

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
HELD ON MARCH 26, 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 March 26, 2013 with the following persons present:

Commissioner, Buddy Mansfield, Dist#1	Code Enforcement Mgr., Jorge Hernandez
Chairman, James Selph, Dist#2	Utilities Director, Eddie Miller
Commissioner, Gabriel Quave, Dist#3	Social Services Director, Peggy Waters
Commissioner, Elton Langford, Dist#4	Fire Chief, Glenn Prescott
Commissioner, Bob Miller, Dist#5	Environmental Svs. Director, Henry Grimes
County Administrator, C. Guy Maxcy	Admin. Services Director, Linda Nipper
County Attorney, Donald 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
Building Official, Lester Hornbake	Veteran's Services, Lee Gallagher

**CALL TO ORDER**

**3:00 PM**

**PRAYER**- Chairman James Selph

**PLEDGE OF ALLEGIANCE**

**INTRODUCTION OF ELECTED OFFICIALS**

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**

None

**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; Minutes of February 26, 2013 Public Meeting and March 12, 2013 Public Meeting. Seconded by Commissioner Mansfield. Motion carried unanimously.

**PROCLAMATION**

**3. Welcome Home Vietnam Veteran's Day**

Mr. Maxcy read into record the Proclamation declaring March 30, 2013 as Welcome Home Vietnam Veteran's Day in DeSoto County. The gavel was passed to Commissioner Langford, Vice Chairman so that Commissioner Selph a Vietnam Veteran could make a motion. Commissioner Selph commented on the number of people who lost their lives. A motion was made by Commissioner Selph to proclaim March 30, 2013 as Welcome Home Vietnam Veteran's Day in DeSoto County. Seconded by Commissioner Mansfield. Motion carried unanimously. Photos were taken with all Vietnam Veterans as well as Veterans present at the meeting. Commissioner Selph also requested that the Proclamation be

displayed in the hall for the remainder of the month.

## **PRESENTATION**

### **4. Rate Study/Lighthouse Utility Consulting, Inc**

Jonathan Varnes presented a rate study from Lighthouse Utility Consulting, Inc. Mr. Varnes stated the company specializes in the utility field and the bulk of their experience is in Florida. Mr. Varnes reviewed the general rate study objectives. Full cost recovery, revenue stability, conservation of resources, fair apportionment of the costs to customer classes and ultimately individual customers and rates that are defensible and easy to understand and administer. Mr. Varnes also reviewed the three primary phases of methodology. Phase 1 is a Revenue Sufficiency Analysis which looks at projected revenues and costs over the forecast period. Phase 2 is a Cost of Service Analysis which takes the revenue requirements that are gathered in Phase 1 and distributes to customer classes through a cost allocation process. Phase 3 is a Rate Design Analysis which takes the revenue requirements that have been allocated to customer classes in Phase 2 and design a rate structure that will recover the correct amount of revenue from the right types of customers in a manner which is fair and equitable.

The main focus in the current rate study is Phase 1 – Revenue Sufficiency Analysis. The main focus is to recover the correct amount of revenue to meet the cost needs. Mr. Varnes stated that in the next meeting on April 9<sup>th</sup>, he hopes to bring results that will include a projected financial blueprint for the utility, projected costs and projected revenue required to meet operating in capital costs. There were questions and comments from the Board.

## **REGULAR BUSINESS**

### **5. Resolution/Budget Amendments**

Linda Nipper stated additional assessments were received from Wal-Mart Distribution Center. The next amendment was from GEO going to the Sheriff to house inmates. A motion was made by Commissioner Mansfield to adopt the Resolution amending the 2012-2013 Budget including attachments 2013-47 and 2013-51. Seconded by Commissioner Miller. Motion carried unanimously.

### **6. Resolution/Second Amendment**

Guy Maxcy presented a request to adopt a Resolution in support of the Second Amendment to the Constitution. The Second Amendment provides the right of people to keep and bear arms shall not be infringed upon. A motion was made by Commissioner Quave to adopt the Resolution formally declaring support of the Second Amendment to the Constitution of the United States. Seconded by Commissioner Langford. Motion carried unanimously.

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

Peggy Waters requested approval of a bid award for a Housing Rehabilitation Program. Staff recommends Clean Cuts, LLC be awarded the bid as presented. 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.

