

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
HELD ON JANUARY 28, 2014 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 28, 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	Social Services Director, Peggy Waters
Administrative Services Director, Linda Nipper	Parks Director, Tara Anderson
Road & Bridge Director, Shawn Edwards	Turner Center Director, Jody Sullivan
Compliance Director, Jorge Hernandez	Sheriff, Will Wise
Library Director, Linda Waters	

**CALL TO ORDER 3:00 PM**

**PRAYER**- Pastor Greg Martin / Mt. Pleasant Baptist Church

**PLEDGE OF ALLEGIANCE**

**INTRODUCTION OF ELECTED OFFICIALS**

Sheriff Will Wise

**DISCUSSION**

Commissioner Mansfield introduced Levi Mast and stated that he moved his business from Georgia to DeSoto County. His company has close to 1 million dollars invested in opening the business locally. Mr. Mast stated he is pleased to announce that in addition to the shed operation, he has a signed agreement for another property for a new business to open soon. He is pleased with state issues and how they have been resolved.

**SET/AMEND**- Chairman Langford stated that item #18 will be moved to #11A. A motion was made by Commissioner Selph to approve the agenda moving item #18 to #11A. Seconded by Commissioner Mansfield. Motion carried unanimously.

**PUBLIC FORUM FOR NON-AGENDA ITEMS**

Greg Sullivan thanked the Turner Center staff for the great work at the Sportsman Banquet held on January 18, 2014. Approximately 700 men attended and the event was a great success.

Barry Dyble thanked the Board for their support of the local business Crown Roof Tile. He is currently waiting for Florida State approval. Mr. Dyble stated they are working on maintenance of the equipment in hopes of having it up and running soon.

Commissioner Selph stated he would like to tour the facility.

Mr. Dyble stated the tile is required to be tested and approved by the State of Florida.

Commissioner Miller commented that it was refreshing to begin the Board meeting with positive feedback.

Rick Young stated he submitted an application for a benefit at Open Road Bar on February 8, 2014. He requested the fee to be waived or reduced for the permit process.

Don Conn stated he was not familiar with the particular application Mr. Young is referring to and it would be premature to take action before the application was reviewed.

Tom Cookingham stated that there are two separate issues. The first is a Special Exception for outdoor entertainment and the other is for a waiver of fees on a temporary use for a benefit that will take place prior to the Special Exception.

Mr. Cookingham confirmed there will be a fee involved for a Temporary Use permit.

Mr. Conn advised the Board to not take action at this time due to it is not an agenda item.

Commissioner Selph and Commissioner Quave commented they receive phone calls from surrounding residents regarding the noise when the outdoor events are held at Open Road Bar.

Commissioner Quave stated the correct chain of events is required before an educated decision can be made.

Chairman Langford commented this is an issue that will be addressed in the LDR process. Further discussion was had.

#### **CONSENT AGENDA-MOTION TO APPROVE**

Commissioner Mansfield stated he will not be voting due to a conflict of interest. A motion was made by Commissioner Selph to approve the Accounts and Warrants drawn according to schedule of bills payable; Minutes of December 17, 2013 Public Meeting; Sufficiency of Surety Bonds; Agreement with South Florida State College for funding to support the SBDC Certified Business Analyst; Letter to appoint staff to Manatee Community Action Agency; Contract Amendment with Universal Signs and Accessories for the furnishing of various sign materials; Resolution with Florida Department of Transportation section 5310 Program Grant; Resolution with Florida Department of Transportation section 5311 Grant application; Resolution with Florida Department of Transportation section 5311 DART Grant application. Seconded by Commissioner Miller. Motion carried 4-0 with Commissioner Mansfield restraining.

#### **REGULAR BUSINESS**

##### **10. Resolution/Budget Amendments**

Linda Nipper presented a request for a budget amendment regarding Reserves. Contingency in the amount of \$117,986.69; Legal \$25,000.00; Technology \$10,000.00; Funds were moved into Veteran's Services for the Vietnam Wall deposit. The total in Reserves is \$2,387,739.00 in which super-majority will be required to move funds from this account. A motion was made by Commissioner Mansfield to adopt a Resolution amending the 2013/2014 Budget including attachments. Seconded by Commissioner Selph. Motion carried unanimously.

##### **11. Resolution Amendment/Delinquent Utility Accounts**

Eddie Miller requested approval of a Resolution to write-off all uncollectable Utility Accounts during fiscal year 2012-2013. Commissioner Selph commented that he is not willing to write-off the Wendy's account.

Commissioner Quave would like to see this agenda item presented to the Board once a collection mechanism is in place and the delinquent accounts have been sought after.

Mr. Miller stated that delinquent notices were hand delivered to the local Wendy's. Discussion was had regarding methods used previously to collect on the delinquent accounts.

