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:

   Commissioner Barbara Stewart   Commissioner R. Greg Harris
   Commissioner Jack L. Richie   Commissioner Don Elwell

Commissioner Ron Handley was absent from this meeting.

Also present: Ricky Helms, Elizabeth Lenihan, Robert W. Germaine, and Pamela Nava.

2. Invocation and Pledge of Allegiance
The meeting opened with a prayer by Gerald Secory, Administrative Services Director. The Pledge of Allegiance was led by Commissioner Richie.

3. ANNOUNCEMENTS

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Event</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nov 9</td>
<td>9:30 am</td>
<td>Central Florida Regional Planning Council</td>
<td>Commission Chambers of the Hardee County Courthouse Annex, 412 W. Orange St., Wauchula, FL</td>
</tr>
<tr>
<td>Nov 10</td>
<td>8:30 am</td>
<td>Special Highlands County Legislative Delegation Meeting &amp; Public Hearing</td>
<td>Boardroom, 600 S. Commerce Ave., Sebring, FL</td>
</tr>
<tr>
<td>Nov 14</td>
<td>8:00 am</td>
<td>Executive Committee for the Industrial Development Authority &amp; the Economic Development Commission</td>
<td>Lake Placid Chamber of Commerce, 18 N. Oak Ave., Lake Placid, FL</td>
</tr>
<tr>
<td>Nov 14</td>
<td>9:00 am</td>
<td>Highlands County Homeowners Association</td>
<td>3240 Grand Prix Drive, Sebring, FL</td>
</tr>
<tr>
<td>Nov 16</td>
<td>7:30 am</td>
<td>Industrial Development Authority/Economic Development Commission Board of Directors meeting</td>
<td>1 East Main St., Avon Park, FL</td>
</tr>
<tr>
<td>Nov 17</td>
<td>2:00 pm</td>
<td>Recreation &amp; Parks Advisory Committee</td>
<td>216 Sheriff’s Tower Road, Sebring, FL</td>
</tr>
</tbody>
</table>

A. Other meetings:
- The Historic Preservation Commission will meet in the conference room of the Development Services Department on November 10, 2011 at 2:30 p.m.
- The Veteran’s Day Parade will begin at 2:00 p.m. on Friday, November 11, 2011, following with a ceremony at the Courthouse lawn.

4. CONSTITUTIONAL OFFICERS – ANNOUNCEMENTS:

5. RECOGNITIONS, PRESENTATIONS AND PROCLAMATIONS:
A. Mr. Charlie Parker, Executive Director, Tampa Bay Library Consortium: Presentation of Tampa Bay Library Consortium’s “TBLC Library Champion Award” and the Florida Library Association Legislative Award to State Representative Denise Grimsley.

Debra Worley, Chairman of the Highlands County Library Advisory Board, called upon Commissioner Elwell, as liaison to the Highlands County Library Advisory Board, and Mr. Charlie Parker, Executive Director of the Tampa Bay Library Consortium, to come forward to present the TBLC Library Champion Award and the Florida Library Association Legislative Award to State Representative Denise Grimsley. See SMB 88 Page 79.

B. Administrative Services Director: Presentation of the Employee of the Quarter Award July-September 2011.

Gerald Secory, Administrative Services Director, called upon the Commission and Ricky Helms, County Administrator, to come forward to present an award to Mr. Calvin Simmons, recognizing him as employee of the quarter for July through September 2011. See SMB 88 Page 80.

C. Chairman Stewart: Request approval of a Proclamation recognizing November 2011 as “Pancreatic Cancer Awareness Month”.

Chairman Stewart read the Proclamation into the record. Public input was received from Ron Layne.

Commissioner Harris made a motion and Commissioner Richie seconded the motion, to move to approve the Proclamation recognizing November 2011 as “Pancreatic Cancer Awareness Month”.

Upon roll call, all Commissioners voted aye. The motion carried. See Res. Book 24 Page 111.

D. Mr. Rick Hetherton, Heartland Food Reservoir, Inc.: Request approval of a Proclamation recognizing Monday, November 14, 2011 as the “2nd Annual Empty Bowls Luncheon Day”.

Mr. Rick Hetherton, Chairman of the Heartland Food Reservoir Board, read the Proclamation into the record and stated that the Empty Bowls Luncheon will take place at the Sebring Civic Center from 11:00 a.m. to 2:00 p.m. on Monday, November 14, 2011.

Commissioner Richie made a motion and Commissioner Elwell seconded the motion, to move to approve the Proclamation.

Upon roll call, all Commissioners voted aye. The motion carried. See Res. Book 24 Page 112 & SMB 88 Page 81.

6. CONSENT AGENDA:

Commissioner Richie requested clarification on item 6C. Commissioner Stewart stated that item 6C would be pulled from the consent agenda and heard under the action agenda.

Commissioner Elwell declared a conflict of interest on item 6A – a payment to Alan Jay, his current employer. A Memorandum of Voting Conflict form was submitted to the Clerk to become part of the permanent record.
Commissioner Elwell made a motion and Commissioner Harris seconded the motion, to move to approve the consent agenda with the exception of items 6C and the invoice for Alan Jay Ford.