### **8. Advertising Policy and update/DART**

Peggy Waters gave an update on the DART program and also discussed the advertising policy for the program. Ms. Waters stated the program started on November 14, 2012 with 61 riders. Numbers continued to increase each month. The route has been re-evaluated and has been simplified. As of March 23, 2013 there were 501 riders. Staff has revisited the pricing and made inquiries with potential advertisers. Staff is recommending that the previous pricing be changed to \$2500.00 annually to wrap half of a bus. The advertiser would also pay for the wrapping materials to apply and remove the advertisement on the bus. There was further discussion by the Board regarding different option on

wrapping the bus. A motion was made by Commissioner Mansfield to approve the updated DART advertising policy and rates as presented with the back being \$1,250.00. Seconded by Commissioner Quave. Commissioner Quave commented that the cost to wrap the back of the bus may cost more. Commissioner Mansfield amended his motion to stating to approve the updated DART advertising policy and rates as presented with the rear of the bus being adjusted accordingly to what the cost will be. Seconded by Commissioner Quave. Motion on amendment carried unanimously.

**9. Grant Application/The E911 Rural County Grant Program**

Jordan Ahrens with the DeSoto County Sheriff's Office stated the grant is for maintenance in the amount of \$8,272.00 that covers the annual reoccurring costs for the battery backup system, 911 call recorder and the mapping system. A motion was made by Commissioner Langford to authorize the submission of the E911 Rural County Grant Application to the State of Florida and authorize the Chairman to sign the application and any subsequent documents if grant is awarded. Seconded by Commissioner Quave. Motion carried unanimously.

**10. Grant Application/The E911 Rural County Grant Program**

Jordan Ahrens with the DeSoto County Sheriff's Office stated the grant is for training in the amount of \$700.00 that covers travel and lodging expense as well as per diem for the statewide conference. A motion was made by Commissioner Langford to authorize the submission of E911 Rural County Grant Application to the State of Florida and authorize the Chairman to sign the application and any subsequent documents if the grant is awarded. Seconded by Commissioner Miller. Motion carried unanimously.

**11. Rescind/Employment Policy for Directors and Division Positions**

Don Kesterson presented a request to rescind the employment policy for Directors and Division positions to be effective immediately. The Board has previously expressed a desire to eliminate contracts for Directors. Chairman Selph feels that contracts are necessary when hiring someone for a position with an extended education. He also stated that a contract can be written to fit the position and protect all involved. Commissioner Miller stated having contracts was not a big issue for him. Commissioner Quave questioned if the Employee Manual would have the same information that would be in a Director contract. Don Kesterson stated it was a standard contract that was passed by the Board in 1996, which is filled in with the correct information for the position. Commissioner Quave feels that contracts are helpful. Mr. Maxcy feels when most people are considered for a senior position, a contract is expected. Commissioner Langford feels that contracts are helpful in most situations. Mr. Kesterson clarified that this does not include the County Administrator's contract. Further discussion was had. Commissioner Mansfield agreed with Commissioners Langford and Miller. Commissioner Quave stated he is in favor of contracts but not big payouts. Don Conn recommended the Board does not take action at this time and let staff look at the form contract; take today's discussion into consideration and bring back to the Board any revisions to address what has been discussed. It was consensus of the Board to follow Mr. Conn's recommendation.

**12. Confirmation/Department Heads for Environmental Services and Utilities**

Don Kesterson stated under Florida Statute 125.74 the County Administrator has the power to select individuals for hire, however employment for department heads is to go before the Board for confirmation. Henry Grimes has been selected for Environmental Services Director and for Utilities Director, Eddie Miller has been selected. A motion was made by Commissioner Quave to confirm the employment appointments for Environmental Services Director and the Utilities Director. Seconded by Commissioner Miller. Motion carried unanimously.

**13. Modification #2-Lease Agreement/Florida Department of Agriculture and Consumer Services**

Mandy Hines presented a modification #2 for a Lease Agreement or a space the County provides to

FDACS. This revenue offsets the funding of the position of the part-time 4-H assistant. A motion was made by Commissioner Langford to approve the modification #2 to the lease #420:0446 extending the lease through April 30, 2015. Seconded by Commissioner Mansfield. Motion carried unanimously.

**14. Bid Award-Contract/AKCA, Inc.**

Mike Giardullo requested approval a contract with AKCA, Inc. for the annual striping project. The low bid received for the base project was \$55,777.30 and an alternate bid of \$4,886.00 for a combined bid of \$60,663.00. The portion of the project South of SW Barnwell St. was removed in order to bring the cost down to \$45,674.82 and the alternate bid remained the same for a total cost of \$50,560.82. Mr. Giardullo requested the Board to authorize the revised base bid and the alternate. Mr. Maxcy stated that staff has thought outside the box and created extra discussion on trying to provide savings.