Commissioner Quave feels the collection agency is a good idea due to write-offs increasing as the

number of Utility customers increase.

Cindy Talamantez commented the contract for Public Safety can be amended before the renewal date to include any department as long as the collection agent is willing to hold the same rate.

Mr. Maxcy suggested sending a letter to the current owner of Wendy's requesting payment of the debt. Mr. Conn advised the Board to hold off on sending a letter. A motion was made by Commissioner Mansfield to adopt the Resolution to write-off all uncollectable utility accounts during fiscal year 2012-2013. Seconded by Commissioner Miller. Motion carried unanimously.

#### **11A. Opinion of Cost/Alliance Design Group**

Cindy Talamantez stated this item is requesting authorization to retain Alliance Design Group. The purpose today is to provide opinions of cost for Fire Station 1 and to determine rehab or new construction.

Bob Taylor stated that in the initial feasibility report, it was determined that the building should be demolished and a new building constructed that meets the requirements of a modern fire station as opposed to forcing a modern operation into a building built in 1963. The report that Mr. Taylor prepares will include a total for rehabilitation of the existing building and a total for new construction. Mr. Taylor stated the current building does not meet current design or wind codes. Further discussion was had.

Commissioner Mansfield commented that a decision needs to be made soon.

Chairman Langford apologized to the Board and that he was under the impression the existing building could be renovated.

A motion was made by Commissioner Quave to approve old agenda item #18; new agenda item #11A with the understanding that it will be below \$4,900.00 and we will know what it will cost to completely rehab Fire Station 1 at the current location. Seconded by Commissioner Mansfield. Motion carried unanimously.

#### **12. Outdoor Event Permit**

Tom Cookingham requested approval of an outdoor event permit on behalf of Leadership DeSoto for their annual fundraiser at the Oaks of Devonshire. Staff has reviewed the site plan and there are no issues with the Health Department or the Sheriff's Department. There will be additional on-site sanitary facilities, all food will be catered. Staff recommends approval.

Commissioner Miller questioned the replacement of a culvert. Mr. Cookingham stated that issue will be addressed when the establishment becomes a full-time event hall.

Penny Kurtz stated the fee for the permit would be paid by the Chamber of Commerce.

Mr. Conn reviewed the Fee Resolution and it does state there is a \$150.00 fee but did not find that it stated anything regarding a waiver off the fee. The Board may want to consider adjusting the Resolution depending on if the application is for a charitable or civic organization.

A motion was made by Commissioner Mansfield to approve the request for the Outdoor Event Permit 2014-01. Seconded by Commissioner Miller. Motion carried unanimously.

#### **13. Revised Organization Chart/County**

The revised Organizational Chart was presented to the Board. Discussion was had.

A motion was made by Commissioner Quave to approve the revised Organizational Chart as presented. Seconded by Commissioner Selph. Motion carried 4-1 with Commissioner Miller dissenting.

#### **14. Re-Organization/DeSoto County Fire Rescue**

Chief Larry Taylor stated that after performing a work study, he would like to make a few changes. He would like to add three lieutenants at Station 1, which would result in one lieutenant per shift. Chief Taylor requested that instead of replacing a recently retired secretary, he would like to

compensate the two remaining staff members for the additional workload they will receive. He also requested the position of Deputy Chief, which in the event of activation, would be in charge of safety and training. He would like to implement programs for a better bond with the community. The requests presented would be no additional cost to the County.

Discussion was had regarding the funds to cover the organizational changes.

Commissioner Quave is concerned that the requested promotions will place pressure on the Board at a later date to give raises.

Chairman Langford feels it makes sense to execute a re-organization. Further discussion was had.

A motion was made by Commissioner Selph to add a lieutenant to each shift and compensate the administrative staff for the increased workload. Seconded by Commissioner Miller. Motion carried unanimously.

### **15. Herbicide Maintenance**

Mike Giardullo presented options for a herbicide program. The first list is the recommended prioritization for 2014 which includes the top 9 streets between the Engineering department and Road & Bridge Department. The list was based on several factors; cost, difficulty in maintenance and the ability for herbicide now. Cost is based on per square yard per application of .15 cents. The second list consists of the remaining ditches that were on the list previously with the addition of a few more. Mr. Giardullo met with Dr. Brent Sellers who is a expert in weed management from the University of Florida Agricultural Research Center in Ona, Fl. They were able to discuss some of the ditches as well as the County's herbicide program. Mr. Giardullo recommends approximately \$50,000.00 in herbicide in the form of an annual program. Further discussion was had regarding price per square foot.

Commissioner Selph commented why he wanted Dr. Sellers to speak with Mike, some chemicals cannot be used together. Further discussion was had. Mr. Maxcy feels we need to work very closely with Dr. Sellers to ensure the process is done correctly.

