approximately six months ago with the Board and two property owners. The direction of the Commission was to ask that the property owners remove the fence and make it passable. The Board Attorney advised that it will not be cost effective to take action in the court system.

Motion by Commissioner Flowers, seconded by Commissioner Gose, that the Board accept the extension of Albritton Road into Deer Lake for minimum maintenance. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 59.

Break 10:15 a.m. - 10:25 a.m.

Pat Hogue presented a report from the Department of Agriculture in response to Mr. Ray Napper's questions as why the County is not using the Sure-Dye as a control method. At this time the EPA has not issued a permit for use, and there is a concern with the staining and not enough data available.

C. Road & Bridge Superintendent:

1. Request for approval of position placement

Bruce VanJaarsveld, Road and Bridge Superintendent, presented request to approve Jackie Bennett for the position of Unit 3 Road Supervisor.

Motion by Commissioner Barrett, seconded by Commissioner Gose, to appoint Mr. Jackie Bennett to the position of Unit 3 Road Maintenance Supervisor. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 60.

2. Purchase of equipment and budget amendment 97-98-339

Recommendations were received from the Road and Bridge Superintendent, County Engineer, and the Operations Manager to utilize underruns in the reserve account and approve the budget amendment to purchase equipment eliminated in the budget. See SMB 32 Page 61.

Motion by Commissioner Barrett, seconded by Commissioner Gose, to approve budget amendment 97-98-339 with a transfer of \$114,600 from the resurfacing account, \$20,000 from the recreational infrastructure fund, \$84,445 from the Road and Bridge infrastructure fund and \$80,300 from the reserve for contingency account, fund 110, to purchase the items needed to continue the current level of service. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page for copy of equipment.

Motion by Commissioner Maxcy, seconded by Commissioner Gose, to approve trade in of equipment and allow the use of current bids for items of the same specifications. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 62.

D. Special Projects Director: Offer to sell property adjacent to Government Center

Bill Stephenson, Special Projects Director, presented a request to the Board from Irene Knutson for the sale of a lot and home located adjacent to the south parking lot of the Government Center. The lot size is 50 feet x 157.5 feet. The just value is \$16,616 and the asking price is \$27,500.

Irene Knutson spoke in favor of the purchase. The Board took no action and requested that staff bring back a recommendation the first meeting in August. See SMB 32 Page 63.

E. Development Director:

1. Authorization for County-initiated consistency rezoning

Duane Neiderman, Planning Supervisor, presented request to the Commission to authorize staff to initiate County-initiated rezones for the lands shown on the Comprehensive Plan Future Land Use Map designation of Conservation.

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to authorize staff to initiate the referenced County-initiated rezones so the zoning map and the Comprehensive Plan's Future Land Use Map is consistent. The Chair opened the floor to the public. Richard Conover spoke in favor. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 64.

2. Natural Resources Advisory Comm. recommendation on conduct of meetings

Mr. Neiderman presented recommendations that NRAC meetings be conducted in accordance with modified Robert's Rules of Order or as otherwise specified by majority vote of NRAC representatives in regards to the conduct of the meeting or any item on the agenda.

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to amend the BOCC Resolution 95-46 Section Four, paragraph D. as recommended. Upon roll call, all Commissioners voted aye. Motion carried. See modified Res. Book 12 Page 8 and SMB 32 Page 65.

3. NRAC recommendation on Sun 'n Lake Preserve

Mr. Neiderman presented request for the approval of an amendment to the Sun'n Lake Preserve Management Plan to change the required fencing around the access points and replace it with barriers to deter motor vehicle access. Commissioner Flowers asked for a clarification on the vote from the NRAC. Kirk Crane stated that it was unanimous.

Motion by Commissioner Gose, seconded by Commissioner Barrett, to approve the amendment to the Sun'n Lake Preserve Management Plan as proposed. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 66 for copy of language.

F. County Engineer: Escrow reimbursement for Country Club Villas of Spring Lake

Ramon Gavarette, County Engineer, presented request to return the escrow reimbursement to the Country Club Villas of Spring Lake.

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, that the Board recommend E. Mark Breed, III, Esq., return the escrow money to Golf Course Associates of Spring Lake, Inc., pursuant to the Subdivision Improvement Agreement that conditions have been met. Upon roll call, all Commissioners voted aye. Motion carried. See Spring Lake file for copy.

G. Assistant County Administrator:

1. Millage rate certification

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to certify the current year aggregate millage rate at 8.5 per \$1,000 with the current year proposed rate as a percent change of rolled-back rate at -2.84. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 67.

2. Certification of taxable value

Motion by Commissioner Barrett, seconded by Commissioner Gose, to execute the certification of the taxable value. Upon roll call, all Commissioners voted aye. Motion carried.

3. Realignment request from Tax Collector

Motion by Commissioner Gose, seconded by Commissioner Flowers, to approve the realignment request from the Tax Collector, to adopt the 3% charge back allowance and drop the garbage assessment reimbursements and a portion of the administrative charge back. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 68.

4. Mitigation contract with Town of Lake Placid

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to approve the execution of the contract for local mitigation strategy creation with the Town of Lake Placid. Upon roll call, all Commissioners voted aye. Motion carried.

5. Extension of Mitigation Strategy Grant - first deliverable

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to approve modification #1 to the Local Mitigation Strategy Contract, changing the due date for the first period deliverable to October 31, 1998. Upon roll call, all Commissioners voted aye. Motion carried.

6. Payment without Purchase Order

Motion by Commissioner Barrett, seconded by Commissioner Gose, to approve payment without purchase order for a compressor repair at the Jail. Upon roll call, all Commissioners voted aye. Motion carried.

H. Board Attorney

No report presented.

I. County Administrator:

1. Appointments to Historic Preservation Commission

Motion by Commissioner Maxcy, seconded by Commissioner Gose, to reappoint Marie Boley to the Historic Preservation Commission.

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to appoint Charles Wilde to the Historic Preservation Commission in the archaeology field. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 69.

2. Landfill internal audit

Charles Lairsey, Internal Auditor, presented the Landfill audit to the Board of County Commissioners. The audit findings were discussed with the BCC, Board Attorney, County staff, and the Clerk's office. For details refer to the Landfill file and the BCC meeting tapes.

Lunch Break 12:25 p.m. - 1:45 p.m.

a) Actions of the Landfill Committee of July 16, 1998

The County Administrator reported that Doris Gentry was in Colorado on vacation for the July 16th meeting. The plans were made in advance and the Committee was aware of her absence. Commissioner Maxcy, liaison to the Committee, noted for the record that he was not present when these findings were determined and did not have a part in it. Jean Nichols read into the record the actions of the Landfill Committee. See Landfill file for copy. Jeff Ludwig defined the goals of the Committee. Ray Napper presented a letter into the record and entered his resignation from the committee. See SMB 32 Page 70. Gabriel Reed also presented a statement into the record. See SMB 32 Page 71. Consensus of the Board was to continue with the goals of the Committee and determine if the landfill operation should be privatized. Discussion regarding if the Committee should be involved with the operation of the Landfill. The mission of the Committee is not to get involved in the day to day operation. The Chairperson spoke on the findings of mismanagement. Commissioner Maxcy agreed to continue with the Committee and to come back with a recommendation on privatization. The Chairperson asked that everyone put the *fluff issue to rest*.

3. Report on Vantage Pointe Drainage

Carl Cool presented a report on the Vantage Pointe and Bluffs Drainage. See copy of County Administrator monthly report. SMB 32 Page 72.

J. Consent agenda:

Motion by Commissioner Gose, seconded by Commissioner Barrett, to approve the Consent Agenda as listed with addition of budget amendments under item number 12.

1. Approval to pay all duly authorized bills

Law Library	45.71
General	1,315,182.30
County Transportation Trust	42,430.04
E911 Operations	115.67
Conservation Trust.....	3,392.00
Intergovernmental Radio Communication	350.00
Local Govt Infra Surtax	52,541.05
Affordable Housing Assistance	84,572.50
Government Center	807.48
Solid Waste	9,300.38
Placid Utilities	7,087.55
Hiway Park Utility	1,085.10
Risk Retention	6,240.39
Employee Benefit	127,581.62

- 2. Approval of minutes of 6-23-98 and 7-7-98 meetings and 6-23-98 public hearings
- 3. Accept into record - June Monthly Report
- 4. Appointments to Pre-kindergarten Interagency Council: Mrs. Velma Jackson as Private Provider; Ms. Lee Viar as Social, Medical, Dental Adult Literacy or Transportation and Ms. Vicki Canter from the County Health

Department. See SMB 32 Page 73.

5. Approval to execute Library Grant Award and Agreement.
6. Accept into record Health Department Annual Report. See file for copy.
7. Approval for Clerk's office to trade in surplus equipment. See SMB 32 Page 74.
8. Approval for Road & Bridge to trade in equipment(1986 Interstate Low Boy Trailer, Ser #IJKDGN329TT500001, property number RB-1164. See SMB 32 Page 75.
9. Approval to sell tax certificate 98-11899. See SMB 32 Page 76.
10. Approval of Change Order #2 for MacAsphalt, Highlands Park Estates 1997 road improvements in the amount of \$7,400. See SMB 32 Page 77.
11. Approval to execute resolution for public hearing on road closing, Lake June in Winter Subdivision. See Res. Book 12 Page 9.
12. Approval of budget amendments 97-98-314(Restrooms at Istokpoga Park, Fl. Boating Grant) 97-98- 315(Home Repairs in Highway Park)97-98-317(Work Study Avon Park Library) 97-98-319 (HL Bishop Park fencing) 97-98-322(Court Reporter insufficiencies) 97-98-324(OPS CDBG) 97-98-325(Human Services-Commodity) 97-98-326(Correction to IDA Lockwood Greene Consultants) 97-98-327(County Extension OPS) 97-98-329 (Sun 'n Sun'n Lake Placid) 97-98-331 (Sheriff capital items)97-98-333 (Non Ad Valorem Assessments correction) 97-98-334 (O &M communication and air conditioning) 97-98-335 (purchase roll on-roll off truck) 97-98-337(SHIP-Housekeeping)97-98-338(Sheriff's grant) 97-98-345(Fire Alarm and suppression system). See Res. Book 12 Page 10.
13. Approval to execute Satisfaction of Mortgage for SHIP loan (Danny R. and Rhonda L. Aaron).
14. Approval to declare nuisance, Case no. 9798-072 (Joseph Abelow Trustee). See SMB 32 Page 79.

Upon roll call, all Commissioners voted aye. Motion carried.

6. COMMISSIONERS

- A. Commissioner Flowers requested that cellular phones and beepers be turned off before entering the Board room and a sign with these directions be placed at the new Government Center.

7. ADJOURN

The meeting adjourned at 3:17 p.m.

Chairperson

Attest:

Clerk

REGULAR MEETING OF THE BOARD, AUGUST 4, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 600 S. Commerce Ave., Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
James L. Gose	Carl Cool
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	

2. **INVOCATION AND PLEDGE OF ALLEGIANCE**

The meeting opened with a prayer by the County Administrator, Carl Cool, with a special prayer for Veterans Services Officer, Steffin Murphy. The Pledge of Allegiance was led by Richard Conover.

3. **ANNOUNCEMENTS:**

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public.

- A. **Sheriff**

Lt. Susan Benton presented the Daily Jail Log of Inmate Count for the period ending August 4, 1998. Col. Jones presented a request from the Sheriff's Department to place a memoriam on the front steps of the Courthouse in memory of the policeman that have died in the line of duty. This will be at no cost to the taxpayers. The consensus of the Board was to allow Col. Jones to proceed with the project.

- B. **Clerk**

L.E. "Luke" Brooker, Clerk of Court, introduced Melissa Sowers, Teen Court Coordinator. Ms. Sowers updated the Board on the upcoming teen court sessions. Mr. Brooker thanked the Commissioners for the designation of the Boardroom to allow the Clerk to use it as a Courtroom. He also mentioned the grant obtained for the upgrade to the courthouse.

- C. **Asst. County Administrator**

Tom Portz, Asst. County Administrator, acknowledged Richard Conover, and presented a certificate to him for his faithful service and dedication for the operation of the Video Camera in the Commission Room.

4. **CITIZENS NOT ON AGENDA:**

- A. Mr. Richard Conover spoke regarding the operation of the Video Camera and employee accidents.
 - B. Ms. Joan Pflueger presented questions to the Board regarding notes payable and security for county buildings. Mike Eastman responded to her request on the financial matters. The County Administrator advised that staff accounts for all

inventory and security precautions are provided. Refer to tape for further details.

- C. Gaye Williams, Central Florida Health Care, presented a request to the Commission to waive rent and utilities for its facility on Lake Avenue in Avon Park for six months and forgive the \$1,690 utility expense owed. This amount was due to an oversight, as staff failed to bill Health Care for utilities.

Motion by Commissioner Flowers, seconded by Commissioner Barrett, to approve the request to waive the rent and utility fees and forgive the indebtedness of Central Florida Health Care for a six month period. The Chair opened the floor to the public. Kathleen Reams, Health Care Board, spoke in favor of the request. Ray Napper spoke in opposition. Commissioner Canale made a motion to table this issue until the budget hearing on September 8, 1998. No second was received. Upon roll call on the main motion, Commissioners Flowers and Barrett voted aye. Commissioner Gose, Maxcy and Canale voted nay. Motion did not carry. See SMB 32 Page 92.

- D. Ray Napper asked that the Board allow him to work with Mike Eastman and Charles Lairsey on the issue of the \$36,000 Solid Waste payment. The Chairperson stated that she has no problem with the request.
- E. Hank Kowalski requested that Commissioners review the issue of Comcast Cable and the viewers not being able to view the meeting until Thursday in Lake Placid. Commissioner Barrett advised that Comcast has an upgrade scheduled for the first of the year that will provide this viewing.

5. ACTION:

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to set the Action Agenda with changes as listed.

- a. Delete item K-3
- b. Add resolution and budget amendment 97-98-375 and budget amendment 97-98-361 to Consent Agenda item 12.
- c. Additional discussion on budget amendment 97-98-344 under item I-3.
- d. Additional discussion on item number 6-Consent Agenda for Richard Conover.

Upon roll call, all Commissioners voted aye. Motion carried.

A. Mike Swaine: Request to grant easement

Attorney Mike Swaine, representing Mr. and Mrs. G. Pierce Wood, requested the Commission grant an easement for property located adjacent to Lot 21 which is a 58-foot wide lot dedicated on the plat to the public for park purposes. The plat specifies that if it ever ceases to be used for park purposes, the title would revert to the dedicators, Oze E. Horton and Bessie Givens Horton. Mr. Swaine has been unable to locate the Hortons.

Mr. Macbeth stated concerns, if the Board grants an easement, they will by that action, have accepted the Park for maintenance and will take responsibility of the Park. He recommended the Board consider granting a temporary license that could be renewed from year to year. He stated that

since it is public property, it may be necessary in the future that they remove the driveway, and to take permanent action might not be appropriate. Mr. Cool reported that complaints have been received from the people across the street and the Code Enforcement has become involved. The Chair opened the floor to the public. Mr. Wood and Mrs. Wood spoke in favor of the request.

Motion by Commissioner Maxcy, seconded by Commissioner Gose, to allow the property to remain the same and to instruct the Code Enforcement not to get involved. Commissioner Maxcy asked that the record reflect that the opposing party was not present for comment. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 93.

Break 10:45 a.m. - 11:00 a.m.

B. Becky McIntyre, Interagency Council: Home care for elderly

Ms. Becky McIntyre representing the Interagency Council, gave a presentation to the Board regarding home care for the elderly. She requested the Board of County Commissioners participate as members in a task force with the Interagency Council to settle this immediate crisis.

Motion by Commissioner Maxcy, seconded by Commissioner Canale, to endorse and support the Interagency Council and to ask that the Chair form a task force to study the issue. Commissioner Flowers volunteered to serve as the liaison to the Task Force. The Chair asked that the Task Force also look into elderly abuse. Upon roll call, all Commissioners voted aye. Motion carried.

C. Public Information Coordinator: Complaint tracking presentation

Lisa Burley, Public Information Coordinator, presented information on the implementation of a Citizen Complaint Tracking System. She reported that CivicTracker appears to be the choice product for the county's needs. The software is available through the Florida League of Cities and the cost is \$800.00 for the first copy and \$600.00 for each additional copy. The County could purchase five licenses for concurrent use for a total of \$3,200.00.

Motion by Commissioner Barrett, seconded by Commissioner Gose, to approve purchase of the software for the Citizen Complaint Tracking System, once the system is observed. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 94.

D. Emergency Management Director: Comprehensive Emergency Management Plan

Oscar Garner, Emergency Management Director, presented request for execution and adoption of a Resolution, accepting the Comprehensive Emergency Management Plan. The Plan will be used during a disaster as a guide to resources and availability of all support and lead agencies involved.

Motion by Commissioner Gose, seconded by Commissioner Barrett, to approve execution of the Executive Summary and adoption of the Resolution, accepting the Emergency Management Plan. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 17.

E. County Engineer: Tomoka Heights Water Plant contract with LaGrow Systems, Inc.

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to accept the low bid and approve the contract with LaGrow Systems, Inc. for Tomoka Heights Water Plant six inch submersible pump replacement. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 95.

F. Recycling Coordinator: Resolution on Urban & Community Forestry Grant

A memo was presented by Christy Reed, Recycling Coordinator, stating that the Resolution is necessary to apply for the Grant and will be used to subsidize staffing to implement an urban and community forestry program in Highlands County. The project will be managed by Mike Eisenhart, Coordinator for *Keep Highlands Beautiful*.

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to execute Resolution to apply for the Urban and Community Forestry Grant. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 18.

G. Special Projects Director:

1. Recommendation on property for parking

Motion by Commissioner Gose, seconded by Commissioner Flowers, to accept staff recommendation to purchase the Smith property, located near the Sheriff's parking lot at the negotiated price of \$25,000.00. The Chair opened the floor to the public. Richard Conover questioned why additional parking is needed. Mr. Cool advised that the property will be needed in the future for parking. The Chair commended Mr. Stephenson for his negotiations with the seller. Commissioner Flowers spoke in favor of the purchase for future expansion. Upon roll call, all Commissioners voted aye. Motion carried. Mr. Stephenson advised that staff will bring back recommendations on lots needed for records retention. See SMB 32 Page 96.

2. Presentation of SunTrust property for possible purchase

3. Presentation of Withers & Harshman property for possible purchase

Bill Stephenson, Special Projects Director, advised that the above properties are available for sale. This is for information purposes only. He is not recommending purchase. He also advised that the donated lots in Lake Placid were put up for sale but no bids were received on the property.

H. Solid Waste Director: Request to purchase equipment and budget amendment 97-98-357

Jerry Leszkiewicz, Director of the Solid Waste Department, presented request to terminate the original procurement process for a wheel loader by rejecting the bid, and then authorize the Department to rebid for a new track mounted loader. He also requested the Solid Waste Department to bid and purchase a small track mounted excavator or back hoe equipped with buckets and an auger drill. Carl Cool also agreed with the process change.

Motion by Commissioner Flowers, seconded by Commissioner Maxcy, to cancel the original bid and

approve budget amendment for the purchase of the equipment with the track loader cost to come from the Solid Waste Department budget and the balance to come out of the Contingency Fund. The purchase of the back hoe to be funded by the reserve. The Chair opened the floor to the public. Richard Conover spoke in favor, but questioned the cost. Upon roll call, all Commissioners voted aye. Motion carried.

Purchase and installation of Sod

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to approve budget amendment to facilitate the purchase and installation of the sod to cover the area. Upon roll call, all Commissioners voted aye. Motion carried.

I. Assistant County Administrator:

1. Jail housing solutions, long- and short-term

Tom Portz, Asst. County Administrator, presented recommendations from the Public Safety Coordinating Council, regarding the short-term solution for Jail housing. The feasibility of building the new jail pod sooner was also discussed. Mr. Portz advised that the Board would have to take action to realign the capital improvement budget.

Motion by Commissioner Flowers, seconded by Commissioner Gose, to approve budget amendment for procurement of a temporary facility in the amount of \$38,857.80 to fund 28 additional beds for the Jail. The Chair opened the floor to the public. Richard Conover spoke in favor. Upon roll call, all Commissioners voted aye, except Commissioner Barrett, who abstained due to the low bidder of the project being a relative. A Memorandum of Voting Conflict was entered into the record to become a part of the minutes. Motion carried. See SMB 32 Page 97.

2. Dangerous Dog Hearing Board reappointments

Motion by Commissioner Barrett, seconded by Commissioner Gose, to reappoint current members and alternates to the Dangerous Dog Hearing Board. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 98 for copy of members.

3. Budget Amendment 97-98-344 SHIP Down Payment Program

Motion by Commissioner Barrett, seconded by Commissioner Gose, to approve budget amendment 97-98-344, to provide additional funds for the SHIP down payment, closing cost construction program. Upon roll call, all Commissioners voted aye. Motion carried.

J. Board Attorney

No report was given.

K. County Administrator

1. Public non-maintained roads

The County Administrator presented three options to provide maintenance for roads that are currently public but not county maintained.

Option #1 Create a special assessment on the lots within the current Avon Park lakes District.

He specifically looked at the Avon Park Lakes subdivision. The Board Attorney's opinion is that if the District provides the money for the materials, a spot repair to the road would not constitute a county-maintained road. The advantages and disadvantages were discussed by the Commission.

Option #2 Help the Homeowners Association send out a request for money

With the resources we have at the County, a very effective mail out could be put together to solicit funds for the Homeowners Association.

Option #3 Accept the roads for maintenance as is, with an easier standard to meet for a road becoming county-maintained

The County Administrator explained each option. The conclusion was that the Road Supervisors all agreed with option #3. Mr. Cool suggested that a workshop be held on September 8, 1998 and Bruce VanJaarsveld present slides to explain in depth this option. Commissioner Gose cautioned staff that he wants the cost determined and not just to look at Avon Park Lakes subdivision. Mr. Cool advised that the level of service could drop if this option is enforced. See SMB 32 Page 99 for copy.

2. Recommendation on receipts of timber sales from Sun 'n Lake Preserve

Carl Cool, County Administrator, explained the memo from Donna B. Whittington, General Manager of Sun'n Lake Improvement District regarding the receipts of timber sales from the Sun'n Lake Preserve. A check was received in the amount of \$2,782.54, representing the County's portion of timber harvesting in the area West of Balboa Avenue, where the new retention pond will be constructed. He recommended that the money be used for operational cost.

Motion by Commissioner Gose, seconded by Commissioner Barrett, to approve the budget amendment to set up a project account for the Sun'n Lake Preserve. The Chair opened the floor to the public. Hank Kowalski asked that the money be put aside until NRAC has a chance to review the issue.

Motion by Commissioner Barrett, seconded by Commissioner Canale to table the motion until the review by NRAC. Upon roll call, Commissioners Barrett and Canale voted aye. Commissioners Gose, Flowers and Maxcy voted nay. Motion did not carry.

The Board Attorney advised the Commissioners that an account should be set up and the check deposited now. The timber sales were anticipated by the grant for operational cost. If NRAC determines they want the money to go to the Trust Fund, a transfer can be made at a later date. Commissioner Maxcy asked that NRAC review at there next meeting.

Upon roll call on the main motion, all Commissioners voted aye. The motion carried. See Res. Book 12 Page 19.

3. Recommendation on distribution of FEMA receipts

Item deleted.

4. Consent Agenda Item number 6. Approval to designate official bulletin board

Richard Conover questioned why the bulletin board will be placed inside the Government Center and not accessible after office hours. Mr. Cool reported that another official board will be completed soon that will be accessible to the outside. At this time dual notices will be posted on both bulletin boards until the other one is in place. Hank Kowalski presented questions regarding the legality of the bulletin board. Mr. Macbeth advised that some meetings are not published in the newspaper and this is the official notice of the meetings. Mr. Kowalski spoke on the NRAC meeting that was not posted on the bulletin board.

It was a consensus of the Board to place this item back on the Consent Agenda for consideration.

L. Consent agenda:

Motion by Commissioner Gose, seconded by Commissioner Flowers, to approve the Consent Agenda as listed:

1. **Approval to pay all duly authorized bills**

Law Library	339.16
General	1,448,621.40
County Transportation Trust	122,211.41
E911 Operations	10,947.83
Intergovernmental Radio Communication	379.76
Local Govt Infrastructure Surtax	115,689.22
Affordable Housing Assistance	55,289.00
Solid Waste	8,112.55
Placid Utilities	6,796.21
Hiway Park Utility	3,692.90
Risk Retention	2,572.27
Employee Benefit	212,416.94
2. **Approval of minutes of 7-14-98 and 7-21-98 meetings**
3. **Approval to deny request for discount of EMS bill. See SMB 32 Page 101.**
4. **Approval of SHIP change orders for Highway Park home repair, E. O. Koch Const. See SMB 32 page 102.**
5. **Approval of SHIP satisfaction of mortgage, Brian and Laura Drummond. See SMB 32 Page 103.**
6. **Approval to designate official bulletin board. See SMB 32 Page 104.**
7. **Approval of payment to Better Roads for Sun'n Lakes Blvd. Paving. See SMB 32 Page 105.**
8. **Approval to declare nuisance, case no. 97-98-104. The property is located at the Northwest corner of SR 64 West and N. Self Ave., Avon Park. See**

SMB 32 Page 106.

