

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
HELD ON JANUARY 14, 2014 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 14, 2014 with the following persons present:

Commissioner, Buddy Mansfield, Dist#1	Planning Manager, Thomas Cookingham
Commissioner, James Selph, Dist#2	Fire Chief, Larry Taylor
Commissioner, Gabriel Quave, Dist#3	Purchasing Director, Cindy Talamantez
Chairman, Elton Langford, Dist#4	HR Director, Don Kesterson
Commissioner, Bob Miller, Dist#5	County Engineer, Mike Giardullo
County Administrator, C. Guy Maxcy	Office Manager, Lauri Jones
County Attorney, Don Conn	Utilities Director, Eddie Miller
Facilities Director, Richard Metzger	Environmental Svcs. Director, Henry Grimes
Transcribing Secretary, Jill Thompson	Building Official, Lester Hornbake
Administrative Services Director, Linda Nipper	Social Services Director, Peggy Waters
Road & Bridge Director, Shawn Edwards	Compliance Specialist, Kathy Heitman
Compliance Director, Jorge Hernandez	Parks Director, Tara Anderson
Library Director, Linda Waters	Turner Center Director, Jody Sullivan

**CALL TO ORDER 9:00 AM**

**PRAYER-** Pastor John Stamey / Nocatee Church of God

**PLEDGE OF ALLEGIANCE**

**INTRODUCTION OF ELECTED OFFICIALS**

Sheriff Will Wise

**SET/AMEND-** Chairman Langford stated that item #18 will be removed from the agenda. A motion was made by Commissioner Quave to approve the agenda with the removal of item #18. Seconded by Commissioner Mansfield. Motion carried unanimously.

**PUBLIC FORUM FOR NON-AGENDA ITEMS**

Dr. Marita Coetzee spoke regarding the vacant Juvenile Justice Detention Center. She is a qualified psychiatrist and also deals with people who have addictions. Her long term plan is to launch programs that would be beneficial to the County. Dr. Coetzee would like to reinvent a program so that the needs of severely mentally ill patients can be met. She would like to recycle the DJJ facility if it was cost effective. It is very difficult to get patients admitted into state hospitals and also they are not discharged back into the community because they are not properly prepared. There is a need for facilities that would prepare patients for reintegration back into the community. This program would speed up the turnover of state facility beds and more cost effective. The five objectives are to recycle the Juvenile Justice Detention Center and reinvent the program to fill the need of the State of Florida for Mental Health Residential Treatment Facilities, provide a step-down residential treatment facility for Florida State hospitals where mental health patients can engage in a re-entry program, provide a re-entry program to prepare mental health patients to return to their communities, open up acute beds in State Hospitals for new admissions and allowing for a more cost-effective turnover of mental health patients in the state system and provide a cost-effective therapeutic community for chronic and severe

mentally ill patients who are unable to survive in the community.

Commissioner Miller stated the County has been working diligently to find grants or opportunities for the DJJ facility that is owned by the State of Florida. There is a possibility the County could take over the facility if there were available funds. Commissioner Miller thanked Dr. Coetzee for her interest.

Ed Johnson stated he originally brought this item to the Board in April 2011. The expansion of Hwy. 17 is fast approaching and there is a great need for traffic lights at Martin Luther King and in Nocatee. He feels there will be an increase in accidents and fatalities if the County does not install the traffic lights. Mr. Johnson stated FDOT has the funds available. Mr. Johnson also commented that the citrus forecast was downgraded again and the Board needs to find ways to cut expenses quickly with no tax increases.

### **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 26, 2013 Public Meeting; Minutes of November 26, 2013 Executive Session; Declaration of Surplus Property; Interlocal Agreement with Lee County Housing Finance Authority for Bond; The Florida Department of Transportation Lobbying Certificate for Section 5316 and Section 5317 grants and Approval of Annual Certified Budget for Mosquito Control FY 2013/2014. Seconded by Commissioner Selph. Motion carried unanimously.

