

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON JANUARY 8, 2013 AT 9:00 AM
IN THE COUNTY COMMISSIONERS' MEETING ROOM
ROOM 103, ADMINISTRATION BUILDING
ARCADIA, FLORIDA**

The Board of County Commissioners held a Public Meeting on January 8, 2013 with the following persons present:

Commissioner, Buddy Mansfield, Dist#1	Code Enforcement Mgr., Jorge Hernandez
Chairman, Jim Selph, Dist#2	Utilities Director, Eddie Miller
Commissioner, Gabriel Quave, Dist#3	Social Services Manager, Peggy Waters
Commissioner, Elton Langford, Dist#4	Fire Chief, Glenn Prescott
Commissioner, Bob Miller, Dist#5	Building Dept. Manager, Lester Hornbake
County Administrator, C. Guy Maxcy	Admin. Services Director, Linda Nipper
County Attorney, Don Conn	HR Manager, Don Kesterson
Facilities Director, Richard Metzger	Purchasing Director, Cindy Talamantez
Office Manager, Lauri Jones	County Coordinator, Mandy Hines
Transcribing Secretary, Jill Thompson	DeSoto County Sheriff, Will Wise
Event Coordinator, Jody Sullivan	Parks & Recreations Director, Tara Anderson
County Engineer, Mike Giardullo	Road & Bridge Director, Shawn Edwards
County Planner, Tom Cookingham	Right of Way Inspector, Robert Hamrick
Environmental Svs. Director, Billy Hines	Utility Coordinator, Donna Smith

CALL TO ORDER

9:00 AM

PRAYER- John Stamey, Nocatee Church of God

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS- Kathy Hill, Tax Collector and Sheriff Will Wise

SET/AMEND-A motion was made by Commissioner Langford to set the agenda as presented. Seconded by Commissioner Mansfield. Motion carried unanimously.

PUBLIC FORUM FOR NON-AGENDA ITEMS

Don Finkle and Joseph McKenney addressed the Board with the request of making the Veteran's Services position full-time. Mr. Finkle stated there are six thousand Veterans in DeSoto County and feels more coverage is necessary to better serve the needs of our local Veterans. Mr. Finkle also feels that Lee Gallagher goes above and beyond his duties and is one of the best at his job. Mr. McKenney stated that all of DeSoto County would benefit from a full-time Veteran's Services Representative. The Board agrees to have this subject on the agenda for the next Board meeting.

Lorraine Pollack spoke regarding the noise issue with Allied Recycling. Ms Pollack stated the noise has affected thousands of people in the area and feels something should be done. Mr. Maxcy stated the noise has been monitored and still needs to be addressed. Ms. Pollack commented that the noise is unacceptable and she will speak with the DEP. Commissioners Miller and Quave commented that they are aware of the noise being produced by Allied Recycling. Commissioner Quave stated he is looking into the issue.

Ed Johnson commented that Allied Recycling received an inspection by DEP and passed for Notice to Proceed. Mr. Johnson stated he would look into the Notice to Proceed issue and will inform Allied Recycling of the continued noise issue. Commissioner Mansfield stated that he has observed the noise and some type of explosions coming from Allied Recycling. Jorge Hernandez stated the zoning was brought into conjunction with what was being used on the property owned by Allied Recycling. Commissioner Mansfield commented that he spoke with a truck driver that hauls for Allied Recycling and he stated that the explosions could possibly be small propane tanks that did not have the valves removed. When something like that happens, they do not continue receiving materials from that company. Donn Conn suggested having a meeting with Allied Recycling on the issues at hand then give a report to the Board as soon as possible. Mr. Conn suggested that this meeting is with County Staff only.

George Lempenau made a comment on the Veteran's Services issue. Mr. Lempenau stated that every dollar brought into the community will multiply and bring income to the County. Mr. Lempenau agrees that a full-time Veteran's Services position is needed. Mr. Lempenau then spoke on a new law that allows people to drive golf carts on sidewalks along state highways. The sidewalks are required to be 5 feet wide. He mentioned there is a 6 foot wide sidewalk that runs through Veteran's Park. He also commented that there were posts added to prevent vehicles from driving on this sidewalk. The posts do not allow for a 6 foot opening and he would like to see this problem resolved.