9. **Approval to dispose of obsolete computer equipment, Clerk of Courts. See SMB 32 Page 107.**
10. **Approval of payment without purchase order, City of Sebring for Placid Utilities. See SMB 32 Page 108.**
11. **Approval of resolution and budget amendment 97-98-354(Urban & Community Forestry Grant-Keep Highlands Beautiful). See Res. Book 12 Page 18.**
12. **Approval of budget amendments 97-98-341(reclassify expenditures) 97-98-344 (SHIP Down Payment Program) 97-98-352(Litter Grant reallocation for KHB computer) 97-98-351(Placid Utilities) 97-98- 352(Court Reporter) 97-98-355(Sheriff's budget) 97-98- 356(Personnel OPS) 97-98-358(EMS purchase of equipment) 97-98-359 (IDA soil tests and engineering fees).**

Upon roll call, all Commissioners voted aye. Motion carried.

Mr. Cool presented suggestion, that a projection unit be placed in the Boardroom, and a copy of the agenda back up be projected on the screen, simultaneously, as the item is being discussed by the Commissioners.

6. COMMISSIONERS

- A. Commissioner Flowers asked that the County Map be placed in the Boardroom on the back wall and that the transparency screen be adjusted.
Mr. Flowers also recommended that the Board set up a workshop for evaluation of Mr. Cool and to use it as a management type tool, rather than a political issue. Chairperson Canale agreed with this suggestion and directed the County Administrator to place on the September 8, 1998-workshop along with the road maintenance issue, with a limit of the two items.
- B. Commissioner Maxcy gave a report on the Landfill committee. The last meeting was held on July 30, 1998. The meeting went very well. It was the opinion of the Committee that the Board place this Committee on a stand by basis. They will be prepared to meet in the future at any time. Commissioner Gose asked that we disband the Landfill Committee.

Motion by Commissioner Maxcy, seconded by Commissioner Gose, to disband the Landfill Committee. The Board Attorney stated concerns for sunshine violations if the Board continues the Committee. Upon roll call, all Commissioners voted aye. Motion carried.

- C. Commissioner Barrett reminded everyone that August 7th is Highlands Today newspapers' second anniversary.
- D. Commissioner Gose advised that he may not be available for the EAR public hearing

at the Ag center.

- E. Chairperson Canale asked that the Board consider adopting a Resolution accepting the codes of conduct for Commissioners into the record. She assisted in getting it adopted at the state level and would like to place on the agenda for August 18, 1998. The County Administrator to follow through with this request.

7. ADJOURN

The meeting adjourned at 1:05 p.m.

Chairperson

Attest:

Clerk

**WORKSHOP MEETING OF THE BOARD OF COUNTY COMMISSIONERS,
PLANNING & ZONING COMMISSION
NATURAL RESOURCES ADVISORY BOARD
AUGUST 11, 1998**

1. The meeting was called to order at 5:30 P.M. in the Agricultural Center at 4509 W. George Blvd., Sebring, Florida with the following members present:

Jeri Canale	Carl Cool
Guy Maxcy	Jim Polatty
David Flowers	Duane Neiderman
J D. Barrett	Louise Graham
	Linda Conrad

Attending - Planning & Zoning

Lew Carter, Chair
C. B. Jones
Jim Osborn
David Travers
Bruce Sherwood
Jim Brooks

Natural Resources Advisory Council

John Williams
Kevin Main
Curtis DeYoung
Barbara Stewart
Hank Kowalski
Kurt Olsen
Greg Reynolds
Don Bates

2. **Proof of Publication** entered into the record by the County Administrator. See SMB 32 Page 111.

3. **Announcements**

The County Administrator read the reported meetings into the record.

4. **Evaluation and Appraisal Report**

Jim Polatty, Development Services Director, presented a memo from the Planning and Zoning with recommendations of June 9, 1998. Lew Carter reviewed the **Planning and Zoning Commission Recommendation**: The EAR revisions be adopted and transmitted to the DCA for their sufficiency determination. There was one addition to the EAR that the P & Z did not have the opportunity to review. The evaluation of NRE Policy Mitigation Fee for Exempt Lots, from additional research revealed that approximately 96% of residential permits issued over the Plan period were on lots-of-record in platted and recorded subdivisions, which allowed land clearing up to ½ acre. This additional information is found on pages NRE-46 and NRE-46a.

5. **Natural Resources Advisory Commission Recommendation:** The Natural Resources Advisory Commission reviewed the EAR on June 10, 1998, and recommended to the Board that the revised Natural Resources Element (NRE) of the EAR be approved with the changes as noted - to recommend a change to Policy 3.15 of the Natural Resources Element to add a new option that the County require no further mitigation if any State, Federal or regulatory agency is already requiring

mitigation.

6. Jim Polatty, Development Services Director, explained the recommendations and suggested that all the issues be resolved and allow staff to transmit the document to the State.

7. Board of County Commissioner David Flowers completed his review of the EAR. Some suggestions that staff recommended for approval and inclusion into the EAR are:

A. The table on page NRE-13 to 14 included two CARL projects that should be deleted from the list, Avon Park Lakes and Highlands Park Estates. The map on page NRE-15 should also reflect this deletion. Keith Fountain, Nature Conservancy, suggested specific changes to correct this listing. It was a consensus to allow Mr. Fountain to work with staff to correct the table.

B. Include the nine items listed in the June 11, 1998-memo from Jim Polatty to the BOCC with the four staff recommendations. See SMB 32 Page 112 for copy of memo.

C. Amend NRE Policy 3.7 to read: Upon adoption, the County shall create a restricted Conservation Trust Fund, to be used exclusively for the acquisition of Natural Resources listed in Policy 3.5 B, for the enhancement, required maintenance, and or management of natural resources or other publicly owned conservation valued land as determined by BOCC.

The Chair opened the floor to the public. Hank Kowalski and John Williams stated objections to the language change. Mr. Williams also addressed the Commission regarding the use of funds for management. Bruce Sherwood proposed a cap on money to be taken for maintenance or management. Barbara Stewart spoke regarding the responsibility of NRAC. NRAC has no problems with the language change.

D. Change NRE Policy 3.5 on page NRE-40 that states “This conservation program ~~shall~~ may include the following implementation measures”. Jim Polatty stated that staff has no problem with the change. Hank Kowalski agreed with his suggestion. John Williams disagreed.

E. Conservation Maps.
Commissioner Flowers asked that the Board not include the maps in the EAR. Discussion followed regarding the inaccuracies of the maps. Commissioner Barrett reminded the Board of the disclaimer at the bottom of the map stating This map may contain inaccuracies. Mr. Polatty advised that these maps should not end up in the Comprehensive Plan. These maps are just back up information for the EAR. Mr. Cool disagreed with that statement. Commissioner Maxcy asked if we could change the language to read: These maps contain inaccuracies. John Williams spoke in opposition to the language change. Barbara Stewart stated that the name of the maps should be called Selected Natural Resources Maps.

Mr. Cool asked direction as to which maps should go to state- the maps that are in the Comp Plan or the new Selected Natural Resources Maps. The Chair advised that we have spent a lot of money

on the map that is up there and much work has gone into it. It may not be totally accurate but we should utilize it. County Planner, Duane Neiderman, spoke to the issue. He advised that the maps represent the predominate soils type in that area. Other soils may be present but that is the predominate type. The map that we are discussing is almost the precise duplication of the soils with some elaboration based upon knowledge of the bioscientist from Archibold. Staff is trying to meet the requirement of 9-J:5, as we look to these agencies to obtain permits. He feels that the control will still be at the local level. Commissioner Maxcy asked that the disclaimer at the bottom of the map *read that this map contains inaccuracies*. Jim Brooks stated that we have not changed anything. It is just a tool. A developer must perform a preliminary site investigation if listed on the map, and if a resource is found, he will be required to perform an environmental impact report. Lew Carter stated that the maps are a necessary trigger mechanism.

F. Concerning NRE policy 3.3 B (page NRE-38) and NRE policy 3.15 (page NRE-44), draft an amendment to the plan that clarifies that the County should not require mitigation above the amount required by state or federal regulations: “**The County shall not require mitigation above the amount required by state or federal regulations for Environmental Clearance Approval.**”

Barbara Stewart asked that Keith Fountain be allowed to provide any additional information regarding Natural Resources or the CARL Program. The Chair gave a consensus. See SMB 32 Page 113 for copy of memos.

The Chair opened the floor to the public. No one spoke from the floor.

The meeting adjourned at 6:45 p.m.

Chairperson

Attest: _____
Clerk

REGULAR MEETING OF THE BOARD, AUGUST 18, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 600 S. Commerce Ave., Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
James L. Gose	Carl Cool
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	

2. **INVOCATION AND PLEDGE OF ALLEGIANCE**

The meeting opened with a prayer by the County Administrator, Carl Cool. The Pledge of Allegiance was led by Richard Conover.

3. **ANNOUNCEMENTS:**

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public.

A. Sheriff

Lt. Susan Benton presented the Daily Jail Log of Inmate Count for the period ending August 18, 1998. The Farm Report was also presented.

B. Clerk

No report presented.

4. **CITIZENS NOT ON AGENDA:**

A. Mr. Clayton Womer spoke regarding why the EAR meeting was held at the Agric-Civic Center instead of at the Government Center. Carl Cool explained that it was to accommodate the schedule of the Planning, Zoning and NRAC.

B. Mr. Richard Conover spoke regarding the following items:
1) Monthly reports and funds received from vending machines
2) EMS and the lack of employees to complete up to date reports
3) Lack of public announcements of specific meetings
4) Juvenile Justice tour of the Avon Park Youth Academy

C. Mr. David Will shared the idea of designating seats in the back of the Boardroom for students to attend board meetings as school field trips.

D. Mr. Hank Kowalski addressed the issue of communications towers being constructed within the county. Mr. Portz advised that an ordinance will be forthcoming.

5. **ACTION:**

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to set the Action Agenda as listed. Upon roll call, all Commissioners voted aye. Motion carried.

A. Bert Harris, III: Request from Town of Lake Placid for reconstruction of Central Avenue

Bert Harris, III, presented a request from the Town of Lake Placid for the County to designate as their first priority, Central Avenue for road reconstruction in the 2000-2001 fiscal year. The Town of Lake Placid and the Greater Lake Placid Chamber of Commerce is requested to continue seeking the right of way needed to accomplish the renovation. The County Administrator was asked to proceed with final engineering plans and permits through the Engineering Department.

Motion by Commissioner Barrett, seconded by Commissioner Gose, to adopt Resolution and approve the request of Bert Harris, III, for the County to designate the road in the year 2000 and place on the reconstruct list. The County Engineer gave an estimated cost of \$290,000. Commissioner Gose discussed the impact to the reconstruct dollars. Mr. Cool advised that it would use up 1/3 of the funds. Condemnation acquisition was explored. Mr. Harris asked that we not discuss the condemnation issue at this time. County maintenance will be discussed after the right of way is obtained. The Chair opened the floor to the public. Hank Kowalski asked if the oak trees will be preserved. John Williams suggested that this project be set up as a special assessment project. Clifford Mitchell, representing the Lake Placid Art League, spoke in favor of the project but asked for a small compensation for all the properties. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 20.

B. Natural Resources Advisory Commission: Recommendation on Grant Request

Carl Cool presented recommendation of the Natural Resource Advisory Commission regarding the Florida Communities Trust Grant application for acquisition of the Royce property. The request was that the Board of County Commissioners rescind the condition placed on the grant application regarding the property being open to the public in hopes that the grant will score higher and will be funded.

Motion by Commissioner Flowers, seconded by Commissioner Maxcy, to deny the request due to concerns as stated:

- 1) The cost of \$1800 per acre, \$500 more than the property was assessed.
- 2) Too much muck land on the property
- 3) Comprehensive Plan concerns
- 4) Recreational development will place a hardship on the General Fund.

Jim Polatty, Development Director, advised that an FCT representative has confirmed that changing the grant application would not alter the score substantially. The Chair opened the floor to the public. John Williams, Hank Kowalski, Gabriel Read and Von Whitesides spoke in opposition to the motion and in favor of the project. Clayton Womer spoke in favor of the motion. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 114.

Break 10:15 - 10:25 a.m.

C. County Engineer: Ranking of FDOT Transportation Enhancement Projects

Ramon Gavarette, County Engineer, presented six (6) FDOT projects for ISTEAs Transportation Enhancement funding, deemed eligible. He requested the Board rank the projects in an initial priority order for transmittal to the Department. Carl Cool reported that the County received \$300,000 in funds last year. The Board discussed the direction of the last years' meeting. The four project sponsors made presentations to the Commission.

1) Maria Sutherland, CRA, spoke for the Avon Park Mall Beautification. Ms. Sutherland reported that this funding is the final phase of the entire project and is for the historic section of the Avon Park Mall.

2) Pete Pollard, City of Sebring, presented the priority rankings from the Sebring City Council as follows:

- A. NE Lakeview Dr. Street Scape
- B. Sebring Historic Train Station
- C. SR 17 Street Scape

3) Bert Harris III, speaking for the Town of Lake Placid, recommended that the City of Avon Park receive the funding to complete the final phase of their project.

4) Peggy Whitleather, Sebring Airport Authority, asked that the Hendricks Field Control Tower be considered for funding with the ISTEAs.

Commissioner Gose discussed the paving of NE Lakeview Drive. Discussion to be continued at a later date.

Motion by Commissioner Gose, seconded by Commissioner Barrett, to rank the projects in the following order:

- 1) City of Avon Park
- 2) Interlake Phase III Devane Park
- 3) NE Lakeview Dr. Street Scape
- 4) Sebring Historic Train Station Parking Lot
- 5) Sebring Airport Control Tower Landscape/Hardscape
- 6) SR 17 Street Scape

The Chair opened the floor to the public. Pete Pollard advised that funding may be received from the CDBG for the Train Station. Upon roll call, all Commissioners voted aye. Motion carried. Refer to the tape for detail.

D. Insurance Specialist: Proposed dental plan

Gail Roebuck, Insurance Specialist, reviewed the two Dental Insurance Plan Options. The first option offered is the self-funded shared Plan, where the County pays for the preventive portion of the policy and the employee, if he chooses, pays for the extended coverage. Option 2 offers a self-funded Plan, where the County pays the premium for the employee and the employee will pay the

premium for the dependent. Ford Heacock reviewed the Plan cost and the status report of the Employee Benefit Fund. See SMB 32 Page 116. He advised that the Plan can absorb the cost for the 98-99 year. A rate increase of 5% is recommended for the fiscal year 99-2000. Commissioner Maxcy spoke in favor of providing the benefit to the employee.

Motion by Commissioner Maxcy, seconded by Commissioner Gose, to offer dental to the employees under Option number 1, for Preventive Care, effective January 1, 1999. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 116.

E. Risk Management: Property and casualty insurance status report

Ladd Baumgart, Risk Manager presented a Property and Casualty insurance status report. See SMB 32 Page 117.

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to raise the umbrella for \$3 million excess of \$2 million of General Liability insurance coverage and secure Pollution Liability from two sources, Storage Tanks from Florida Petroleum Liability Insurance and Landfill and Waste Water Treatment through Arthur J. Gallagher & Co. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 117.

F. Economic Development Director: Empowerment Zone

Jim Stanfill, Director, requested the Commission designate an Empowerment Zone Community for the communities of Washington Heights, Lincoln Heights, Hillcrest and Lucas Lake near Sebring and Highway Park near Lake Placid to alleviate high unemployment and substandard living conditions. Mindy Collier, Director of Resource Development, Florida Counties Foundation, also spoke in favor of the request.

Motion by Commissioner Gose, seconded by Commissioner Flowers, to adopt Resolution to nominate the areas delineated in exhibit "A" for a Federal Empowerment Zone designation and support the development and implementation of the Community Strategic Plan under the Federal Empowerment Zone application process. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 21.

G. Assistant County Administrator:

1. Update on mitigation strategy

Tom Portz advised that the state has provided grant funds for the County and the Cities to produce a local mitigation strategy. The intent of this strategy is to reduce the loss of life and property and find solutions to lessen the impacts of a disaster to our community.

At this time, staff has been appointed to work on the plan in concert with CFRPC. This is a statewide effort as all sixty-seven counties have contracted with the State of Florida Department of Community Affairs.

The strategy has three contract period deliverables with the following dates:

- 10/31/98 Establish a working group with Goals & Objectives
- 04/30/98 Create a list of potential mitigation initiatives.
- 08/31/99 Create a final prioritized list, potential funding sources, and recommend dates.

See SMB 32 Page 118.

2. Emergency Operations Center architectural contract

The Asst. County Administrator presented a contract with George Palermo Architects, Inc. for the new Emergency Management facility. He reported that the facility is not sized to exact square footage, nor is the budget completed. The estimates are in the range of 5000 - 7000 square feet, and an overall cost of \$800,000.00. More precise footage and cost will be determined by the architect's space needs evaluation. Funds have tentatively been identified in the C.I.P Plan for \$425,000.00. Staff will seek a matching grant from the state to complete the facility.

The Chair left the meeting at 11:50 a.m. Vice-Chairman James Gose presided.

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to approve the Chairperson execute the contract with George Palermo Architects, Inc. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 119.

3. Communications Committee recommendation

Tom Portz, presented recommendations of the Communications Committee to the Board. Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to approve the Chairperson sign the contract for duTreil, Lundin, and Rackley, Inc. for the development of a Strategic Emergency Telecommunications Plan (which includes two separate billable phases). This project to be paid for out of the Communications fund. The renewal to be brought back to the Commission by the Communications Committee. Colonel Jones be appointed as Project Manager and Tim Eures as alternate. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 120.

4. Request for 4-H horse arena usage

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to approve the request of the Heartland Horse Therapy Program for the 4-H Horse Arena usage from September through June. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 121.

H. Board Attorney: Resolution on funding for State Court System

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to adopt Resolution regarding a proposed amendment to the Florida Constitution requiring the State to fund its court system and relieve counties of this burden, appropriating \$21,059.00 to the Florida Association of Counties to be used for educating the electorate. Carl Cool reminded staff that this is a PAC and any assistance provided by staff needs to be reported. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 22.

I. County Administrator: Recommendation on distribution of FEMA reimbursement

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to adopt Resolution and approve budget amendment 97-98-405 for the distribution of funds received from FEMA to complete work on repairs to damage caused by the storm. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 23.

J. Consent agenda:

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to approve the Consent Agenda as listed.

1. **Approval to pay all duly authorized bills**

Law Library	1,894.75
General	167,365.96
County Transportation Trust	50,128.99
E911 Operations	24.25
Local Govt Infrastructure Surtax	202,671.66
Affordable Housing Assistance	43,420.50
Government Center	1,815.56
Solid Waste	38,026.63
Placid Utilities	6,289.28
Hiway Park Utility	1,161.48
Risk Retention	2,894.24
Tax Deed Surplus	8,922.68
Employee Benefit	183,483.27
2. **Approval of minutes of 7-28-98 and 8-4-98**
3. **Accept into record - July Monthly Report**
4. **Approval to recommend Mr. Benjamin Carter as the Housing Authority appointment to Governor. See SMB 32 Page 122.**
5. **Approval to execute Recycling, Waste Tire and Litter Control grants. See SMB 32 Page 123.**
6. **Approval of equipment purchase of three dump trucks - Road and Bridge Department. See SMB 32 Page 124.**
7. **Approval to sell tax certificate #98-10218 (Brian Yacoboni). See SMB 32 Page 125.**
8. **Approval of resolutions and budget amendments 97-98-387(Emergency base grant modification) 97-98-390(interest on Law Enforcement Block grant) and 97-98-394(Information System Upgrade). See Res. Book 12 Page 24-25-26.**
9. **Approval of budget amendments 97-98-346 (Planning & Zoning printer system-OPS- move to first floor cost- and various) 97-98-360(SHIP rental activities) 97-98-364(Parks & Recreation-purchase of mowers) 97-98-366 (Circuit Criminal-probate) 97-98-367 (Placid Utilities) 97-98-370(Court Reporter transcript fee) 97-98-371 (Veterans Service OPS work study) 97-98-372 (telephone charges movement) 97-98-373(Sheriff overestimated budget interest earned) 97-98-376(Recycling Grant) 97-98-381(OPS-Sebring Library) 97-98-382(Recycling grant funds for purchase of maintenance of recycling bins and purchase of commercial estate riding mower) 97-98-383 (Refuse Disposal System) 97-98-384 (Recycling worker's comp and sick leave) 97-98-385(General Services purchase of five (5) computers) 97-98-388 (Emergency Management base grant) 97-98-389 (Road & Bridge).**

10. Approval to trade in equipment for EMS (battery support system). See SMB 32 Page 126.

Upon roll call, all Commissioners voted aye. Motion carried.

6. COMMISSIONERS

Commissioner Maxcy addressed the following issues:

- The possibility of a turn lane to be placed at Marnatha Village. Staff to provide a cost estimate and bring back to the Board for consideration.
- Asked staff to contact Mike Eisenhart of the Keep Highlands Beautiful program to consider adoption of Arbuckle Creek Road.
- Asked if the Board has codes that speak to unfit structures. The Board Attorney stated that we do have an ordinance.
- Requested Tourist Development Council appointments be placed on the agenda.
- Discussed the County recreation funding

7. ADJOURN

The meeting adjourned at 12:16 p.m.

Chairperson

Attest:

Clerk

SPECIAL MEETING OF THE BOARD, AUGUST 28, 1998

- 1. The meeting was called to order at 8:30 A.M. in the Board of County Commission Chambers at 600 S. Commerce Ave., Sebring, Florida with the following members present:

Jeri Canale	Thomas Portz
C Guy Maxcy	J. Ross Macbeth
David Flowers	Lisa McClelland
J D Barrett	

Commissioner James Gose was not present.

2. Historical Resources Grants-In-Aid Application

The Asst. County Administrator stated that this meeting notice was posted on the official bulletin board and faxed to all the radio stations and the T.V. station. See SMB 32 Page 142 for copy. The purpose of this meeting is to execute a grant application that does not require matching funds from the Board but from the Sebring Historical Society.

Ms. Ruby M. Collier explained that she drew up the Community Education Grant in the amount of \$5,000.00 for the Historical Society. The Grant will promote interest in and study Sebring and Highlands County.

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to execute the Matching Grant. Upon roll call, all Commissioners voted aye. Motion carried.

3. Adjourn

The meeting adjourned at 8:40 A.M.

Chairperson

Attest: _____
Clerk

REGULAR MEETING OF THE BOARD, SEPTEMBER 1, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 600 S. Commerce Ave., Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
James L. Gose	Carl Cool
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	

2. **INVOCATION AND PLEDGE OF ALLEGIANCE**

The meeting opened with a prayer by the County Administrator, Carl Cool. The Pledge of Allegiance was led by Richard Conover.

3. **ANNOUNCEMENTS:**

A. Sheriff

Lt. Susan Benton presented the Daily Jail Log of Inmate Count for the period ending September 1, 1998.

B. Clerk

Mike Eastman, Accounting and Finance Director, requested that the Board place on the Special Tax District agenda, financing recommendations for the Desoto City Fire District.

C. Future upcoming meetings:

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public.

D. Emergency Operations Director: Recognition of volunteers

Tim Eures, Emergency Operations Director, recognized volunteer firefighters, that participated in the Tanker Operations at the Sebring Airport. Certificates were presented signed by the Chairperson to thirty-one participants.

4. **CITIZENS NOT ON AGENDA:**

A. Mr. Richard Conover spoke regarding the correct cost for copies received from the Board's office.

B. Ms. Shirley Furr-Roberts presented a Tampa Tribune article of August 16, 1998, detailing the Cycle of Neglect of Children. She requested that the Commission prioritize funds to deter these problems. See SMB 32 Page 144.

5. **ACTION:**

Motion by Commissioner Gose, seconded by Commissioner Barrett, to approve the Action Agenda with changes as follows:

- 1) Addition of Resolutions supporting the FHREDI application for funding to be placed under

the County Administrator- item E.

- 2) Addition of budget amendments 97-98- 410, 438 and 444, and a correction to 412.
- 3) Request for discussion by Richard Conover on item number 8.

Upon roll call, all Commissioners voted aye. Motion carried.

