

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON JANUARY 22, 2013 AT 3:00 PM
IN THE COUNTY COMMISSIONERS' MEETING ROOM
ROOM 103, ADMINISTRATION BUILDING
ARCADIA, FLORIDA**

The Board of County Commissioners held a Public Meeting on January 22, 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	Administrative Assistant, Kathy Heitman
Environmental Svs. Director, Billy Hines	Veterans Services, Lee Gallagher

CALL TO ORDER

3:00 PM

PRAYER- Joe Yarbrough, Youth Pastor/First Baptist Arcadia

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS- Kathy Hill, Tax Collector, Sheriff Will Wise and Karen Gary, Superintendent of Schools

SET/AMEND-A motion was made by Commissioner Mansfield to waive the policy. Seconded by Commissioner Langford. Motion carried unanimously. A motion was made by Commissioner Mansfield to add agenda item #16A. Seconded by Commissioner Langford. Motion carried unanimously.

PUBLIC FORUM FOR NON-AGENDA ITEMS

Steve Wyatt (1712 SW Bird Dog Drive) addressed the Board regarding Allied Recycling. He stated that the explosions have caused a window in his home to crack. He stated he has signatures from residents in the surrounding area that would like to see the problems resolved concerning Allied Recycling.

Darrell Suggs (2121 SW Coast Line Terrace) addressed the Board regarding Allied Recycling. Mr. Suggs stated he could hear the machines running at 2:00am and 3:00am. He feels the Board should set rules regarding this issue or shut the business down. Mr. Suggs is also very concerned about the explosions that he has heard and the impact on the environment.

Chairman Selph stated he received approximately 4 ½ pages of signatures against Allied Recycling located at 2347 US 17, Arcadia, FL. The Chairman requested that Don Conn comment on the matter.

Mr. Conn stated that he, Mr. Maxcy and other staff have met on two occasions regarding Allied Recycling. Mr. Conn commented that this is a matter that they are taking seriously. Mr. Conn identified

the concerns as noise, dust, fumes and vibrations. DEP found no violation of air quality standards for dust and fumes. Regarding the vibrations and noise, Allied was questioned as to what operations were underway at the facility. Allied responded by stating they currently have a shredder, tumbler and delivery trucks. Allied reported that the shredder is operated from 7:00am to 7:00pm. The tumbler operates 7 days a week but not beyond 10:00pm due to the Noise Ordinance for industrial activity. Mr. Conn commented that Allied stated they are in the process of enclosing the tumbler which may be causing the majority of the noise and also an improvement plan had been submitted to the Planning Department. Mr. Conn stated that deliveries are received 24 hours a day. Noise is produced from the delivery trucks unloading and the beeping from the trucks backing up which is a safety requirement by OSHA. There will be follow up meetings with Allied. Mr. Conn stated he had found Allied to be responsive and thinks the issues can be resolved. He also stated the property is properly zoned for heavy industrial activity and the County cannot legally deal with a piece of property that is properly zoned and shut them down. Mr. Conn commented that this parcel has been zoned heavy industrial for quite some time. Mr. Conn also commented that the only issue that has been brought before the Board has to do with buffering. Mr. Conn stated he may contact some of the petitioners individually for their thoughts and views of what is occurring with Allied Recycling. Mr. Conn also encouraged anyone who witnesses activities that are excessive beyond 10pm to report to law enforcement. Commissioner Mansfield questioned where and how DEP gathered the air samples that were tested. Mr. Conn stated County staff was not involved with the testing. The Board could request that DEP be contacted again and speak with the neighbors and visit the particular locations where dust has been observed. Chairman Selph commented that is a reasonable request. Further discussion by the Board. Mr. Maxcy questioned the Board if they would recommend requesting Allied to further refine the conditions of their workable plant. It was consensus of the Board to do so as well as have DEP re-visit Allied Recycling to speak with the neighbors and visit the particular locations where dust has been observed.

CONSENT AGENDA-MOTION TO APPROVE

A motion was made by Commissioner Langford to approve the Accounts and Warrants drawn according to schedule of bills payable; Letter to appoint Peggy Waters as the DeSoto County Representative for Manatee Community Action Agency, Inc., Board of Directors and Staff recommendation of adequate Surety Bonds. Seconded by Commissioner Mansfield. Motion carried unanimously.