### **PRESENTATION**

#### **7. Presentation/Herbicide Application Pilot Program**

Mike Giardullo stated he is working with the Road & Bridge Department regarding ditch maintenance. There are two main components to ditch maintenance. Ditch cleaning once every five years and ditch mowing once every six weeks during the rainy season is suggested. If ditches are not properly maintained it leads to extensive growth which results in standing water in the right of ways. All numbers presented today are only estimates and pertain to the ditches, not right of way mowing. In 2013 there was a pilot program with the intent to eliminate most of the vegetation in the bottom of the ditch and stunt the growth on the side slopes. For the most part, there were positive results and only two applications were needed. Mr. Giardullo discussed other options along with the costs. He feels that adding herbicide to our ditch maintenance program will benefit the County.

Commissioner Selph questioned if the majority of washout repairs could be eliminated? Mr. Giardullo stated that is a definite a possibility. A list of 19 major outfall ditches in the county was comprised which was just over 25 miles in total. Initially, the ditches need to be cleaned out then apply herbicide. Eventually the cost of mowing would decrease and have only some periodic ditch cleaning. Discussion was had regarding funding, putting the job out for bid and comparing actual costs.

Commissioner Mansfield stated there are drainage issues and County culverts are being washed out that need to be figured into the cost as well. Something has to be done or we will have the same problems as last year during rainy season. Commissioner Mansfield questioned an update regarding the ditch cleaning bucket. Mr. Giardullo stated he would need to check with the correct department for that answer. Further discussion was had.

Mr. Maxcy requested a plan of action from the Board.

Commissioner Selph feels there is still time to make a decision and suggested that staff bring a plan back to the Board in the next 2-4 weeks. Consensus of the Board agreed.

## **8. Funding Analysis/Major Capital Projects**

Jim Gollahon spoke regarding funding options for a new jail facility and firehouse facility. Current cost estimates for the 25.5 million for the jail and 1.3 million for the firehouse and administrative offices. Within the last year, interest rates are up approximately 1%. In 2012 the ten year U.S. Treasury rate, which is a commonly quoted interest rate, was 1.78%; as of yesterday the rate was 2.84%. Mr. Gollahon reviewed the Legally Available Non-Ad Valorem Revenues as well as the Existing and Potential Debt Service Payments which illustrated a 30 year debt service summary. Mr. Gollahon stated he would wrap the debt service around the existing debt service. Banks generally lose interest in a bank loan after 10-15 years. If the projects discussed were amortized over 10-15 years, it would be much more expensive for the County. These projects should have a useful life of at least 30 years. It would be prudent to finance over 30 years and lock in the interest rates.

Commissioner Selph stated that a lot of the reason why we are where we are today is due to laws passed by Congress.

Mr. Maxcy stated this time last year, the Board met and discussed the Sheriff's Complex and requested that staff complete certain tasks. He would like to implement the Public Safety Committee and task them with prioritizing or ranking properties. Mr. Maxcy would like the Board to grant an extension of (1) year to report findings regarding the Sheriff's Complex. The design report would be due in 2015/16 and the financing report due in 2017/18. Mr. Maxcy requested that the Board consider allowing the Fire Station to be pulled from this bonding and allow the County to obtain a loan on our own. He also requested the Board to make a decision regarding new construction or rehab for Fire Station 1. Mr. Maxcy feels it is a great idea to rebuild the station in the same location.

Cindy Talamantez stated that she spoke to an architect that also performed the structural assessment. She requested that he give an opinion of cost for a remodel as well as new construction. The architect is prepared to give (2) estimates, one to include engineering and construction for a remodel and another for new construction for \$4,900.00.

Mr. Maxcy requested that the Board approve or deny the request for the (2) estimates from the engineer at the price of \$4,900.00.

Chairman Langford questioned Ms. Talamantez if this project will tell the Board if the building is structurally sound to rebuild? Ms. Talamantez stated that at anytime something could be found to deem the building non-repairable.

Richard Metzger stated that the engineer report will determine if the building can be rehabilitated.

Commissioner Mansfield feels the money needs to be spent in order to make a decision.

Commissioner Miller feels since money was spent to reach this point, we need to move forward.

Commissioner Selph believes the living quarters should be built where the overhang is currently at Station 1.

Commissioner Quave feels the questions the Board is asking are not being answered 100% and the \$4,900.00 will get a definite answer.