A. Deanna Pieretti, HALLO: Proclamation of Handicap Awareness Week

Deanna Pieretti, representing HALLO, read the proclamation into the record. Motion by Commissioner Barrett, seconded by Commissioner Flowers, to adopt Proclamation designating the week of September 14-18, 1998, as *Handicapped Awareness Week*, in honor of the handicapped community and encourage all citizens to renew their commitment to people with disabilities. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 36.

B. Economic Development Director:

1. Request to adopt Marketing Plan and budget

2. Request to place Local Option Tourist Tax on ballot

Jim Stanfill advised that the Tourist Development Council voted to recommend to the Board of County Commissioners that the Local Option Tourist Tax be placed on the November 3, 1998, ballot with a four (4) year sunset provision and the two-year Marketing Plan and budget be adopted. He read into the record the language proposed for the County referendum. The Board Attorney advised that Florida Statutes require that the Plan and Budget must be adopted by ordinance by a super majority vote. The ordinance adopted will be rescinded and a new ordinance adopted and a Public Hearing set for September 22, 1998. The proposed language should be sent to the Supervisor of Elections office to prepare the ballot.

The Chair opened the floor to the public. Anne Bond, Von Whitesides, Pat Wilk, Audrey Vickers, Jim Cash Clayton Womer, James Allen and Mike Tellschow, spoke in opposition to the tourist tax. Allon Fish, Director of the Chamber of Commerce, spoke for the referendum.

Commissioner Maxcy, as liaison to the TDC, commented on the need for the funds and in favor of the referendum. Motion by Commissioner Maxcy, seconded by Commissioner Gose, to approve the recommendations of the Tourist Development Council and place on the ballot. Commissioner Gose questioned the decision to place on the ballot immediately. He felt that it should have been discussed for six months before going to a referendum. Allon Fish stated that this is the only alternative for funding. Commissioner Barrett and Flowers stated that they could not at this time support the motion. Commissioner Flowers asked that the TDC go back to the table and show a concerted effort and maybe consider this on the referendum in the year 2000. Upon roll call, Commissioner Maxcy voted aye. Commissioners Gose, Barrett, Flowers and Canale voted nay. Motion did not carry. See Tourist Development File for copy of information.

Break 10:15 a.m. - 10:25 a.m.

C. Budget Officer: Resolution for 911 fee

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to adopt Resolution imposing a "911" fee on an individual access line basis at the rate of .50 cents per month per line, up to a maximum of 25 lines per account bill rendered. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 37.

D. Board Attorney: Tenth Circuit appellate backlog

The Board Attorney reported that J. Marion Moorman, Public Defender, for the 10th Judicial Circuit presented a proposal for handling the appellate backlog. See SMB 32 Page 145 for copy.

E. County Administrator:

1. Appointment to Nomination Qualifications Review Committee, District 14

Motion by Commissioner Flowers, seconded by Commissioner Maxcy, to appoint Joyce Bovard to the Nominations Qualifications Review Committee for District 14. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 146 for copy of Resume.

2. Report on Water Supply Authority Study Committee

Carl Cool, County Administrator, reported on the Water Supply Authority Study Committee meeting in Hardee County. The RFP should be issued this week and 60 days later, responses will be received. They are expecting legal firms to respond. After the response, negotiations will begin and information will be presented on how to develop the study.

3. Request from Industrial Development Authority

Carl Cool, County Administrator, presented recommendation from Jeff Mechlin, Chair of the Industrial Development Authority, that the Board of County Commissioners place, Executive Director Jim Stanfill, at the Senior Management Service Class in the Florida Retirement System.

Motion by Commissioner Barrett, seconded by Commissioner Canale, to approve recommendations as presented. Carl Cool explained that Senior Management Service Class increases retirement from 1.6 percent to 2 percent per year of creditable service. Non-Senior Management Service Class is vested after ten years and Senior Management Service Class is vested after seven years. The law has been changed that allows the County to have up to 2% of the employees in the Senior Management Service Class. Mr. Cool stated that his position is that we need to look at all the employees and evaluate them along with Mr. Stanfield. He is not recommending that we approve this request. Commissioner Flowers, Maxcy and Gose agreed that we need to review all employees before making this decision. The Chairperson withdrew her second and it was a consensus to place this item at a workshop for discussion.

4. Request from Floridians for Fairness in Court Funding

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to approve County staff time as needed to assist the *Floridians for Fairness in Court Funding* in their effort to get Constitutional Revision No. 7 passed. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 147.

5. Resolution on FHREDI

Motion by Commissioner Barrett, seconded by Commissioners Flowers, to approve Resolutions supporting FHREDI application for funding under the sustainable Lake Okeechobee Initiative and the application for Historic Preservation Grant in Aid funds. Upon roll call, all Commissioners voted aye. Motion carried.

See Res. Book 12 Page 38.

6. Discussion on Consent Agenda Item #8

Richard Conover presented questions regarding Chastain Skillman Supplemental Agreement no. 25, *Courthouse Renovation*, and the designated project manager. Carl Cool explained the grant schedule and advised that Ms. Burley would be in charge of the paperwork and making sure that the grant schedule was completed. Lisa Burley explained that the delay included lead-based paint abatement and this was a necessary part of the grant.

F. Consent agenda:

Motion by Commissioner Gose, seconded by Commissioner Barrett, to approve the Consent Agenda as listed.

1. **Approval to pay all duly authorized bills**

Law Library	26.76
General	1,422,178.50
County Transportation Trust	38,912.00
E911 Operations	337.02
Intergovt Radio Communications	379.85
Local Govt Infrastructure Surtax	63,729.36
Affordable Housing Assistance	42,373.10
Government Center	172,814.97
Solid Waste	17,727.49
Placid Utilities	12,977.76
Hiway Park Utility	1,231.50
Risk Retention	4,129.83
Employee Benefit	117,550.74
2. **Approval of minutes of 8-11-98 and 8-18-98 meetings**
3. **Approval of Interlocal Agreement with City of Sebring for bike path**
4. **Appointments to Sebring Airport CRA, Haywood O. Taylor: four year term, Peter H. McDevitt: appointment to fill John H. O’Neal’s unexpired term (expires 11-19-98). See SMB 32 Page 148.**
5. **Approval to record Nuisance Release, Case # 9798-072. See SMB 32 Page 149.**
6. **Approval to execute Agreement with Univ. of Fla. for Lake Persimmon, with budget amendment and Resolution. See Res. Book 12 Page 38.**
7. **Approval to execute Small County Solid Waste Grant application. See SMB 32 Page 150.**
8. **Approval to execute Supplemental Agreement no. 25, Chastain Skillman**

for Courthouse Renovation

- 9. **Approval of budget amendments 97-98-393(reclassify expenditures for furniture in Tax Collector’s office) 97-98- 400(Intergovt. Radio Communications) 97-98-401 (Sheriff’s Dept. to allocate funds) 97-98-403 (R&B OPS cost) 97-98-410 (printing & distribution of new annual report) 97-98-412 (various accounts insufficiencies) 97-98-415 (Cell 1-A Sod) 97-98-416 (Landfill closure Program OPS) 97-98-418 (Interpreters Circuit Criminal) 97-98-420(overtime Special Benefit Dist.) 97-98-422(Zoning overtime) 97-98-426(General Fund realign budget) 97-98-428 (provide workers’ Comp and overtime for new position) 97-98-429(Aquatic Weed Control to treat Cattails on Lake Istokpoga). 97-98-444 (Emergency Base Grant).**
- 10. **Approval of resolutions and budget amendments 97-98-407 (State Courts Administrator recognize revenue) and 97-98-411(restoration of windows at courthouse). See Res. Book 12 Page 39.**
- 11. **Approval to record nuisance release, case 96-97-080. See SMB 32 Page 151.**
- 12. **Approval to adopt resolution amending Res. 95-42 to revise Large Scale Comprehensive Plan schedule. See Res Book 12 Page 40.**
- 13. **Approval to execute Supplemental Agreement no. 23, Istokpoga Park improvements and budget amendment. See SMB 32 Page 152.**

Upon roll call, all Commissioners voted aye. Motion carried.

6. COMMISSIONERS

Commissioner Maxcy thanked staff for their work on issues in the last two weeks.

7. ADJOURN

The meeting adjourned at 11:00 a.m.

Chairperson

Attest: _____
Clerk

WORKSHOP OF THE BOARD, SEPTEMBER 8, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 600 S. Commerce St., Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
James L. Gose	Carl Cool
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham

Commissioner J D Barrett was not present.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE**

The meeting opened with a prayer by the County Administrator, Carl Cool. The Pledge of Allegiance was led by Richard Conover.

3. **ANNOUNCEMENTS**

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public. The Board gave a consensus to postpone the evaluation of the County Administrator until September 22, 1998 to allow Commissioner Barrett to attend.

4. **County-maintained roads**

- A. **Public non-maintained roads**

The County Administrator presented three options to provide maintenance for roads that are currently public but not county maintained.

- Option #1 Create a special assessment on the lots within the current Avon Park Lakes District.**

He specifically looked at the Avon Park Lakes subdivision. The Board Attorney's opinion is that if the District provides the money for the materials, a spot repair to the road would not constitute a county-maintained road.

- Option #2 Help the Homeowners Association send out a request for money**

- Option #3 Accept the roads for maintenance as is, with an easier standard to meet for a road becoming county-maintained**

The County Administrator explained each option. The conclusion was that the Road Supervisors all agreed with option #3. Bruce VanJaarsveld presented slides to explain the new policy. Mr. Cool advised that the level of service could drop if this option is enforced. He is not proposing less maintenance on any of the paved roads. Roads to be listed on a priority for county maintenance currently require residents to pay a \$25.00 fee, and the County determines whether to accept the project.

According to this proposal, roads to be maintained must meet a number of predetermined requirements for the work to begin. Commissioner Flowers stated that these factors include the number of houses per-tenth of a mile and assessing drainage problems. It would require an evaluation

process by county staff. The maintenance will be limited to making the roads passable. Commissioner Maxcy spoke in favor of the new policy but requested that homeowners take responsibility and authorize a special tax assessment to pave the roads.

The Engineering Department completed a review of the non-county maintained roads. The number of houses was determined using the E-911 system. See Road Maintenance file for copy. Commissioner Gose spoke in favor of the policy but ask for a review of the level of maintenance. He stated that there are 30 miles of non-county maintained roads that have two homes per tenth of a mile or more. Commissioner Flowers requested that the Board implement the policy and review in six months and to also place an automatic evaluation policy in effect. The County Administrator stated that roads will be maintained based on requests, with homeowners filling out a form. Those already on the list will be considered first. The Commission will be updated on the program and its effect on the system.

The Chair opened the floor to the public. Ralph Metzger, Richard Conover, Ralph Warner and Harold Stiles spoke in favor of the new policy. Kathy Gilliard presented questions regarding Derby Lane and lack of right of way. The Commissioners asked that Mr. Cool meet with Ms. Gilliard after the meeting. Robert Bassnett, Tubbs Ranch Road, asked if FEMA can help repair his road. Phil Poulos, Unit 3 Supervisor, advised that Tubbs Road was approved for repair. A letter was entered into the record from Gabriel Read asking that citizens who have filed applications be considered first with the new policy. See SMB 32 Page 155.

Carl Cool to draft a policy and bring back in two weeks.

Break 10:12 a.m. - 10:25 p.m.

5. Capital Improvement Plan

The County Administrator reviewed the 97-98 Capital Improvement Plan. See SMB 32 Page 156. Christine Hands, representing the IDA/EDC, on behalf Helena Company, gave a presentation to the Commission. The Company would make a \$4 million investment at the Sebring Airport, that would create 40 jobs in the first phase. The average salary of the employee would be in the \$30,000 range. Phase II would employ about twenty additional personnel. The project is contingent on the Commission earmarking \$260,000 in its 98-99 capital improvement program to help the Airport Authority with engineering, permitting and site work. Commissioner Maxcy spoke regarding the high return on the investment. Carl Cool stated that the return on the investment was not that great, but the facility would help the airport become a viable facility for business. He suggested that the Board consider removing the extension of Bassage Road from the CIP Plan for the year 1998-99 improvements. This would free up \$375,000 for other projects. Commissioner Flowers stated that he would like more research on Bassage Road before we delete the project. He also questioned the \$250,000 funding for the Hancor development that should have opened 25 to 30 acres for development by the Sebring Airport Authority. Mike Willingham advised that it provided the basic infrastructure but to develop, each site will need additional design and permit for development. There are approximately 15 acres available at this immediate site for development. A letter of commitment

and a grant will be forthcoming, contingent upon the funding from the Commission.

C.B. Shirey, City Manager of Avon Park and Manager of the Municipal Airport and Richard Birt, Finance Director, presented a request for the Board to assist in funding for a master drainage plan at the Avon Park Municipal Airport in the amount of \$250,000. He stated that the city is working with the state Department of Transportation on a \$200,000 grant and asked that the County fund the \$50,000 match to develop the grant. He stated that unless this drainage is corrected, the Airport will be closed. Carl Cool recommended that the funding for the Sebring Airport Authority and the Avon Park Municipal Airport be taken from the designated Bassage Road extension. Commissioner Maxcy supported the matching grant request. Commissioner Gose asked for identification of funding for the Lakeview Drive paving. The County Administrator reported that there are funds available in the reconstruct list.

The Chair opened the floor to the public. Clayton Womer spoke in opposition to the Sebring Airport Authority request. Will Randall and Tres Stephenson spoke in favor of the project.

Staff was directed to bring back two proposals on the CIP.

Rick Helms asked for consensus on the addition of the two projects for budget presentation. It was a consensus to leave the projects out for the first budget presentation.

6. Evaluation of County Administrator

Postponed for two weeks.

7. ADJOURN

The meeting adjourned at 11:40 a.m.

Chairperson

Attest: _____
Clerk

REGULAR MEETING OF THE BOARD, SEPTEMBER 15, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 600 S. Commerce Ave., Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
James L. Gose	Carl Cool
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	

2. **INVOCATION AND PLEDGE OF ALLEGIANCE**

The meeting opened with a prayer by the County Administrator, Carl Cool. The Pledge of Allegiance was led by Richard Conover.

3. **ANNOUNCEMENTS:**

A. Sheriff

Lt. Susan Benton presented the Daily Jail Log of Inmate Count for the period ending September 15, 1998.

B. Clerk

C. Michael Eastman, Director of Accounting, suggested that the Board begin the RFP process for selection of the External Auditing Firm for the County. The initial step is to organize a meeting with all the elected officials and a member of the Board of County Commissioners. The Chair appointed Commissioner Flowers to serve as liaison to the Committee. An RFP will be drafted and the Committee will select a minimum of three firms. The firms will then make a presentation to the Board of County Commissioners and the Board will rank them.

C. Future upcoming meetings:

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public.

4. **CITIZENS NOT ON AGENDA:**

- A. Mr. Richard Conover spoke regarding the excessive funds given to subsidize the Sebring Airport Authority.

5. **ACTION:**

Motion by Commissioner Gose, seconded by Commissioner Flowers, to approve the Action Agenda with changes as follows.

- 1) To move *Item I County Administrator*, after number D.
- 2) Addition of Budget amendment 97-98-471-473-474 under Consent Agenda Item #13.
- 3) Correction to Budget amendment 97-98-436 and 467.
- 4) Addition of Budget amendment 97-98-470 to the Sun'n Lakes Lake Placid Recreation Tax District agenda.

- 5) Addition of Item G-5 under the Asst. County Administrator for permission to hold a Flea Market.
- 6) Addition of Item G-6 under the Asst. County Administrator from the Reserve for USS Highlands recognition.
- 7) Delete item G-4 under the Asst. County Administrator and place under Item I.-2
- 8) Delete item H-3
- 9) Discussion under the County Administrator for resurfacing Fernleaf Street.
- 10) Request from Richard Conover for discussion of Consent Agenda item number 16-Resolution and budget amendment 97-98-467.

Upon roll call, all Commissioners voted aye. Motion carried.

A. Proclamation: "4-H Week in Highlands County"

Postponed until October 6, 1998.

B. Mike Carter: Request for playground funding

Mike Carter, representing the Playground Committee, presented a request to the Board of County Commissioners for a letter of commitment for \$12,500 earmarked for the Recreation Department's existing budget. These funds, along with the City of Sebring's \$12,500, will be used to apply for a FRDAP grant in the amount of \$100,000. The grant will be used to build playgrounds in Highlands County. The first playground will be located at the Max Long Complex. Other playgrounds are planned for Avon Park, Lake Placid and the east side of Lake Jackson in Sebring.

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to approve request for the letter of commitment for \$12,500 earmarked for the Recreation Department's existing budget. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 158.

C. Sheriff: Request for crossing guard funding

Lt. Susan Benton, presented request for the Board to increase the Sheriff's FY 98-99 budget by \$1,000, to comply with the request of Dr. David Spiegel for a crossing guard to be placed at the intersection of Western Blvd., and Schumacher Road during the times that pedestrian traffic is present at the intersection.

Motion by Commissioner Maxcy, seconded by Commissioner Gose, to approve the request of the Sheriff, to amend the budget for the crossing guard. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 159.

D. Solid Waste Manager: Reduction of shell usage at Landfill

Jerry Leszkiewicz, Solid Waste Manager, presented a plan to reduce the cost of shell usage at the Landfill by substituting C&D material. He suggested using the selected C&D material as a road base on top of intermediate soil cover, and to top that off with shell to provide a smooth driving surface for refuse collection trucks to get from the cell entrance to the working face area.

Motion by Commissioner Barrett, seconded by Commissioner Maxcy, to approve the request of the

Solid Waste Manager, to implement the program at the landfill to reduce the shell usage, to waive any tipping fees for receipt of the select C&D material, and to allow a maximum of 10,000 tons per year, no more than 5,000 tons to be stockpiled on the site at any one time, subject to reports being presented back to the Commission. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 160.

I. County Administrator:

1. Request for adoption of emergency procedure policy at landfill

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to adopt policy statement regarding procedures for closure during severe on-site weather conditions, when the Landfill Manager or Lead Operations Supervisor deems the conditions are unsafe. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 161 for copy of policy.

2. Request for waiver of landfill fees for Sebring Airport Authority

The County Administrator explained the request from the Sebring Airport Authority. See SMB 32 Page 162 for copy. He reported that the DEP has approved the demolition sludge and pond organics to be used at the Landfill. Mr. Cool also reviewed the Landfill Fund Balance Sheet. See SMB 32 Page 163. He estimated that the retained earnings at the end of this year will be about \$1.5 million. He advised that he has met with Mike Eastman, Accounting Director and Mike Carter, External Auditor, and from a business point of view, staff could not recommend waiving the \$178,500 landfill fee. However, the sludge with the chromium and arsenic, needs to be placed in a lined landfill.

The Board Attorney spoke in favor of the Commissioners waiving the fees. Commissioner Maxcy noted for the record that the 5,100 tons of organic soil from the Airport will represent about 13% of the intermediate soil needed for next year, and will save the County about \$17,000 in cost to mine the sand.

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to approve the request from the Sebring Airport Authority to grant the waiver of Landfill Tipping fees for receipt of processed digester sludge and pond organics from demolition of the Old Sebring Airport Authority Wastewater Treatment Plant. Commissioner Canale spoke in opposition to the request. The Chair opened the floor to the public. Clayton Womer spoke in opposition to the Board supporting private industry. Richard Conover spoke in opposition. Michael Eastman reviewed the financial statements of the Landfill. Commissioner Flowers presented questions regarding the pollutants. Mike Willingham advised that the tenant that caused the problem is no longer in business. Commissioner Gose changed his motion to read that the Board will apply one-half of the Landfill Tipping fee as a local match for a grant. Commissioner Flowers seconded the motion. Upon roll call, all Commissioners voted aye except Commissioner Barrett, who voted nay. Motion carried.

3. Helicopter Contract addendum

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to approve the Helicopter contract addendum with Helicopter Applicators, Inc. for the treatment of cattails on Lake Istokpoga as reviewed by the Board Attorney. Upon roll call, all Commissioners voted aye. Motion carried.

See SMB 32 Page 164.

4. Resurfacing of Fernleaf

The County Administrator requested the Board consider the resurfacing of Fernleaf, a city street. Staff has completed the resurfacing on the county roads with an underrun of 150 tons of asphalt. The resurfacing will require approximately 100 tons of asphalt at a cost of \$40 per ton. Commissioner Barrett questioned if it were the same bid. Mr. Cool stated that the bid price was already in place. Commissioner Flowers asked if the City has requested the County to resurface Fernleaf. Mr. Cool reported that he will check with the City of Sebring. He stated that the City has asked previously for the Board to resurface Palmetto, due to the damage done by trucks with the Government Center.

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to use the excess material and resurface Fernleaf. Upon roll call, all Commissioners voted aye. Motion carried.

5. Budget Amendment 97-98-467

Richard Conover questioned the cost of the Parking Lot for the Public Defender, plus the \$50,000 spent for the lot, and the \$20,000 to move the modular. Mr. Cool advised that the request is to retitle the budget amendment. Staff is not asking to move another \$150,000. This item to be placed back on the Consent Agenda for approval.

Break 10:30 a.m. - 10:40 a.m.

E. County Engineer:

1. Improvement Agreement and Performance Bond for Fairmount Drive

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to approve the Eckerd Drug Fairmount Drive improvement Agreement and Performance Bond, subject to Board Attorney approval. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 165.

Commissioner Guy Maxcy left the meeting at 10:45 p.m.

2. Work Program request for FY 1998/1999 through 2003/2004

Ramon Gavarette, County Engineer presented the Work Program request for FY 1998/1999 through 2003/2004.

Motion by Commissioner Gose, seconded by Commissioner Barrett, to approve the initial listing of priority transportation projects with the Department of Transportation. Upon roll call, all Commissioners voted aye. Motion carried.

F. Special Projects Director:

1. Consideration of leases for property

Motion by Commissioner Flowers, seconded by Commissioner Barrett, to approve lease agreement with Alan J. Holmes and Nancy Holmes for the Northwest ½ of Lot 5, Block 83, Town of Sebring, 4th Addition and M.E. Gose, Robin L. Gose, Jack Rhine, Jr. and Penny L. Rhine for the Northeast ¼ of Lots 5, Block 83, Town of Sebring, 4th addition, for the use of a parking lot with the Board paying the taxes. Upon roll call, all Commissioners voted aye, except Commissioner Gose, who

abstained, due to the lessee being a relative. Motion carried. A memorandum of voting conflict was entered into the record to become a part of the minutes. See SMB 32 Page 167.

2. Consideration to purchase Breed property for parking

Motion by Commissioner Barrett, seconded by Commissioner Gose, to approve purchase of property at 534 Magnolia Avenue for \$28,000 to be used as a parking lot. Richard Conover presented questions on the cost. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 168.

G. Assistant County Administrator:

1. Request to seek bids for building demolition

Motion by Commissioner Barrett, seconded by Commissioner Gose, to approve request to solicit bids for the demolition of the old maintenance facility located behind the old Commissioners building. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 169.

2. Confined Space Entry training and equipment purchase, with budget amendments 97-98-452 and 456

Motion by Commissioner Barrett, seconded by Commissioner Gose, to approve budget amendment 97-98-452 and 97-98-456, to reallocate funds to facilitate the confined space entry equipment purchase as mandated by OSHA. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 170.

3. Proposed billing contract for EMS

Tom Portz reported that staff is recommending this contract to privatize a portion of the Board's operation for EMS billing after an analysis by staff and a trip to Ft. Myers to review the operation. He does not think that the contract will impact a layoff to the department. The result is that one employee is scheduled for retirement. The Director will review other staff positions. The County has been written up for the last two years for slow billings by the External Auditor. The contract is for one year with a request for three-one year extensions if the Board chooses to renew.

Motion by Commissioner Gose, seconded by Commissioner Flowers, to execute the contract, waive the purchasing manual, and accept Medicare assignment for EMS with MidAm Recovery Services, subject to issues being corrected as stated by the Board Attorney. The Chair opened the floor to the public. Ray Napper suggested that Highlands County not consider harassment collection procedures. Rick Weigand, EMS Director, advised that this company has been in business for more than ten years and Highlands County is not interested in any strong arm procedures. There is a hardship policy in place and no billing will be in effect until a decision is reached. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 171.

4. Landfill Enterprise Fund report

Item previously discussed.

5. Request to purchase a defilibator

Motion by Commissioner Gose, seconded by Commissioner Flowers, to waive the policy to allow the Venus Fire Department to hold a Flea Market, to raise funds to buy medical equipment for the Department. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 172.

6. Fleet Reserve Association - USS Highlands

Tom Portz presented request from the Fleet Reserve Association for the use of the Courthouse lawn, with approximately fifty chairs to be set up on October 3, 1998 at 11:00 a.m. to hold a memorial ceremony. The request was also to provide assistance for the U.S. Flag to be flown at half mast with the use of the Public Address system. The ceremony will last approximately 45 to 60 minutes.