PRESENTATIONS

4. Certificate/Bravery and Citizenship

Commissioner Miller presented Reginald Jones with an award for bravery and citizenship. Mr. Jones gave a brief summary of the incident that took place.

REGULAR BUSINESS

5. RESOLUTION-POLICY/FUND BALANCE

Linda Nipper presented a request to adopt the Fund Balance Policy Resolution. Ms. Nipper stated that instead of having reserves, a fund balance will be assigned. It will be the same process but a different title. A motion was made by Commissioner Mansfield to adopt the Fund Balance Policy Resolution with additional approval to incorporate the policy in DeSoto County Financial and Accounting Policies Manual. Seconded by Commissioner Miller. Motion carried unanimously.

6. Resolution/Planning Commission-Board of Adjustment member appointment

Kathy Heitman presented a request to adopt a Resolution appointing a member to the Planning Commission Board. John Super and Judy Kirkpatrick are both alternates and have served since 2009. Larry Hudson is also interested in taking the position. Mr. Maxcy stated the voting take place by ballot or by nomination with a second. A motion was made by Commissioner Quave to appoint Larry Hudson to the Planning Commission Board. Seconded by Commissioner Mansfield. Commissioner Miller feels

the alternates were on the Planning Board for this purpose. He commented that he was going to suggest moving one of the alternates up and have Larry Hudson as an alternate. Commissioner Langford agreed with Commissioner Miller. Commissioner Quave questioned Mr. Conn if the fact that Larry Hudson also sat on the Economic Development Advisory Committee would be an issue. Mr. Conn stated it would not be an issue legally. Motion failed 2-3 with Commissioners Langford, Selph and Miller descending. A motion was made by Commissioner Quave to appoint Judy Kirkpatrick as a replacement on the Planning Commission Board. Seconded by Commissioner Miller. Motion carried unanimously. A motion was made by Commissioner Langford to replace Judy Kirkpatrick and appoint Larry Hudson as an alternate for the Planning Commission Board. Seconded by Commissioner Mansfield. Motion carried unanimously.

7. Resolution/Appointment of Commissioner to Tourist Development Council

Mandy Hines presented a request to appoint a Commissioner to serve on the Tourist Development Council. Ms. Hines stated it is required by Statute that a Commissioner sits on the Council. Commissioner Mansfield has agreed to sit on the Tourist Development Council. A motion was made by Commissioner Langford to appoint Commissioner Mansfield to the Tourist Development Council. Seconded by Commissioner Quave. Motion carried unanimously.

8. Land Use Plan/Operation Report for State Owned Land Lease to County-Lease No. 4401

Mandy Hines presented a request for approval for staff to submit a land use plan for Lease No. 4401. This land encompass' roughly 300 acres at the former DJJ site. This is a non-conservation lease through the state. A motion was made by Commissioner Langford to approve the Land Use Plan as presented for submission to the Florida DEP Land Management Section. Seconded by Commissioner Mansfield. Motion carried unanimously.

9. Land Use/Operation Report for State Owned Land Lease to County-Lease No. 4581 & 4582

Mandy Hines presented a request for approval of land use plan and submission of Lease No. 4581 and 4582. A motion was made by Commissioner Langford to approve the land use plan as presented for submission to the Florida DEP Land Management Section. Seconded by Commissioner Mansfield. Motion carried unanimously.

10. Lien Subordination Policy/Waive Loan to Value Requirement

Peggy Waters presented a Lien Subordination Policy waiver. Ms. Waters stated that in 2007 the Board passed a policy where certain factors would be considered before a Lien Subordination would be considered on mortgages and deferred payment loans. Since 2007 land values have dropped and very few homeowners have equity in their property. Ms. Waters requested that the 95% loan to value ratio be waived as well as the appraisal fee. The homeowner is trying to refinance and is working through a Federal program that does not require any appraisals or equity. The homeowner's interest rate will be lowered and allows for the homeowner to stay in their house. There was discussion from the Board. A motion was made by Commissioner Mansfield to waive the appraisal and the 95% loan to value ratio requirement of the Subordination policy. Seconded by Commissioner Langford. Motion carried unanimously.

11. Reclassification/Veterans Services Officer

Mr. Maxcy stated this agenda item was brought back by the Board's direction regarding a more detailed report. This is for consideration of reclassifying the Veterans Services Officer Position from part-time to full-time. If the Board approves the position, a more detailed report or plan of action will be presented to justify the reclassification of the position. Commissioner Langford commented that he appreciates Lee's enthusiasm and he does a great job but is concerned if the position is needed on a full-time basis. A motion was made by Commissioner Langford to approve the reclassification of the Veterans Services Officer from part-time to full-time position. Seconded by Commissioner Mansfield.