CONSENT AGENDA-MOTION TO APPROVE

A motion was made by Commissioner Mansfield to approve the Accounts and Warrants drawn according to schedule of bills payable; Minutes of November 27, 2012 Public Meeting and December 11, 2012 Public Meeting; Agreement with The Great Florida Birding and Wildlife Trail with the FWC; Contract Amendment to renew with Universal Signs and Accessories; Resolution for the Florida Department of Transportation 5310 Grant Application; Resolution for the Florida Department of Transportation Section 5311-DART Grant Application; and Resolution for the Department of Transportation Section 5311 Grant Application. Seconded by Commissioner Quave. Motion carried unanimously.

PRESENTATION

8. Introduction-Brief Presentation/Director of District Management, South District FDEP

John Iglehart, Director of District Management, South District-FDEP expressed that their boundaries now include DeSoto County. He stated that they responded to a complaint on Allied Recycling and performed an inspection. It was found that the facility was in complete compliance with State rules. Mr. Iglehart stated they are here to act as problem solvers and not problem makers. He would like to help meet economic and environmental goals.

REGULAR BUSINESS

9. Bid Award/Small Cities Community Development Block Grant and State Housing Initiative Partnership Program

Peggy Waters requested approval for a Bid Award for CDBG and SHIP Program. Staff is recommending Jessie's Services. The contractor has proven his abilities to work within the program guidelines. A motion was made by Commissioner Langford to approve the Bid Award as presented and authorize the Administrator to execute all related documents for rehabilitation of the unit. Seconded by Commissioner Mansfield. Motion carried unanimously. Commissioner Quave questioned Ms. Waters if an elevation survey ran before the bids are entered. Ms. Waters replied that the bidders are asked to go to the level of the street and anything over that is left up to the builder.

10. Flex Time Off/Use Change

Item pulled from agenda.

11. Fee Schedule/DeSoto County Health Department

Penny Kurtz presented approval of a revision to the fee schedule for the pneumonia vaccine. Vaccines are sometimes purchased in bulk, as more vaccines needed to be purchased; a change in the market price was discovered. A motion was made by Commissioner Mansfield to approve the revision of the DeSoto County Health Department 2012-2013 fee schedule. Seconded by Commissioner Miller. Motion carried unanimously.

12. Historic Map Restoration/Creek Side Digital

Mandy Hines requested a not to exceed limit on how much work the Board wishes to have done on the digitized Wagon Trail Map. Commissioner Miller stated there is no need for the map to be enhanced with the reason being that the map is not being used. Commissioner Quave commented that the map is not depicting what the County is now, although what it looked like previously is important. With other monetary items the County is having trouble funding, this map takes a back burner. A motion was made by Commissioner Quave that no further funds are spent on this project. Seconded by Commissioner Miller. Further discussion was had. Motion carried unanimously.

13. Bid Award-Contract/Barelay Development/Brightline Pit

Shawn Edwards requested approval to award the bid for shell contract. Mr. Edwards stated this is not the same shell pit that was previously used. A motion was made by Commissioner Langford to Award the Bid for Bank Run Shell Material and authorize the Chairman to execute the contract. Seconded by Commissioner Miller. Motion carried unanimously.

14. Bid Award-Contract/Mattauer Environmental, Inc.

Robert Hamrick requested approval of an herbicide program. This would be a pilot program to stunt the growth on the bottom of ditches and the shoulders of the road. This will aide in reducing the cost of mowing. The pilot program would be on a total of 5.24 acres. Mr. Hamrick stated the applications of the herbicide would take place in May, July and September. Further discussion was had. A motion was made by Commissioner Langford to Award the Bid to Mattauer Environmental, Inc. for Herbicide Application Services. Seconded by Commissioner Mansfield. Motion carried unanimously.