Mr. Portz read the proclamation into the record, declaring Saturday, October 3, 1998 as U.S.S. Highlands Day in Highlands County.

Motion by Commissioner Barrett, seconded by Commissioner Gose, to adopt Proclamation and approve request. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 44.

H. Board Attorney:

1. Sheriffs' Public Official Bonds and Blanket Deputy Sheriffs' Bonds

The Board Attorney reported on recent legislation that no longer requires bonds by State Statute, Section 30.01 relates to small counties and section 30.02 relates to large counties. It now indicates that a Sheriff's Public Official Bond must be provided as required by the Board of County Commissioners of a county. Highlands County will only need to provide the Sheriff's Public Official Bond, if the County passes an ordinance requiring such a bond. There is no set amount stated for a county required Public Official Bond so the potential pitfall is that the county may decide to require very high bond amounts, or no bonds at all. There will be no bonds required unless the Board of County Commissioners, determines that they are going to require bonds and only in the amount designated. These provisions also apply to the Clerk of Courts, Board of County Commissioners, Tax Collector, Property Appraiser and Supervisor of Elections. See SMB 32 Page 173 for copy of information. The consensus of the Board was to refer this matter to the Insurance Committee and later, a possible workshop with the other elected officials.

2. License Agreement with School Board

Motion by Commissioner Barrett, seconded by Commissioner Gose, to approve the License Agreement with the School Board for the lift station and access to the non-exclusive municipal sewer system in the City of Sebring. Upon roll call, all Commissioners voted aye. Motion carried.

J. Consent agenda:

Motion by Commissioner Gose, seconded by Commissioner Barrett, to approve the consent agenda as listed:

- 1. Approval to pay all duly authorized bills**
- Law Library 366.50**
- General 597,194.91**

County Transportation Trust	43,587.95
E911 Operations	42,367.01
Local Govt Infrastructure Surtax	79,548.09
Affordable Housing Assistance	55,672.55
Solid Waste	234,548.46
Placid Utilities	5,298.17
Hiway Park Utility	285.99
Risk Retention	6,717.76
Employee Benefit	139,273.56

2. Approval of minutes of 8-25-98, 8-28-98 and 9-1-98
3. Accept into record - August Monthly Report
4. Approval to execute State Aid to Libraries Agreement. See SMB 32 Page 174.
5. Approval to refund vesting application fee - Hidden Acres Estates. See SMB 32 Page 175.
6. Approval to sell Tax Certificate # 94-5287(Walz & Company) and 93-11117(Lamonte or Fred L. Delaney). See SMB 32 Page 176.
7. Approval of solid waste assessment roll certification. See SMB 32 Page 177.
8. Approval to declare nuisance, case no. 9798-157. See SMB 32 Page 178.
9. Approval to execute Resolution, Joint Project Agreement, and Memorandum of Agreement with DOT for the Bike Path/Sidewalk - Lake Jackson. See Res. Book 12 Page 45.
10. Approval to execute Aquatic Plant Control Grant #149. See SMB 32 Page 179.
11. Approval of application for EMS County Grant
12. Approval to discount EMS bill (Mrs. VeOra Hurst). See SMB 32 Page 180.
13. Approval of budget amendments 97-98-433(correction to library account) 97-98-436(Highway Park water fund) 97-98-439(OPS Interpreters, Guardian Ad Litem, Juvenile) 97-98-446(Workers Compensation, Highway Safety) 97-98-448(Utility Service billing) 97-98-450(Emergency Mgmt. printing and binding) 97-98-454 (Planning Dept. Computer and various) 97-98-460(SHIP-provide funds for DP/CC) 97-98- 461(Computer training for Building, Zoning and Code Enforcement) 97-98- 463 (Aquatic Control and Carpentry) 97-98-468(Supervisor of Elections, machinery & equipment) 97-98-469 (Building Operations & Maintenance). 97-98-471(Court related insufficiencies). 97-98-473 (Human Services work study). 97-98-474 (new cost centers for court related insufficiencies).
14. Approval of updated Road Improvement Lists (to keep current the 2-year resurfacing and 5-year dirt road paving program). See SMB 32 Page 181.
15. Approval to void budget amendment 97-98-93. See Budget Amendment file for copy.
16. Approval of resolution and budget amendment 97-98-467(Public Defender's Parking Lot). See Res. Book 12 Page 46.

17. Approval of Cooperative Aquatic Plant Control Program grant

Upon roll call, all Commissioners voted aye. Motion carried.

6. COMMISSIONERS

No report.

7. ADJOURN

The meeting adjourned at 11:20 a.m.

Chairperson

Attest: _____
Clerk

REGULAR MEETING OF THE BOARD, SEPTEMBER 22, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 600 S. Commerce Ave., Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
James L. Gose	Carl Cool
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	

2. **INVOCATION AND PLEDGE OF ALLEGIANCE**

The meeting opened with a prayer by the County Administrator, Carl Cool. The Pledge of Allegiance was led by Richard Conover.

3. **ANNOUNCEMENTS:**

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public. Richard Conover also presented other upcoming events.

Motion by Commissioner Gose, seconded by Commissioner Flowers, to approve the following additions to the Agenda as follows:

- 1) Request from the Tax Collector for an extension to the Tax Roll
- 2) Grant-in aid agreement from the Office of the State Courts Administrator for the Courthouse
- 3) Southwest Florida Water Management District for construction of Lake Sebring Structure

Upon roll call, all Commissioners voted aye. Motion carried.

Tom Portz, Asst. County Administrator, briefed the Commission on the hurricane. Staff will be holding an emergency meeting at 3:30 p.m. for further instructions.

4. **Public hearing to consider purchase of property-Wendell L. & Maryland E. Smith**

Proof of Publication entered into the record. See SMB 32 Page 183. Bill Stephenson, Special Projects Director, explained that the property will be used for a parking lot at the New Jail Pod.

Motion by Commissioner Gose, seconded by Commissioner Flowers, to approve purchase of the E. 70 feet of the N ½ of Lot 2 Block 75, Town of Sebring, 4th Addition, in the amount of \$25,000. Upon roll call, all Commissioners voted aye. Motion carried.

5. **Public hearing to consider purchase of property-Jimmy and Patricia Frazier-Avon Park Estates, Unit 3**

The Special Projects Director requested that this hearing be canceled as an error was made in the legal advertisement. The Board gave a consensus to bring back later for approval.

6. Public hearing to consider a resolution to exchange real County property for other real property necessary for right of way certification for new bridge construction.

Proof of Publication entered into the record. See SMB 32 Page 187.

Ramon Gavarrete, County Engineer, presented request to exchange real County Property for other real property. This is necessary for certifying right of way for planned improvements to County Road 621, for replacement of existing bridge number 094020 with new bridge number 094046 at Stearnes Creek, State Project Number 09570-1605.

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to accept necessary deeds needed to transfer ownership described as Parcel #11, in exchange for Parcel #8, with all improvements for the new bridge construction on County Road 621. The Chair opened the floor to the public. No one spoke for or against the action. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 184.

7. Discussion/Action Hauling Bid #97-98-111

Carl Cool, County Administrator, introduced the discussion. The Commission reviewed the documented events for the annual Hauling Bid from the point in time just before the bid last year to this date. See SMB 32 Page 185. Mr. Cool explained that when the invitations to bid were mailed out, the Purchasing Department did not mail one to De McIntyre Organics because they had been removed from the bidders' list based on overweight hauling violations.

Motion by Commissioner Flowers, seconded by Commissioner Gose, to accept the low bid from B.A. Roberts, Trucking for hauling of shell.

Commissioner Barrett suggested that County policy should be to notify the Company that they are not on the bidder's list. Bob Jamison, General Services Director, stated that there is no Florida Statute requirement for notification. The Board did adopt a policy that staff maintain a bidder's list in the interest of encouraging bidding. Commissioner Maxcy spoke in support of awarding the low bid, but recommended that a letter be sent to the hauler if they are removed from the bidder's list. Mr. Jamison explained the purchasing procedures regarding bidding.

The Chair opened the floor to the public. De Thomas, representing De McIntyre Organics, stated that she was treated unfairly. She reported that Bruce Roberts was also hauling with overloaded trucks. Bruce Van Jaarsveld, Road and Bridge Superintendent, explained that this contract is not with the County. This contract is to supply shell to the County and staff is not responsible for the overloading. This is a different situation as the county is not loading the trucks and they are not coming out of the Shell Pit. Bruce Roberts addressed the problem with overweight trucks in Highlands County. Richard Conover praised the General Services Director. Upon roll call, all Commissioners voted aye. Motion carried.

Break 10:00 a. m. 10:10 a.m.

8. County Administrator: Discussion of non-maintained roads policy

The County Administrator reviewed the proposed policy on roads for County Maintenance. The

policy applies to the non maintained public roads where no development is involved or available to bring the roads to the required standards contained in the Land Development Regulations. The Road and Bridge Superintendent will make the recommendation whether the road meets the established criteria for County maintenance in accordance with the policy and adopted criteria. Driveway culvert installation and maintenance are the responsibility of the landowner. Driveway culverts needed for the proper drainage will be considered by the Road and Bridge Department in making their recommendation to the County Administrator's office.

Motion by Commissioner Flowers, seconded by Commissioner Maxcy, to approve the proposed policy for County Maintenance. The Chair opened the floor to the public. Ralph Warner, Avon Park Lakes, discussed the policy regarding the density and the criteria. Gabriel Reed spoke regarding right of way. Loren Eby stated concerns for short sections of roads that will hamper the density requirement. Commissioner Flowers reiterated that the Road and Bridge Superintendent will review the policy in six months and twelve months for budget purposes and to see if the policy is workable. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 186.

9. James LaRue: Small Counties Technical Assistance Services Program

James LaRue, representing the Florida Counties Foundation, presented a brief overview of the Small County Technical Assistance Services Program available for Highlands County, at no charge to the county. See Florida Counties Foundation for copy of information.

10. Ralph Cellon, Raymond James & Assoc.: Housing bond issue

Ralph Cellon, representing Raymond James & Association, presented request to include Highlands County in the Lee County Bond Issue to provide Affordable Housing opportunities to families that may be over income for the County's SHIP Program.

Motion by Commissioner Barrett, seconded by Commissioner Gose, to adopt Resolution approving the issuance by the Housing Finance Authority of Lee County of its Single Family Mortgage Revenue Bonds and to approve an Interlocal Agreement between the Housing Finance Authority of Lee County and Highlands County. See SMB 32 Page 188 for Proof of Publication. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 49.

11. Adoption of C.I.P.

Carl Cool reviewed Option #1, without the request for funding and Option #2, with the funding of the Sebring Airport Authority for \$260,000 for Helena Chemical and the Avon Park Master Drainage Plan for \$50,000. Since the Plan was proposed, the Sebring Airport Authority has revised their request from the \$260,000 to \$10,000 for a study. Staff has recommended the funding of \$50,000 for the Avon Park drainage and \$10,000 for the study at the Sebring Airport Authority. The remaining \$250,000 to be left in the C.I.P. Reserve.

Motion by Commissioner Maxcy, seconded by Commissioner Gose, to approve the C.I.P. as presented with the funding for the Avon Park Airport Master Drainage Plan and the Study at the Sebring Airport Authority. The remaining \$250,000 to be placed in Reserve. Richard Birt, Finance

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Director of Avon Park, spoke in favor of the funding for Avon Park. Commissioner Barrett spoke in opposition to the Sebring Airport funding. Ross Macbeth stated concerns that an economic impact study will not qualify for infrastructure funds. Commissioner Maxcy withdrew the Sebring Airport funding of \$10,000 from the motion and asked that it be placed in Reserve. Commissioner Gose seconded the amendment. Tom Portz cautioned the Board on funding additional projects. The Commission gave a consensus to remove Bassage Road from the C.I.P. Plan.

The Chair opened the floor to the public. Richard Conover reported that the Sebring Airport has been funded 2.7 million of taxpayers money to date without a seat on the Board. Clayton Womer spoke in opposition to funding private industry. Jim Wood, Avon Park, presented comments on the economic impact that the Race Track has to the County. Loren Eby also presented comments. Upon roll call, all Commissioners voted aye, except Commissioner Barrett, who voted nay. Motion carried. Commissioner Maxcy requested that the \$250,000 in Reserve be earmarked for Bassage Road. See C.I.P. Plan for copy.

12. Charles Bryan: Extension of Tax Roll

Motion by Commissioner Gose, seconded by Commissioner Flowers, to approve extension of the tax roll, prior to completion of the Value Adjustment Board hearings as authorized by Florida Statutes. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 189.

13. State Courts Administrator Grant-In-Aid Agreement

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to execute the State Courts Grant-In-Aid Agreement in the amount of \$100,000. Upon roll call, all Commissioners voted aye. Motion carried.

14. SWFWMD Agreement for Construction of Water Control Structures on Lake Sebring

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to execute the second amendment to the agreement of September 21, 1995 for the increase of funding for Water Control Structures on Lake Sebring. Upon roll call, all Commissioners voted aye. Motion carried. See SWFWMD for copy.

15. Tres Stephenson, Raceway Director, spoke to the Board in regards to funding the \$10,000 for the Airport Study. The Board gave a consensus to place this item on the Agenda for October 6, 1998, as the funds cannot be used from the C.I.P.

16. WORKSHOP:

A. Evaluation of County Administrator

The Chair reviewed the Goals set for the County Administrator. Each Commissioner reviewed the performance evaluation and presented scores. Mr. Cool received high marks for appearance, punctuality, and willingness to work overtime. See County Administrator file for copy.

17. Commissioners

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- A. The Board gave a consensus to designate Commissioner Flowers to take the lead roll in support of Revision #7, to write a letter to the legislative delegates asking for support and if it passes, to initiate efforts to place it in effect before the year 2004.

- B. The Board gave a consensus for a letter to the Board of Directors of the Florida Association of Counties approving Commissioner Guy Maxcy to fill the seat of Chairperson Jeri Canale.

18. ADJOURN

The meeting adjourned at 11:45 a.m.

Chairperson

Attest:

Clerk

BUDGET HEARING OF THE BOARD, SEPTEMBER 22, 1998

1. The meeting was called to order at 5:30 P.M. in the Board of County Commission Chambers at 600 S. Commerce Ave., Sebring, Florida with the following members present:

Jeri Canale	C. Michael Eastman
James L. Gose	Carl Cool
Guy Maxcy	J. Ross Macbeth
David Flowers	Louise Graham
J D Barrett	Lisa McClelland

Also present were Thomas Portz, Asst. County Administrator, Rick Helms, Budget Officer, and all Board Department Heads.

2. **Public Hearing statement read by the Vice-Chair to identify the millage rate and the purpose of the Public Hearing.**

The meeting was called to order by the Vice-Chair, James L. Gose.

Proof of Publication entered the record by the County Administrator. See SMB 32 Page 190.

Motion by Commissioner Gose, seconded by Commissioner Barrett, to waive the agenda and adopt an Emergency Resolution, declaring a state of local emergency due to Hurricane Georges' path. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 49.

Mr. Cool presented a statement to the residents of Highlands County to prepare themselves for the storm.

Chairperson Canale arrived at the meeting at 5:40 p.m. and presided as Chair.

3. **Budget presentation by staff**

Mr. Cool reported that the budget has been reduced from two weeks ago by \$468,671 due to a shortfall in the Aquatic Week Control Grant. The requested budget amount is for \$66,896,400. See SMB 32 Page 191 for copy of budget changes.

4. **Public Hearing open to public input discussion and comments**

- A. Ms. Gaye Williams, representing the Central Florida Health Care, appeared before the Board with request to fund the cost of dental program equipment. She estimated the need at \$140,000 for five rooms.
- B. Ms. Jeanne Smith spoke for the Red Cross, seeking funds for the operation of the organization. Bob Curry, Chairman of the Red Cross, spoke to the Commission regarding the cost involved in a disaster situation. Commissioner Barrett suggested that staff look at housing for the Red Cross. Carl Cool reported that a home could be available on Palmetto Avenue, but it will not be a permanent solution.

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The Board discussed funding for Central Florida Health Care. Carl Cool recommended that any funding for Central Florida Health Care should come out of the General Fund Contingency, as infrastructure means infrastructure and office furniture will not qualify. Rick Helms reminded the Board that this request should be compared with the other items that were cut during budget development to prioritize the request. Ross Macbeth suggested an agreement over a three year period similar to the financing of the Government Center. Carl Cool stated concerns that the message is that persistence is what it takes to get the funding. Kevin Roberts explained that the Health Department concentrates on Medicaid eligible children. Medicaid adults are not accepted.

The Chair spoke in favor of funding for the dental program and the American Red Cross. She recommended funding two of the five rooms at \$56,000 this fiscal year and then allow the Central Florida Health to acquire a low interest loan for additional rooms. Commissioner Flowers spoke in favor of the funding for the two rooms and then to survey the results. He did not want to commit to future funding of other boards. Commissioner Maxcy also supported the funding for this year and recommended that the funding come from the Health Department, not the Contingency. Carl Cool asked that the funding not be taken from the poor children.

Motion by Commissioner Canale, seconded by Commissioner Flowers, to fund two rooms at \$56,000 for this fiscal year, to be taken from the Contingency. Upon roll call, Commissioners Canale, Flowers, and Barrett voted aye. Commissioners Gose and Maxcy voted nay. Motion carried.

Discussion on funding the American Red Cross

Motion by Commissioner Barrett, seconded by Commissioner Canale, to fund \$10,000 for the Red Cross. Upon roll call, Commissioners Barrett and Canale voted aye. Commissioners Maxcy, Flowers and Gose voted nay. Motion did not carry.

Motion by Commissioner Barrett, seconded by Commissioner Canale, to approve \$6,000 to the American Red Cross, to be taken out of the defunct fire department. Upon roll call, all Commissioners voted aye. Motion carried.

5. Motions for adoption of FY 1998-99 Resolutions

A. Millage Resolution Adoption

Rick Helms read the Resolution into the record. Motion by Commissioner Barrett, seconded by Commissioner Gose, to adopt Resolution, adopting the millage rate of 8.5 mills as presently contained in the proposed budget for the 1998-99 fiscal year, which is less than the rolled back rate of 8.7489 mills by 2.84%. Upon Roll call, all Commissioners voted aye. The motion carried. See Res. Book 12 Page 50.

B. Tentative Budget Resolution

Rick Helms read the Resolution into the record. Motion by Commissioner Gose, seconded by

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Commissioner Flowers, to adopt Tentative Resolution, with the changes as proposed, adopting the tentative budget for the fiscal year 1998-99 in the sum of \$63,457,823 for all funds exclusive of service tax districts. Upon Roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 51.

C. Adoption of Special Taxing Districts

Rick Helms read the Resolution into the record. Motion by Commissioner Barrett, seconded by Commissioner Gose, to adopt FY 1998-99 service assessment and budget for all service assessment districts in the total sum of \$3,438,577 which included \$2,375,670 in fund balance brought forward from the previous fiscal year. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 52.

D. Adoption of Resolution for adoption of budget changes

Motion by Commissioner Barrett, seconded by Commissioner Gose, to adopt Resolution incorporating the changes referenced into the final document. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 53.

The Chairperson asked that the Board hold an *official grand opening ceremony* for the Government Center. Mr. Cool suggested that Peter Brown Construction pay for the cost. It was a consensus that it be held in conjunction with a chamber mixer and be held in October. Carl Cool was directed to contact the Chamber for a possible date.

7. Adjournment

The meeting adjourned at 7:00 p.m.

Chairman

Attest: _____
Clerk

**SPECIAL MEETING OF THE BOARD, SEPTEMBER 30, 1998
SITTING AS BOARD OF SUPERVISORS FOR
DESOTO CITY SPECIAL BENEFIT FIRE DISTRICT**

1. The meeting was called to order at 4:09 P.M. in the Board of County Commission Chambers at 600 S. Commerce Ave., Sebring, Florida with the following members present:

James L. Gose

David Flowers

J. D. Barrett

C Michael Eastman

Thomas Portz

J. Ross Macbeth

Louise Graham

Also present was Dal Hall representing Barnett Bank of Highlands County, and Bill Stephenson, Special Projects Director.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE**

The meeting opened with a prayer and Pledge of Allegiance by Commissioner David Flowers.

3. **Consider final loan documents for Fire Station construction**

C. Michael Eastman, sitting as the Clerk of Courts, read the captions of Resolution #98-108 into the record. The Board of County Commissioners sitting as the Board of Supervisors for the Desoto City Special Benefit Fire District, providing for the issuance of a \$200,000.00 non-tax revenue certificate to finance the construction of the Desoto City Fire Department Building, providing security for the payment of the principal of and interest on the Revenue Certificate.

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to adopt Resolution No. 98-108. Upon roll call, all Commissioners voted aye. Motion carried.

C. Michael Eastman read the captions into the record of Resolution #98-109. Motion by Commissioner Flowers, seconded by Commissioner Barrett, to adopt Resolution No. 98-109, authorizing the sale of \$200,000.00 Revenue Certificate dated September 30, 1998, awarding the sale to Barnett Bank, designating the Certificate as bank qualified, and approving the execution. Upon roll call, all Commissioners voted aye. Motion carried.

Motion by Commissioner Flowers, seconded by Commissioner Barrett, to authorize the execution of the loan documents by the Vice Chair, James L. Gose, and C. Michael Eastman, Deputy Clerk, sitting for the Clerk of Courts. Upon roll call, all Commissioners voted aye. Motion carried. See Desoto City file for copy of all loan documents.

4. **ADJOURN**

The meeting adjourned at 4:17 p.m.

Chairperson

Attest: _____
Clerk

REGULAR MEETING OF THE BOARD, OCTOBER 6, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 600 S. Commerce Ave., Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
James L. Gose	Carl Cool
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	

2. **INVOCATION AND PLEDGE OF ALLEGIANCE**

The meeting opened with a prayer by the County Administrator, Carl Cool. The Pledge of Allegiance was led by Richard Conover.

3. **ANNOUNCEMENTS:**

A. Sheriff

Lt. Susan Benton presented the Daily Jail Log of Inmate Count for the period ending October 6, 1998. She also gave an update on the Farm Report and advised that the inmates will be moving into the new addition next week.

B. Clerk

No report presented.

C. Future upcoming meetings:

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public. Government Center open House is scheduled for October 15, 1998 from 5:00 to 7:00 p.m.

4. **Citizens Not on Agenda:**

A. Mr. Richard Conover spoke to the Board regarding the following items:

- Cost at the Landfill - Chastain-Skillman agreements
- Consent Agenda item number 13 - budget amendment previously approved
- Seating of staff at Board meetings.

5. **ACTION:**

Motion by Commissioner Barrett, seconded by Commissioner Gose, to approve the following additions to the Agenda:

- 1) Proclamation- Scottish Games as item C
- 2) Resolution #98 supporting FHREDI application under the County Administrator
- 3) Waiver of rental fees-Ag Center fund raiser under the County Administrator
- 4) Final Certification of Tax Roll under the County Administrator
- 5) TRIM package information to be presented by Carl Cool

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6) Correction to the agenda - item #13, Budget Amendment #98-99-02 should read #98-99-01. Under the Special Tax Districts, Budget Amendment #98-99-01 should read #98-99-02.

Upon roll call, all Commissioners voted aye. The motion carried.

A. Proclamation: "Fire Prevention Week"

Mike McCann, Fire Services, presented the request for adoption of a Proclamation recognizing Fire Prevention Week. The Chairperson read the Proclamation into the record.

Motion by Commissioner Maxcy, seconded by Commissioner Gose, to adopt Proclamation declaring the week of October 4-10, 1998 as Fire Prevention Week in Highlands County. Chairperson Canale asked that the people of the County participate in fire prevention activities to ensure their safety and the safety of their families in case of a fire. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 54.

B. Proclamation: "4-H Week in Highlands County"

Carrie Smith, President of the Council, presented information regarding the Club. Chairperson Canale read the Proclamation into the record.

Motion by Commissioner Gose, seconded by Commissioner Barrett, to adopt Proclamation, proclaiming the week of October 4-10, 1998 as 4-H Week in Highlands County. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 55.

C. Proclamation - Highlands Scottish Games

John Hutchinson presented the Proclamation promoting particular attention to the Scottish connection in the history of Highlands County. Commissioner Barrett read the Proclamation into the record.

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to adopt Proclamation, declaring November 7, 1998 as Scottish Games Week End in Highlands County in recognition of Scottish History. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 56.

