REGULAR MEETING OF THE BOARD, JUNE 26, 2012

1. The meeting was called to order at 5:00 p.m. in the Board of County Commission Chambers at 600 S. Commerce Ave., Sebring, Florida, with the following members present:

   Commissioner Don Elwell  
   Commissioner Barbara Stewart  
   Commissioner Ron Handley

Commissioner Jack L. Richie and Commissioner R. Greg Harris were absent from this meeting.

Also present: June Fisher, Interim County Administrator; J. Ross Macbeth, Board Attorney; Robert W. Germaine, Clerk of Courts; and Pamela Nava.

Before the invocation, Vice Chairman Elwell invited everyone to stand and hold a moment of silence for Ms. Heather Town, mother of three who died as a victim of the tornado on Sunday.

2. Invocation
   The meeting opened with a prayer by Dustin Woods, Executive Pastor of Grace Bible Church.

3. Pledge of Allegiance
   The Pledge of Allegiance was led by Vice Chairman Elwell.

4. ANNOUNCEMENTS
   
<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Event</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 27</td>
<td>4:00 pm</td>
<td>Natural Resources Advisory Commission</td>
<td>#3, Bert J. Harris Agricultural Center, 4509 George Blvd., Sebring, FL</td>
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<tr>
<td>June 28</td>
<td>8:15 am</td>
<td>Highlands County Tourist Development Council</td>
<td>#3, Bert J. Harris Agricultural Center, 4509 George Blvd., Sebring, FL</td>
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<tr>
<td>June 28</td>
<td>6:00 pm</td>
<td>Animal Control Advisory Committee</td>
<td>#3, Bert J. Harris Agricultural Center, 4509 George Blvd., Sebring, FL</td>
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   A. Other meetings:
   The Highlands Tea Party will meet on Tuesday, July 3, 2012, at Homer’s restaurant at 6:00 p.m. Candidates for County Commission District 1 seat, Jim Brooks, William Bennett, and Sally Mowery, will be in attendance.

5. CLERK OF COURTS: No report.

6. CONSTITUTIONAL OFFICERS – ANNOUNCEMENTS: No announcements.

7. RECOGNITIONS, PRESENTATIONS AND PROCLAMATIONS:
   
   A. Request approval of Resolution declaring a local state of emergency.
   Ben Henley, Emergency Management Coordinator, gave a brief update on Tropical Storm Debby. Scott Canaday, Emergency Management Director, presented a Resolution proclaiming a local state of emergency and authorizing the Highlands County Sheriff’s Office
to establish, modify, enforce, and terminate a curfew in the unincorporated area of Highlands County. Sheriff Susan Benton addressed the issue.

Commissioner Stewart made a motion and Commissioner Handley seconded the motion, to move approval of the Resolution of the Highlands County Board of County Commissioners proclaiming a local state of emergency and authorizing the Highlands County Sheriff to establish, modify, enforce, and terminate curfew in the unincorporated area of Highlands County, if necessary.

Upon roll call, all Commissioners voted aye. The motion carried. See Res. Book 24 Page 209.

8. CONSENT AGENDA:
Commissioner Stewart made a motion and Commissioner Handley seconded the motion, to move to approve the consent agenda

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


<table>
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<th>Account Description</th>
<th>Amount</th>
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<tr>
<td>GENERAL FUND</td>
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<td>AFFORDABLE HOUSING ASST</td>
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<td>HOME INITIATIVES PARTNER</td>
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<td>SPECIAL LAW ENFORCEMENT</td>
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<td>SEBRING PARKWAY MAINT</td>
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<td>SOLID WASTE</td>
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<td>ENERGY RECOVERY</td>
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<td>INSURANCY FUND</td>
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B. Request approval of the Construction Contract between Highlands County and Lynch Paving & Construction Company, Inc. for the construction of left-turn lane and right-turn lane along State Road (SR) 70 in front of the proposed Highlands Ethanol business site, paved shoulder, guardrail, highway lighting; and the replacement of the existing span-wire traffic signals with mast-arms on SR 70 at County Road 721, Project #10060 and ITB No. 12-037 in the total amount of $1,000,896.50. See Lynch Paving & Construction Company, Inc. file.