A motion was made by Commissioner Quave to approve moving forward with the soliciting a competitive bid for a unit cost based herbicide application services contract with anticipated annual fee of \$50,000.00 for the County outfall ditches listed in the attached prioritized list. Seconded by Commissioner Mansfield. Motion carried unanimously.

### **16. Sheriff's Complex**

Cindy Talamantez stated the request is to approve the ranking of potential properties of the future site of the Sheriff's Complex. Five proposals were received and evaluated by the Sheriff's Office Advisory Committee. #5 FiveAsh (south side) and 56 acres. #4 SE State Road 70, 50 acres, behind Wal-Mart. #3 1339 SW Hillsborough, 64.25 acres, 2 parcels with a large area of wetlands. #2 1847 SE FiveAsh (FEMA Park), 40 acres. #1 FiveAsh (off Turner), 40 acres with no development.

Sheriff Wise stated the Sheriff's Office Advisory Committee took place on January 15, 2014 with the following person present: Chairman Bill Hackney, Bill Duckett, Jeff Griffis, Keith Keen, Lew Cassels, Thomas Damron, Warren Cornell, Captain Harris, Major Vitali and Sheriff Wise.

Commissioner Quave questioned the approximate acreage needed? Sheriff Wise stated at least 50 acres to allow for separation of general public and security.

Chairman Langford questioned if the cleanup that would be required on the FEMA property would be included in the price? Sheriff Wise commented that was considered as well as other factors.

Don Conn stated the requested motion will only authorize negotiations. Any agreement to lock down the property would be brought before the Board.

A motion was made by Commissioner Selph to approve the ranking of the properties submitted for the future site of a Sheriff's Complex as presented and authorize staff to proceed with negotiations.

Seconded by Commissioner Quave. Motion carried unanimously.

Ed Johnson spoke in opposition of the new jail property and feels it will result in higher taxes. He feels all options have not been exhausted.

Commissioner Miller would like additional information on the matter. He is concerned with the financial side of this for the near future and the next 30 years.

Chairman Langford agrees that this is a daunting situation but something has to be done and we need to move forward on this.

Commissioner Selph feels we need to at least start negotiations and see where this goes.

Commissioner Mansfield feels this has been an ongoing issue and he will take any and all suggestions for a solution.

Ed Johnson commented that he has toured the jail and read all the reports. He believes the jail can be refurbished and the Board should seek a second opinion.

#### **17. Offer Acceptance/Sales Agreement**

Cindy Talamantez stated this is for the sale of surplus properties. The total is 13 acres located in the Peace River Estates Section 1. Her recommendation is the sale of all 13 properties to the Geraci King Ranch Trust. There is no title insurance attached to the Quit Claim Deed.

A motion was made by Commissioner Mansfield to accept the offer from Geraci King Ranch Trust for 13 acres of County owned property located in Peace River Estates Section 1 and authorize the Chairman to execute Sales Agreement. Seconded by Commissioner Quave. Motion carried unanimously.

#### **ADMINISTRATOR'S REPORT**

Mr. Maxcy had nothing further to report.

#### **COUNTY ATTORNEY'S REPORT**

Don Conn had nothing further to report.

#### **BOARD MEMBER COMMENTS**

Commissioner Selph complimented all of the kids that showed in the fair and they were all winners. He also appreciates all of the work put forth for the Florida Cattleman's Allied Trade Show. He attended the John Morgan Ingram House Grand Opening and congratulated the Historical Society for what they are doing in our community.

Commissioner Miller commented that he attended the Ag Tour that included the Cattle Market. He stated it is a state of the art facility and urged all to stop by a take a look as well.

He commented on Consent Agenda item #7, the purchase of two minivans. He was stunned at the cost but then realized they are handicap accessible. He commented on Consent Agenda item #9 regarding DART grant application for a three year period. He feels we are not covering the costs of the program and there will be problems.

Commissioner Quave commented he enjoyed the tradeshow and feels there is a possibility to have the event here for the next ten years if we install an awning on the east side of the Turner Center.

He stated that the President and Vice President of DCYB gave a presentation in Lake City to bid on a tournament to be held in DeSoto County this summer and they were successful. There will be 16 teams and the hotels will be booked.

Commissioner Mansfield commented the fun had by the children at the fair.

Chairman Langford also commented regarding the fair. He thanked all who attended the livestock sales in support of the children. He was impressed with the tradeshow as well as the sportsman event. He announced that on February 8<sup>th</sup>-9<sup>th</sup> the Hospice Ranch Rodeo will be at the Turner Center and the money raised will stay local.