D. Mary Presnell, U.S. Post Office: Proposed new postal facility

Mary Presnell, Real Estate Specialist for the Postal Service, addressed the Commission regarding the proposed new Lake Jackson Postal Facility. The purpose was to present information and to receive input from the public. She stated that the building will likely stand between Schumacher Road and Lakeview Drive. The facility could be completed within two years and will offer a postal store in addition to standard postal services. Commissioner Maxcy suggested consideration of the name as the Lake Jackson Postal Facility. Mr. Cool recommended that the facility be centrally located at signalized location. He also asked that the County be able to review the plans and make comment. See SMB 32 Page 194.

E. Edward Cox: Request for sidewalk on Desoto Road

Mr. Edward Cox, representing the residents of DeSoto Road, presented request to the Board to commence construction of sidewalks according to the estimate given to the residents. Mr. Cool stated that the estimate for the sidewalks is \$25,000 and does not include curb and gutters. The Commission requested that Mr. Cox revise the petition and ask if the residents would agree to a Special Tax District to fund the construction. Mr. Cool was asked to meet with Mr. Cox for a workable solution. See SMB 32 Page 196.

Break 10:05 - a.m. - 10:25 P.m.

F. Public Hearing to consider School Board small scale amendment

Proof of Publication entered into the record by Jim Polatty, Development Services Director. See Proof of Pub Ordinance Book 2 Page 24. Mr. Polatty explained that this ordinance was previously adopted and was determined invalid due to the County's Evaluation and Appraisal Report. The Chair opened the floor to the public. No one spoke for or against the ordinance.

Motion by Commissioner Flowers, seconded by Commissioner Maxcy, to adopt ordinance, amending the Future Land Use Map of the Comprehensive Plan changing the designation for the 9.89 acre property from General Agriculture to Public/Quasi-Public Facility Lands. Upon roll call, all Commissioners voted aye. Motion carried.

G. Solid Waste Manager:

1. Execution of Chastain-Skillman Supplemental Agreement No. 24

Jerry Leszkiewicz, Solid Waste Manager, explained that the scope of services include the complete retraining for the existing County landfill operations staff and management of the facility. The Board discussed the contract and asked if it should have been placed out to bid. Mr. Cool advised that Chastain Skillman is the consultant under contract with the Board and they are the original designers of the treatment plant.

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to approve execution of Chastain-Skillman Supplemental Agreement No. 24 for retraining staff for the operations and maintenance of the Arbuckle Landfill Leachate Treatment Facility. Upon roll call, all Commissioners voted aye, except Commissioner Canale, who voted nay. Motion carried. See SMB 31 Page 192.

2. Execution of Chastain-Skillman Supplemental Agreement No. 26

The Solid Waste Manager stated that Chastain-Skillman will assist the County in developing a simplified laboratory testing program to monitor the changing quality of the leachate generated at the Arbuckle Creek Landfill, and to test for the possible presence of Volatile Organic Compounds derived from the past use of Automobile Shredder Fluff. The monitoring will continue after floating aerators are added to the leachate storage basins to remove VOC's and provide additional biological treatment capacity. They will also provide technical support to the Solid Waste Manager and County Engineer to assist with the design, bidding, and installation of the floating aerators. The cost of the Professional Services specified in these two tasks is \$11,800, and funds are available in the 98/99 budget.

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The Chairperson questioned bid procedures. Mr. Macbeth advised that these are engineering services.

Motion by Commissioner Barrett, seconded by Commissioner Gose, to approve Chastain-Skillman, Inc. Supplemental Agreement 26. Upon roll call, all Commissioners voted aye, except Commissioner Canale, who voted nay. Motion carried. See SMB 32 Page 193.

H. Risk Manager: Faithful Performance Bonds for public officials

Carl Cool presented Risk Manager recommendations to the Commission regarding Bond requirements for Public Officials. He advised that from action taken by the 1998 Florida Legislature, Public Officials Faithful Performance Bonds are no longer required by Florida Statutes. Bonds can now be required by the Board of County Commissioners.

Highlands County as a member of Public Risk Management of Florida has Blanket Bond Coverage in the amount of \$500,000. This coverage is as broad as the individual Faithful Performance Bonds currently in place. He is recommending that the Commission not require individual performance bonds as long as the present or equivalent bond coverage remains in force.

Motion by Commissioner Gose, seconded by Commissioner Barrett, that the Board not require individual faithful performance bonds of public officials during such time that equivalent coverage is in place as Blanket Bond Coverage for those public officials. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 195.

I. Board Attorney: Interlocal Agreement for Max Long Field playground

The Board Attorney reviewed recommendations of the City to provide local match for a grant for the construction and maintenance of public recreation facilities at the Max Long Complex. Mr. Macbeth advised that he is not in favor of the recommendations from Mr. Hoffman to change the agreement to commit the County for maintenance of City property.

Motion by Commissioner Barrett, seconded by Commissioner Gose to approve Interlocal Agreement with the City of Sebring for funding in the amount of \$12,500 as a part of the local match for the Florida Recreation Development Grant for construction of recreation facilities at Max Long Complex. As a part of the local match for the grant, the County also will provide in-kind services, including surveying, to develop the Complex, but not to take the recommendation of the City Attorney to provide maintenance on City property. The Chair opened the floor to the public. Clayton Womer spoke in opposition to the County maintaining City property. Pete Pollard spoke in favor of the agreement. Upon roll call, all Commissioners voted aye. Motion carried.

J. County Administrator:

1. Resolution on Revision 7

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to adopt Resolution in support of a proposed amendment to Article V of the Florida Constitution that will alter the funding of the state court system and relieve the counties of the burden of the court system. Commissioner Flowers updated the Commission on the efforts accomplished in support of the proposed amendment. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page

57.

2. Acceptance of check for matching award to South Florida Community College for State Nursing Challenge Grant

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to accept the money from the Hospital District and remit payment of \$29,500 as a matching award to South Florida Community for State Nursing Challenge Grant. This award was approved by the Hospital Board on May 28, 1998. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 197.

3. Resolution supporting FHREDI Application

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to adopt Resolution supporting FHREDI application for Florida Recreation Development Assistance Program (FRDAP) funding. Upon roll call, all Commissioners voted aye. Motion carried See Res. Book 12 Page 58.

4. Waiver of fees at Agricultural Center-Humane Society and Wrede's Wildlife Rehabilitation Center

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to waive the fees on November 20, 1998 for the above organizations, as this is a non profit event. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 198.

5. Certification of Final Tax Roll

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to approve the Certification of Final Tax Roll for FY 1998-99 budget as presented by the Property Appraiser. The Commission discussed the surplus net of \$87,000 that will be carried over in the next year. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 32 Page 199.

The County Administrator reported that the TRIM notice package sent to the Department of Revenue by Rick Helms, Budget Officer, has been approved. He commended the Budget Office for a job well done. See SMB 32 Page 200.

K. Consent agenda:

Motion by Commissioner Flowers, seconded by Commissioner Barrett, to approve the Consent Agenda as listed:

1. Approval to pay all duly authorized bills as listed:

Law Library	2,099.86
General	2,077,810.18
County Transportation Trust	96,559.91
E911 Operations	3,202.30
Intergovernmental Radio Communications	1,074.15
Local Govt Infrastructure Surtax	211,069.29
Affordable Housing Assistance	34,878.92
Special Law Enforcement	8,690.00
Government Center	246.00
Solid Waste	238,567.63

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- Placid Utilities 1,968.12
- Hiway Park Utility 21.89
- Risk Retention 513,735.25
- Employee Benefit 167,802.17
- Tax Deed Surplus 1,491.73
- 2. Approval of minutes of 9-8-98, 9-15-98 and 9-22-98
- 3. Approval to execute Resolution on Small County Coalition membership. See Res. Book 12 Page 59.
- 4. Approval of Law Enforcement Block Grant
- 5. Approval of carnival application for Lake Placid Moose Lodge. See SMB 32 Page 201.
- 6. Approval to execute Satisfaction of Mortgage (Denise L. Delk & Synella Cooper). See SMB 32 Page 202.
- 7. Approval of Emergency Management Base Grant #99CP-05-07-38-01-028. See SMB 32 Page 203.
- 8. Approval of revision to Purchasing Manual (notification of removal from bidders' list). See SMB 32 Page 204.
- 9. Approval to declare nuisance, case no. 9798-177 (Old Sevon Drive-In Theater). See SMB 32 Page 205.
- 10. Appointment to Children's Services Council (Micheal Terry). See SMB 32 Page 206.
- 11. Appointment to Health Facilities Authority (H. Wayne Harris). See SMB 32 Page 207.
- 12. Approval to execute Commodity Grant Contract in the amount of \$14,000. See SMB 32 Page 208.
- 13. Approval of budget amendment and Resolution 97-98-485 (correct budget amendment 97-98-469) and 98-99-01(Rehabilitate Highway Park old VFD Building for STAR Program). See Res. Book 12 Page 60.
- 14. Approval to execute Court Reporter Grant-in-Aid Agreement
- 15. Approval to sell used/obsolete tires by competitive bid process on an ongoing basis. See SMB 32 Page 209.
- 16. Approval to execute agreement between SWFWMD and Highlands Co. BCC for paleolimnological reconstruction of water quality for Lake Persimmon in Highlands County, (B009)
- 17. Approval of resolution and budget amendment 98-99-03 (Supervisor of Election Warehouse Expansion). See Res. Book 12 Page 61.

Upon roll call, all Commissioners voted aye. Motion carried.

6. COMMISSIONERS

- Commissioner Canale requested a change in the Sun'n Lake ordinance. The residents would like a voice in the vote. The Board Attorney advised that they cannot go to a popular elected Board. Since the Board owns property they may vote their lots, but

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large lot owners could control the vote. The Chair opened the floor to the public. Larry Stain, Sun'n Lakes, spoke in favor of a change as the residents are being assessed for the Golf Course. Mr. Macbeth advised that if problems exist, the Board of County Commissioners may address through the ordinance. The Chair asked that this issue be placed on the workshop for next Tuesday.

- ☐ Carl Cool reported that a check has been received from north Florida in the amount of \$9,007.00 for participation by County Volunteer Firefighters in fighting wild fires.

7. ADJOURN

The meeting adjourned at 11:55 p.m.

Chairperson

Attest: _____
Clerk

WORKSHOP AND SPECIAL MEETING OF THE BOARD, OCTOBER 13, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 600 S. Commerce St., Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
James L. Gose	Carl Cool
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	

2. **INVOCATION AND PLEDGE OF ALLEGIANCE**

The meeting opened with a prayer by the County Administrator, Carl Cool. The Pledge of Allegiance was led by Richard Conover.

3. **ANNOUNCEMENTS**

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public. Mr. Cool invited everyone to attend an open house at the Commissioners Boardroom, at the new Government Center on October 15, 1998 from 5:00 p.m. until 7:00 p.m.

The Asst. County Administrator thanked Alan Decker from Code Enforcement and Kenny Lassiter from Animal Control for their assistance in removing a wasp nest.

Mr. Don Hansen advised that Bob Butterworth will be visiting the new Jail facility Wednesday at 10:30 a.m. A small luncheon will follow at Homers.

Motion by Commissioner Maxcy, seconded by Commissioner Gose, to set the Action Agenda as amended:

- A. Proposed Interlocal Agreement with the Department of Transportation for the Arbuckle Creek Road at Arbuckle Branch for replacement of a structure.
- B. Letter of endorsement from the Board to the Game and Fish Commission encouraging them to acquire property owned by Michael Knott.

Upon roll call, all Commissioners voted aye. Motion carried.

4. **Senior Management Service Class recommendation**

The County Administrator reviewed information obtained from other counties by staff, at the request of the E.D.C. Committee, to designate the Director of the Office of Economic Development as Senior Management Service Class. Mr. Cool did not feel that the position merits the designation at the present time. He noted that no positions similar to the E.D.C. in other counties are so designated. Mr. Cool also presented a prioritized listing for designating additional positions in Board Departments under the Senior Management Service Class for Florida Retirement System purposes.

The Chair opened the floor to the public. Jeff Mechlin, Chairman of the IDA/EDC presented justification for the request. Christine Hands spoke in support and asked for a revised salary listing of Board employees. The Commission discussed the request and asked for further review by the EDC. Chairperson Canale supported the designation. The Board asked that the EDC workshop this issue and place back on the agenda for next weeks' meeting. See SMB 33 Page 1 for copy.

5. Tower Siting ordinance discussion

Tom Portz, Asst. County Administrator, presented additional information along with two sample ordinances as a follow-up to the workshop of October 1997 on the issues of cellular communications towers, right of way management and other areas affected by the Telecommunications Act of 1996. Mr. Portz advised that he attended a seminar in Orlando that focused on legislative issues. An issue that will be before the legislature this year will be bills that limit counties' authority to manage its right of ways. He recommended that the Commissioners advise legislative delegation that they oppose any type of legislation that affects home rule operation of county right of ways.

Commissioner Maxcy spoke in favor of the ordinance. Commissioner Gose stated a few concerns regarding maintenance issues. The Chair opened the floor to the public. Hank Kowalski, representing the Audubon Society and the Heartland Environmental Council, spoke in favor of the Sarasota ordinance. The consensus of the Board was to direct the attorney to draft an ordinance and move forward with an amendment by Planning and Zoning. See Ordinance file for copy.

Break 9:55 a.m. - 10:05 a.m.

6. Sun 'n Lake of Sebring Improvement District discussion

Chairperson Canale defined the reason for the workshop. Residents wish to discuss the one person one vote issue and the question will be limited to that issue. Under the current system, four supervisors are elected on a one-lot one-vote basis. The fifth supervisor is elected on an at-large basis. Some residents want the system changed, so that each eligible person in the district will have a vote. The election system is designed to transition to the one person, one vote system, but could take years to happen because the transition is tied into how fast the urban development takes place. The Chair opened the floor to the public.

- A) John McClure gave a brief synopsis on the formation of the District and the method of electing supervisors.
- B) Andy Jackson, Attorney representing Rex Bond, spoke in favor of a resolution to the voting issue.
- C) Edith Gonzalez, President of the Board of Supervisors, introduced John Negley, as a new supervisor. Mr. Negley spoke in favor of the current system.
- D) Al Squitiero stated concerns for the loss to tax base if the system is changed.
- E) Norm Daniels stated that he is not in favor of a change in the vote. He likes the Golf Program.
- F) John Clark, vice-president of the Board of Supervisors, spoke in opposition to one person, one vote election.

- G) David Dibo, President of the Company that owns the Bond Issue, spoke in favor of the present system.
- H) Dottie Hughes stated that she is happy with the present system.
- I) Rex Bond spoke in favor of a change in the voting.
- J) Doc Walters spoke in favor of the current system.
- K) Neil Winters asked that we maintain the status quo.
- L) George Puffenberger spoke in favor of a one person one vote in a timely manner.
- M) Kevin Hennessy, Attorney, spoke in favor of the current system.
- N) Larry Stange entered a petition into the record with several hundred signatures, asking for a change in the election process.
- O) John McClure advised that the district is trying to speed up the process for a popular vote by having environmentally sensitive vacant lots purchased by the state and county removed from its inventory. This will increase the percentage of the subdivision that has homes.

The Chairperson asked that an oversight committee be formed to study the issue and report to the Board in December. Attorney McClure asked that the make up of the Committee be reviewed. Commissioner Gose stated that he believes that the residents are happy with the voting issue. Commissioner Barrett stated that Sun'n Lakes should solve this problem among themselves. Ross Macbeth advised that the Statute does not mandate that a committee be formed. Commissioner Maxcy suggested a forum at Sun'n Lakes with a Commissioner as a moderator. The Chairperson asked that Attorney McClure meet with her to put together a committee and report back in December. See Sun'n Lakes Improvement file for back up documentation.

Break 12:16 p.m. 12:25 p.m.

- 7. FHREDI Proposed F - Public Hearing to consider the Florida Heartland Rural Economic Development Initiative's proposal grant application to the State of Florida Department of Environmental Protection (FRDAP Grant) for Pearce Homestead site**
Proof of Publication entered into the record by Carl Cool. See SMB 33 Page 2. Commissioner Gose noted for the record an artist conception of the proposed expansion. See SMB 33 Page 3.

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to approve the FHREDI proposal grant application (FRDAP) to the State of Florida Department of Environmental Protection for the Pearce Homestead site. Upon roll call, all Commissioners voted aye. Motion carried.

8. Arbuckle Creek Road at Arbuckle Branch

Carl Cool explained the grant in the amount of \$473,347.00. The low bid was awarded to APAC-MacAsphalt Division for construction.

Motion by Commissioner Barrett, seconded by Commissioner to Flowers, to approve the Agreement with the State of Florida Department of Transportation for the project, Arbuckle Creek Road at Arbuckle Branch. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 33 Page

9. Lake Istokpoga Fish Game Designation-Letter of support

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to authorize the Chair to write a letter of endorsement to the state, to obtain funds in support of property purchase by the Game and Fish Commission for parking and recreational facilities, to add accessibility to the Lake and Boat Ramp in Lake Placid. Upon roll call, all Commissioners voted aye. Motion carried.

The County Administrator advised that he will not be available for next weeks' meeting.

10. ADJOURN

The meeting adjourned at 12:40 p.m.

Chairperson

Attest: _____
Clerk

WORKSHOP AND SPECIAL MEETING OF THE BOARD, OCTOBER 13, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 600 S. Commerce St., Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
James L. Gose	Carl Cool
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	

2. **INVOCATION AND PLEDGE OF ALLEGIANCE**

The meeting opened with a prayer by the County Administrator, Carl Cool. The Pledge of Allegiance was led by Richard Conover.

3. **ANNOUNCEMENTS**

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public. Mr. Cool invited everyone to attend an open house at the Commissioners Boardroom, at the new Government Center on October 15, 1998 from 5:00 p.m. until 7:00 p.m.

The Asst. County Administrator thanked Alan Decker from Code Enforcement and Kenny Lassiter from Animal Control for their assistance in removing a wasp nest.

Mr. Don Hansen advised that Bob Butterworth will be visiting the new Jail facility Wednesday at 10:30 a.m. A small luncheon will follow at Homers.

Motion by Commissioner Maxcy, seconded by Commissioner Gose, to set the Action Agenda as amended:

- A. Proposed Interlocal Agreement with the Department of Transportation for the Arbuckle Creek Road at Arbuckle Branch for replacement of a structure.
- B. Letter of endorsement from the Board to the Game and Fish Commission encouraging them to acquire property owned by Michael Knott.

Upon roll call, all Commissioners voted aye. Motion carried.

4. **Senior Management Service Class recommendation**

The County Administrator reviewed information obtained from other counties by staff, at the request of the E.D.C. Committee, to designate the Director of the Office of Economic Development as Senior Management Service Class. Mr. Cool did not feel that the position merits the designation at the present time. He noted that no positions similar to the E.D.C. in other counties are so designated. Mr. Cool also presented a prioritized listing for designating additional positions in Board Departments under the Senior Management Service Class for Florida Retirement System purposes.

The Chair opened the floor to the public. Jeff Mechlin, Chairman of the IDA/EDC presented justification for the request. Christine Hands spoke in support and asked for a revised salary listing of Board employees. The Commission discussed the request and asked for further review by the EDC. Chairperson Canale supported the designation. The Board asked that the EDC workshop this issue and place back on the agenda for next weeks' meeting. See SMB 33 Page 1 for copy.

5. Tower Siting ordinance discussion

Tom Portz, Asst. County Administrator, presented additional information along with two sample ordinances as a follow-up to the workshop of October 1997 on the issues of cellular communications towers, right of way management and other areas affected by the Telecommunications Act of 1996. Mr. Portz advised that he attended a seminar in Orlando that focused on legislative issues. An issue that will be before the legislature this year will be bills that limit counties' authority to manage its right of ways. He recommended that the Commissioners advise legislative delegation that they oppose any type of legislation that affects home rule operation of county right of ways.

Commissioner Maxcy spoke in favor of the ordinance. Commissioner Gose stated a few concerns regarding maintenance issues. The Chair opened the floor to the public. Hank Kowalski, representing the Audubon Society and the Heartland Environmental Council, spoke in favor of the Sarasota ordinance. The consensus of the Board was to direct the attorney to draft an ordinance and move forward with an amendment by Planning and Zoning. See Ordinance file for copy.

Break 9:55 a.m. - 10:05 a.m.

6. Sun 'n Lake of Sebring Improvement District discussion

Chairperson Canale defined the reason for the workshop. Residents wish to discuss the one person one vote issue and the question will be limited to that issue. Under the current system, four supervisors are elected on a one-lot one-vote basis. The fifth supervisor is elected on an at-large basis. Some residents want the system changed, so that each eligible person in the district will have a vote. The election system is designed to transition to the one person, one vote system, but could take years to happen because the transition is tied into how fast the urban development takes place. The Chair opened the floor to the public.

- A) John McClure gave a brief synopsis on the formation of the District and the method of electing supervisors.
- B) Andy Jackson, Attorney representing Rex Bond, spoke in favor of a resolution to the voting issue.
- C) Edith Gonzalez, President of the Board of Supervisors, introduced John Negley, as a new supervisor. Mr. Negley spoke in favor of the current system.
- D) Al Squitiero stated concerns for the loss to tax base if the system is changed.
- E) Norm Daniels stated that he is not in favor of a change in the vote. He likes the Golf Program.
- F) John Clark, vice-president of the Board of Supervisors, spoke in opposition to one person, one vote election.

- G) David Dibo, President of the Company that owns the Bond Issue, spoke in favor of the present system.
- H) Dottie Hughes stated that she is happy with the present system.
- I) Rex Bond spoke in favor of a change in the voting.
- J) Doc Walters spoke in favor of the current system.
- K) Neil Winters asked that we maintain the status quo.
- L) George Puffenberger spoke in favor of a one person one vote in a timely manner.
- M) Kevin Hennessy, Attorney, spoke in favor of the current system.
- N) Larry Stange entered a petition into the record with several hundred signatures, asking for a change in the election process.
- O) John McClure advised that the district is trying to speed up the process for a popular vote by having environmentally sensitive vacant lots purchased by the state and county removed from its inventory. This will increase the percentage of the subdivision that has homes.

The Chairperson asked that an oversight committee be formed to study the issue and report to the Board in December. Attorney McClure asked that the make up of the Committee be reviewed. Commissioner Gose stated that he believes that the residents are happy with the voting issue. Commissioner Barrett stated that Sun'n Lakes should solve this problem among themselves. Ross Macbeth advised that the Statute does not mandate that a committee be formed. Commissioner Maxcy suggested a forum at Sun'n Lakes with a Commissioner as a moderator. The Chairperson asked that Attorney McClure meet with her to put together a committee and report back in December. See Sun'n Lakes Improvement file for back up documentation.

Break 12:16 p.m. 12:25 p.m.

- 7. FHREDI Proposed F - Public Hearing to consider the Florida Heartland Rural Economic Development Initiative's proposal grant application to the State of Florida Department of Environmental Protection (FRDAP Grant) for Pearce Homestead site**
Proof of Publication entered into the record by Carl Cool. See SMB 33 Page 2. Commissioner Gose noted for the record an artist conception of the proposed expansion. See SMB 33 Page 3.

Motion by Commissioner Gose, seconded by Commissioner Maxcy, to approve the FHREDI proposal grant application (FRDAP) to the State of Florida Department of Environmental Protection for the Pearce Homestead site. Upon roll call, all Commissioners voted aye. Motion carried.

8. Arbuckle Creek Road at Arbuckle Branch

Carl Cool explained the grant in the amount of \$473,347.00. The low bid was awarded to APAC-MacAsphalt Division for construction.

Motion by Commissioner Barrett, seconded by Commissioner to Flowers, to approve the Agreement with the State of Florida Department of Transportation for the project, Arbuckle Creek Road at Arbuckle Branch. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 33 Page

9. Lake Istokpoga Fish Game Designation-Letter of support

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to authorize the Chair to write a letter of endorsement to the state, to obtain funds in support of property purchase by the Game and Fish Commission for parking and recreational facilities, to add accessibility to the Lake and Boat Ramp in Lake Placid. Upon roll call, all Commissioners voted aye. Motion carried.

The County Administrator advised that he will not be available for next weeks' meeting.

10. ADJOURN

The meeting adjourned at 12:40 p.m.

Chairperson

Attest: _____
Clerk

BOOK 18 PAGE 1

REGULAR MEETING OF THE BOARD, OCTOBER 20, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 600 S. Commerce Ave., Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
James L. Gose	Thomas Portz
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	

2. **INVOCATION AND PLEDGE OF ALLEGIANCE**

The meeting opened with a prayer by Commissioner David Flowers. The Pledge of Allegiance was led by Richard Conover.

3. **ANNOUNCEMENTS:**

A. Sheriff

Lt. Susan Benton presented the Daily Jail Log of Inmate Count for the period ending October 20, 1998.

B. Clerk

No report presented.

C. Future upcoming meetings:

The Asst. County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public.

