

HARDEE COUNTY
ECONOMIC DEVELOPMENT AUTHORITY (EDA)
(INDEPENDENT BOARD)
COUNTY COMMISSION CHAMBERS
412 WEST ORANGE STREET, ROOM 102
WAUCHULA, FLORIDA 33873
SEPTEMBER 28, 2010 8:30 A.M.

MINUTES

Members:

David Royal, Vice-Chairman, A
Bill Beattie, P
Paul Samuels, P
Vanessa Hernandez, P
Roger Hood, P

Bridget Merrill, P- Via Telephone
Perry Knight, P
Bill Lambert, Chairman, P
Bobby Smith, P

County Attorney Ken Evers, P
Office Manager Sandy Meeks, P

County Manager Lexton H. Albritton, Jr., P

Chairman Lambert called the meeting to order at 8:31 a.m.

MOTION by Hernandez, second by Samuels to approve the agenda with the addition of discuss advertising for the next cycle. **Motion carried unanimously.**

MOTION by Hood, second by Hernandez to approve the August 23, 2010, regular meeting minutes. **Motion carried unanimously.**

- I. Acknowledge receipt of Clerks Financial Report for period ending 08/31/10.

MOTION by Smith, second by Hernandez to acknowledge receipt of Clerks Financial Report for period ending 08/31/10. **Motion carried unanimously.**

- II. Acknowledge receipt of Project Status Reports from Town of Zolfo Springs, Hardee County BOCC, City of Bowling Green, and the City of Wauchula.

MOTION by Hernandez, second by Beattie to acknowledge receipt of Project Status Reports from the Town of Zolfo Springs, Hardee County BOCC, City of Bowling Green, and the City of Wauchula. **Motion carried unanimously.**

- III. Request approval and authorization for Chairman to sign Modification Number 2 with the Board of County Commissioners extending the Wauchula Hills Water & Wastewater Capacity Expansion Agreement until 08/31/11.

County Manager Albritton explained the wells had been drilled and the contracts had been awarded, so the project should be completed by August 2011.

MOTION by Hernandez, second by Samuels to approve and authorization for Chairman to sign Modification Number 2 with the Board of County Commissioners extending the Wauchula Hills Water & Wastewater Capacity Expansion Agreement until 08/31/11. **Motion carried unanimously.**

- IV. Request approval and authorization for Chairman to sign Modification Number 2 with the Board of County Commissioners extending the Wauchula Hills Water & Wastewater Capacity Expansion Pt. 2 Agreement until 08/31/11.

MOTION by Hernandez, second by Samuels to approve and authorization for Chairman to sign Modification Number 2 with the Board of County Commissioners extending the Wauchula Hills Water & Wastewater Capacity Expansion Pt. 2 Agreement until 08/31/11. **Motion carried unanimously.**

- V. Request approval of 2010/2011 budget.

MOTION by Smith, second by Knight to approve the FY 2010/2011 budget. **Motion carried unanimously.**

- VI. Guideline/Application Modifications.

Chairman Lambert referred everyone to the draft policy that had been provided regarding the application/guideline modifications. He explained how this policy would be inserted where they had the definition of infrastructure in their packages. Merrill asked why they had removed the word "physical" from the first page of the draft policy. Chairman Lambert explained they had discussed the non-bricks and mortar application many times and how this was the main driver. Merrill asked since this was specifically under infrastructure wouldn't infrastructure be physical. Chairman Lambert advised she could be right. He further explained he just thought by taking it out it may provide more possibilities and give them more latitude. Merrill advised she felt that infrastructure should be physical and economic development and support could be non-physical. Hernandez asked shouldn't they consider engineering costs are not necessarily physical and they may be considering those under infrastructure as well. Merrill explained that the design and engineering usually goes with something physical. Chairman Lambert asked about planning. Merrill advised no because that would be consulting fees. Samuels asked about the grant they did for Vandolah. Merrill advised that was because they allowed feasibility studies. Samuels advised he agreed that engineering would be part of physical. Chairman Lambert advised with that interpretation they would have to continue to limit infrastructure applications to physical/tangible items and if it fell through the cracks then they would have to deal with it with the economic development language. Merrill advised that was correct. County Attorney Evers explained

