

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON APRIL 23, 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 April 23, 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	Building Official, Lester Hornbake
County Administrator, C. Guy Maxcy	HR Manager, Don Kesterson
County Attorney, Don Conn	Purchasing Director, Cindy Talamantez
Office Manager, Lauri Jones	Facilities Director, Richard Metzger
County Coordinator, Mandy Hines	DeSoto County Sheriff, Will Wise
Transcribing Secretary, Jill Thompson	County Engineer, Mike Giardullo
Event Coordinator, Jody Sullivan	Administrative Services Director, Linda Nipper
Road & Bridge Director, Shawn Edwards	Dep. Fire Chief, Larry Taylor
County Planner, Tom Cookingham	County Extension Director, Ken Johnson
Environmental Svs. Director, Henry Grimes	

CALL TO ORDER 3:00 PM

PRAYER- Pastor Orr/Arcadia Church of Nazarene

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS

Sheriff Will Wise

SET/AMEND-A motion was made by Commissioner Langford to set the agenda with the addition of the Proclamation for National Day of Prayer as #5A. Seconded by Commissioner Mansfield. Motion carried unanimously.

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 March 26, 2013 Workshop; Memorandum of Agreement for Senior Choices of SW Florida and Senior Friendship Centers and Rescind 10 obsolete policies in the Personnel Manual. Seconded by Commissioner Miller. Motion carried unanimously.

PUBLIC FORUM FOR NON-AGENDA ITEMS

None

PROCLAMATION

5. Proclamation/Child Care Provider Appreciation Day

Mr. Maxcy read the Proclamation into record. The Proclamation calls the attention to the importance of high quality Child Care Services for all children and families within our state and community.

Commissioner Langford made a motion to proclaim May 10, 2013 as Child Care Provider Appreciation Day and urge all citizens to recognize child care providers for their important work. Seconded by Commissioner Miller. Motion carried unanimously. Commissioner Langford presented the Proclamation to Helena Sloan & Deb Dekeulenaere. Ms. Sloan commented that the Early Learning Coalition is a nonprofit agency that serves DeSoto, Charlotte, Hardee and Highlands Counties that provides financial assistance for child care services for low income and at risk children. They also administer the funding for the volunteer Pre-K programs

5A. Proclamation/National Day of Prayer

Guy Maxcy read the Proclamation into record. The Proclamation brings people together to thank God for our Nation's many blessings. A motion was made by Commissioner Langford to proclaim May 2, 2013 as National Day of Prayer. Seconded by Commissioner Mansfield. Motion carried unanimously. Commissioner Mansfield presented the Proclamation. Pastor Orr thanked the Board.

PRESENTATION

6. Presentation/Utilities Rate Study-Lighthouse Utility Consulting, Inc.

Jonathan Barnes stated the goals for the Revenue Efficiency Analysis for the Water and Wastewater System was to develop a rate plan for fiscal year 2013 thru 2017 and address the following general assumptions. Build and maintain a Working Capital Reserve and Maintain Adequate Debt Service Coverage on outstanding debt. Mr. Barnes reviewed the Source of Funds and Use of Funds. With the information provided, Mr. Barnes came up with two scenarios; charge Lake Suzy customers the existing rates through 2014 then migrate to County rates or go to the County rates immediately after the acquisition is complete. Mr. Barnes commented that this system takes the entire DeSoto County Utility as it is now and folds Lake Suzy into it.

Eddie Miller stated rates may increase then tier down over a 5-6 year period of time.

Further discussion was had regarding increase of expenses.

Don Conn questioned Mr. Barnes if he has calculated what the dollar difference would be on an annual basis if the rates are kept at the current level. Mr. Barnes stated it would be approximately \$150,000.00 to \$200,000.00 difference between keeping the Lake Suzy rates at the current price and going to the County rates.

Mr. Barnes recommended a rate increase even without Lake Suzy.

Commissioner Selph commented that he did not want to see the rates increase 12% or more.

Further discussion was had regarding rate increases.

