

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON MAY 27, 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 May 27, 2014 with the following persons present:

Commissioner, Buddy Mansfield, Dist#1	HR Director, Don Kesterson
Commissioner, James Selph, Dist#2	Fire Chief, Larry Taylor
Commissioner, Gabriel Quave, Dist#3	Purchasing Director, Cindy Talamantez
Chairman, Elton Langford, Dist#4	Utilities Director, Eddie Miller
Commissioner, Bob Miller, Dist#5	County Engineer, Mike Giardullo
Interim Administrator, Mandy Hines	Office Manager, Lauri Terry
County Attorney, Don Conn	Social Services Director, Peggy Waters
Transcribing Secretary, Jill Thompson	Parks Director, Tara Anderson
Administrative Services Director, Linda Nipper	Turner Center Director, Jody Sullivan
Road & Bridge Director, Shawn Edwards	
Compliance Director, Jorge Hernandez	
Facilities Director, Richard Metzger	

CALL TO ORDER 3:00 PM

PRAYER- Commissioner James Selph

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS

Sheriff Will Wise, City Councilman Keith Keene, Former Commissioners Ronald Neads and Ed Johnson and Karen Whaley with Representative Ben Albritton's office.

MOMENT OF SILENCE IN HONOR OF WWI 100TH ANNIVERSARY

SET/AMEND-A motion was made by Commissioner Mansfield to set the agenda as presented. Seconded by Commissioner Selph. Motion carried unanimously.

PUBLIC FORUM FOR NON-AGENDA ITEMS

None

CONSENT AGENDA-MOTION TO APPROVE

A motion was made by Commissioner Mansfield to approve the Accounts and Warrants drawn according to schedule of bills payable; Minutes of May 13, 2014 BOCC Public Meeting; Declaration of Surplus Property; Contract amendment with Synagro South, LLC for sludge management services; Contract amendment with Karle Enviro-Organic Recycling, Inc. for sludge management services and Resolution approving the technical revisions to the SHIP Local Housing Assistance Plan. Seconded by Commissioner Quave. Motion carried unanimously.

PRESENTATION

7. Presentation/Liverpool Road Railroad Crossing Improvements

Mike Giardullo stated that the developer is proposing to put utility lines, water and sewer that would go under the railroad crossing. There are fees to accompany this that Seminole Gulf Railway has required. SGR has also observed that the railroad crossing is substandard width. SGR will not allow utilities in the railroad right-of-way until the crossing is brought up to standards. The cost estimate is

\$235,000.00. The cost would be split 50/50 between the developer and the County.

Mr. Giardullo stated that smaller, cheaper contractors do not carry the insurance that SGR requires. Commissioner Quave clarified that occupancy fees are one time only, not annual; Mr. Giardullo agreed. Chairman Langford commented that several people have filed a lawsuit with the County and Thornton Creek. If that were to be overturned by the court, would that come back to the Board? Mr. Conn stated the only issue is if proper notice was given. If the court would find that proper notice was not given, we would have the public hearing again before the Board and a decision would be made.

Further discussion ensued.

8. Presentation/Road Paving Program

Mike Giardullo stated road paving will be paid for with the County funds and FDOT funding. Small county outreach programs help with road resurfacing and reconstruction.

Mr. Giardullo commented there is 360 miles of paved county roadway to be maintained. The paving program is funded just enough to pave every road once every 80 years. Typical lifespan of a road without maintenance is approximately 20 years. Mr. Giardullo feels the County should look at what roads really need to be paved. There are 40 roads listed for candidates of paving as well as a prioritization list that is updated annually. Commissioner Miller questioned the total budget for Carlstrom Field Road repaving? Mr. Giardullo stated it is approximately \$650,000.00.

REGULAR BUSINESS

9. Resolution/Budget Amendments

Linda Nipper presented budget amendments #2014-111, #2014-115, #2014-116, #2017-117, #2014-118 and #2014-119. In response to a question by Commissioner Miller, Ms. Nipper stated that every year our Public Safety Department also supports the volunteers. A motion was made by Commissioner Mansfield to adopt a Resolution amending the 2013-14 Budget including attachments. Seconded by Commissioner Selph. Motion carried unanimously.

10. Agreement Amendment/Florida Department of Environmental Protection

Mandy Hines stated this is our Legislative Project Agreement #14022 for the work being done in the Lake Suzy area extending wastewater lines so the existing plant can be decommissioned. The bids on the pipe came in slightly lower than anticipated, so the agreement has been amended to include some upgrading at lift stations to better handle the increased flow. The request is to extend the agreement to October 31, 2014 to match the extension for the contractor's agreement. A motion was made by Commissioner Quave to approve Amendment 1 to FDEP Agreement #LP14022 as presented for the Lake Suzy wastewater improvements. Seconded by Commissioner Miller. Motion carried unanimously.