C. Request approval of the Construction Agreement between Highlands County and the State of Florida Department of Transportation for the signalization improvements at State Road (SR) 70 and County Road (CR) 721, Project #10060, ITB No. 12-037. See FDOT file.

D. Request for acceptance of State of Florida EMS Matching Grant and Resolution and Budget Amendment 11-12-111 with revenue of $7,500 from the Florida Department of Health and the required $2,500 match from EMS Operating Supplies Account. See Budget Amendment 2012 file, Res. Book 24 Page 210 & SMB 92 Page 72.
9. ACTION:
Commissioner Handley made a motion and Commissioner Stewart seconded the motion, to move to set the action agenda.

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

A. Environmental Specialist:

1. Request approval to re-appoint Dr. Hilary Swain, Mr. James Wohl and Ms. Michelle Tauchen to serve an additional four-year term on the Natural Resources Advisory Commission (NRAC) beginning October 1, 2012.

Corine Burgess, Environmental Specialist, presented the request. Commissioner Handley questioned if he would have a conflict of interest on this issue, as Mr. James Wohl is his brother-in-law. Ross Macbeth, Board Attorney, requested a moment to review the Statute. Mr. Macbeth stated that according to Section 112.3135 of the Florida Statutes, Mr. Wohl would not be able to be re-appointed and stated that the definition for the word *relative*, for purposes of this section, included brother-in-law. Public input was received from Ted Best and John Drennan. Ms. Burgess stated that she would re-advertise the slot currently served by Mr. Wohl. Mr. Macbeth stated that Mr. Wohl could continue to serve until a successor qualifies.

Commissioner Stewart made a motion and Commissioner Handley seconded the motion, to move to re-appoint Dr. Hilary Swain and Michelle Tauchen to serve an additional four-year term on the Natural Resources Advisory Commission beginning on October 1, 2012.

Upon roll call, all Commissioners voted aye. The motion carried. *See SMB 92 Page 73.*

2. Request approval to appoint Mr. Darryl Wirick on the Natural Resources Advisory Commission (NRAC) as an agricultural representative, whose term will expire on September 30, 2014.

Corine Burgess, Environmental Specialist, presented the request.

Commissioner Stewart made a motion and Commissioner Handley seconded the motion, to move to approve appointment of Mr. Darryl Wirick on the Natural Resources Advisory Commission (NRAC) as an agricultural representative, whose term will expire on September 30, 2014.

Upon roll call, all Commissioners voted aye. The motion carried. *See SMB 92 Page 74.*

B. Administrative Services Director: Request approval of an Interlocal Agreement for Fuel Depots usage between the School Board of Highlands County, Florida (the “School Board”) and the Board of County Commissioners of Highlands County, Florida (the “County”).

Gerald Secory, Administrative Services Director, presented the request. Public input was received from Dale Wilson. Bob Germaine, Clerk of Courts, addressed the audit that was completed on the fuel site. Mike Averyt, with the School Board of Highlands County, addressed the issue.
Commissioner Stewart made a motion and Commissioner Handley seconded the motion, to move to approve the Interlocal Agreement for Fuel Depots usage between the School Board of Highlands County, Florida and the Board of County Commissioners of Highlands County, Florida.

Upon roll call, all Commissioners voted aye. The motion carried. See School Board of Highlands County file.

C. Administrative Project Manager:

1. Update of Sheriff’s Office Law Enforcement Facility and proposed Crime Scene/Property & Evidence Facility.

Chris Benson, Administrative Projects Manager, and Sheriff Susan Benton, gave an update on the Sheriff’s Office Law Enforcement Facility and presented a proposed Crime Scene/Property & Evidence Facility. The Commission expressed their concerns. Public input was received from John Nelson and Dick Fankhauser.

The Commission came to a consensus to support this request and gave direction to move forward. See SMB 92 Page 75.