A motion was made by Commissioner Mansfield to accept the Utilities Rate Study presented by Lighthouse Utility Consulting, Inc. Seconded by Commissioner Quave. Motion carried unanimously.

REGULAR BUSINESS

7. Resolution/Budget Amendments

Linda Nipper requested moving Utility funds from Engineering to the General fund in order to acquire an employee in Administrative Services; Expensing Library grant funds received in the amount of \$5,000.00 from a private funding source; Move extra funds from Reserves into Veteran's Services to allow for the cost of dependant insurance; Sheriff/GEO Revenue and Court funding transfer for Educational Expenses. A motion was made by Commissioner Langford to adopt the Resolution amending the 2012/2013 Budget including attachments #2013-56, #2013-57, #2013-58, #2013-59 and #2013-61. Seconded by Commissioner Mansfield. Motion carried unanimously.

8. Resolution/Economic Development Advisory Committee Appointments

Peggy Waters stated staff is requesting the Board to appoint a Commissioner or his designee to serve on the committee. Commissioner Quave feels a Commissioner should not sit on this Board

due to conflicts. Commissioner Miller agreed. Don Conn commented there was a Resolution in 2010 that addressed this issue including the composition of the committee and suggested the Board review that Resolution. Further discussion was had. Commissioner Mansfield suggested approving the committee members and appoint the Commissioner at a later date. A motion was made by Commissioner Langford to adopt the Resolution appointing the following members: Karen Gary, Penny Kurtz and Tom Slaughter and hold the County Commissioner appointment in reserve until brought back to the Board after reviewing the Resolution. Seconded by Commissioner Mansfield. Motion carried unanimously.

9. Contract/Marketing Alliance, Incorporated

Peggy Waters stated DeSoto County entered into an Agreement with Marketing Alliance, Inc. for an Economic Development and Tourism Marketing Design service last year. The Agreement had a time performance of 1 year with an option to renew 2 additional years. Staff recommends renewal of the 2 additional years. The contract is funded by a combination of Tourism and Economic Development budgets. A motion was made by Commissioner Langford to approve the contract with Marketing Alliance, Inc. as presented. Seconded by Commissioner Mansfield. Motion carried unanimously.

10. Resolution/Community Transportation Coordinator

Peggy Waters stated one company presented a proposal for Community Transportation Coordinator. That company was Veolia Transportation. Presented to the Board is a Resolution recommending Veolia Transportation as the County CTC. The Resolution will be sent to the Florida Commission of Transportation Disadvantaged. A motion was made by Commissioner Miller to adopt the Resolution approving Veolia Transportation, Inc. as DeSoto County's Community Transportation Coordinator. Seconded by Commissioner Quave. Motion carried 4-0 with Commissioner Mansfield abstaining.

11. Bid Awards/Small Cities CDBG and State Housing Initiative Partnership Program

Peggy Waters presented a bid award for one (1) home replacement and one (1) home repair. Staff is requesting the Board approve the bids as submitted. 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 units. Seconded by Commissioner Miller. Motion carried unanimously.

12. Interlocal Agreement/City of Arcadia & DeSoto County

Eddie Miller stated the agreement is for the purchase of flush water. Commissioner Langford commented this has taken a long time and is best for DeSoto County and the City. Commissioner Miller is happy to see things moving in the right direction. Eddie Miller commented there is a remaining credit of \$29,896.80. Mr. Conn stated the Agreement could be amended if needed. Further discussion was had regarding the agreement. A motion was made by Commissioner Langford to approve the Interlocal Agreement between the City of Arcadia and DeSoto County for purchase of County Flush Water. Seconded by Commissioner Mansfield. Motion carried unanimously.