11. Resolution/Florida Department of Transportation Section 5311-DART Grant

Peggy Waters stated this will be the third funding year and will go thru November 2015. A motion was made by Commissioner Miller to adopt the Resolution and authorize the Chairman to sign all related documents for the Florida Department of Transportation Section 5311 Program-DART grant. Seconded by Commissioner Selph. Motion carried 4-0. Commissioner Mansfield abstained from voting.

12. Short Sale/HHRP Mortgage Forgiveness

Peggy Waters stated a homeowner is having financial issue and has been able to negotiate a short sale. The first mortgage holder has allowed DeSoto County to receive \$1,500.00. A motion was made by Commissioner Quave to approve the offer of \$1,500.00 as payment for the HHRP second mortgage on the home located at 1 El Verano Avenue. Seconded by Commissioner Mansfield. Motion carried unanimously.

13. Short Sale/HHRP Mortgage Forgiveness

Peggy Waters stated this is a Deed in lieu of Foreclosure. The first mortgage holder has made the County an offer of \$8,500.00. A motion was made by Commissioner Selph to approve the offer of \$8,500.00 as payment for the HHRP second mortgage on the home located at 406 N. Mills Avenue. Seconded by Commissioner Mansfield. Motion carried unanimously.

14. Bid Award-Contract/Fiscal Year 13-14 Herbicide Application Services

Mike Giardullo stated 6 bids were received with Dean's Environmental Services being the lowest bidder. The herbicide contract came in under budget at \$50,000.00. A motion was made by Commissioner Miller to approve the contract with Dean's Environmental Services and authorize the Chairman to execute the contract. Seconded by Commissioner Quave. Motion carried unanimously. Commissioner Selph requested monitoring of the treatment areas to make sure there is adequate moisture when the herbicide is applied.

15. Bid Award-Contract/Fiscal Year 13/14 Annual Striping Project

Mike Giardullo requested approval of the contract presented. This is to stripe Fiveash, Turner and Liverpool Roads. Commissioner Mansfield questioned the overall condition of the striping of the roads. Mr. Giardullo stated the striping is in the same condition of the roads. A motion was made by Commissioner Quave to approve the contract with Roadscape North Florida, Inc. and authorize the Chairman to execute the contract. Seconded by Commissioner Mansfield. Motion carried unanimously.

16. Agreement/Assignment of Water and Wastewater Capacity Reservation

Eddie Miller requested approval of assignment of 13.5 water and 13.5 wastewater ERUs from Sable Palm Bank to Michael Christine Sheran. Don Conn commented that this is unique in the way that the bank continued to pay the reservation and maintenance fees. The buyer is aware of the responsibilities and agrees to do so. A motion was made by Commissioner Mansfield to approve the Consent to Assignment of Water and Wastewater Capacity Reservation Agreement from Sable Palm Bank to Michael & Christine Sheran. Seconded by Commissioner Selph. Motion carried unanimously.

17. Discussion/Job Description of County Administrator-Hiring Options

Don Kesterson stated in the past the County has utilized the Florida Statute that talks about the job qualifications. The County has also previously hired the Mercer Group which is a consultant firm to help identify and evaluate potential candidates. When Mr. Maxcy was hired in 2011, the County performed an in-house recruitment by advertising through professional organizations and posting the position through local Career Source Florida/Career Builder at minimal cost to the County.

Commissioner Miller questioned if the Administrator position is required and could we restructure? Mr. Conn stated that the duties and responsibilities of carrying out the policies set by the Board, by law, are given to the Administrator. He also stated that the organizational structure is something the Board can approve. The structure of the County Government can be changed but the Administrator is designated by law as the Administrative Head of the County. Commissioner Miller stated he is not comfortable that we are running this county in the best fashion from an organizational standpoint. He would like the Board to consider the possibility of reorganization in the future. Further discussion ensued. Commissioner Mansfield feels that you surround yourself with good people and delegate authority. He believes that the County can conduct an in-house recruitment and would like to advertise through FAC and NACO. Don Kesterson commented he has received two inquiries regarding the Administrator position. Commissioner Selph is against using a headhunter.

Don Kesterson requested direction from the Board regarding qualifications. The Board agreed to

Bachelors' Degree with 5 years administrative experience along with knowledge in planning and development. Commissioner Quave commented he would like someone with a Masters Degree. The position will remain open until filled.

ADMINISTRATOR'S REPORT

Mandy Hines commented the CED position was posted on May 22, 2014 and will close on June 16, 2014.

The Community Conversation follow up has been moved to June 3, 2014.

The DEO Competitive Florida Program received the Community Asset Mapping Report and Recommendations. Ms. Hines is very pleased with the results. This was forwarded to Site Selection Group who will do the draft Economic Development Strategic Plan. Mike Giardullo, Robert Hamrick, Jorge Hernandez and Shawn Edwards are working together to compose a Comprehensive GIS Overlay of the County's drainage system.