2. Review of Proposed FY 12/13 Capital Financial Strategy (CFS)

Chris Benson, Administrative Projects Manager, and Tim Mechling, Budget Manager, presented the proposed FY12/13 Capital Financial Strategy. Mr. Benson addressed the Capital Budget Summary. The Commission came to a consensus to remove the Canal Restoration Program project listed under Community Services and the City of Avon Park – Municipal Airport – 12' Water Main project listed under General Government from the CFS. The Commission came to a consensus to lower the total amount for the Law Enforcement Facility project listed under Public Safety to $5,000,000. The Commission discussed the EMS Station Replacement project and the Valerie Boulevard EMS Station Improvements project. Commissioner Stewart gave direction to involve Commissioner Handley in these discussions moving forward. The Commission requested more information regarding the Engineering/Traffic Ops Equipment and the Road and Bridge Equipment listed under Public Works. The Commission came to a consensus to lower the amount for the Traffic Operations Building listed under Transportation to $500,000.

The Commission thanked Mr. Benson, Mr. Mechling, the department heads, and the Budget Office for their work on the CFS. Vice Chairman Elwell stated that the revised draft CFS would be posted on the County’s website. See SMB 92 Page 76.

Break: 7:41 p.m. to 7:50 p.m.

D. Board Attorney:

Ross Macbeth, Board Attorney, stated that Ricky Helms, County Administrator, has requested a hearing next week during the regular Commission meeting and also stated that Commissioner Richie may not be able to attend in person but would try to attend via telephone.
Commissioner Stewart made a motion to move that if Chairman Richie is unable to participate in the hearing next week on termination of Administrator Helms, either in person or via telephone and electronically, that the motion on termination be tabled until the next BCC meeting that all County Commissioners can attend; further, that Administrator Helms be continued on paid administrative leave until the Board makes a decision on the termination issue; and further that June Fisher continue as the Interim Administrator, until that time.

Mr. Macbeth questioned if it was her intent that the hearing be conducted next week. Commissioner Stewart stated yes. Mr. Macbeth questioned if the hearing goes on and if Chairman Richie is not able to participate or be present then no action would be taken until the five (5) Commissioners are able to vote. Commissioner Stewart stated yes.

Commissioner Handley seconded the motion.

The Commission discussed the issue. Vice Chairman Elwell stated that he preferred that all five Commissioners be present for the hearing. Public input was received from John Drozinski, John Nelson, Dale Phlug, and Jerry Kingsbury.

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

**E. Interim County Administrator: Presentation of a tentative budget schedule**

June Fisher, Interim County Administrator, presented a tentative budget schedule to the Commission. See SMB 92 Page 77.

**10. CITIZENS NOT ON THE AGENDA**

- Merle Davidson came before the Board to inquire about the procedure to designate a road as golf cart use. The Commission advised Mr. Davidson to contact the County Engineering Department. Mr. Davidson stated that he has an appointment with the Engineering Department of Friday, June 29, 2012.

- John Nelson came before the Board to inquire about the EMS non-emergency transports and about the County involvement in the housing business. Vice Chairman Elwell stated that a presentation on Housing will be coming to the Board shortly. June Fisher, Interim County Administrator, stated that she will meet with the EMS Director to discuss the plan on non-emergency transports and report back to the Board.

- Dale Phlug came before the Board to inquire about a better budget approach.

- Dale Wilson came before the Board to inquire about the Spring Lake Water Control and the outcome from the last storm. Vice Chairman Elwell stated that the conditions are much better. Mr. Wilson also questioned who has the authority to tell the voter registrations officer to start or stop illegal voter checks. Ross Macbeth, Board Attorney, stated that the Supervisor of Elections is a constitutional officer and does not report to the Board of County Commissioners or to the State as an employee.
11. COMMISSIONERS:

- **Commissioner Stewart**: Commissioner Stewart stated that Highlands County was recognized for their Outstanding Public Study Project from the Planning & Zoning Association and for the Outstanding Private Development Project for the LEED Platinum-certified facilities at Archbold Biological Station.

- **Commissioner Handley**: No report.

- **Commissioner Elwell**: Commissioner Elwell commented on the Florida Association of Counties meeting that he attended last week. Commissioner Elwell expressed his concerns over the message they are sending to the public and reminded everyone to work together during difficult times.

12. ADJOURN

The meeting was adjourned at 8:30 p.m.