Commissioner Miller questioned where would the \$4,900.00 come from? Linda Nipper stated that the funds would be taken from reserves or contingency; there is no money in Public Safety to cover this expense.

Chairman Langford requested that staff bring this issue back before the Board at the January 28<sup>th</sup> meeting with more options regarding funding the \$4,900.00.

Mr. Gollahon stated that his presentation is only an update from discussion last year. The further it is pushed out, the closer the County is to paying off the old debt and will shorten the period of higher debt service. Further discussion was had.

Commissioner Miller questioned the operational loan. He verified that \$750,000.00 was borrowed to finish out the previous fiscal year. He stated there is \$13,000.00 interest on the money borrowed; where will those funds be taken from? Linda Nipper stated it will be taken from reserves.

## **REGULAR BUSINESS**

### **9. Resolution/Budget Amendments**

Linda Nipper presented a request for the following budget amendments: Sheriff VOCA Grant; Public Safety; Utilities Water Projects; Utilities Wastewater Projects; Utilities Equipment; Utilities Operations; GEO Inmate Housing; Revenue discrepancy correction; Turner Center AgFest; General Funds transfer correction; Vietnam Wall Exhibit expense; Social Services Grants 5316 & 5317; Property Acquisition expense; Small County Coalition 2014 fees; FAC fee increase; Transfer of loan proceeds with interest to the Debt Fees Fund; Courts Fund; T-shirt sales for Public Safety and Parks surplus funds. A motion was made by Commissioner Selph to adopt a Resolution amending the 2013/2014 Budget including attachments. Seconded by Commissioner Mansfield. Motion carried unanimously.

### **10. Resolution Amendment/Conference Room Rental**

Linda Nipper stated she would like to eliminate the return of any deposit fees paid to reserve a room. She would like the deposit to be non-refundable.

Commissioner Quave questioned if it is worth our time to reserve the room with that fee? Ms. Nipper stated the only alternative she could recommend is to charge no fee.

Commissioner Miller feels that a deposit is not necessary.

Commissioner Selph agrees with the non-refundable fee and suggested increasing the fees to \$50 for in-county and \$100 for out-of-county requests.

A motion was made by Commissioner Selph to adopt a Resolution amending Resolution 2010-63 eliminating the deposit refund and increasing the rates to \$50 and \$100 respectfully for in-county and out-of-county. Seconded by Commissioner Mansfield. Motion carried unanimously.

### **11. Resolution/Uniform Chart of Accounts Mandate**

Linda Nipper stated that in 2011 legislation recommended imposing a new Chart of Accounts for financial reporting to the state on a monthly basis. She would like the County to send a letter to our legislator in opposition of the Chart of Accounts. A motion was made by Commissioner Mansfield to adopt a Resolution opposing the 2011 legislation to impose the recommended Chart of Accounts for reporting financial information on a monthly basis. Seconded by Commissioner Selph. Motion carried unanimously 4-0. Commissioner Quave not present to vote.

### **12. Reorganization/Reserve Accounts**

Linda Nipper stated in 2013/14 the Board has expressed the desire to have the bulk of the reserves as appropriated and only by super majority. She would like to begin building a reserve for legal fees and/or settlements. Re-Development Trust, Capital Reserves, Technology Repairs Reserves, Library Reserves, AgFest Reserves, Vietnam Wall Reserves, Committed Reserve and Contingency Reserve were all reviewed. The Contingency Reserve would be funds set aside from positions not filled.

Ms. Nipper stated that before any funds are moved, it would be presented before the Board in the form of a budget amendment. Further discussion was had.

A motion was made by Commissioner Quave to approve reorganization of Reserves. Seconded by Commissioner Mansfield. Motion carried unanimously.

**13. Resolution/Set Public Hearing for Vacation of Portions of Rights-of-Way**

Tom Cookingham stated this is to set a Public Hearing on January 25, 2014 at 6:30 pm to hear the vacation of right-of-way regarding Florida, Henderson and Ogden Avenue.

Chairman Langford made a correction stating the date would actually be January 28, 2014; Mr. Cookingham agreed.

A motion was made by Commissioner Mansfield to adopt a Resolution setting a Public Hearing for the closing and abandonment of portions of rights-of-way for Florida, Henderson and Ogden Avenues, Fort Ogden, DeSoto County January 28, 2014. Seconded by Commissioner Miller. Motion carried unanimously.