Upon roll call, all Commissioners voted aye. The motion carried.

Commissioner Harris made a motion and Commissioner Richie seconded the motion, to move to accept the payment of the Alan Jay invoice.

Upon roll call, all Commissioners voted aye, except Commissioner Elwell, who abstained. The motion carried.


<table>
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<tr>
<th>Fund</th>
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<td>COUNTY TRANSPORT TRUST</td>
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<tr>
<td>FL BOATING IMPROVEMENT</td>
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<td>LOCAL GOVT INFRA SURTAX</td>
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<td>TOURIST DEV TRUST FUND</td>
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<td>AFFORDABLE HOUSING ASST</td>
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<td>HIGHWAY PARK UTILITY</td>
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<td>ENERGY RECOVERY</td>
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<tr>
<td>TAX DEED SURPLUS FUND</td>
<td>561,738.59</td>
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</table>

B. Request approval of the minutes of the Board of County Commissioners and Special Benefits District meeting for October 18 and 25, 2011. See Clerk of Courts website.

C. Request to accept into the record the Court-Related and Other Miscellaneous Funds Revenue and Expenditures Summary for the quarter ended September 30, 2011. This item will be heard under the action agenda.


E. Request approval of the originalExecuted Deed of Conservation Easement dated January 20, 2004 to be released by South Florida Water Management District (SFWMD) and subsequently the proposed Deed of Conservation Easement to be given to SFWMD by the Board of County Commissioners for the mining of Highlands County Marl Pit site. See SFWMD file.
7. **ACTION:**
Commissioner Stewart stated that consent agenda item 6C will be heard as item 7B-2.

Commissioner Elwell made a motion and Commissioner Richie seconded the motion, to move to set the action agenda, with the addition of item 6C being renumbered as item 7B-2.

Upon roll call, all Commissioners voted aye. The motion carried.

   **A. Natural Resources Advisory Commission: Request to approve Natural Resources Advisory Commission (NRAC) pursuing the 2012 United States Fish & Wildlife Service (USFWS) Lands Acquisition Grant for 2012.**

   Jimmy Wohl, with the Natural Resources Advisory Commission, presented the request. Public input was received from Dale Pflug, John Nelson, Gabriel Read, John Drennan, and Dick Noel. The Commission addressed their concerns.

   Commissioner Harris made a motion and Commissioner Elwell seconded the motion, to move to approve NRAC pursuing the USFWS Lands Acquisition Grant.

   Upon roll call, all Commissioners voted aye. The motion carried. See SMB 88 Page 82.

   **B. Budget Manager:**

   1. **Request approval of Fiscally Constrained Counties Application DR-420FC with a fiscal impact of $3,464,754.00.**

      Tim Mechling, Budget Manager, presented the request. Public input was received from Dick Noel and Dale Wilson.

      Commissioner Harris made a motion and Commissioner Elwell seconded the motion, to move to authorize the Chair to sign the Distribution to Fiscally Constrained Counties Application form DR420-FC and the accompanying Resolution.

      Upon roll call, all Commissioners voted aye. The motion carried. See SMB 88 Page 83.

   2. **Request to accept into the record the Court-Related and Other Miscellaneous Funds Revenue and Expenditures Summary for the quarter ended September 30, 2011.**

      Tasha Morgan, Director of Accounting for the Clerk of Courts, presented the request.

      Commissioner Richie made a motion and Commissioner Harris seconded the motion, to move to accept into the record the summary.

      Upon roll call, all Commissioners voted aye. The motion carried. See SMB 88 Page 84.

   **C. County Engineer:**

   1. **Request approval of the Construction Contract between Highlands County and RCS Excavation, Inc. for the Sebring Parkway Phase III relocation of gopher tortoises and Right-of-Way clearing, Project No. 09021 and ITB No. 11-052 in the total amount of $189,720.00.**
Ramon Gavarrete, County Engineer, presented the request. Elius Nortelus, Assistant County Engineer, was present for questions.

Commissioner Richie made a motion and Commissioner Harris seconded the motion, to move to approve and execute the construction contract between Highlands County and RCS Excavation, Inc. for the Sebring Parkway Phase III relocation of gopher tortoises and right-of-way clearing, project no. 09021 and ITB No. 11-052, in the total amount of $189,720.00.

Upon roll call, all Commissioners voted aye. The motion carried. See RCS Excavation, Inc. file.

2. Request approval of the Construction Contract between Highlands County and L. Cobb Construction, Inc. for the College Drive and Memorial Drive Multi-Use Path, Project #04030, ITB No. 11-041 and FDOT FPN: 410277-1-58-01 in the amount of $779,569.22.

Ramon Gavarrete, County Engineer, presented the request. Keith Baker, Project Manager with the Engineering Department, was present for questions. Mr. Gavarrete stated that the other issue to consider is the paving of property owners driveways due to the multi-use path and cannot recommend to the Board to pay for the driveways because it would set a precedent. The Commission discussed in great detail the issue of whether or not to pay for the paving of the property owners’ driveways. Commissioner Elwell stated that if the property owners only have one access point, then the County should pay to construct their driveways and that they should waive the driveway permit fee for those who have dual access to their property. Commissioner Stewart questioned how to do this without setting a precedent for future projects.