A motion was made by Commissioner Mansfield to award the bid for fiscal year 2012-2013 Annual Striping Project AKCA, Inc. and authorize the Chairman to execute the contract. Seconded by Commissioner Langford. Motion carried unanimously.

**15. Bid Award-Contract/Wal-Mart Water Main Extension Project**

Eddie Miller stated the Engineering estimate was \$28,558.00 and the actual bid award was \$26,950.00. A motion was made by Commissioner Mansfield to award the bid for Utilities Wal-Mart Water Main Extension to Cabana Construction of SW Florida, Inc. and authorize the Chairman to execute the Contract.

**ADMINISTRATOR'S REPORT**

Mr. Maxcy requested the discussion of feasibility of laying DCU pipe for Water/Wastewater while the US 17 widening construction is in progress. It would allow DCU to better serve the community in the future. Eddie Miller feels this should be considered and requested consensus of the Board as to what direction DCU should take. Commissioner Mansfield feels it would benefit the County to do this now. Commissioner Quave requested worst case scenario revenue projections. Don Conn commented that DCU is looking for a statement of interest by the Board but also a request by the Board to FDOT for some additional time. The May deadline given by FDOT is not feasible. Chairman Selph is in favor of exploring the matter and also requesting FDOT to extend the date. It was consensus of the Board to move forward on the matter discussed and that Mr. Maxcy to attend the meeting as well.

Mr. Maxcy commented that in Trudy Super's letter she was very grateful for the care she received from Thomas Beilstein, Travis Cole, Gerald Romine and Donald Little.

Mr. Maxcy read a letter of Appreciation for high quality customer service from Gina Reynolds, FHREDI. Ms. Reynolds commended the Building Department for the outstanding customer service she received.

Mr. Maxcy also requested approval of the Board to allow Peggy Water to serve on the committee for Senior Choices of SW Florida. It was consensus of the Board to do so.

The Board gave approval for the posting of the position available at the Extension Office.

Linda Nipper spoke to the Board regarding Chauncey Jones transferring to the Finance Dept. Ms. Nipper stated Chauncey was previously an accountant and feels she would be extremely helpful in Finance. It was consensus of the Board to allow Chauncey Jones to transfer to the Finance Department.

**COUNTY ATTORNEY'S REPORT**

Mr. Conn commented there has been a settlement of the Davis lawsuit. PRM settled by payment of certain funds. Mr. Conn reported on a matter regarding liens. There are over one hundred properties with code enforcement liens. There are five or six properties with liens over \$10,000.00. The total collected from liens in 2012 was \$41,400.00 and in 2013 is currently \$18,000.00. Mr. Conn commented on 2 issues in Legislation. Senate Bill 50 deals with the right of the public to provide comments at public hearings. The process that the County covers right now is in line with Legislation, It would

require a written policy on the right of the public to address the BOCC. Mr. Conn also commented on Sovereign Unity levels.

### **BOARD MEMBER COMMENTS**

Commissioner Quave stated he continues to receive requests for agendas and minutes of previous meetings by citizens of the County. He wanted to inform the Board of what is taking place.

Commissioner Langford welcomed Don Conn back. He also stated that Arcadia has been chosen for a one day televised event on RFD TV. He believes that everyone should be a part of this event in some way and is a great way to showcase DeSoto County.

Commissioner Mansfield commented that the televised event is a one day NFR show. He feels this event will enhance the 3 day rodeo we have annually.

Commissioner Miller was delighted to hear Mr. Maxcy read the letters of compliment regarding customer service. He urged everyone to take the extra step in customer service.

Chairman Selph commented that it is imperative that good customer service is provided. He also commented on how the Vietnam Veteran's were treated upon returning home.

### **RECESSED AT 5:03 PM UNTIL 6:30 PM PUBLIC HEARING**

#### **PUBLIC HEARING-CALLED TO ORDER**

Chairman Selph recognized Sheriff Wise as being present.

Mr. Conn read the opening statement regarding the Quasi-Judicial Public Hearing procedures and asked those wishing to testify regarding any of the items listed under the Public Hearing to rise for the administration of the oath. Jill Thompson administered the oath to those standing. Forms are on file in the Administration Office regarding all Ex-Parte Communication.

#### **16. Resolution/Special Exception SE 2012-04**

Kathy Heitman presented a request to adopt a Resolution granting the outside storage of motor homes, boats and automobiles. The property is zoned Commercial General and located at 12449 SW CR 769 (King's Highway). Staff has determined the applicant has met all LDR requirements in Section 12.301 and the Comprehensive Plan elements. The Planning Commission unanimously recommended approval. The applicant, Chris Turner asked the Board for consideration of the Special Exception.