**14. Resolution/Delinquent EMS Accounts**

Chief Larry Taylor stated this would be for the uncollectable money from Medicare and Medicaid in the amount of \$560,217.78.

A motion was made by Commissioner Selph to adopt a Resolution to write-off all uncollectable ambulance accounts including Medicare, Medicaid and insurance losses during fiscal year 2012-2013. Seconded by Commissioner Mansfield. Motion carried unanimously.

**15. Purchase Agreement/Chameleon Software**

Jorge Hernandez stated this is the software he requested budgeting for during the last budget year. The Board approved \$24,000.00 for the program. The actual cost is \$18,140.00. Mr. Hernandez stated this program will track a complaint and animal intake from beginning to end. It will also allow public access via the County website.

A motion was made by Commissioner Mansfield to approve the purchase of Chameleon Software with License Agreement from HLP Inc. Seconded by Commissioner Selph. Motion carried unanimously.

**16. Lease Determination/State Lease Lands**

Mandy Hines requested consideration of State Lease 4496. The purpose was to create a park. The County has never utilized or maintained the property. Section 28 of the Agreement refers to the surrender of the premises 6 months prior to the release. A motion was made by Commissioner Selph to request a termination of Lease #4496 through the Florida Department of Environmental Protection and the Internal Improvement Trust Fund of the Board of Trustees. Seconded by Commissioner Miller. Motion carried unanimously.

**17. Contract Amendment/Consolidated Productions Groups, Inc.**

Eddie Miller requested extension of a contract. A motion was made by Commissioner Mansfield to approve a one year extension of the Contract with Consolidated Productions Groups, Inc. for Emergency Utility Repairs as needed and authorize the Chairman to execute the contract. Seconded by Commissioner Miller. Motion carried unanimously.

**18. Pulled from Agenda**

**19. Work Assignment #48/The Weiler Engineering Corporation**

Eddie Miller requested approval of a work assignment retaining engineering services to provide a facility plan and funding support for the widening of the US 17 Phase III-R Project.

Mandy Hines explained to the Board the steps required for funding.

Don Conn stated this item is very much needed in order to move the process along. Item #18 that was pulled from today's agenda is the contract with FDOT that Ms. Hines referred to. We are trying to work out language with that contract. A report will be presented at the next Board meeting. Mr. Conn stated the inter-connect with the City is a critical part of this project. The County is making an effort to have the City approve the inter-connect but was denied in December 2013. This would benefit the City and the County.

Chairman Langford stated that if the City does not make a decision, the County will continue to move forward. Further discussion was had. A motion was made by Commissioner Mansfield to approve Work Assignment #48 with the Weiler Engineering Corporation retaining Engineering Services to provide a Facility Plan and funding support for the widening of US 17, Phase III-R. Seconded by Commissioner Selph. Motion carried unanimously.

**20. PRMRWSA 2015-2035 Projection**

Eddie Miller stated although we are an exclusive provider, we are required to present the 15 year water needs projection. A motion was made by Commissioner Quave to approve DeSoto County's Peace River Manasota Regional Water Supply Authority 2015-2035 water needs projections. Seconded by Commissioner Mansfield. Motion carried unanimously.

**21. Partial Release of Mortgage**

Don Conn stated this is in conjunction with the Hull Ave. road realignment. In order for the road to be realigned, a small portion of property owned by James E. Dunn had to be acquired by CSX. There is a County mortgage on the entire tract. In order for CSX to give the County a clear title at the end of the job, they have asked that we release this part of the mortgage. Our mortgage is protected with the remainder of the property. A motion was made by Commissioner Miller to approve the partial release of a mortgage. Seconded by Commissioner Mansfield. Motion carried unanimously.

**22. Engagement Letter/Busak Law Firm, P.A.**

Don Conn stated that Fred Busak has opened a private law firm. Mr. Busak has a large amount of historic knowledge regarding the development of Utilities. He has assisted the County recently with issues regarding the Water Authority. Mr. Conn requested that the County enter into a separate contract with Mr. Busak's Law Firm under the same terms and conditions that have been in place since 2005 under the Pennington contract. A motion was made by Commissioner Mansfield to approve the Letter of Engagement with the Busak Law Firm, P.A. Seconded by Commissioner Quave. Motion carried unanimously.