15. Approval-ERU Pool Usage/Request Number 6

Chairman Selph stated that due to the fact he is the President of the DeSoto/Charlotte Farm Bureau, he will abstain from the discussion and voting on this agenda item and turned the gavel over to Commissioner Langford, Vice Chairman. Eddie Miller requested the approval of the distribution from the ERU Pool of 487 Water ERU's and 352 Wastewater ERU's for various proposed customers and businesses. Mr. Conn commented that the ERU Pool was established so that those existing or proposed businesses that wish to hook up to the utility system would not be required to pay the capital charges. Mr. Conn stated that we will reach a point where the ERU Pool will be exhausted and at which point new hook ups will have to pay the capital charge. Commissioner Langford stated the ERU Pool has been previously paid for by businesses and entities that defaulted on payments and they are being offered at a significant discount. A motion was made by Commissioner Mansfield to approve the distribution from the ERU Pool of 487 Water ERU's and 352 Wastewater ERU's for the various proposed customers and businesses. Seconded by Commissioner Quave. Motion carried unanimously 4-0 with Commissioner Selph abstaining. The gavel was then passed back to Chairman Selph

16. Lettuce Lake Travel Resort and Oak Haven Mobile Home and RV Park

Eddie Miller requested approval to partner with Lettuce Lake Travel Resort and Oak Haven Mobile Home and RV Park for a new 8 inch water main as well as request the authority to negotiate a Promissory Note with the parks mentioned above and begin due diligence. Joe Newman stated the

project would be a shared cost between Oak Haven and Lettuce Lake of \$44,000.00 plus a separate bill that would be split. Eddie Miller stated that he and Weiler Engineering helped the Utility Department with an engineering cost estimate that showed the shared cost and also the cost for each park. Chairman Selph questioned why water is needed at the boat ramp. Mr. Miller responded that the water is needed for the restroom facility. Further discussion was had. Jim Beesting stated Oak Haven spent a significant amount of money to convert to the sewage treatment plant. Don Conn questioned the amount of the promissory note. Eddie Miller stated that the Promissory Note would be for \$44,000.00. Commissioner Langford stated he was not prepared to make a decision. Mr. Conn stated that if this was approved today, the terms of the Promissory Note would be brought back to the Board for approval. The vote today will open all negotiations, per Eddie Miller. A motion was made by Commissioner Mansfield to partner with Lettuce Lake Travel Resort and Oak Haven Mobile Home and RV Park for a new 8 inch water main as well as request the authority to negotiate a Promissory Note with park mentioned above and begin due diligence. Seconded by Commissioner Langford. Motion carried unanimously.

17. Utility Budget

Linda Nipper stated she would like to clarify the budget by including some of the projects that were just discussed. Anytime that a project is brought forward, a budget amendment will be brought before the Board for that amount of money and the revenue. Ms. Nipper expressed the Utility Department's need for new equipment that amounts to \$122,500.00. A motion was made by Commissioner Miller to review and approve some of the projects and equipment requests for the balance of the fiscal year 2012/2013. Seconded by Commissioner Quave. Commissioner Langford questioned if Commissioner Miller meant some or all of the projects. Ms. Nipper suggested having a workshop to review the projects. Eddie Miller stated he would prefer a workshop so that he may speak one on one with the Board and also present his 5 year CIP. Commissioner Miller withdrew his motion. Seconded by Commissioner Quave. A motion was made by Commissioner Mansfield to review and approve all equipment requests for the balance of fiscal year 2012/2013. Seconded by Commissioner Quave. Motion carried unanimously. Chairman Selph suggested staff getting the workshop scheduled.

18. Work Assignment/Baskerville Donovan

Eddie Miller requested the approval of work assignment 10-06 with Baskerville Donovan to provide construction observation services for Phase II of the US 17 Utility relocation project. Commissioner Mansfield stated that he feels the engineering costs are too high for this project compared to normal engineering costs. Commissioner Mansfield also asked Mr. Miller to clarify the length of time of an actual site visit. Mr. Miller replied a site visit is considered to be 8 hours. Further discussion was had. A motion was made by Commissioner Langford to approve Work Assignment 10-06 with Baskerville Donovan to provide construction observation services for Phase II of the US 17 Utility relocation project and authorize the Chairman to execute the work assignments. Seconded by Commissioner Quave. Motion carried unanimously.