Buck Million stated he does not want to see the equipment from his home and suggested a fence. Kathy Heitman stated the only opening will be the gate.

John Martellini stated he is concerned with the visibility of the vehicles and would like a barrier or fence so that the vehicles are not visible. Mr. Martellini is also concerned with the storage facility attracting crime and theft.

Chairman Selph questioned Mr. Turner regarding Mr. Martellini's concern. Mr. Turner stated the vehicles would be stored behind 15 and 20 foot buildings. Mr. Turner would like to buffer with natural vegetation.

Commissioner Langford suggested installing a shade cloth on the fencing temporarily until the buffer or shrubs are large enough to shield the view. Mr. Turner did not have a problem with the suggestion. A motion was made by Commissioner Quave to close the Public Hearing. Seconded by Commissioner Langford. Motion carried unanimously.

A motion was made by Commissioner Quave to adopt the Resolution approving Special Exception SE 2013-01 permitting outside storage of motor homes, boats and automobiles on property zoned Commercial General based on the Planning Commission's recommendation. Seconded by Commissioner Langford. Motion carried unanimously.

#### **17. Resolution/Special Exception SE 2013-02**

Tom Cookingham stated Terry and Nancy Moe are applying for a special exception for primitive campsites.

The location is along the boundary of the Peace River. The site is zoned Agricultural 10 and has a future land use designation of rural agriculture. Mr. Cookingham gave an explanation of how the campsites would work as well as reviewed the floodway and development pattern. Staff recommended approval with the following conditions: Applicant will provide port-o johns to each of the camp sites with a regular maintenance schedule, provide fire rings and fire extinguishers to each camp site, no recreational vehicles will be allowed in the camping areas, no hunting or discharge of firearms and shall provide and maintain entry road for all fire and emergency vehicles. The Planning Commission approved the application 4-1 with stipulations. Discussion was had regarding safety, road maintenance, garbage pickup and firearms.

Terry Moe gave testimony as to how the camp sites were created. Mr. Moe stated this would allow for his son to have a job.

There were questions and comments from the Board concerning trash pickup, liability for injuries and emergency vehicles.

Commissioner Langford questioned if the area is buildable. Mr. Cookingham stated the lots are buildable but there are no utilities in that area.

There were also questions from the Board as to the limitations on the number of people on each camp site and the maximum length of time the campers would be allowed to stay on the camp site.

The Board requested more information from the applicant and agreed to continue the hearing at a later date.

#### **Public Comment**

Robert Stoneburner spoke on behalf of Don & Linda Bridges. He feels the camp sites would not benefit DeSoto County or surrounding homeowners.

Jennifer Stoneburner spoke in opposition of the proposed camp sites. She feels the Board did not receive important information.

Debbie Jackow spoke in opposition of the proposed camp sites and read into the record the letter she submitted to the Board. She would like to reserve the rights of the common area.

Lawton McCaw spoke in opposition of the proposed camp sites.

Melissa & Dan Moe are in favor of the camp sites. Ms. Moe gave testimony regarding the property. The Moes are working with Monica Doyle to develop a business plan.

Mr. Moe stated lots 11 & 12 are currently used by other people to launch boats. The private park area that was referred to earlier is too primitive to launch boats.

Commissioner Mansfield made a motion to close the Public Hearing. Motion died for lack of a second.

Chairman Selph questioned the Board if all agreed to a continuance on this issue.

Don Conn stated the Board could give the applicant as well as members of the public an opportunity to further consider the issues that have been raised. Mr. Conn suggested leaving the Public Hearing open and continuing at a date certain.

Commissioner Miller commented that the ingress and egress to the property should be looked into further. Also, are the camp sites detrimental to the current landowner?

Commissioner Mansfield made a motion to continue the Public Hearing on April 23, 2013 at 6:30pm. Seconded by Commissioner Quave. Motion carried unanimously.

Commissioner Mansfield commented that in the business plan, he would like to see the number of days people are allowed to camp.

#### **18. Resolution/Special Exception SE 2013-02**

Tom Cookingham stated the property is located in the Liverpool area. On March 5, 2013, the Planning Commission recommended approval with conditions. The previous owner allowed boat docks along the said property. The current owner removed the docks. The docking facilities will be permitted by the Army Corp of Engineers and the Department of Environmental Protection. The number and exact location is currently unknown. The applicant has submitted a conceptual site plan.