**23. Revised Exhibit/Master Water Supply Process of Language**

Don Conn stated that there have been a series of meetings to develop a revision to exhibit C. The language in the revised version relates to what the other member governments will have to go through to project their needs over the next many years. The Water Authority Board asked that all of the governments be informed of the change in the planning process. In the future, a formal request will be presented to the Board for formal approval. No motion is requested on this item

**ADMINISTRATOR'S REPORT**

Mr. Maxcy requested the Board approve posting of a Maintenance Operations Specialist position. There was consensus of the Board to do so.

Mr. Maxcy stated a social media policy is being developed for the Board. There are concerns regarding public records that we may not be able to comply with currently.

The Road and Bridge department budgeted \$9,500.00 to purchase a crew van. The van was purchased for \$6,500.00 leaving a balance of \$3,000.00 in the equipment account. The department would like to purchase specific survey equipment at the cost of \$2,038.00 to allowing crews to perform basic survey tasks necessary to complete jobs. Shawn Edwards stated (3) pieces of equipment will be purchased.

Linda Nipper discussed a quarterly report. She feels this report shows the County is in overall good shape as far as revenue and expense.

Further discussion was had.

Mr. Maxcy and Commissioner Miller feel it is necessary to provide a quarterly budget review report

to the Board.

Mr. Maxcy gave the Board the End of Year Activity Report. He also stated that the results of the customer service survey were very positive with only (2) negative remarks.

**COUNTY ATTORNEY'S REPORT**

Don Conn reported there will be a Public Hearing on January 28, 2014 with (2) agenda items. He requested direction from the Board regarding when they would like to hold the LDR revision process. There is a Workshop regarding the Turner Center on January 28<sup>th</sup> at 10:00 am. Mr. Conn feels the Workshop regarding LDRs should be in the evening in order to allow for public attendance. It was consensus of the Board to hold the LDR Workshop on January 28, 2014 at 6:30 pm.

**BOARD MEMBER COMMENTS**

Commissioner Quave commented that Saturday at the Arcadia Airport there will be a pancake breakfast for \$6.00, all you can eat and there will be helicopter rides as well. He also commented that he spoke to a man from Miami that drove through DeSoto County 10 years ago and decided at that time that he would eventually buy property here. Commissioner Quave stated that the social media policy is to protect the County.

Commissioner Mansfield welcomed everyone back and reminded all that the DeSoto County Fair starts this Friday.

Commissioner Selph echoed Commissioner Mansfield's comments regarding the fair. He urged everyone to support our 4-H and FFA kids.

He met with the Representative for District 12 Juvenile Justice Committee that has been formed by the legislature. They met in the Simon's Conference Room to show the value of 4-H. The room was funded by Mrs. Simons based on her appreciation of 4-H. Commissioner Selph commented that the Florida Cattleman's Institute and Allied Tradeshow will be at the Turner Center and named some of the guest speakers that will be present. He also commented that the Vietnam traveling wall is coming to DeSoto County December 2014.

Commissioner Miller stated that he appreciated the Board allowing Mr. Maxcy and Ms. Nipper to review the reports quarterly. He stated that each Board member has their own area of expertise. He feels the budget is his area of expertise and hopes Board members will feel at ease in coming to him regarding financial concerns. Commissioner Miller also commented regarding the Weight Loss Challenge with the Health Department.


Chairman Langford welcomed everyone to 2014 and looks forward to the year ahead. He informed all that on January 18<sup>th</sup> from 5:00 – 8:00 pm at the Turner Center there will be the SW Florida Sportsman's Banquet. The event is for men only 18 yrs of age and up.

**ADJOURNMENT**

There being no further business, Chairman Selph adjourned the meeting at 12:04 PM.

ATTEST:

  
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C. GUY MAXCY  
COUNTY ADMINISTRATOR

BOARD OF COUNTY COMMISSION  
DESOTO COUNTY, FLORIDA  
  
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ELTON A. LANGFORD  
CHAIRMAN