4. **CITIZENS NOT ON AGENDA:**

- A.** Mr. Richard Conover commented on several agenda items as listed:
- Proclamation recognizing "Manufactured/Mobile Home Owners Month"
 - Budget Officer: Distinguished Budget Award
 - Spoke in opposition to funding for engineering fees for Helena Chemical Co.
 - Monthly Reports not available for review and Annual Reports not completed

5. **ACTION:**

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to set the Action Agenda with the following additions:

- A) EMPA Competitive Grant Application under the Asst. County Administrator
- B) Approval of expenditure of funds from the Special Law Enforcement Trust Fund under the Asst. County Administrator
- C) Landfill operation briefing, due to road closing under the Asst. County Administrator
- D) Request to adopt Resolution to change the Comprehensive Plan deadline application under the Development Services Director
- E) Changes to Budget Amendment 97-98-495 on Consent Agenda, item number 8

Upon roll call, all Commissioners voted aye. Motion carried.

BOOK 18 PAGE 2

A. Governor's Proclamation: "Manufactured/Mobile Home Owners Month"

Tom Portz, Asst. County Administrator, read into the record the Proclamation.

Motion by Commissioner Gose, seconded by Commissioner Barrett, to accept Proclamation signed by the Governor and the Secretary of State, designating the month of November 1998 as Manufactured/Mobile Home Owners Month in Florida. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 62.

B. Budget Officer: GFOA Distinguished Budget Presentation Award

Rick Helms, Budget Officer, presented the distinguished Budget Presentation Award to the Board of County Commissioners. The award represents a significant achievement and reflects the commitment of the governing body and staff in meeting the highest principles of governmental budgeting. Highlands County was rated proficient in all four categories. Twenty-four of the sixty seven-Florida counties received this award. A certificate was presented to Gilberto Rivera, Highlands County Budget Analyst, in recognition of outstanding commitment. See SMB 33 Page 5.

C. Development Services Director: Public Hearing to re-adopt Zoning Change Resolution

Proof of Publication entered into the record. See SMB 33 Page 6. Motion by Commissioner Barrett, seconded by Commissioner Gose, to readopt Zoning Resolution, providing for an amendment to the official zoning atlas (CPA 98-078SS). DCA did not accept the Small-Scale Plan Amendment for processing, as the EAR was declared insufficient. The initial rezoning was contingent upon the Small-Scale Plan Amendments' approval. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 63.

1. Evaluation and Appraisal Report - Resolution

Motion by Commissioner Gose, seconded by Commissioner Barrett, to adopt Resolution, allowing staff to resume the regular schedule of November 30, 1998, as DCA has declared the EAR sufficient and will allow more time to accept Comprehensive Plan applications and extend the deadline. The Chair opened the floor to the public. Richard Conover spoke regarding the lack of access to the public. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 64 and SMB 33 Page 11.

D. Assistant County Administrator:

1. Recommendations from Building Use Committee

Tom Portz reviewed the four (4) Building Use Committee recommendations and rational. After discussion by the Board, a motion was made by Commissioner Barrett, seconded by Commissioner Flowers, to approve the recommendations of the Building Use Committee, effective to the new year. Commissioner Barrett disagreed with the directive that law enforcement personnel direct traffic only, and not operate the signal. Commissioner Flowers advised that the Community Traffic team feels that activating the traffic light on a temporary basis is more of a hazard than a safety factor. He agreed with the Sheriff's summation and the Team. Commissioner Maxcy requested additional signage at the light at the Agri-Civic Center. Staff to bring back information at next weeks' meeting. The Chair opened the floor to the public. Vaughn Whitesides presented suggestions for safety. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 33 Page 7 for copy

2. Request funding for engineering fees for Helena Chemical Company and approval of budget amendment 97-98-498

Tom Portz presented invoices for various engineering fees from the Sebring Airport Authority for the Helena Chemical Company project in the amount of \$5,388.03. Jim Stanfill, Executive Director of the EDC, has requested that these fees be paid from the Board's this year's contingency fund.

BOOK 18 PAGE 3

Motion by Commissioner Gose, seconded by Commissioner Flowers, to approve budget amendment for payment of the invoices as requested. Commissioner Flowers questioned if the EDC approved this project before the SAA spent the money. Commissioner Gose reported that the Commission placed \$50,000 in their account for site preparation for potential businesses. The EDC then follows through with the development. Commissioner Maxcy asked if the engineering will be beneficial to other projects. It was noted that surveys are only good for 6 to 12 months. The Chair opened the floor to the public. Clayton Womer, Gabriel Reed, and Hank Kowalski spoke in opposition to using County Tax Dollars. The gavel was passed to the Vice-Chair at 9:50 a.m. The Chair left the room.

Motion by Commissioner Flowers, seconded by Commissioner Maxcy, to table until SAA and EDC brings back information and to ask staff to research if the site preparation can be used for future projects. Upon roll call, Commissioners Flowers, Maxcy and Gose voted aye. Commissioner Barrett voted nay. Motion carried. See SMB 33 Page 8 for copy of fees.

The Chair assumed the gavel back at 10:00 a.m. She supported paying the fees as a commitment has been made, but that in the future staff be more cautious when dealing with potential businesses.

3. Request from City of Sebring for joint workshop on recreation facilities

Tom Portz presented the request from Bob Hoffman, City Administrator, for a workshop to be held with the City of Sebring to discuss funding of recreational facilities. The consensus of the Board was set a workshop for January 12, 1999 at 6:30 p.m. and invite all municipalities for an annual meeting. Staff was directed to provide a tape to the cities of the original discussion. See SMB 33 Page 13.

4. Arbuckle Creek Road at Arbuckle Branch

The Asst. County Administrator briefed the Board on construction of Arbuckle Creek Road structures. He advised that closing the road was causing a significant impact to the garbage haulers. He suggested opening the Landfill at 6:45 a.m. to accommodate the previous days' dumping. The tentative completion date is scheduled for December 15, 1998. Commissioner Maxcy commented on the time involved to construct a cow bridge and the impact to the school buses. Mr. Portz advised that he will monitor the situation and if there are any changes, he will report back.

5. EMPA Competitive Grant Application

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to have the Chair execute the grant for the Emergency Management Department. Upon roll call, all Commissioners voted aye. Motion carried.

6. Approval of Law Enforcement Expenditure of Funds

Motion by Commissioner Flowers, seconded by Commissioner Maxcy, to approve the expenditure of funds in the amount of \$9,687.00 from the Special Law Enforcement Fund. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 33 Page 9.

E. Board Attorney

No report presented.

Break 10:10 a.m. - 10:25 a.m.

F. Consent agenda:

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to approve the Consent Agenda as

BOOK 18 PAGE 4

listed:

1. **Approval to pay all duly authorized bills**
 - Law Library 43.49**
 - General 634,655.88**
 - County Transportation Trust 208,289.72**
 - E911 Operations 3,917.22**
 - Conservation Trust 34,150.00**
 - Intergovernmental Radio Communications 350.00**
 - Local Govt Infrastructure Surtax 334,195.24**
 - Affordable Housing Assistance 120,672.28**
 - Solid Waste 21,062.41**
 - Placid Utilities 5,832.22**
 - Hiway Park Utility 954.94**
 - Risk Retention 3,147.25**
 - Employee Benefit 257,781.88**
 - Tax Deed Surplus 13,817.79**
2. **Approval of minutes of 10-6-98 and 10-13-98 meetings**
3. **Approval to execute Interlocal Agreement with Lake Placid for recreation funds. See SMB 33 Page 10.**
4. **Approval of Sun ‘n Lake Preserve Outparcel Contract. See SMB 33 Page 12.**
5. **Approval to execute Grant Contracts FY 1998/99:**
 - (a) **Ridge Area Association for Retarded Citizens**
 - (b) **Central Florida Health Care, Inc.**
6. **Approval of resolution & budget amendment 98/99-7 (Heartland Library new position). See Res. Book 12 Page 64.**
7. **Approval to execute contract between Highlands County and State of Florida Department of Health.**
8. **Approval of budget amendments FY 97/98- 487(Aquatic Plant Program, repair to Air boat and Honda engine, Nine Mile Grade improvements, Parks & Recreation Trailer, overtime due to Hurricane Georges). 97-98-495(OMB various) and 97-98- 496 (Utility bills for Bldg. Operation and Maintenance).**
9. **Approval of resolutions & budget amendments FY 98/99- 4 (Drug Abuse Grant) 5 (Courthouse grant and fire sprinkler system) 10(SHOCAP Grant) 12 (4-H Horse Arena project) 13 (Hospital District grant revenue for the Childrens Services Eye Check program) 17 (SHIP) 18 (6th Year SHIP) 19 (7th year SHIP) 20 (5th year SHIP) 21 (Multi-use Path-Lake Jackson) 23 (FEMA repairs) 26 (reappropriation of funds for Government Center Parking project. See Res. Book 12 Page 65 and SMB 33 Page 14.**
10. **Approval of Insurance Committee Recommendation (renewal of Robey-Barber amendment FY98/99. See SMB 33 Page 15.**
11. **Approval to declare nuisance Case No. 97/98-191 (Holiday Shores, Lots 5 & 6). See SMB 33 Page 16.**
12. **Approval to execute Satisfaction of Mortgage (Karl & Beverly L. Gibson). See SMB 33 Page 17.**
13. **Approval of Preliminary Assessment Nuisance Abatement (97-98-076-077-078).**

BOOK 18 PAGE 5

See SMB 33 Page 18.

14. **Approval to execute “Adopt a Highway” agreement (Holmes Avenue, Lake Placid).**
15. **Approval of budget amendment 98-99-15 (groundwater & leachate monitoring).**
16. **Approval to execute Interlocal Agreement with City of Sebring-Recreation Facilities.**

Upon roll call, all Commissioners voted aye. Motion carried.

6. COMMISSIONERS

Commissioner Barrett: Request to waive fee for Horton’s Landing

Motion by Commissioner Barrett to waive notification and application fees for Horton’s Landing and vacate the property. No second was received. The motion died for lack of a second. Mr. Macbeth explained the request and stated that this is a public park and a public hearing must be held. The dedicator intended this property as a public park and the general public has a public right to its use. Gary Lower, Zoning Supervisor, advised that it has to go through a public hearing process. The Chair opened the floor to the public. Niel Bellinger, a resident on the lake, spoke in favor of the request. Jim Addison, a lot owner, spoke in favor of the vacation. Clayton Womer and Hank Kowalski spoke in opposition to waiving the fees. The Board discussed the issue and advised the homeowners that the only alternative is to proceed with the public hearing process. See SMB 33 Page 19.

Leisure Lakes Homeowners - waiver of fees

Motion by Commissioner Canale, seconded by Commissioner Flowers, to approve the waiver of fees for a one time only for Leisure Lakes Homeowners until they find a place to meet. Upon roll call, all Commissioners voted aye. Motion carried.

Request for evaluation of the Development Services Director

Commissioner Barrett requested a workshop item to be placed on the next weeks’ public hearing agenda to allow discussion on the position of the Development Services Director.

Commissioner Maxcy - Concerns for licensing of Handyman - workshop

Commissioner Maxcy asked that the Board consider a workshop to discuss a Handyman license. Mr. Macbeth advised that he will bring an ordinance to workshop for a discussion point.

Commissioner Canale - Request to consider a Hearing Officer to address complaints

Mr. Macbeth reported that he will perform more research and bring back recommendations. The Chair asked that it be discussed at a workshop.

Sun’n Lake Committee Appointment

The Chair reported that she will be appointing an Oversight Committee to address perception problems within the Sun’n Lake District and report back to the Board of County Commissioners. Appointment suggestions for the Sun’n Lake Oversight Committee are Tom Fitzpatrick, Pat Forest, Albert MacFarland, George Mayhew and Larry Stange. She asked that a meeting be set for this Thursday at 5:30 p.m. at the Improvement District meeting room.

7. ADJOURN

The meeting adjourned at 11:14 a.m.

Chairperson

Attest: _____
Clerk

REGULAR MEETING OF THE BOARD, NOVEMBER 3, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 600 S. Commerce Ave., Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
James L. Gose	Carl Cool
Guy Maxcy	J Ross Macbeth
David Flowers	Louise Graham
J D Barrett	

The Chair reported that Commissioner Guy Maxcy was absent from the meeting as he is a member of the Canvassing Board and must count absentee ballots.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The meeting opened with a prayer by the Rev. W. C. Holden. The Pledge of Allegiance was led by Hank Kowalski.

3. ANNOUNCEMENTS:

A. Sheriff

Capt. Paul Hinman presented the Daily Jail Log of Inmate Count for the period ending November 3, 1998. Capt. Hinman also reported on the substance fee for the inmates. Total collected for two months is \$3,785.00 to be placed back into the County General Fund.

B. Clerk

L.E. "Luke" Brooker, Clerk of Courts presented a report on the Value Adjustment Board Hearings. Seventeen petitions were heard by the Special Master and all were upheld in favor of the Property Appraiser.

C. Michael Eastman reported that the year end financial reports due October 31, 1998 for all Constitutional Officers, were filed timely. The unexpended budgets and interest were also deposited in the Boards account, prior to the deadline. See Chart as listed and SMB 33 Page 27.

Budget	Office	Unexpended	Interest	Total
\$3,100,000	Clerk of Courts	\$14,197	\$15,988	\$30,185
\$12,247,155	Sheriff	\$180,453	\$76,678	\$257,131
\$376,608	Supervisor	\$30,001	\$2,755	\$32,756
\$2,011,796	Property Appraiser	\$73,323	\$19,825	\$93,148
\$1,897,106	Tax Collector	No excess fees returned	\$-0-	\$-0-
\$19,632,665				\$407,739

C. Future upcoming meetings:

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public.

D. John Hutchinson - Second Annual Scottish Games announcement

4. Citizens Not on Agenda:

- A.** Mr. Gerry Weaver, representing the residents of Thunderbird Hills South I and II, requested that the Commission bring their roads up to standards and accept these roads for maintenance. The County Administrator advised that there are many problems with drainage at Thunderbird Hills and Vantage Pointe. The County is well on its way to solving the problem. The developer was at fault, as a policy was in place with the Board of County Commissioners at that time.

Motion by Commissioner Flowers, seconded by Commissioner Barrett, to proceed with legal action with the prior Developer to bring the roads up to specifications and then proceed with the current county policy. Commissioner Flowers amended the motion to include that the County define a level of service at this time, until the legal system has time to work. Commissioner Flowers stated that his intent was not to help the developer with future development. The Attorney advised that they are both interrelated. Upon roll call, all Commissioners voted aye. Motion carried.

- B.** Mr. Hank Kowalski spoke regarding Door Knob Hangers and the dangers involved. He suggested that the County consider an ordinance prohibiting this procedure.

5. ACTION:

Motion by Commissioner Gose, seconded by Commissioner Flowers, to set the Action Agenda with changes as listed:

- A) Delete Item H-1 under the County Administrator
- B) Remove Budget Amendment Item #97-98-506 from Consent Agenda to be placed under the Special Tax District.
- C) Addition of Budget Amendments 98-99-41 and 97-98-513
- D) Remove Consent Agenda Item #15 for discussion

Upon roll call, all Commissioners voted aye. Motion carried.

A. Resolution honoring Jeanne Smith, American Red Cross

The Resolution was read into the record by Commissioner Barrett, Chair of the American Red Cross.

Motion by Commissioner Flowers, seconded by Commissioner Barrett, to adopt Resolution in recognition of Jeanne Smith, Executive Director, of the American Red Cross for Highlands County, and commending her for her unselfish dedication to the Chapter. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 68.

B. Proclamation: "National Home Care Month"

Proclamation read into the record by the County Administrator, Carl Cool. Motion by Commissioner Flowers, seconded by Commissioner Barrett, to adopt Proclamation, proclaiming the month of November 1998 as National Home Care Month in Highlands County. Upon roll call, all Commissioners voted aye. The motion carried. See Res. Book 12 Page 69.

C. Arbuckle Branch Ranchettes representative: Request to maintain road

Ms. Patty Falla appeared before the Board with request that the County accept deeds to a 50-foot right of way in Arbuckle Branch Ranchettes for the purpose of assuming maintenance of the road.

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to accept the 50-foot right of way with the 22 deeds, but not to accept the maintenance of roads at this time. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 33 Page 28.

D. David Twiddy, Fla. Dept. of Transportation: Work Program

David Twiddy of Fla. Dept. of Transportation, spoke to the Board regarding the taxes we pay on gasoline and where they go in cents per gallon. Debbie Hunt, Director of Planning and Programs, reviewed the tentative Work Program for Highlands County for fiscal year 1998-99 through 2003.

Motion by Commissioner Gose, seconded by Commissioner Flowers, to authorize the Chairperson to send a letter of endorsement to the Florida Department of Transportation for the FDOT Work Program. Upon roll call, all Commissioners voted aye. Motion carried. See FDOT file for copy.

E. Development Services Director: NRAC recommendation on CARL sites

Jim Polatty, Development Services Director, presented a request from the NRAC to the Board to fund from the Conservation Trust Fund, the notification of property owners in CARL sites, in accordance with the Nature Conservancy proposal, when active efforts are being made for acquisition of lots with funds from the Conservation Trust Fund. Commissioner Gose questioned the origin of this request. Commissioner Flowers made a motion to approve this recommendation. No second was received. The motion died for lack of a second. See SMB 33 Page 29.

F. County Engineer: Status of the Placid Utilities Advisory Committee

Ramon Gavarrete, County Engineer, advised that the Placid Utilities Advisory Committee was formed to review the rate increase for the utility in September 1997. The Board passed a rate increase for both Placid and Highway Park Utilities in March 1998. Another rate increase is not projected for at least a year.

The County Engineer presented recommendation of the committee to, disband the committee until a need arises, or, to solicit for new members to fill the five vacancies. Representative of the Committee, Spence Lloyd, spoke in opposition to disbanding the Committee.

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to approve the recommendation of the County Engineer to retain the Advisory Committee and to seek appointments

to fill the vacancies. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 33 Page 30.

G. Board Attorney

No report was given.

H. County Administrator

1. Helena Chemical engineering fees and budget amendment 97-98-498

Item deleted.

2. Recommendation on City of Avon Park resolution

Carl Cool presented the request for the City of Avon Park to require that Florida Power Corporation provide obstruction lighting for the unlit power poles between the approaches to runways four and nine at Avon Park Municipal Airport. C. B. Shirey, City Manager, asked that the Board of County Commissioners intercede and request that the Company add caution lights on every transmission pole at the airport’s west end. John Martz, representing Florida Power Corporation, stated that the existing caution lights exceed Federal Aviation Administration requirements. Commissioner Flowers asked that FAA confirm that the lighting is safe. The County Administrator was directed to contact the FAA for a confirmation that Florida Power has complied with all requirements.

3. Ruck’s Dairy Road bridge agreement

The County Administrator discussed the Ruck’s Dairy Road bridge agreement. South Florida Water Management District requested that the Board sign off on the “Request for Permit Transfer” form. See SMB 33 Page 31. The Board Attorney advised that Highlands County will be accepting maintenance of this bridge.

Motion by Commissioner Barrett, seconded by Commissioner Flowers, to accept the agreement with conditions as suggested by the Board Attorney. Upon roll call, all Commissioners voted aye. Motion carried.

4. Childrens Proclamation

The County Administrator read the Proclamation into the record. Motion by Commissioner Flowers, seconded by Commissioner Barrett, to adopt Proclamation, designating the month of November 1998 as Childrens Adoptive Awareness Month in Highlands County. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 70.

I. Consent agenda:

David Duke, representing AeroMed II, gave a brief update on the program. Motion by Commissioner Barrett, seconded by Commissioner Gose, to approve the Consent Agenda as listed with Item #15 to be placed back on the Consent Agenda:

1. Approval to pay all duly authorized bills

Law Library 147.20

- General 1,766,196.67
- County Transportation Trust 85,855.47
- E911 Operations 14,944.11
- Local Govt Infrastructure Surtax 94,804.96
- Affordable Housing Assistance 42,360.80
- Solid Waste 36,599.34
- Placid Utilities 3,058.19
- Hiway Park Utility 4,932.11
- Risk Retention 1,463.00
- Employee Benefit 183,031.99
- 2. Approval of minutes of 10-20-98 meeting
- 3. Accept into record - September Monthly Report
- 4. Approval to remove equipment from EMS inventory. See SMB 33 Page 32.
- 5. Approval to execute AeroMed II Certificate of Necessity. See SMB 33 Page 33.
- 6. Appointment to Law Library Committee (Janette L. Branham). See SMB 33 Page 34.
- 7. Approval of purchase/demolition and removal of houses (1122 & 1128 Fairmount Dr. for Eucalyptus Parkway Phase I). See SMB 33 Page 35.
- 8. Approval to execute grant for Children’s Museum of the Highlands
- 9. Approval to execute grant for Florida Ridge Big Brothers/Big Sisters, Inc.
- 10. Approval of resolutions and budget amendments 98-99-8 (Emergency Management Grant) 98-99-9 (Admin. Complex Land Acquisition) 98-99-27 (Law Enforcement Block Grant) 98-99-32 (new Law Library furnishings). See Res. Book 12 Page 71.
- 11. Approval of budget amendments 97-98-504 (Courthouse Security, SHOCAP) 97-98-505(Emergency Management)97-98-507(County Engineer) 97-98-508 (Commodities) 97-98-509 (Aquatic Plant Control) 98-99-40 (Expert Witness) 98-99-41(Various to carry encumbrances forward).
- 12. Approval to execute asphalt contract with Better Roads
- 13. Approval to set nuisance appeal hearing for November 17, 1998 for case #97-98-177. See SMB 33 Page 36.
- 14. Approval of nominees for Lake Istokpoga Management Committee. See Istokpoga file for copy.
- 15. Approval of request for EMS coverage for Zonta Club. See SMB 33 Page 37.
- 16. Appointment to Sebring Airport CRA (Peter H. McDevitt). See SMB 33 Page 38.

Upon roll call, all Commissioners voted aye. Motion carried.

6. COMMISSIONERS

- A. Commissioner Barrett discussed Lake access at Boat Ramps

- B. Commissioner Canale discussed the probability of a cat leash law.
- C. Commissioner Canale requested the County Administrator notice a meeting of the Sun'n Lake Committee Thursday, November 5, 1998 at 5:30 p.m.
- D. Commissioner Gose entered a letter into the record from Jane M. Penny, stating objection to the appointment of Rex Bond and Bob Severino to the Sun'n Lake Committee. See SMB 33 Page 39.

7. ADJOURN

The meeting adjourned at 11:15 a.m.

Chairperson

Attest: _____
Clerk

WORKSHOP AND REGULAR MEETING OF THE BOARD, NOVEMBER 10, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 600 S. Commerce Ave., Sebring, Florida with the following members present:

Jeri Canale	C Michael Eastman
Guy Maxcy	Carl Cool
David Flowers	J Ross Macbeth
J D Barrett	Louise Graham

Commissioner Gose was absent from the meeting to attend a training seminar.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The meeting opened with a prayer by the County Administrator, Carl Cool. The Pledge of Allegiance was led by Richard Conover.

3. ANNOUNCEMENTS:

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public. Commissioner Flowers reported that District one meetings will resume in January, due to the holiday schedule.

4. Agenda

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to set the Action Agenda with an addition under Item # 7, to include approval of Commissioner Barrett's travel. Upon roll call, all Commissioners voted aye. Motion carried.

5. Presentation by Heartland Library Cooperative

Perry Newport, Chair of the Heartland Library Cooperative and Mary Myers, Director of the Library gave a presentation to Chairperson Canale, in thanks for her hard work and dedication to the project.

6. Public hearing to consider Plan Amendment, case no. 98-001264GM

Proof of Publication entered into the record by Jim Polatty, Development Services Director. See Proof of Pub Ordinance Book 2 Page 28. Mr. Polatty explained the Remedial Plan Amendment pursuant to Stipulated Settlement Agreement, DOAH Case No. 98-001264GM (CPA-97-067LS). The Board Attorney explained that the case has been settled and the terms are spelled out.

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to adopt ordinance and transmit to the state for certification. The Chair opened the floor to the public. No one spoke for or against the Plan Amendment. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 33 Page 43.

7. Larry Stange: Sun 'n Lake Overview Committee

Mildred Jones, representing the Sun'n Lake Overview Committee, advised that the Committee met on November 5, 1998 and voted to recommend that the Board of County Commissioners extend support for their Committee. They feel that it is the best interest of all the members of Sun'n Lake that the work continues. Some progress has been done, but problems are difficult and need more time. The Chairperson reported that since the Committee dissolves when she leaves, she would like the support of the other Commissioners to continue the Committee. Ross Macbeth advised that the Committee may continue to meet but this Committee was never a Committee of the Board, and is debatable as a Sunshine Committee.