**Recessed at 5:35 pm until 6:30 pm Public Hearing**

**19. Presentation/Water Facilities Plan**

Mandy Hines gave a brief overview regarding the SRF Project.

Don Conn stated that part of the process has to do with adopting a Resolution. If in agreement with the plan, the Board will be requested to take action for approval, it will then be put into the form of a Resolution.

Ms. Hines stated the request for inclusion is complete and tonight the planning document will be publicly presented which is required as part of the funding application.

Todd Helt stated this is an ongoing project from FDOT and is the last phase. The project area extends from 760A to Herd Street. The project involves water and wastewater utilities. The Comprehensive Plan includes a number of elements related to extending utility service to areas for future growth. Environmental benefits would include potential connect with the City of Arcadia, private wells will have access to hook up, will allow for those on septic systems to hook up as well as new developments and supports an environmentally responsible method for economic development. The Project Development Environment Report is a multi-year study that looks at adverse environmental effects, threatened and endangered species, adverse effects on low income communities, water quality investigations, and cultural resources assessments. As part of the facility planning documents, three alternatives are required to be considered to fulfill the various DEP requirements. One option was to do the project in conjunction with the FDOT project. The second option was to wait a year and proceed after the FDOT project. The third option was not to build. Alternative 1 is recommended.

Chairman Langford commented that taxpayer money will not be funding this project, it will be money collected from utilities. Also there is no mandatory hook up required.

Commissioner Selph commented that if the County decided to do nothing now and in 5 years decided to proceed with the project; FDOT could possibly deny the request which would result in an additional cost of approximately 2 to 3 million dollars.

Commissioner Miller thanked the City. The interconnect will help economic growth. He questioned the difference in the price of the engineering study from \$200,000.00 six months ago to \$4.2 million currently. Eddie Miller stated the original estimate was a rushed document that did not include the booster pump station or the three lift stations. When those four items were added the total was actually \$4.7 million but was brought down to the \$4.2 million.

Commissioner Quave is looking forward to the project.

Ed Johnson commented that he has been opposed to the waterline from the beginning and expressed his reasons why.

Bob Navin questioned if the property evaluation will increase due to the waterline. Chairman Langford does not believe this project will affect the property evaluations; however, land values may increase if sales in the area increase.

Commissioner Miller commented there will be information forthcoming that will help people understand how they can afford hook up.

Maurice Brown commented the Comprehensive Plan will need to be changed but it does mandate mandatory hook up. The Board refuses to enforce mandatory hook up to existing residents but will be mandatory to new development.

Don Conn requested the Board to take action, if acceptable, to approve the alternatives analysis and the facilities plan that Mr. Helt provided.

A motion was made by Commissioner Quave to approve a Resolution to move forward with the US

17 Phase III-R. Seconded by Commissioner Mansfield. Motion carried unanimously.

Commissioner Miller questioned if the Board is committing to anything. Mr. Conn stated this is part of a funding application and it will go in as an expression of support.

Mandy Hines stated the Resolution is only adopting the planning document.

**20. Resolution-Agreement/Florida Department of Transportation**

Eddie Miller stated there were a few timing issues with FDOT and FDEP. Mr. Conn referred to a form titled Changes to Form Document; there were three basic changes. The most important is the one that states the County can decide within 30 days prior to the date on which FDOT advertises the project for bids that the County can decide not to proceed with this project. Mr. Conn stated he is comfortable with the agreement.

Mandy Hines stated this agreement is not in any way connected with SRF program through DEP.

The end of May is an approximate advertise date. There are two separate divisions within SRF when it comes to funding this project. The first is the clean water side which is the wastewater part. The second is the drinking water side. The water side of this project is potentially eligible for up to an 85% grant.

Eddie Miller commented that 66 of 184 survey letters have been received. 55 showed positive interest and only 8 that were not interested. Each intersection has a water connection crossing the road with a fire hydrant on the other side.

Ed Johnson stated per the Fire Inspector, this would not solve the water flow problems and will still need to install supplementary tanks along with fire sprinklers.

Eddie Miller stated that part of the reason the estimate was lower up front was that the booster station needed to be added.

Commissioner Mansfield questioned how much money could we receive for this project. Ms. Hines stated if we ended up at 85%, we would be 85% grant funded on the 2.1 million on the water side. Further discussion was had.


A motion was made by Commissioner Mansfield to approve the Utility Work by Highway Contractor Agreement (FPID 193898-2-56-02) and related FDOT Resolution. Seconded by Commissioner Selph. Motion carried unanimously.

**ADJOURNMENT**

There being no further business, Chairman Langford adjourned the meeting at 7:24 PM.

ATTEST:

  
\_\_\_\_\_  
C. GUY MAXEY  
COUNTY ADMINISTRATOR

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