Ms. Hines commented regarding CR661 railroad crossing; a rough estimate of \$40,000.00 to make the road safe. There may be extra funds leftover from the Annual Striping Project that can be utilized but a transfer may be required as well from the reserve or contingency. Commissioner Mansfield is not in favor of using striping funds.

COUNTY ATTORNEY'S REPORT

Don Conn commented the Animal Control case reached a settlement and is no longer a legal pending matter.

Mr. Conn commented that the appraisals on the jail property have been completed. Negotiations with the two property owners will continue and a recommended agreement will be presented to the Board along with the details.

BOARD MEMBER COMMENTS

Commissioner Quave commented regarding Memorial Day events in the county.

Commissioner Mansfield also commented regarding Memorial Day events. He feels staff will suffice in advertising for the Administrator position.

Commissioner Selph commented he attended the Habitat for Humanity breakfast at the Turner Center Exhibit Hall. He commented the Exhibit Hall is utilized a lot for educational programs and he would like the acoustics corrected. He complimented Lee Gallagher on a job well done with the Memorial Day Services. Commissioner Selph reminded everyone of the Vietnam Veterans Memorial Wall coming in December and donations are still needed.

Commissioner Miller commented he is searching for ways to raise the extra funds needed to bring the Vietnam Veterans Memorial Wall to DeSoto County. He thanked staff for the extra effort put forth since Mr. Maxcy passing away. He feels finding the right person for the Administrator position is extremely important and choose someone who understands the governmental process, budgeting, operations and personnel. He believes there are hard times coming; we really need to be prepared before making such a big decision regarding the new jail property. Commissioner Miller feels progress was made during the LDR Workshop this morning.

Mandy Hines reminded the Board the Hospital Workshop has been set for June 10, 2014 at 1:30pm to discuss the half cent sales tax for indigent care.

Ms. Hines notified the Board that she has authorized closure of the Turner Center on Mondays through the summer. She received Board consensus.

Chairman Langford thanked Lee Gallagher for his efforts regarding Memorial Day. He commented that we forget about other wars that were fought. We had a Revolutionary War by our Founding Fathers that helped us reach where we are today. He reminded everyone to thank a veteran.

RECESSED AT 4:17 PM UNTIL 6:30 PM PUBLIC HEARING
PUBLIC HEARING 6:30 PM

Don Conn reviewed the rules of a quasi-judicial hearing. All persons present to speak were sworn in. Chairman Langford called for any ex-parte communications; none were reported.

18. Resolution/Special Exception 2014-02

Tom Cookingham stated the applicant is not present and recommended the Board deny the application for the reason outlined in the Resolution. The actual use cannot be determined or if it is consistent with the Comprehensive Plan and LDRs. A motion was made by Commissioner Mansfield to deny Resolution SE 2014-02 and the parking of commercial vehicles on property zoned Residential Mixed based upon the Planning Commission's recommendation. Seconded by Commissioner Selph. Motion carried unanimously.

19. Resolution/Special Exception 2014-03

Tom Cookingham stated this request is for a telecommunication facility by Vertex Development, LLC. No correspondence has been received in opposition or in favor of the request. The property is located on the NW corner of Highway 70 and NW Lily Ave. This use is permitted in the agricultural zoning district. The Planning Commission has recommended approval.

Allen Ruiz commented that a new site is placed based on where the other existing sites are located. Long-term plans are to place a tower approximately every 3-5 miles depending on population and traffic. Commissioner Quave questioned regarding buffers and the lease. Further discussion ensued. The fiber optic line will be owned by Verizon Landline and will release it back to Verizon Wireless. The tower will be assessed as personal property. The tower will be a mono-pole style.

George Lempenau stated he has 5-6 fiber optic lines at the front of his property but does not benefit in any way.

BeBe Moreno questioned if the tower is hurricane safe? Mr. Ruiz replied that the design point of the tower is 120 mph winds. It will be able to withstand 180 mph winds when the tower is fully loaded. In the case of a hurricane, the antennas will blow off and if winds increase, the tower will bend like a straw. A motion was made by Commissioner Quave to close the public hearing. Seconded by Commissioner Mansfield. Motion carried unanimously. A motion was made by Commissioner Quave to approve the Resolution granting SE 2014-03 allowing the construction of a 230 foot telecommunications tower and ancillary equipment on a 10,000 square foot lease area of a 50+ acre parcel, contingent upon conditions. Seconded by Commissioner Mansfield. Motion carried unanimously.

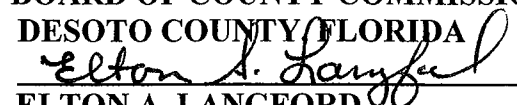
ADJOURNMENT

There being no further business, Chairman Langford adjourned the meeting at 6:52 PM.

ATTEST:



MANDY HINES
INTERIM-COUNTY ADMINISTRATOR

BOARD OF COUNTY COMMISSION
DESOTO COUNTY, FLORIDA


ELTON A. LANGFORD
CHAIRMAN