Motion by Commissioner Maxcy, seconded by Commissioner Barrett, to extend the Committee until January 1999. Upon roll call, all Commissioners voted aye. Motion carried.

A. Commissioner Barrett - Policy on travel

Commissioner Barrett presented travel reimbursement for the last fiscal year. C. Michael Eastman, Clerks Office, requested that the Board of County Commissioners approve the travel request because of the date, as it went back to January 1998. The Board discussed the policy on travel.

Motion by Commissioner Canale, seconded by Commissioner Barrett, to approve the travel request for Commissioner Barrett. Upon roll call, all Commissioners voted aye, except Commissioner Maxcy, who voted nay. Motion carried.

8. Commissioner Maxcy - Presentation of Plaque to Commissioner Barrett and Canale, outgoing Commissioners.

9. ADJOURN

The meeting adjourned at 9:40 a.m.

Chairperson

Attest: _____
Clerk



REGULAR MEETING OF THE BOARD, NOVEMBER 17, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 600 S. Commerce Ave., Sebring, Florida with the following members present:

James L Gose	C Michael Eastman
C Guy Maxcy	Carl Cool
David Flowers	J Ross Macbeth
Edgar E Stokes	Louise Graham
Bob Bullard	

2. **INVOCATION AND PLEDGE OF ALLEGIANCE**

The meeting opened with a prayer by the Clerk of Court, L.E. "Luke" Brooker. The Pledge of Allegiance was led by Commissioner Gose.

3. **ANNOUNCEMENTS:**

- A. **Sheriff**

Lt. Susan Benton presented the Daily Jail Log of Inmate Count for the period ending November 17, 1998. She also gave an update on the monthly Farm Report.

1. **Request from the Sheriff's Office - Grant Application**

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to approve execution of a Grant Application from the Sheriff's Department to the Attorney General's Office. This Grant will be submitted to apply for *a victim advocate position* to work at the Childrens Advocacy Center with abused children. The position will also work with the Clerk's Office and apply for other Crime Compensation funds from the State. This Grant requires a 25% match of in kind services. Upon roll call, all Commissioners voted aye. Motion carried.

- B. **Clerk**

L.E. "Luke" Brooker, invited Commissioners to attend the *Teen Court Sessions* now being held the second and fourth Tuesdays at 6:30 p.m. The Clerk also reported that Jury Trials are being held this week at the Courthouse. Court began with 16 trials but has been reduced to seven. *Swearing in Services* for the new Commissioners was held in the Courtroom.

- C. **Future upcoming meetings:**

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public.

4. **Citizens Not on Agenda:**

- A. Mr. Richard Conover spoke to the Commission regarding the *DAV Ceremony* held at the Veterans Services Office on November 11, 1998 and commented on the lack of participation.

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- B.** Peggy Shaffer presented questions on the issue of Legal Aid Services. The Vice-Chair advised Ms. Shaffer that this item will be discussed later in the agenda.

5. ACTION:

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to approve the Action Agenda with additions as listed:

- A) Utilization of the Courthouse by the Concert Band as Item M-3
- B) Request to execute FEMA Reimbursement Grant for Hurricane Georges as Item M-4
- C) Addition of Budget amendment 98-99-45 to be added to Consent Agenda as Item Number 10
- D) Proclamation - Farm City Week as Item N-2
- E) Remove Consent Agenda Items # 7, 9 & 14 and place under the County Administrator
- F) Discussion by Richard Conover on Consent Agenda Item 4 & 10 to be placed under the County Administrator

Upon roll call, all Commissioners voted aye. Motion carried.

A. Election of Chair and Vice Chair

Motion by Commissioner Maxcy, seconded by Commissioner Bullard, to elect Commissioner Gose as Chairman to the Board of County Commissioners, and to elect Commissioner Flowers as Vice-Chair to the Board of County Commissioners. Upon roll call, all Commissioners voted aye. Motion carried. The new Chairman presided over the meeting.

B. Public hearing to consider proposed changes to Chapter 12, Zoning Code

Proof of Publication entered into the record by Zoning Supervisor, Gary Lower. See Proof of Pub Ordinance Book 2 Page 29. Mr. Lower reported that this is the second Public Hearing regarding the proposed changes to Chapter 12. Changes to the Ordinance were reviewed. The recommendation of the Planning and Zoning Commission and the Local Planning Agency was to approve.

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to adopt Ordinance with changes to Chapter 12, Zoning Code. The Chair opened the floor to the public. Hank Kowalski spoke to the Special Exception issues. Upon roll call, all Commissioners voted aye. Motion carried. Refer to tape for details.

C. Historic Preservation Commission: Resolution honoring Bettes Lamb

Resolution read into the record by Marguerite Stewart Skipper, Chairperson of the Highlands County Historic Preservation Commission, in memory of Mrs. Bettes Lamb. Also in attendance was Mr. Richard Lamb and his son Mr. Ron Lamb.

Motion by Commissioner Flowers, seconded by Commissioner Maxcy, to adopt Resolution, in recognition of Bettes V. Lamb to honor her memory for her dedicated service in the field of Historic Preservation in Highlands County. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 74.

D. Operations Manager: Weed Control presentation

Vicki Pontius, Operations Manager, spoke to the Board regarding the invasive Plant Management Program. She presented a brief overview of the type of plants controlled in Highlands County and how funding is derived. See SMB 33 Page 44 for copy of information. She reported that her department attended the annual Florida Aquatic Plant Management Society meeting. Bruce Burley, Aquatics Technician, prepared an applicator's paper and received a plaque for his participation. He also gave the presentation at the Board meeting. Carl Smith, Aquatic Weed Control Supervisor, was honored by receiving the Applicator of the year award. He was chosen by a panel of his peers for efforts in the aquatic field. In conclusion, Ms. Pontius presented a large framed picture of a sunset over Lake Istokpoga.

Commissioner Stokes discussed Smut grass on the roadways. He asked that staff check for the problem. Carl Smith advised that he will follow through with the request.

E. Development Director: Sun 'n Lake Preserve, Conceptual Approval Agreement

Motion by Commissioner Flowers, seconded by Commissioner Maxcy, to approve Addendum VIII to the Conceptual Approval Agreement for the Sun'n Lake Preserve. This Addendum reflects an extension of time to June 10, 1999, granted by the governing board of the Florida Communities Trust and continues the outparcel acquisition and minimizes the use of County funds. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 33 Page 45.

F. Bill Abell, Mastec Technologies, Inc.: Nuisance appeal, case no. 9798-177

Wendell Whitehouse, Attorney for Mr. Bill Abell, representing Mastec Technologies, Inc., appeared before the Commission with a request for a deferral in proceedings by the Board of County Commissioners and the Code Enforcement Division to allow his Company sufficient time to prepare a scope of work plan to remedy extensive debris removal in case no. 9798-177 nuisance appeal.

Motion by Commissioner Maxcy, seconded by Commissioner Stokes, to extend the deadline for sixty days and allow Attorney Whitehouse to give a status update. Commissioner Flowers asked that an update be provided before 60 days if possible. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 33 Page 46.

G. Human Services Director: Legal aid services for Highlands County residents

Kevin Roberts, Human Services Director, presented a synopsis of events regarding his efforts to develop a legal aid program in Highlands County. Mr. Roberts reported that staff initially sent out requests for bids to 19 law firms specializing in family law. He requested that the Board waive the requirement for three qualified proposals relative to the purchase of legal aid services, and authorize the professional Services Acquisition Committee to proceed with negotiations with the one qualified firm that submitted a proposal RFP 98-120, Legal Aid Services.

Motion by Commissioner Stokes, seconded by Commissioner Flowers, to waive the requirement and authorize the Acquisition Committee to enter into negotiations with Heart of Florida Legal Aid Society, with stipulations that staff monitor the project and a quarterly report be presented back to

the Board. The Chair opened the floor to the public. Peggy Shaffer stated concerns to the bid list, and the \$20.00 excessive assessment cost. Bob Jamison, Director of General Services, advised that his office maintains a master bidders list and the Human Service Director was asked to provide names of potential firms. Commissioner Bullard also shared concerns for spending \$50,000 to begin the program. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 33 Page 47 for copy of information.

Break 10:35 a.m. - 10:45 a.m.

H. Development Services Director: Appointment to Planning & Zoning Commission

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to accept the resignation of David E. Johnson and to approve the appointment of Doug Walz, as an alternate on the Planning and Zoning, Board of Adjustment and the Local Planning Agency, for the remainder of his term until March 7, 1999. The Chair opened the floor to the public. Richard Conover spoke in favor of the appointment and encouraged better attendance at the meetings. Commissioner Bullard commented on the excellent quality of the people who offered their assistance on this Board. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 33 Page 48 for copy of resume.

I. County Engineer: Maranatha Village Subdivision entrance

Ramon Gavarette, County Engineer, presented the design with an estimated cost for the Maranatha Village Subdivision entrance as requested by Commissioner Maxcy. County staff time was estimated at \$11,600.00. County labor and equipment \$28,032.00. The total cost for bidding the project was listed at \$50,000.00. The Commission discussed the cost involved. The Chair opened the floor to the public. Don Esseltine, Manager of Maranatha Village, spoke in favor of the turn lane entrance. Commissioner Flowers spoke on shared cost by the Subdivision. Commissioner Stokes and Maxcy spoke in favor of the construction.

Motion by Commissioner Maxcy, seconded by Commissioner Stokes, to authorize Road and Bridge to proceed with the widening of Arbuckle Creek Road, and installation of the two turn lanes, utilizing County forces, with funds to come out of the operating budget. The timing of the project to be at the discretion of the Road and Bridge Superintendent. Dan Foley, representing the Citrus Growers Association, and Don Esseltine of Maranatha Village presented comments regarding the payment of taxes. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 33 Page 49 for copy of memo.

J. Emergency Operations Director: Fire Service Task Force committee recommendations

Tim Eures presented recommendation of the Fire Service Task Force Committee, consisting of the volunteer fire chiefs, to get permission to go out for an RFP, to obtain a consultant to look at a level of service issue and improve fire service in the County. Commissioner Flowers asked that the Board commit to an RFP for a Professional Consultant. At this time no funds are being committed. This is just a study. The goal is to implement county wide fire services to provide protection for areas now covered by volunteers. At this time the Cities will not be included.

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Motion by Commissioner Flowers, seconded by Commissioner Stokes, to request that staff prepare an RFP for a consultant to look at a County Wide Fire Service. The Chair opened the floor to the public. Richard Conover and Harry Motinger spoke in favor of the request. Upon roll call, all Commissioners voted aye. Motion carried.

K. Economic Development Director: Request for engineering studies reimbursement

Jim Stanfill, Executive Director of the IDA/EDC, presented request for reimbursement of expenses incurred in the Helena Chemical project. The fees were for engineering studies necessary to ensure the viability of the site. The engineering studies determined that the site was not contaminated from the old SAA sewer plant and will be a viable site for any future locating company.

Motion by Commissioner Flowers, seconded by Commissioner Bullard, to approve reimbursement of the engineering fees with a budget amendment from the CIP. Commissioner Flowers discussed the possibility of a commitment agreement from the potential tenant. The Chair opened the floor to the public. Mr. Gary Puckett, a taxpayer, spoke in favor of the payment. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 33 Page 50.

L. Board Attorney: Request to foreclose lien, case no. 9697-015

Mr. Macbeth presented request to the Board as recommended by Alan Decker, Code Enforcement, for authorization to proceed with the necessary action to foreclose the lien on Case #9697-015, Howard and Debra Clark. He advised that liens by municipal and county governments survive the sale of tax deeds. Mr. Joe Villone has purchased a tax deed for the property.

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to uphold the recommendation of the Code Enforcement Officer, to authorize the Board Attorney to proceed with action to foreclose the lien. Upon roll call, all Commissioners voted aye. Motion carried. See File for copy.

M. Assistant County Administrator:

1. Emergency Operations Center status update

Tom Portz, Asst. County Administrator, presented a status update on the new EOC Center. He reported that the work product to date is the result of input from staff to the contracted architect of George Palermo, Inc. The design is functional, will withstand wind speeds of 200 miles per hour and is expandable for future needs. The facility will be co-located with the new DeSoto City Fire station and is close to the Health Department. Commissioner Bullard asked if the Engineering Department has determined that there is sufficient turning radius that would allow major fire vehicles to enter the building from the rear, particularly into the first bay. Tim Eures reported that he will check into this matter. The Board gave a consensus to proceed with the construction drawings. See SMB 33 Page 51.

2. Membership appointments

The Board gave a consensus to appoint Gene Burger of Lorida, to the Building Use Committee. The Chairman reported that he will be bringing back assignment of committee appointments.

3. Concert Request

Motion by Commissioner Flowers, seconded by Commissioner Stokes, to approve the request of the Concert Band to utilize the Courthouse Lawn on the following dates:

January 17, February 14, March 7, and March 28, 1999. The Chairman requested that staff check with the Clerk on verification of dates. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 33 Page 53.

4. FEMA DSR Grant Authorization

Motion by Commissioner Flowers, seconded by Commissioner Bullard, to approve execution of the FEMA Damage Relief Funding Grant. Upon roll call, all Commissioners voted aye. Motion carried.

N. County Administrator: Report on Water Use Authority Study Group

Carl Cool reported on the Water Use Authority Study Group. The feasibility of a Water Use Authority will be evaluated. They have agreed on a consultant to study whether such an organization will help Highlands, Hardee, and Polk counties. The Committee will be negotiating with Parsons Engineering Science Association, who was ranked *number one* firm. \$40,000 is available for the study, with the cost being split by the three counties, and the Southwest Florida Water Management District. A report will come back on the outcome of the feasibility study.

1. Pat Hogue - Proclamation - Farm City Week

Pat Hogue, County Extension Agent, presented proclamation and read the document into the record. Motion by Commissioner Stokes, seconded by Commissioner Flowers, to adopt Proclamation, proclaiming the period of November 20 through November 26, 1998 to be *Farm-City Week in Highlands County*. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 72.

2. Chastain-Skillman - Agreements-Consent Agenda items-7-9-14

Motion by Commissioner Bullard, seconded by Commissioner Flowers, to approve the amendments with accompanying budget amendments, subject to review by the Board Attorney. Upon roll call, all Commissioners voted aye. Motion carried.

3. Consent Agenda Item #4 - Solid Waste Manager: Replacement of LF-44 Ford Pickup Truck with a larger Flat Bed Diesel Truck

Richard Conover presented questions regarding the request. Carl Cool explained the need to buy the larger truck. This item to placed back on the Consent Agenda for approval.

4. Budget Amendment 97-98-45

Richard Conover asked for a clarification on budget amendment 97-98-45. The Chair explained that this was inadvertently left off the Consent Agenda and added when the Agenda was set. This item to be placed back on the Consent Agenda. Mr. Conover also commented on the Recycling percentage listed in the Monthly Reports. Jerry Leszkiewicz, Solid Waste Manager, reported that Highlands County leads the state in recycling percentage.

O. Consent agenda:

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to approve the Consent Agenda as listed:

1. **Approval to pay all duly authorized bills**

Law Library	885.00
General	520,396.72
County Transportation Trust	76,313.48
E911 Operations	15,190.97
Intergovernmental Radio Communication	350.00
Florida Boating Improvement	460.74
Local Govt Infrastructure Surtax	965,906.60
Affordable Housing Assistance	39,397.50
Special Law Enforcement	499.00
Solid Waste	22,247.00
Placid Utilities	3,927.20
Hiway Park Utility	1,162.14
Risk Retention	2,655.52
Tax Deed Surplus	7,812.30
Employee Benefit	220,005.39
2. **Approval of minutes of 10-27-98 and 11-3-98**
3. **Accept into record - October Monthly Report**
4. **Approval to replace truck - Landfill. See SMB 33 Page 54.**
5. **Accept into record - Financial Statements of Constitutional Officers. See File for copy.**
6. **Appointments of Tim Thompson and Fred W. Jahna, Jr. to the Industrial Development Authority. See SMB 33 Page 55 for copy of resume.**
7. **Approval of execution of Supplemental Agreement No. 27 to update master plan for Arbuckle Landfill leachate management, subject to review by the Board Attorney. See SMB 33 Page 56.**
8. **Approval to execute Cooperative Agreement for Melaleuca Control. See SMB 33 Page 57.**
9. **Approval of Addendum No. 1 to Supplemental Agreement no. 25, Courthouse Renovation (Window & Door Replacement), subject to review by the Board Attorney.**
10. **Approval of budget amendments 97-98-511(Transportation Trust Accounts) and 98-99-38 (Special Law Enforcement training) 98-99-42 (Construction of Fairmount Dr. Widening, Phase II) 98-99-44(Human Services-Unemployment Compensation) 98-99-45 (Refuse Disposal System Unemployment Compensation) 98-99-46 (Library OPS) 98-99-50 (Reserve for Contingency) 98-99-51 (Engineering Highway Safety).**
11. **Approval to execute Interlocal Agreement with City of Avon Park for recreation funds**
12. **Approval of expenditure from Special Law Enforcement Trust Fund. See**

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SMB 33 Page 58.

- 13. Approval to execute resolution supporting FREDI grant application. See Res. Book 12 Page 73.**
- 14. Approval of Addendum No. 1 for Vantage Pointe and budget amendment 98-99-43, subject to review by the Board Attorney. See SMB 33 Page 59.**

Upon roll call, all Commissioners voted aye. Motion carried.

6. COMMISSIONERS

The Commissioners welcomed the new members on board.

7. ADJOURN

The meeting adjourned at 11:16 a.m.

Chairperson

Attest: _____
Clerk

REGULAR MEETING OF THE BOARD, DECEMBER 1, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 600 S. Commerce Ave., Sebring, Florida with the following members present:

David Flowers	C Michael Eastman
C Guy Maxcy	Carl Cool
Edgar E Stokes	J Ross Macbeth
Bob Bullard	Louise Graham

Chairman James Gose was not present for the meeting. The Vice-Chair, David Flowers presided at the meeting.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The meeting opened with a prayer by the County Administrator, Carl Cool. The Pledge of Allegiance was led by Richard Conover.

3. ANNOUNCEMENTS:

A. Sheriff

Lt. Susan Benton presented the Daily Jail Log of Inmate Count for the period ending December 1, 1998.

B. Clerk

C. Michael Eastman, Director of Accounting and Finance reported on the investment of idle cash. He reported that the Clerk's office follows the principles of safety first, next liquidity, and then yield. The bulk of our idle cash is invested with the State Board of Administration. The SBA established a Pool for local governments to invest idle funds that offered the safety and liquidity that we needed. The Pool is a "2-a 7 like Pool." The significance of this is that we can use amortized cost on our financials as fair value (per GASB-31). We currently have a little more than \$15,000,000 invested with them at a 5 ½ % return. This amount will increase significantly in the future as we receive tax revenues.

This verbiage was taken from the CAFR as of September 30, 1997. Since December 1980, the County has earned \$15,114,589 interest income by investing in the pooled fund to help support the growth in our County.

We also have about \$4,500,000 invested in the Florida Local Government Investment Trust. The Trust was organized on December 12, 1991, to give local governments a pooled investment program that focuses on longer term securities with the highest credit ratings. The Trust was created by the Florida Association of Court Clerks (FACC) and the Florida Association of Counties (FAC). It is governed by a six-member Board of Trustees and uses an independent investment advisor, custodian bank, administrator, legal counsel, and external auditor. These investments are invested in a little longer term, and therefore their yield is a little higher. The County has funds for compensated absences, etc. that can be invested for a longer term, than what is available through SBA.

The Clerk also has a sweep account at Nations Bank, where we invest money from our clearing account overnight.

In addition, if we borrow money for a major project, we invest in Treasury bills, etc. during the construction period. This is considered an arbitrage and during the construction of the jail addition, we had net interest earned of more than \$92,000.

C. Future upcoming meetings:

I. The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public.

II. Proclamation -Delta Chorale Week

Motion by Commissioner Maxcy, seconded by Commissioner Bullard, to adopt Proclamation designating the week of November 30, 1998 as Delta Chorale Week in Highlands County, in recognition of music provided to the citizens. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 78.

III. Commissioner Flowers gave a brief update on the animal quarantined at the Animal Control. He reported that the animal is back home with its owners and the issue has been resolved. When this issue was initially discussed by the Board, it was agreed to change the policy and the charge would not exceed \$500.00. The owners were notified and there was no disagreement with them. Never, when the six months expired, did the County suggest that the dog be put to sleep.

He requested that all animal owners vaccinate their pets to avoid this type of situation. If a rabid animal comes in contact with a vaccinated animal there is no quarantine, just an observation period, performed free of charge to the owners, by the health department. If the animal is not vaccinated, a mandatory state law requires animals to be quarantined for 180 days or six months.

4. ACTION:

Motion by Commissioner Maxcy, seconded by Commissioner Stokes, to set the action agenda with changes as follows:

- A) Delete item A. under the County Engineer and add *introduction of a new County Engineer*.
- B) Add Item E. 4. *Request to set public hearing for a Lighting District in Highway Park*.
- C) Delete Budget Amendment 97-98-515

Upon roll call, all Commissioners voted aye. Motion carried.

~~A. County Engineer: Request for easement, Sylvan Shores Estates~~
Item deleted.

A. Introduction of new Civil Engineer II

Ramon Gavarette introduced Elius Nortelus of Massachusetts, as the new Civil Engineer II in the County Engineer's office. The Board welcomed Mr. Nortelus on board.

B. Emergency Medical Service Director: Proposed EMS fees

Rick Weigand EMS Director, presented four (4) recommendations from Mike Latessa of MidAm Recovery Services, contractor that handles the EMS billing and collection services.

Motion by Commissioner Stokes, seconded by Commissioner Bullard, to approve the four (4) recommendations, with the adoption of the all-inclusive base rate billing using the following EMS rates, to be effective January 1, 1999:

Advanced Life Support (ALS) all-inclusive base rate	\$275.00
Basic Life Support (BLS) all-inclusive base rate	\$200.00
Mileage in and out of County	\$ 5.00 per mile

Also recommend a charge of \$75.00 for cardiac arrests where resuscitation efforts are discontinued in the field.

Ross Macbeth spoke in favor of the new billing rate. Commissioner Stokes asked for an update in one year. Carl Cool reminded the Board that Highlands County has one of the lowest rates in the State. The Chair opened the floor to the public. Richard Conover spoke in favor of the change in EMS fees. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 33 Page 66 for copy of fee schedule.

C. Solid Waste Manager:

1. Request to waive tipping fee for mulch

Motion by Commissioner Maxcy, seconded by Commissioner Stokes, to approve request of Jerry Leszkiewicz, Solid Waste Manager, to waive tipping fee for receipt of recyclable, clean chipped brush or tree limbs at the Landfill. Commissioner Stokes presented questions regarding disposal of tree limbs. Mr. Leszkiewicz advised that we do not have any place to accept this type of material. He will be discussing this with DEP later in the week. The Chair opened the floor to the public. Gabriel Read spoke regarding a site for stockpiling C & D debris. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 33 Page 67.

2. Request to set tipping fee for animal remains

Motion by Commissioner Bullard, seconded by Commissioner Stokes, to approve request of the Solid Waste Manager, to establish a special waste tipping fee of \$75.00 per ton for disposal of dead animals and animal body parts from commercial sources in Highlands County. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 33 Page 68.

D. Board Attorney

Mr. Macbeth reported that he will be bringing sample ordinances from other counties regarding recent provisions on gun control for review by the Commission. No action was taken.

E. County Administrator:

1. Holidays for 1999

Motion by Commissioner Maxcy, seconded by Commissioner Bullard, to adopt the Circuit Court schedule of holidays for 1999 with the addition of Good Friday and the Christmas holiday on December 23, 1999. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 33

Page 69 for copy.

2. Recommendation of Building Official

Carl Cool presented S.Y. Mosley, Jr. as the new Building Official.

Motion by Commissioner Stokes, seconded by Commissioner Maxcy, to accept S.Y. Mosley, Jr. as the new Building Official. Upon roll call, all Commissioners voted aye. Motion carried. The Board commended Mr. Mosley in his new position.

3. Suggestions on funding requests for State Legislators

Carl Cool, County Administrator, presented suggested funding priorities for this year's State legislature as follows:

- 1) Article V funding
- 2) State aquatic week control funding
- 3) Courthouse Grant
- 4) Additional grants pending

Motion by Commissioner Stokes, seconded by Commissioner Bullard, to forward priorities as listed to Senator Laurent's office. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 33 Page 69 for copy.

4. Lighting District in Highway Park

Carl Cool reported that he received a petition from Norman McMinns and Rev. W. C. Holden, residents of Highway Park, requesting a Special Taxing District for street lighting in that area. The petition contained signatures from approximately 140 residents. The residents are agreeable to an assessment of \$20.00 per year per resident or \$5.00 per year for vacant lots.