13. Resolution/Local Agency Program Agreement/Florida Department of Transportation

Mike Giardullo stated this agreement would be for the funding of the construction, engineering and inspection of three gateway signs within the county located at the Manatee County line, Sarasota County line and the Highlands County line. FDOT will be funding construction as well as hiring an Inspector of State Right of Way and an Engineer to certify that the project is compliant with the design. Mr. Giardullo stated steps have been taken to reduce the landscaping to a small amount around the base of the sign; he has coordinated with the Road & Bridge Department on reduced

maintenance and has consulted with the County Extension Office with the plant selection. There were comments from the Board. A motion was made by Commissioner Langford to adopt the Resolution and execute the Local Agency Program Agreement with the Florida Department of Transportation to construct and inspect Gateway signs and landscaping located at State Road 70 at the Manatee County line, at State Road 72 at the Sarasota County line and State Road 70 at the Highlands County line. Seconded by Commissioner Mansfield. Motion carried unanimously.

14. Change Order/ZEP

Mike Giardullo stated the change order is for the pre-drilling pile holes prior to installation and additional pile lengths. This is considered standard procedure for FDOT. A motion was made by Commissioner Miller to approve the change order for ZEP Construction, Inc. in the amount of \$51,728.16 for the addition of pre-drilling for bent piles to the Bridge Scour Counter Measures Project and the extension of pile lengths. Seconded by Commissioner Langford. Motion carried unanimously.

15. Policy/Certificate of Public Convenience and Necessity

Chief Prescott stated this would allow an ambulance service to operate in our County. They provide a service for non-emergency transport. A motion was made by Commissioner Langford to adopt the policy for a Certificate of Public Convenience and Necessity to include more transport services to medical examiners facilities. Seconded by Commissioner Mansfield. Motion carried unanimously.

16. Work Assignment #40/The Weiler Engineering Corporation

Eddie Miller stated this work assignment is for General Engineering Services for miscellaneous projects. A motion was made by Commissioner Quave to approve Work Assignment #40 with Weiler Engineering Corporation for General Engineering Services for miscellaneous projects and authorize the Chairman to execute the work assignment. Seconded by Commissioner Langford. Motion carried unanimously.

17. Approval/ERU Pool Usage

Eddie Miller stated there are 113 water/113 wastewater that Mac Martin has requested. Also requested for Dave Peterson were 16 water/16 wastewater. Mr. Miller also requested 16 water/16 wastewater for Lake Suzy Villas. A motion was made by Commissioner Langford to approve distribution of ERU pool of 113 water/113 wastewater ERUs for Fort Ogden RV Park and 16 water/16 wastewater ERUs for Lake Suzy Villas. Seconded by Commissioner Mansfield. Motion carried unanimously.

18. PRMRWSA 2013-2032 Projection

Eddie Miller requested approval of the DeSoto County PRMRWSA 2013-2032 Water Needs Projection. A motion was made by Commissioner Langford for approval of the DeSoto County PRMRWSA 2013-2032 Water Needs Projection. Seconded by Commissioner Mansfield. Motion carried unanimously.

19. Piggyback Contract/Generator Maintenance and Repair Service

Cindy Talamantez stated we are preparing for hurricane season. We have approximately 23 generators. This will lower the labor rate and it also caps out parts mark up at 7% and subcontractors 7% as well. A motion was made by Commissioner Mansfield to approve the piggyback contract with Charlotte County Generators, LLC for the maintenance and repair services of generators and authorize the Chairman to execute the contract. Seconded by Commissioner Quave. Motion carried unanimously.

20. Lightning Detection/Walt Brewer Sports Park

Linda Nipper spoke on behalf of Tara Anderson. Ms. Nipper stated there are quotes on the SkyScan Field-Pro Lightning Detector from Extreme Research Corporation for \$3,999.00 and The

StormGrid StandAlone Lightning Warning System from Velowether for \$4,960.00. Ms. Anderson chose the cheaper simpler version. Mr. Maxcy stated the thought was to go with the SkyScan model. There was further discussion regarding the pros and cons of each model. It was consensus of the Board to have this issue brought back to the Board at the next Board meeting with more information. Ms. Nipper felt that purchasing should gather the information and specifications.