how this sheet would be added to the grant applications and if it made them more comfortable they could add a sentence that design and engineering for physical infrastructure shall be considered infrastructure. Chairman Lambert asked if he was suggesting by definition they include design and engineering as an aspect of infrastructure. County Attorney advised F.S. 211 already had the language in it, but this was their policy and if they wanted to make it clear they could add it. Chairman Lambert advised they could take a recommendation to reinsert physical and then add a definition for engineering and planning. All members agreed. Chairman Lambert then explained the 2/3 quorum majority vote they had in the policy. Hernandez asked how they were planning on managing the performance based mortgage. Chairman Lambert explained they were a granting authority and if they provided a grant to another governmental agency they were going to have to trust the agency to be good stewards of the money and they were suggesting the agencies use performance based mortgage instruments to manage the terms of their grant. County Manager Albritton asked for clarification regarding the performance base mortgage section of the policy. County Attorney Evers explained he wasn't certain the EDA could hold a performance based mortgage. Hernandez advised she didn't want to see them having to oversee performance based mortgages. Olivia Minshew, Interim City Manager, City of Wauchula touched on her concerns with the cash flow issue if they were to become a joint applicant with a developer. County Attorney Evers explained they were not thinking about the cities doing this, they were thinking of the Industrial Development Authority (IDA). Chairman Lambert asked if they could do an economic development application to cover the 10% that was held back from the grants. County Attorney Evers explained he didn't see why they couldn't, but they would still be in the same boat with the quarterly reimbursements. County Manager Albritton explained he thought they could waive the 10% retainer on the contracts. Chairman Lambert asked the Board how they felt about addressing the waiver of the 10% retainer and the quarterly reimbursement requests when they approved the grant applications. Hernandez advised she would not want to hold back a project either. Merrill suggested they also add the ability for the Board to advance funds if needed. Hernandez asked would this also be done when they approved the grants. County Manager Albritton explained it would be incorporated into the grant award agreement and if it wasn't they could request a modification to their agreement from the Board. Chairman Lambert advised he had been approached about why on number 2 of the policy they had taken public sector out. County Manager Albritton advised they had specifically put private because opening it up to the public was a big door and it could end up using all of their grant dollars. Chairman Lambert advised with the policy they could override it with a 2/3 quorum majority vote. **MOTION by Hernandez, Second by Knight** to approve inserting "physical" back in under infrastructure fourth line and add a definition for planning and engineering, addressing at application or modification for the waiver of the 10%

holdback, shortening of the reimbursement cycle, and adding the ability for advancement of funds. **Motion carried unanimously.**

VII. Discuss advertising for next cycle.

Chairman Lambert advised they had an opportunity for another funding cycle. He asked if the Board thought they should meet again to look at the final draft of the language they had discussed during the meeting or did they feel they could move forward with it and start advertising for the next grant cycle. County Attorney Evers advised he did not think they could do that yet. He went on to explain they would have to meet again to adopt the final draft of the policy. He further advised the statute requires for the Board to follow the Chapter 120 Rulemaking Guidelines and the notice would have to be in the Florida Administrative Weekly. **MOTION by Knight, Second by Beattie** to allow the Board to look at the draft that would be created from the discussion at the meeting today and at that time it would be moved to follow the administrative procedure set forth in the statute originally and then they would deal with the setting of the funding cycle. Hernandez asked about having the meeting by e-mail. County Attorney Evers advised he thought they would have to have a meeting and that he would have to go back and look at the procedure and how they handled last time. **Motion carried unanimously.**

County Manager Albritton advised since they had to go through this administrative process did they want to look again at entertaining a quick closing fund. He then asked the County Attorney if they would be violating anything by doing that. County Attorney Evers advised he thought if they did that they would need a separate application procedure for the quick closing fund. Merrill asked if this would be done off cycle. Chairman Lambert advised it would be. County Attorney Evers explained that it would have to be off cycle and it would still have to go through the ranking process. Merrill explained she thought it would be fine for the IDA to have the authority to apply for some funds under the job creation application. Chairman Lambert asked if they needed new language in their rules to accomplish that. County Attorney advised they did not. He explained that could be accomplished under their current rules.

VIII. Public Comment.

No Public Comment.

Meeting adjourned at 09:30 a.m.

William R. Lambert, Jr., Chairman