Commissioner Selph commented the position should be full-time and gave reasons why. Commissioner Quave commented that due to the fact we would need to fund this full-time position with money from reserves, he does not recommend the reclassification at this time. Commissioner Miller commented that supporting information is needed and he does not agree with the reclassification at this time. Commissioner Mansfield commented that a lot of Veterans will not or are not able to come to the Veterans Services Office and someone should be available to go to them. Further discussion by the Board.

Ed Johnson commented the Board should spend the money to make the position full-time.

A gentleman spoke on behalf of Mr. Don Finkle and stated he is for the full-time position. It will help the entire County. Earlier in the discussion a motion was made by Commissioner Langford to approve the reclassification of the Veterans Services Officer from part-time to full-time position. Seconded by Commissioner Mansfield. Motion carried unanimously

12. Bid Award-Contract/ZEP Construction, Inc.

Mike Giardullo presented a request to approve the bid award of the Bridge Scouring and Guardrail Retrofit construction contract to ZEP Construction. Mr. Giardullo commented the bid is well within budget. Discussion from the Board. Commissioner Quave commented that he handles IT issues from time to time for ZEP Construction and he currently has an estimate with them for a job and questioned Mr. Conn for his opinion. Mr. Conn recommended that Commissioner Quave abstain from voting on this item because of a business relationship with ZEP and also a future potential business relationship with ZEP. A motion was made by Commissioner Mansfield to award the bid for Bridge Scouring Protection Measures and Traffic Raining Retrofit Service to ZEP Construction and authorize the Chairman to execute the contract. Seconded by Commissioner Miller. Motion carried 4-0 with Commissioner Quave abstaining.

13. Application/FDOT Transportation Alternative Funding

Mike Giardullo stated this is a funding pool by FDOT that is similar to other funding pools we have received money from in the past. Mr. Giardullo would like to submit several improvement projects. A motion was by Commissioner Quave to approve the prioritization of projects for submission for FDOT Transportation Alternative Fundings. Seconded by Commissioner Langford. Motion carried unanimously.

14. Bid Award-Contract/Consolidated Productions Groups, Inc.

Eddie Miller requested a bid award for Utilities Emergency Repair Services to Consolidated Production Group. A motion was made By Commissioner Langford to award the bid for Utilities Emergency Repair Services to Consolidated Production Groups and authorize the Chairman to execute the contract. Seconded by Commissioner Mansfield. Motion carried unanimously.

15. Staffing/Road and Bridge Department

Shawn Edwards and Linda Nipper requested additional staffing to expand the ditch and culvert program to alleviate some of the excessive flooding during the rainy season. The approximate cost of 1 transfer and 3 additional staff for a full year would be \$140,345.00 and new equipment would be purchased. Ms. Nipper stated that the balance for the remainder of the year is approximately \$105,000.00 and would need to be taken from reserves. Further discussion by the Board. A motion was made by Commissioner Mansfield to the appointment of 4 additional PW II positions, remove one PW I position and add one position to the Landfill. Seconded by Commissioner Quave. Motion carried unanimously.

16. School Board Impact Fees

Don Conn requested the Board to approve the extension of the waiver of the impact fees relating to the School Board impact fees through December 31, 2013. A motion was made by Commissioner Langford

to adopt the Resolution which extends the waiver of imposition and the collection of School Board impact fees through December 31, 2013. Seconded by Commissioner Mansfield. Motion carried unanimously.

16A. Grant/Florida Boating Improvement Program

Tara Anderson presented a request to accept the Grant Agreement with the Florida Fish and Wildlife Conservation Commission. Ms. Anderson stated that on June 26, 2012 the Board adopted a Resolution to submit an application for a Florida Boating Improvement Grant. This grant for the Lettuce Lake Boat Ramp has been accepted and granted to DeSoto County. A motion was made by Commissioner Mansfield to accept the Grant Agreement for the Florida Boating Improvement Program with FWC and authorize the Chairman to sign. Seconded by Commissioner Langford. Motion carried unanimously.