19. Lake Suzy Utilities/Negotiations with Aqua Utilities

Don Conn stated that negotiations are still underway. Aqua indicated to the FGUA that they were interested in selling all their facilities around the State of Florida in multiple utility systems; those negotiations are now concluded and there has been an acceptance of an offer from FGUA by Aqua. Aqua and FGUA are moving forward to finalize their deal which involves a majority of utilities throughout the State of Florida being purchased by the FGUA. There are seven separate smaller utilities that are not a part of that deal. FGUA did not want to purchase Lake Suzy. The sale of Lake Suzy was offered to DeSoto County for 1.09 million dollars. Weiler Engineering was asked to prepare a report on the condition of the Lake Suzy facilities. A counter proposal was made to Aqua. In the Weiler report, two alternatives are set forth. The first being for the County to continue to operate Lake

Suzy the same way that Aqua has operated it; that is a standalone wastewater treatment facility. The second alternative would be to tie in Lake Suzy to the County system. The point was made with Aqua that with whatever scenario the County decides to proceed with; the costs to renovate, repair or upgrade the facilities at Lake Suzy would be approximately 1 million dollars. Aqua's purchase price would need to be offset by our cost to renovate. The annual O&M would be approximately \$160,000.00-\$351,000.00. A counter proposal was made by the County rather than the County purchasing the facility for a certain amount, the County would agree to accept the facility if Aqua paid the County \$250,000.00 due to ongoing O&M costs. Aqua does not want to totally abandon the facility. The County would be willing to take the facility from Aqua, subject to the Board's approval, for the sum of \$250,000.00, which would then help the County offset the ongoing O&M costs. If this were to take place, the County would have new revenue from the Lake Suzy customers. Aqua would like to sell to DeSoto County for \$300,000.00. Mr. Conn and Mr. Maxcy have a meeting scheduled with Aqua later in the week. Further discussion was had by the Board. Todd Helt with Weiler Engineering spoke regarding the Capacity Analysis. No motion was required.

ADMINISTRATOR'S REPORT

Mr. Maxcy reported that Billy Hines will be retiring as the Environmental Services Director as of March 1, 2013 and asked for the Board's permission to post his position. It was the consensus of the Board to advertise for Mr. Hines position. Mr. Maxcy then introduced Thomas Cookingham as the County's new Planner. Mr. Cookingham has over 30 years of planning and development experience. Mr. Maxcy gave a brief history of Mr. Cookingham's professional background. Mr. Cookingham introduced himself to the Board. Maurice Brown expressed his excitement towards the new Planner.

COUNTY ATTORNEY'S REPORT

Mr. Conn had nothing further to report.

BOARD MEMBER COMMENTS

Commissioner Quave stated he is very fortunate to work with the current Board.

Commissioner Mansfield stated Governor Rick Scott was in Arcadia and enlightened some of the businessmen and women on economic issues in Florida.

Commissioner Miller stated this is a great experience and wished everyone a happy and prosperous 2013. He looks forward to traveling to Gainesville for more training and hopes to bring back useful information.

Commissioner Selph wished everyone a happy and prosperous new year. He read about the Governor coming to Arcadia but was unable to attend. He also stated that Governor Christ needs to reopen DJJ to recreate the 450 jobs that were lost. He asked that everyone keep our soldiers in their thoughts and prayers.

ADJOURNMENT

There being no further business, Chairman Selph adjourned the meeting at 11:18 AM.

ATTEST:



C. GUY MAXCY
COUNTY ADMINISTRATOR

**BOARD OF COUNTY COMMISSION
DESOTO COUNTY, FLORIDA**



JAMES F. SELPH
CHAIRMAN