Public input was received from Greg Hartt, Dick Noel, Ray Royce, and Tonia Marshall.

Commissioner Stewart questioned if the Commission wanted to move forward with the project. Commissioner Elwell, Commissioner Richie, and Commissioner Stewart stated yes. Commissioner Harris stated he was not sure.

Commissioner Richie made a motion and Commissioner Elwell seconded the motion, to move to approve and execute the construction contract between Highlands County and L. Cobb Construction, Inc. for the construction of the College Drive and Memorial Drive Multi-Use Path, project #04030, ITB No. 11-041, and FDOT FPN: 410277-1-58-01, in the amount of $779,569.22; in addition to that, everything on who pays for what on the driveways, be held in abeyance, and staff will be directed to come back with a recommendation as to how that position should be held and the reason why, and handled at a very reasonable time within the next two months.

After discussion, Commissioner Richie withdrew his motion, and made a new motion, to move to approve and execute the construction contract between Highlands County and L. Cobb Construction, Inc. for the construction of the College Drive and Memorial Drive Multi-Use Path, project #04030, ITB No. 11-041, and FDOT FPN: 410277-1-58-01 in the amount of $779,569.22.

The motion died for lack of a second.
Commissioner Harris questioned if the item could be brought back in two weeks so he can have time to think about the issue. Mr. Gavarrete stated that he would need to ask the contractor if he can hold the price for them.

Commissioner Elwell made a motion and Commissioner Harris seconded the motion, to move to approve and execute the construction contract between Highlands County and L. Cobb Construction, Inc. for the construction of the College Drive and Memorial Drive Multi-Use Path, project #04030, ITB No. 11-041, and FDOT FPN: 410277-1-58-01 in the amount of $779,569.22, with the County paying 50% of the cost of the driveways necessary for this project.

Upon roll call, Commissioner Elwell and Commissioner Harris voted aye; Commissioner Richie and Commissioner Stewart voted nay. The motion failed.

Commissioner Stewart stated that if there are no other motions then the project would die.

Commissioner Elwell made a motion and Commissioner Richie seconded the motion, to move to table this action until the November 22, 2011 meeting.

Upon roll call, all Commissioners voted aye. The motion carried. See L. Cobb Construction, Inc. file.

Commissioner Stewart gave direction to Mr. Gavarrete to get will L. Cobb Construction to see if they will hold the construction price.

D. Board Attorney: No report.

E. Assistant County Administrator: No report.

F. County Administrator:
Ricky Helms, County Administrator, addressed the schedule of the events being held for Veterans Day as follows:

Friday, November 11, 2011:
- 8:15 a.m. at Memorial Elementary School
- 10:00 a.m. at Woodlawn Elementary School
- 10:45 a.m. at the South Florida Community College around the flag pole
- 2:00 p.m. – Veterans Day Parade
- 3:00 p.m. – Ceremony at the Courthouse Lawn
- 2:00 – 4:00 p.m. – Tea for Women Veterans at the Lake Placid Women’s Club

Monday, November 14, 2011:
- Golden Corral will be serving all veterans and military personnel.
Mr. Helms informed the Commission that the redistricting issue will come before the Board on November 22, 2011 and reminded them that the November 22, 2011 meeting is the Commission’s reorganizational meeting.

8. CITIZENS NOT ON THE AGENDA

- Mr. J. Harry Canfield came before the Board to speak on an issue concerning the Health Department regulations required for an improvement on his home. Commissioner Stewart gave direction to the County Administrator to meet with the Health Department on this issue. See SMB 88 Page 85.

- Ms. Billie Hetherton came before the Board to inquire about the Human Services budget. Commissioner Stewart suggested Ms. Hetherton meet with the County Administrator and the Assistant County Administrator. Ms. Hetherton stated that she would rather not meet with either of them but would like to let the Commission know what was going on with that department. Commissioner Elwell thanked Ms. Hetherton for bringing this issue to their attention and stated that the County Administrator would brief them on the issue. Commissioner Stewart gave direction to Ricky Helms, County Administrator, to meet with each Commissioner individually to brief them of any changes or recommendations to the Human Services/Housing Department, so that they can transmit the information back to Ms. Hetherton.

9. COMMISSIONERS:

- Commissioner Harris: Commissioner Harris apologized in advanced for not being able to attend any of the Veteran’s Day festivities as he will be attending a state conference for his other job.

- Commissioner Richie: No report.

- Commissioner Elwell: Commissioner Elwell commented on the Teen Summit event that he attended over the weekend and requested an update on the Sheriff’s facility. Ricky Helms, County Administrator, briefly stated that they are expecting information from the architect on Wednesday and will follow up with the Board after that meeting takes place.

- Commissioner Stewart: Commissioner Stewart addressed the misconception that the Commission has authority over departments and department heads and stated that the only employee that works for the Board is the County Administrator.

10. ADJOURN
The meeting adjourned at 12:20 p.m.