17. Status Report/Lake Suzy Utilities-Negotiations with Aqua Utilities

Mr. Conn stated in his last report that Aqua was willing to sell the facilities for \$1.09 million. Weiler did a report on the wastewater side indicating if the County were to acquire the facilities, there would be certain costs. Those costs were presented to Aqua and the County feels it should be reimbursed \$300,000.00. As of the last update, Aqua would be willing to offer the facilities for a price of \$200,000.00 payable at no interest over a period of 2 years. Other points to be negotiated are liabilities, complete inventory and provisions. Mr. Conn stated a final package would be presented to the Board for approval before any final approval was needed. Discussion by the Board. Mr. Conn stated the Take or Pay contract expires in 2014. Eddie Miller suggested that the Lake Suzy plant should be decommissioned due to the equipment being in bad shape. Further discussion was had. A motion was made by Commissioner Quave to entrust the County Attorney to investigate the matter further and negotiate on the Board's behalf at a \$0 amount with the persuasion that we are adamant that it be at that amount. Motion died for lack of support. A motion was made by Commissioner Mansfield that DeSoto County offer Aqua Utilities \$200,000.00 to purchase their utilities interest free payable over 2 years and included that this is direction as to the purchase price only with the condition that the Board is not giving final approval until the entire transfer agreement comes back so the Board can review all the conditions in that transfer agreement at which point the Board would be addressing final approval of the price as well as all the other conditions. Seconded by Commissioner Quave. Motion carried unanimously. Mr. Conn stated the County would not be purchasing the property of the wastewater site and that the County would be purchasing the lease of the property.

ADMINISTRATOR'S REPORT

Mr. Maxcy reported that someone has turned in their 2 week notice in the Parks & Recreation Department and would like permission to fill the position. It was consensus of the Board to move forward with filling the opening. Due to an employee retiring, Mr. Maxcy requested permission to fill the vacant position of a Public Worker II position. It was consensus of the Board to fill the opening. Mr. Maxcy extended an invitation to the Board on behalf of EDAC for Commissioners, one at a time, to attend a series of meetings in an effort to have open communication and input on how the Commissioners view the committee's role. EDAC meetings are on the 3rd Thursday of every month at 8:00am at the Extension Office. The Board accepted the invite.

COUNTY ATTORNEY'S REPORT

Mr. Conn addressed the Board regarding the Jail Workshop that was held this morning. Mr. Conn stated there are 2 facilities that the Board is considering at this time and involve different types of financing. Mr. Conn stated it may benefit the Board by having one meeting to discuss the finance options for those facilities. He feels there are certain ramifications as it relates to financing of a fire station that might benefit financing of the jail. Mr. Conn asked the Board to consider having one workshop the second meeting in March discussing both the jail and the fire station and financing

options and how those options might be able to work together in the best possible way for the County. Mr. Conn suggested having bond counsel present at the meeting as well as the financial advisor. The workshop to discuss financing for the County Jail and Fire Station was set for March 26th at 1:00pm.

NON-AGENDA ITEM

Jane Hilton with DeSoto Arts and Humanities extended an invite to the Board for the Art of the River Art Show to be held February 8-9, 2013 at the DeSoto Campus of Florida State College.

BOARD MEMBER COMMENTS

Commissioner Quave commented on visiting the EDAC meetings. He also commented that he looks forward to working with the rest of the Board to achieve the best way possible to fund a new jail. Commissioner Quave expressed how amazing it was to be in the public eye and being able to express different opinions. He also commented on the negotiations with Aqua Utilities and would like to have more open discussion on franchise fees.

Commissioner Langford stated that people ask him about the new Commissioners. He is happy with the two new Commissioners and believes they are doing a great job. Commissioner Langford also commented on Breath of Life Ministries. He commented they help pregnant women and encourage them to do the right thing. He reminded everyone of the steer and hog sale Friday night and encouraged all to attend and support the youth of DeSoto County.

Commissioner Miller thanked everyone for showing their support to Reginald Jones for his act of bravery and appreciates everyone's patience.

Commissioner Selph commented that this is a learning process that never ends. He spoke about his experience in judging livestock and working with the youth and encouraged everyone to support their projects. He also asked that everyone pray for our soldiers.


ADJOURNMENT

There being no further business, Chairman Selph adjourned the meeting at 5:47 PM.

ATTEST:



C. GUY MAXCY
COUNTY ADMINISTRATOR

BOARD OF COUNTY COMMISSION
DESOTO COUNTY, FLORIDA


JAMES F. SELPH
CHAIRMAN