Mack Martin spoke on behalf of Mr. Mintrone. He stated currently there is no plan but the Special Exception is needed in order to know what they can do. Mr. Martin read into record a letter written by Mr. Mintrone that reviewed the intentions for the property. Mr. Mintrone stated in the letter that he would like to build the docks for the use of the owners of a proposed Motor Coach Resort in Fort Ogden. Mr. Martin also read into record a letter that he wrote himself in favor of the boat docks. Mr. Martin reviewed photos of the property with the Board.

Todd Rebol with Banks Engineering spoke regarding the site design and permitting concerns. Any development on the property will have to be done in accordance with all local, state and federal permits. Permits are not typically done until after a use is approved. In response to Commissioner Quave's question, FDEP will approve water base uses and anything in the water will go through Army Corp of Engineers.

Mac Martin commented that it was Mr. Mintrone's intention to use the docks to launch kayaks. He also commented that the new docks will be insured and the previous docks were not in good condition.

Don Conn commented in order to be a permitted accessory use, there has to be a principal structure. Further discussion followed regarding said property.

### **Public Comment**

Ed Dickinson commented he does not have a problem with only (2) boat docks. He also tried to buy the property in question. He gave further reasons for opposing the (10) boat docks.

Glenn Gavrilloff spoke in opposition of the docks. He questioned Mr. Cookingham as to what reasonable number docks would be for a single family. Mr. Cookingham replied that the LDRs did not give a specific number. Mr. Gavrilloff questioned Mac Martin as to the environmental reasons the previous docks were removed. Mr. Martin answered that Mr. Mintrone felt they were environmental hazards. Further discussion was had between Mr. Martin and Mr. Gavrilloff.

Pam Hensler commented the residents of Sunny Breeze had permission from the previous owner to build the original docks. She also stated the area is protected water and a manatee breeding area.

There was further discussion by the Board and Ms. Hensler.

Ed Dickinson stated that he spoke to a Biologist 4 and was informed the area in question is a manatee zone of interest.

Todd Rebol with Banks Engineering reiterated that this is a request for a special exception and not a rezoning.

Don Conn commented there are 21 pages of signatures opposing the docks.

A motion was made by Commissioner Quave to close the Public Hearing. Seconded by Commissioner Langford. Motion carried unanimously.

Commissioner Langford made a motion to deny Resolution SE 2013-02 based on general compatibility with adjacent properties and other property in the district, the proposes use shall not act as a detrimental intrusion into the surrounding area and the proposed use shall meet standards of the district in which the proposed use is permitted. Seconded by Commissioner Miller. Motion carried 4-0, Commissioner Quave opposed.

### **5 minute recess**

### **Resolution/Acquisition of the Lake Suzy Utility is in Public Interest**

Mr. Conn commented State law requires that before a public agency acquires a private utility, it must hold a public interest hearing. An approval or disapproval is not the purpose of this hearing.

Todd Helt with Weiler Engineering spoke regarding an engineering assessment, the scope of work and alternative scenarios.

Donn Conn discussed the issue of local ownership versus ownership by a company outside of DeSoto County or Florida. The County will set customer rates as opposed to the Public Service Commission. Eddie Miller commented the existing Wastewater plant would be decommissioned and a new lift station would be installed. Mr. Miller discussed the possibility of rates being lowered for Lake Suzy customers.

Discussion was had regarding rates. Commissioner Quave voiced his concern of deferred maintenance. Mr. Miller stated a walk through and inspection of the motors and valves will be completed. Don Conn commented that the price of the purchase is not negotiable at this time. A motion was made by Commissioner Mansfield to approve the Resolution finding that the acquisition of the Lake Suzy Utility is in the Public Interest subject to the review and approval by the Board of an Asset Acquisition Agreement with Aqua Utilities. Seconded by Commissioner Miller. Motion carried unanimously

**Public Comment**

Skip Norman is a Lake Suzy resident suggested leaving the rates where they are for the next couple years. There was further discussion by the Board.

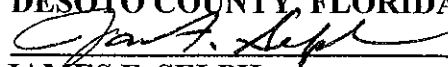
Richard Kane commented with experience in this field, he has noticed the facility will need repairs.

**ADJOURNMENT**

There being no further business, Chairman Selph adjourned the meeting at 10:44 PM.

ATTEST:

  
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C. GUY MAXCY  
COUNTY ADMINISTRATOR

BOARD OF COUNTY COMMISSION  
DESOTO COUNTY, FLORIDA  
  
\_\_\_\_\_  
JAMES F. SELPH  
CHAIRMAN