21. Contract/Department of Corrections-DCI Work Squad #WS823

Shawn Edwards presented a request for the approval of a contract with DCI for Work Squad #WS823. A motion was made by Commissioner Langford to approve and authorize the Chairman to execute the new contract #WS823 replacing the current contract #WS668. Seconded by Commissioner Mansfield. Motion carried unanimously.

22. Agreement/Florida Department of Transportation

Don Conn requested approval of a Purchase Agreement. FDOT needs a parcel along US 17 currently owned by the County. The parcel is approximately 1 acre. A motion was made by Commissioner Mansfield to approve the Purchase Agreement with FDOT and authorize the Chairman to sign. Seconded by Commissioner Miller. Motion carried unanimously.

23. Lake Suzy Utility Acquisition/Conditions for Closing

Don Conn stated this was a report on the current status of the conditions for closing. The Utility Department staff have completed walk throughs of the facility and equipment. Utility staff has reported to Mr. Conn that they are comfortable with what they had seen. Mr. Conn has received all signed documents from Aqua Utilities. A motion was by Commissioner Langford to close in Escrow if necessary. Seconded by Commissioner Mansfield. Motion carried unanimously.

24. Resolution/Continuing Current Rates for Water and Wastewater Service for those customers formerly served by Aqua Utilities

Don Conn made a request to adopt the Resolution providing for the continuation of current water and wastewater rates for Lake Suzy utility customers. A motion was made by Commissioner Quave to approve the Resolution providing for continuation of the current water and wastewater rates for those customers formerly served by Aqua Utilities. Seconded by Commissioner Langford. Motion carried unanimously.

ADMINISTRATOR'S REPORT

Mr. Maxcy requested approval to post a Public Worker III position. The position is vacant due to a promotion. There was consensus of the Board to post the position.

Mr. Maxcy gave Board Members information with possible dates for Workshops for MSBU and MSTU and Budget discussion. Also the Board Meeting scheduled for June 25, 2013 will be rescheduled to June 24, 2013 due to FAC on the 25th. It was consensus of the Board to have the Board Meeting on June 24, 2013 at 3pm and possibly 6:30pm.

The Florida Cattleman Institute and Allied Tradeshow toured the Turner Center. This is a large annual event supported by IFAS. Mr. Maxcy stated Administration views this event much like events hosted by our local Extension Office and therefore the County intends to provide the facility in the same manner to IFAS as opposed to a rental. The event will have a positive economic impact on the community. Commissioner Selph commented he has hope that the number of people attending this event will increase.

Mr. Maxcy stated that pursuant to Florida Statue 125.35 the County is authorized to sale or lease Real Property. Mr. Maxcy requested that the Board declare property a surplus and advertise; sell to the highest bidder or provide for Affordable Housing. Cindy Talamantez stated the County now owns a home on 1106 Rainbow Ave. The County acquired this property through a Tax Deed. Ms. Talamantez gave two options for the Board to consider. There were questions and comments from

the Board. Currently there is a lien on the property in the amount of \$13,870.35. A motion was made by Commissioner Langford that the Board declare the property surplus and have staff advertise and sell to the highest bidder by receipt of sealed bids. Seconded by Commissioner Mansfield. Motion carried unanimously.

Mr. Maxcy commented that the Board should expect discussion on West Farms Road in the near future.

COUNTY ATTORNEY'S REPORT

Mr. Conn reported that next week he and Mr. Maxcy will attend the Public Sale of the Braynen property and will return with ownership in order to proceed in dealing with the structure on the property. A letter was received by the Chairman from an Attorney representing Peace River Land Group, LLC and Southwest Florida Land Eighteen, LLC. These are two developers that had Capacity Agreements with the County which were terminated last year. The Agreements were terminated due to the non-payment of their obligations under the Agreements. The letter stated they are contemplating litigation but would like to discuss the issue with the County before proceeding. Mr. Conn requested authorization from the Board to pursue the request and to involve Fred Busak. It was consensus of the Board to approve Mr. Conn's request.