Motion by Commissioner Bullard, seconded by Commissioner Stokes, to set the public hearing date for December 22, 1998, for the establishment of a lighting district in Highway Park. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 33 Page 70 for copy of petition.

Commissioner Stokes inquired on the progress of street lights in the Lorida area. He stated that a former County Commissioner advised that lighting for the Lorida District was in progress or in storage. The Chair advised that a lighting district has not been established in Lorida and the same legal procedure must be followed to set up the District. The County Administrator encouraged the Lorida residents to move forward if they intend to seek lighting for that area.

F. Consent agenda:

Motion by Commissioner Maxcy, seconded by Commissioner Bullard, to approve the Consent Agenda as listed:

- 1. Approval to pay all duly authorized bills**
- Law Library 119.72**
- General 350,653.48**

County Transportation Trust	50,479.11
E911 Operations	3,133.24
Intergovernmental Radio Communication	439.81
Florida Boating Improvement	24,419.00
Local Govt Infrastructure Surtax	4,077.91
Affordable Housing Assistance	35,416.00
Special Law Enforcement	9,781.59
Solid Waste	13,344.30
Placid Utilities	566.51
Hiway Park Utility	570.46
Risk Retention	4,918.90
Highlands Hospital Pass thru	58,870.15
Employee Benefit	148,499.74

2. Approval of minutes of 11-10-98 and 11-17-98
3. Approval of letter to DEP regarding CARL sites. See SMB 33 Page 71.
4. Approval to execute Satisfaction of Mortgage (Danellia Shay Ellington). See SMB 33 Page 72.
5. Approval to execute Medicare Participation Agreement.
6. Approval of budget amendments 97-98-514(reimbursement by Local Criminal Justice Trust Fund) 98-99-54 (Dirt Road paving for fiscal year 98-99) 98-99-58 (KHB decreases in funding) and 98-99- 59(Veterans Service OPS).
7. Approval of resolution and budget amendment 98-99-62 (Local Mitigation Disaster) See Res. Book 12 Page 79.
8. Approval to execute 1998-99 grant contract for NuHope of Highlands County, Inc.
9. Approval of resolution approving Health Services grants. (Hospital Board). See Res. Book 12 Page 80.
10. Approval of amendment to Habitat for Humanity Contract

Upon roll call, all Commissioners voted aye. Motion carried.

5. CITIZENS NOT ON AGENDA:

- 1) Richard Conover spoke to the Commission asking for special recognition of Pearl Harbor Day.
- 2) Peggy Shaffer asked that consideration be given for another proposal for legal aid in Highlands County. She stated that the Commission did not close the bidding when it agreed to negotiate with Heart of Florida Legal Aid. Ross Macbeth stated that additional proposals could be considered, depending on how many organizations handle indigent cases. The County Administrator suggested that the County continue negotiations with Heart of Florida Legal Aid Society, while making the community aware that there are other companies interested in the service.

6. COMMISSIONERS

Commissioner Maxcy requested each Commissioner recommend a person to serve on the S.A.V.E. Committee for a term depending on the time of service for that Commissioner. One to two meetings will be held per year to consider department proposals. The Vice-Chair commended Commissioner Maxcy for his work with this program. Comments were also received from the Vice-Chair on the success of the Avon Park Christmas Parade and the Highlands County Float.

7. ADJOURN

The meeting adjourned at 10:30 a.m.

Chairperson

Attest: _____
Clerk

WORKSHOP MEETING OF THE BOARD, DECEMBER 8, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 600 S. Commerce Ave., Sebring, Florida with the following members present:

James L Gose	C Michael Eastman
David Flowers	Carl Cool
C Guy Maxcy	J Ross Macbeth
Edgar E Stokes	Louise Graham
Bob Bullard	

2. **INVOCATION AND PLEDGE OF ALLEGIANCE**

The meeting opened with a prayer by Commissioner David Flowers. The Pledge of Allegiance was also led by Commissioner Flowers.

3. **ANNOUNCEMENTS**

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public. Commissioner Maxcy reported that he may not attend the meeting on December 22, 1998. The consensus of the Board was not to hold a meeting on the fifth Tuesday of December.

4. **Discussion of EAR based and other proposed Comprehensive Plan amendments**

Carl Cool summarized the meaning of the EAR. In 1991 the Board adopted the Comprehensive Plan, from that came a set of rules, called the Land Development Regulations. Every five (5) years, the County must perform an internal evaluation, on how we are doing. This is called the EAR process or an Evaluation and Appraisal Report. Some Counties were required to hire consultants to prepare their EAR. Highlands County was fortunate to have a very good staff that developed the EAR. The EAR process was intended to evaluate our Comprehensive Plan and Land Development Regulations, determining what goals we have met and where we go from here. From that process, comes a need to correct the weak areas. The memo presented by Mr. Polatty outlines what had been drafted in response to the EAR conclusions that will be going before Planning and Zoning and other Commissions. The memo is to make the Board aware of the verbiage drafted by staff. No approval is requested at this time. Mr. Polatty advised that we have 18 months to amend the Comprehensive Plan and make the amendment to the EAR. These are the first amendments and two other rounds will follow. His hope is that none of these will be controversial. The Chair requested that if any Board member has any questions, they need to discuss this with Mr. Polatty. Commissioner Maxcy advised Board members that state law dictates that the County must do this.

Commissioner Maxcy discussed the effects of Sunshine Laws concerning zoning for new Board members. The Board Attorney will address this issue at the next meeting.

Mr. Polatty asked the Board to review the November 24, 1998 memo regarding the wellfield amendments.

5. Discussion of Comprehensive Plan, Zoning and FLUM consistency

Jim Polatty, Development Services Director, stated that this workshop is to discuss a two to three-year process to bring consistency to the zoning and Future Land Use Map of the Comprehensive Plan. Public Hearings will be held monthly for the next two to three years to complete this process. The Florida Statutes require that the zoning map and Comprehensive's Plan Future Land Use Map be consistent. If the two are not consistent, the Statutes dictate that the Comprehensive Plan Future Land Use Map governs or takes precedence over the zoning. No development orders can be issued if that development order is inconsistent with the Future Land Use Map. See Comp Plan information for copy of memos. Commissioner Bullard commended County staff and Board members for their work in this tedious task.

6. Presentation of new Executive Director of Public Risk Management

Fred Carino, Personnel Director, presented Ladd Baumgart, Risk Manager, for Highlands County. Mr. Baumgart introduced Mr. Jim Hicks, outgoing Executive Director of PRM. Mr. Hicks presented a five-year exposure & cost history. See SMB 33 Page 73. He also presented an overview of the Public Entity Pool since its establishment in 1987. See PRM file for copy. Mr. Hicks recognized his new successor, Ross Furry. Commissioner Maxcy commented on the cost savings to the County.

7. Workshop on construction and demolition debris

Mr. Cool discussed seeking a permit with DEP for a class III Landfill on the South Side of the Arbuckle Landfill for acceptance of C&D material and materials such as tree trunks and tree trimmings. *No out of County materials will be accepted.* Mr. Cool reviewed the Tipping Fees of Florida Counties. Highlands County is listed on the lower side of the statewide average. See SMB 33 Page 74 for copy. Mr. Cool gave a brief description on Class I-Class II and Class III landfills. At the request of Commissioner Maxcy, the County Administrator reviewed the proposed cost for the establishment:

\$6,000 permitting fee
\$15,000, consulting fee
\$5,000 staff time
\$10,000. for preparation of the site

No additional personnel cost is proposed. Jerry Leszkiewicz stated that the landfill could handle as much as 100 tons per day for the next 15 years. The landfill currently takes in about 40 tons per day. Commissioner Maxcy stated concerns for the cost of operation. Ross Macbeth advised that he has proposed that C&D landfills not be allowed in industrial zoning and the County be the only operators of C&D landfills. Discussion ensued regarding landfill fees being collected from the Building Department, when building permits are issued, so in effect, charges are prepaid and there will be no incentive to dumping. Commissioner Bullard stated that moving toward a class III landfill seems the best alternative. He suggested the fees be sufficient, enabling the landfill to be self supporting, and consideration be given to the cost of future contaminants. Commissioner Stokes presented questions on the location of the site and the future capacity. The Solid Waste Manager presented a model of

the landfill, depicting the future capacity. Commissioner Bullard discussed the issue of remining at the landfill.

Discussion on change of rates

Carl Cool recommended that rates be set at \$15.00 per ton for C&D construction for six (6) months, with a scheduled increase at a date certain, to allow staff to come up with solid figures on the cost to build and operate the landfill. Mr. Cool stated concerns of contractors, who are now paying \$35 a ton to haul away materials when they have based their bids on the \$10 per ton rate at the Sebring Landfill. Commissioner Maxcy suggested a system for a transfer station to dump our C&D debris. Mr. Cool reported on privatization of the landfill. He reported that the lack of neighboring counties allowing C&D materials from out-of-county contractors will be an obstacle to having a transfer station..

Commissioner Maxcy asked response from Don Greenhalgh on the possibility of using a transfer station. Don Greenhalgh, Spring Lake Services, advised that no other County wants to take Highlands County C&D.

Carl Cool introduced Woody Howard, of Woody's Trucking, who is interested in purchasing ten acres at the Avon Park C & D Landfill. Ross Macbeth reminded the Board of the problems associated with the Avon Park Landfill. The consensus of the Board was to direct staff to explore reopening the County's C&D landfill on County Road 17 A in Avon Park or consider the option of privatization. Carl Cool reminded the Board that the private individual is not held at the same level of inspection accountably as the County by the State DEP.

Motion by Commissioner Bullard, seconded by Commissioner Flowers, to pursue permitting a Class III landfill at the Arbuckle Landfill with rates at \$15.00 per ton, to be retroactive from November 24, 1998, until September 30, 1999, then increase to \$20.00. The Chair opened the floor to the public. Hank Kowalski reminded the Commission of the opposition received on closing the Avon Park C&D Landfill and spoke in favor of the motion. Von Whitesides commended the Board on the workshop discussion. Michael Carr spoke in favor of the motion. C. Michael Eastman, Director of Accounting for the Clerk's office suggested that accountants perform the function required to present correct numbers at the Landfill. Upon roll call, all Commissioners voted aye. Motion carried.

8. Commissioners

Commissioner Maxcy reported that concerns were discussed at a special meeting with Charles Lairsey, Internal Auditor for the Clerk's office. The Chair asked that this issue be discussed at next week's meeting.

9. ADJOURN

The meeting adjourned at 11:15 p.m.

Chairperson

Attest: _____
Clerk

REGULAR MEETING OF THE BOARD, DECEMBER 15, 1998

1. The meeting was called to order at 9:00 A.M. in the Board of County Commission Chambers at 600 S. Commerce Ave., Sebring, Florida with the following members present:

James L Gose	C Michael Eastman
David Flowers	Carl Cool
C Guy Maxcy	J Ross Macbeth
Edgar E Stokes	Louise Graham
Bob Bullard	

2. **INVOCATION AND PLEDGE OF ALLEGIANCE**

The meeting opened with a prayer by the Clerk of Courts, L.E. "Luke" Brooker. The Pledge of Allegiance was led by Commissioner Guy Maxcy.

3. **ANNOUNCEMENTS**

- A. **Sheriff**

Lt. Susan Benton presented the daily jail log of inmate population for the period ending December 15, 1998. The Farm Report was also given.

- B. **Clerk**

L. E. "Luke" Brooker, presented a report on "Jury Trial Week." He also commented on the immediate response by the Emergency Medical team when his daughter required emergency care following an accident at the Sebring High School Basketball game.

C. Michael Eastman, Director of Accounting and Finance, handed out a memo with a brief summary of proposals received for financing of roads, drainage and water lines in the Orange Blossom Unit 12 Special Benefit District. He asked that this item be placed under Special Tax Districts on the agenda.

The Chair announced that Governor Chiles was a *sitting governor* and died in office. The State offices in Florida will be closed Wednesday out of respect for him. All of the Court system and the Constitutional offices will be closed. It is their wish that all County offices be closed Wednesday, December 16, 1998 and declare it a day of mourning.

Jeff Mechlin, Public Affairs Manager for Sprint United, addressed adding an additional area code to the 941 area. He reported that public hearings will be held and the Board will be notified. See SMB 33 Page 75.

- C. **Future upcoming meetings:**

The County Administrator read the reported meetings into the record. Additional meetings were announced for the benefit of the public.

- D. **Arrival of Santa Claus**

4. ACTION:

Motion by Commissioner Flowers, seconded by Commissioner Maxcy, to set the Action Agenda with changes as follows:

- A) Closing of the Courthouse - Governor Chiles' Memorial under A-1
- B) Pull Item 12 from the Consent Agenda
- C) Replace agreement with SFCC and EMS
- D) Delete Supplemental Agreement with Chastain-Skillman No. 33 and discuss requested variance with purchasing manual - Item E.
- E) Delete item G. under the County Administrator and replace with Central Florida Health Care request.

Upon roll call, all Commissioners voted aye. Motion carried.

A-1 Governor Chiles - Official closing of County Offices

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to close all county offices in memorial of Gov. Lawton Chiles. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 33 Page 76.

A. Resolution on "School to Work Month"

Carl Cool read the Resolution into the record.

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to adopt Resolution designating the month of February as SCHOOL TO WORK MONTH IN HIGHLANDS COUNTY, and commending the team for their dedication to establish an efficient system of training and education to prepare Florida's youth to join the workforce of tomorrow. Upon roll call, all Commissioners voted aye. Motion carried. See Res. Book 12 Page 82.

C. Personnel Director: Community Partner representative designation

Fred Carino, Personnel Director, reported that the National Organization on Disability has invited the Highlands County Board of County Commissioners to join efforts to promote an awareness of disabilities. He presented a request for designation of a representative to increase awareness in the organization.

Motion by Commissioner Flowers, seconded by Commissioner Bullard, to designate Mr. Richard L. Beeler as Highlands County Community Partner Representative to the National Organization on Disability, subject to review every two years. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 33 Page 77 for copy of information.

D. Human Services Director: Proposed position - Director of Children's Advocacy Center

Kevin Roberts, Human Services Director, presented a Job Description for a Director position for the Children's Advocacy Center as a full-time county employee. He reported that funding has already been secured to cover the salary and employee benefits for the first year, and additional revenue sources are currently being explored. The duties and responsibilities for the Director position will

include overseeing the day-to-day functions of the Children's Advocacy Center, and securing grant support for the Center.

Motion by Commissioner Maxcy, seconded by Commissioner Flowers, to approve the Job Description and the hiring of a Director, with the understanding that the salary and employee benefits be paid for by grants and/or other private and public sector dollars. The Chair opened the floor to the public. Richard Conover and Gabriel Read spoke in favor of the motion. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 33 Page 78 for copy of memo. Commissioner Maxcy commended Kevin Roberts and requested that a summation of projects completed be presented for the benefit of the new Commissioners. Commissioner Bullard asked that any advertising for this position be stated as a grants-funded position.

B. Dr. Alexander Almeyda: Request for certificate of need for mental health hospital

Dr. Alexander Almeyda presented a request for a certificate of need for a mental health hospital to be developed with private and public sector involvement that will deny no one. He reported that Florida Hospital, Lake Placid Mental Health Unit, was providing psychiatric care to the general adult population, but has now been converted into a "Senior Behavioral Center" admitting patients only 55 years of age and older, restricting a large segment of our population. He encouraged the Board to consider a workshop to discuss a scaled back version of the Daytona Hospital and invite someone from their hospital to attend. The Chair asked that Dr. Almeyda speak with the Human Services Director and then report to the Commission. See SMB 33 Page 79.

E. Solid Waste Director: Request approval of budget amendment 98-99-73 ~~Chastain-Skillman Supplemental Agreement no. 33~~ to permit new C&D landfill at Arbuckle

Carl Cool presented a request to consider a waiver of the Purchasing Manual and a budget amendment to negotiate professional engineering services, eliminating the requirement of an RFP. The Chair spoke to the difference of Class II and a Class III landfill. Jerry Leszkiewicz, Solid Waste Manager, explained that it will be necessary to monitor the waste carefully that goes in the Class III Landfill to eliminate the need for a liner.

Motion by Commissioner Stokes, seconded by Commissioner Bullard, to waive the Purchasing Manual and approve a budget amendment, allowing staff to treat this item as a \$10,000 purchase or less item.

The Chair opened the floor to the public. Richard Conover asked for an accounting of the total cost. Upon roll call, all Commissioners voted aye. Motion carried. See SMB 33 Page 80.

Break 10:25 - 10:35 a.m.

**F. Board Attorney:
1. Update on constitutional amendment**

Ross Macbeth presented an update on the constitutional amendment, relating to a part of revision 10 that provides for the right of private citizens to talk to the elected officials who are sitting in quasi judicial matters. For the Boards information, in quasi judicial matters, there is a section of Florida Statutes, 286.0115, when Board members may communicate with people on an exparte basis. These contacts will not be deemed prejudicial if certain things happen. The Board adopted an ordinance (96-14) and that provides specifically for communications on these matters. Generally, the party and the substance of the conversation have to be disclosed. The Board members may investigate, perform site visits, and receive expert opinions, but this has to be disclosed before the vote is taken. If these things are done, it is not deemed prejudicial.

2. Request for accrued sick leave payment

Ross Macbeth reviewed with the Commission a letter from Attorney Mitchell D. Franks, representing Vaden Pollard on demand for payment by Highlands County for the accrued sick leave of Mr. Pollard. The Attorney presented the history of this matter. The letter states that Mr. Pollard is asking for the payment of \$19,286.87 plus statutory interest since December 23, 1997. In addition, Mr. Pollard asks for payment of his outstanding attorneys' fees incurred as a result of the review of this matter and negotiations with the County. This includes \$2,541.00 for the law firm of Lane, Trohn, Bertrand & Vreeland, P.A. and \$1,469.24 for Swaine, Harris Sheehan & McClure, P.A.

Ross Macbeth advised that the FDLE investigation pending, has not resulted in any charges or conclusions. His personal belief is if we were litigating with Mr. Pollard, the issue would be whether he left in good standing. This would not be determined on the facts as they exist today but the facts that existed on the day Mr. Cool accepted his resignation. It was Mr. Cool's decision that Mr. Pollard left in good standing, according to the personnel rules and regulations of the County. The FDLE investigation has no relevance to whether Mr. Pollard left in good standing.

Mr. Macbeth stated that his opinion is that if we went to Court, we would lose the lawsuit based on the merits, as he satisfied the rules of "leaving in good standing."

Commissioner Maxcy presented questions regarding liability of the past Chairperson. Mr. Macbeth advised that the liability is still with the County. The Attorney advised that he has spoken with Bert Harris, Attorney for Mr. Pollard, and he is agreeable to waive the interest if the Board agrees to pay the sick leave and attorney fees. An affidavit was also prepared that states that Mr. Pollard did not extort any money and did not receive any payment. Mr. Pollard is willing to sign this affidavit.

Commissioner Flowers spoke in opposition to the settlement as he felt that Mr. Pollard did not leave in good standing. The Chair asked that in the future, Mr. Cool decide personnel issues.

Motion by Commissioner Bullard, seconded by Commissioner Stokes, to accept the offer of the attorney to pay the sick leave, not including the interest and his legal fees, with the understanding that Mr. Pollard sign the affidavit as submitted, that he did not accept any money and has no knowledge of that matter.

The Chair opened the floor to the public. Gabriel Read spoke in opposition to the motion. Clayton Womer, Ray Napper, Richard Conover and Von Whitesides spoke in favor of the motion. Upon

roll call, all Commissioners voted aye, except Commissioner Flowers, who voted nay. Motion carried. See SMB 33 Page 81 for copy of information. Refer to tape for complete details of the discussion.

G. County Administrator: Recommendation on lot offered for purchase

Item postponed.

G-1. Proposed changes to contract with Central Florida Health Care

Carl Cool, County Administrator, presented request from Gaye Williams, Central Florida Health Care, to amend the agreement and allow a county purchase order to be issued directly to the vendor to allow CFHC to receive the dental equipment.

Motion by Commissioner Flowers, seconded by Commissioner Stokes, to follow purchasing procedures by way of a bid and approve purchase of dental equipment and then donate to the CFHC. Gaye Williams, representative of CFHC, spoke in favor of the purchase. Commissioner Maxcy stated concerns for not following policy. Commissioner Bullard stated concerns for paying the money before receiving the goods. The Chair asked that staff place this item back on the agenda after research has been completed and a commitment has been made by the vendor. See SMB 33 Page 82.

Motion by Commissioner Flowers, seconded by Commissioner Stokes, to table the motion. Upon roll call, all Commissioners voted aye. Motion carried.

H. Consent agenda:

Motion by Commissioner Flowers, seconded by Commissioner Stokes, to approve the Consent Agenda, less item number 12, and a correction to item number 9, budget amendment #98-99-72 with an increase in the reserve account to read \$12,561.00

1. **Approval to pay all duly authorized bills**

Law Library	72.18
General	1,734,101.35
County Transportation Trust	82,745.72
E911 Operations	14,985.43
Intergovernmental Radio Communication	1,250.00
Local Govt Infrastructure Surtax	33,128.65
Affordable Housing Assistance	9,525.00
Solid Waste	21,724.08
Placid Utilities	7,648.96
Hiway Park Utility	1,440.31
Risk Retention	155,904.00
Employee Benefit	98,200.30
Flexible Benefit Trust	158.98
2. **Approval of minutes of 11-24-98 and 12-01-98 meetings**
3. **Accept into record - November Monthly Report**

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4. Appointment to Library Advisory Board (Sarah Fisher, District #4). See SMB 33 Page 83.
5. Approval to declare nuisance, case #9899-002-South ½ of Lot 1 and all of Lot 2, Block 18, South Hart and South Pine Street, Town of Avon Park. See SMB 33 Page 84.
6. Approval of purchase of track excavator, bid no. 99-11(Landfill operations at the Arbuckle site. See SMB 33 Page 85.
7. Approval of Memorandum of Understanding with City of Sebring for EMS responses. See SMB 33 Page 86.
8. Approval of Agreement for removal of feral hogs at Sun 'n Lake Preserve. See SMB 33 Page 87
9. Approval of budget amendments 97-98-515(adjust budget for actual expenditures) 98-99-72(County Engineer-3 new computers) and 98-99-74 (adjust budget for Avon Park & Sebring CRA).
10. Approval of resolutions and budget amendments 97-98-517(FEMA grant) 97-98-518(N Orange Blossom 8 & 9) 98-99-67(SHIP Fifth Year) 98-99-68 (SHIP Six Year) 98-99-69(SHIP-Seventh Year) and 98-99-71 (Law Enforcement Education-Criminal Traffic violations). See Res. Book 12 Page 83 and SMB 33 Page 88.
11. Approval of job description for firefighter / EMT. See SMB 33 Page 89.
- ~~12. Approval of contracts with DMG for consulting services~~
13. Approval of Medicare enrollment form. See EMS file for copy.
14. Appointment to Polk County Opportunity Council, Inc. (Kevin Roberts). See SMB 33 Page 90.
15. Approval of Letter of Agreement with SFCC and EMS

Upon roll call, all Commissioners voted aye. Motion carried

5. CITIZENS NOT ON AGENDA:

A) Richard Conover spoke to the issue of bathrooms for *fruit and vegetable vendors*. Commissioner Flowers suggested a workshop session and include the Health Department and Code Enforcement. The County Administrator was directed to set the workshop.

B) Peggy Shaffer read a letter into the record regarding *legal aid* in Highlands County. Tom Portz reported that they are in negotiations with *Heart of Florida Legal Aid*, but have not reached conclusion at this time. The General Services Director advised that we are in full compliance with the RFP. Commissioner Bullard asked that in the future that Florida Rural Aid be added to the list of potential RFPs.

6. COMMISSIONERS

A) Commissioner Bullard- Request to waive fee to utilize the H.L. Bishop Park meeting facility by Leisure Lakes Homeowners Association on January 18, 1998 at 10:00 a.m. Tom Portz reported that he approved this request according to policy but the request included a set-up, which the Board does

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not include. Commissioner Bullard advised that he has no problem with this action.

B) Commissioner Stokes spoke regarding dumping at county facilities. Staff to place signs and continue to educate the public.

C) Commissioner Maxcy asked the Board to readdress the issue of Hammock Road. He would like to discuss constructing a *joint thru- road to Hardee County*. The Chair reported that Hardee has a different material that they are testing on the road. The Board asked that Carl Cool contact Gary Odum in Hardee County for information.

D) Commissioner Gose presented brochures prepared by the REDI Group, containing information on the projects.

7. ADJOURN

The meeting adjourned at 12:01 p.m.

Chairperson

Attest: _____
Clerk