BOARD MEMBER COMMENTS

Commissioner Quave commented on the tragedy in Boston. He reminded everyone that National Day of Prayer is May 2nd at the Courthouse and also commented there is no more wasted water. Commissioner Quave also commented on Prison Work Crews and the importance to small counties. He commended those involved in bringing the Florida Cattleman's Institute to the County.

Commissioner Langford encouraged everyone to pray daily.

Commissioner Mansfield commented that every day is a National Day of Prayer and to pray for the people in Tallahassee making decisions.

Commissioner Miller commented that he would like to see the \$379,000.00, which was referenced to earlier in the meeting, used somewhere else.

Chairman Selph commented on an e-mail he received from Roger Hood with Heartland Workforce showing that DeSoto County's unemployment rate is at 6.8% compared to a few years ago it was between 12% and 14%. Chairman also commented there are things the State Legislature can do to help us as a County or hurt us as a County and to be aware of what is going on. He also commented on the tragedy in Boston and the violence that happens every day.

RECESSED AT 5:39 PM UNTIL 6:30 PM PUBLIC HEARING

PUBLIC HEARING 6:30 PM

25. Resolution/Special Exception 2012-04

Donn Conn stated this was a continuation of the Public Hearing that was started last month. Mr. Conn gave a statement regarding the procedure of a Quasi-Judicial Hearing. This was a continuation of a Public Hearing held last month. Mr. Conn called for any ex-parte communication from the Board. All Board members reported ex-parte communications and the required paperwork was filed. All parties giving testimony were sworn in by Jill Thompson, Transcribing Secretary.

Tom Cookingham stated he provided information to the applicants in order to aide in preparing a work program. Information provided to the applicants included: Method of charging for campsite rental, Assurance that road maintenance will be performed, How will they handle people camping on the property without their permission while paying campers are present, How will non-paying campers be reported, Development of Business Operational Plan for the campground to include method of procedure providing for and maintenance of sanitation and garbage disposal, Oversight control of campsite activity, the number of campers at each campsite, Length of stay, Site security and Ban of

alcohol, firearms, bows, crossbows and other instruments of potential harm and mischief. Mr. Cookingham commented letters had been received in opposition as well as in support of the proposed business.

Terry Moe requested to address public comment. Mr. Conn suggested to begin with answering Board comments on the matter.

Monica Doyle gave a statement on behalf of the Moes. Ms. Doyle stated she works with people that have disabilities and gave an overview of the Moe's proposed business and goals along with photos of the proposed camping area.

Commissioner Quave commented that he believes someone should be able to do most things on their own property and questioned Mr. Moe as to what was said to the property owners to persuade them to purchase their property. Mr. Moe replied that he referred to the area as the Peace River Preserve due to the fact that he wanted to preserve the river. Further discussion was had regarding issues that may arise.

Rob Stoneburner spoke in opposition of the requested Special Exception.

Karen Smoczynski spoke in favor of the requested Special Exception and gave reasons for her support.

Lawton McCall spoke in opposition stating he was told when he purchased his property; the area in question would remain a park.

Sandra McCall commented she was concerned with property rights and the possibility of a Homeowners Associations was not discussed at the time of purchase. She cannot foresee how the proposed rules/plan can be enforced.

There was further discussion by the Board.

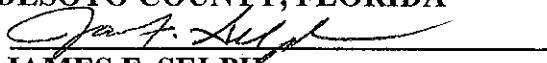
A motion was made by Commissioner Langford to close the Public Hearing. Seconded by Commissioner Mansfield. A motion was made by Commissioner Quave to deny SE 2012-04 and adoption of the Resolution permitting primitive campsites pursuant to Section 2304 A.3.I. Recreation and Leisure. Seconded by Commissioner Miller. Motion carried unanimously.

ADJOURNMENT

There being no further business, Chairman Selph adjourned the meeting 8:00 PM.

ATTEST:


C. GUY MAXCY
COUNTY ADMINISTRATOR

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

JAMES F. SELPH
CHAIRMAN