

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON JUNE 10, 2014 AT 9:00 AM
IN THE COUNTY COMMISSIONERS' MEETING ROOM
ROOM 103, ADMINISTRATION BUILDING
ARCADIA, FLORIDA**

The Board of County Commissioners held a Public Meeting on June 10, 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
Interim Administrator, Mandy Hines	Office Manager, Lauri Terry
County Attorney, Don Conn	Utilities Director, Eddie Miller
Facilities Director, Richard Metzger	Environmental Svcs. Director, Henry Grimes
Transcribing Secretary, Jill Thompson	Library Director, Linda Waters
Administrative Services Director, Linda Nipper	Parks Director, Tara Anderson
Road & Bridge Director, Shawn Edwards	Building Official, Lester Hornbake
County Coordinator, Mandy Hines	Social Services Director, Peggy Waters

CALL TO ORDER 9:00 AM

PRAYER- Commissioner Mansfield

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS

Sheriff Will Wise, Former County Commissioners Ed Johnson and Ronald Neads.

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

PUBLIC FORUM FOR NON-AGENDA ITEMS

George Lempenau commented that he missed the closing of the last afternoon meeting and attended the evening session. He was curious to find out the problem of "clogging" at the Brownville boat ramp that was mentioned by Commissioner Mansfield. Several years ago, the premise arose to convert Brownville Park into a camping facility. Very few residents of DeSoto County use the local camping facilities. He feels that when the government does something, they do not get all of the correct information or charge the operating costs. His research shows that 90% of the cars at the park were from out-of-county. He feels it is wrong to burden the taxpayers of DeSoto County with augmenting the operation of a facility that is being enjoyed by non-local people. Mr. Lempenau is in favor of charging a fee for the use of the property. He does not feel there should be a significant discount due to a government operation. He suggested someone reviewing the granting of the property at Morgan Park.

Chairman Langford questioned the difference in the rates between a private and public park?

Mr. Lempenau stated there is no "standard" rate. The basic premise of private enterprise is that enough money will be charged in order to have something left over after expenses. He feels another issue is that Brownville Park is locked at dark. He also suggested keeping a register of guests.

Commissioner Miller is in favor of implementing a fee for use of the boat ramp.

Commissioner Selph agrees with Mr. Lempenau and the rates should be competitive. He also questioned if there will be a flat rate for everyone or a different rate for out-of-town visitors? Further discussion ensued.

Mandy Hines commented that she is working with Tara Anderson researching regarding this issue.

CONSENT AGENDA-MOTION TO APPROVE

A motion was made by Commissioner Selph to approve the Accounts and Warrants drawn according to schedule of bills payable; Emergency Management Preparedness Grant (EMPA) Agreement; Emergency Management Performance Grant (EMPG) Agreement; Agreement with State of Florida Department of Transportation for traffic signal maintenance and compensation; Approval of the 2015 Holiday Schedule; Amendment to the fiscal year 2011-2012/2013/2014 SHIP Local Housing Assistance Plan and adopt the Resolution and Resolution Agreement related to the Transportation Disadvantaged Planning Grant Agreement. Seconded by Commissioner Miller. Motion carried unanimously.

REGULAR BUSINESS

8. Resolution/Budget Amendments

Linda Nipper presented amendments 2014-126 and 2014-128. A motion was made by Commissioner Mansfield to adopt a Resolution amending the 2013-14 Budget including attachments. Seconded by Commissioner Quave. Motion carried unanimously.

9. Ordinance/6th Cent Local Option Gas Tax

Don Conn stated that in 1985 the Board approved the 6th Cent Local Option Gas Tax to be imposed for a period of 30 years that expires August 2015. Once imposed, the tax can be extended by majority action of the Board. The law has changed regarding the dates upon which the Department of Revenue needs to be notified. The County is required to notify the DOR by October 1, 2014 that the tax will continue. The Statute specifies how the funds are to be used. The funds can be used for transportation related expenditures, deal with immediate local transportation problems, such as repaving, resurfacing, roadway drainage, traffic signs, traffic engineering, bridge maintenance and debt service on transportation capital projects. A motion was made by Commissioner Quave to adopt an Ordinance extending the current 6th Cent Local Option Gas Tax from January 1, 2015 to December 31, 2045. Seconded by Commissioner Mansfield. Motion carried unanimously.

George Lempenau questioned the amount of revenue to be made. Mandy Hines stated that the tax will bring approximately \$692,541.00. Commissioner Selph would like this tax to go strictly towards repaving. Commissioner Quave would like to discuss or get an opinion of how to use the funds strictly for paving. Mandy Hines commented it would have a major impact on the budget and will highlight this issue in the first budget workshop. Commissioner Miller is concerned with a 30 year commitment. Further discussion ensued.

Ed Johnson commented those that use the roads, pay for the roads. He encouraged adoption for another 30 years. Chairman Langford commented that almost all of our county roads are paved. There is an upfront expense but it is worth it in the end. Mandy Hines commented that the 6th cent being voted on today does have an Interlocal Agreement with the City and they do receive a portion of that revenue.

10. Agreement Amendment/Purvis, Gray and Company

Cindy Talamantez commented that if amended, this would cover fiscal year 2013/14 audit. The completion of the audit is \$122,500.00. Commissioner Quave requested a history of payments by the year to Purvis, Gray and Company. Ms. Talamantez stated this is put out to bid approximately every 5 years and he will see a down slope trend. Further comments ensued. A motion was made by

Commissioner Quave to approve Agreement Amendment with Purvis, Gray and Company for Audit Services for fiscal year 2013/2014. Seconded by Commissioner Miller. Motion carried unanimously.

11. Funding Certification/SHIP

Peggy Waters requested approval of the 2013/2014 SHIP Funding Certification. At least a minimum of 20% of the allocation must be used to serve persons with special needs as defined in Section 420.0004, Florida Statutes. A motion was made by Commissioner Quave to approve the Fiscal year 2014/2015 SHIP Funding Certification and authorize the Chairman to execute all related documents. Seconded by Commissioner Mansfield. Motion carried unanimously.

12. Change Order/SHIP

Peggy Waters stated that an existing well needs to be filled and replaced. The size of the well does not meet the SWFMD qualifications for assistance. Commissioner Quave questioned if there was pipe in the ground for this but drilling a well would be less expensive; where does the County stand? Ms. Waters commented if there are utilities available, residents are encouraged to connect. A motion was made by Commissioner Mansfield to approve the change order for additional work at the residence of Eileen Prochaska as presented. Seconded by Commissioner Quave. Motion carried unanimously.

13. Prioritization of Projects/FDOT Work Program

Mike Giardullo reviewed what the changes are compared to last year. Fletcher Street is now on the list with the addition of bridge replacement on Reynolds Street and a scour project on bridge 25 which is on SR 761. The remaining items were on the previous year's list and were not funded. In the SCOP category funding was received for a portion of Turner Road from the intersection of Gibson Street to Arcadia Village. Funding was also received for resurfacing a portion of Shores Avenue. Two new projects have been added which are Windy Pine Avenue and a portion of Hillsborough Avenue. The Reynolds Road Bridge was re-decked approximately 6 years ago, per Shawn Edwards. Mr. Giardullo stated that the cost to replace the bridge would be in the millions. The bridge would be replaced with either concrete or box culverts that would be less maintenance in the future. Commissioner Miller questioned Civic Center Blvd and if the new construction from Hwy 70 to Hwy 17 will connect? Mr. Giardullo commented there will not be any movement on that until after the PD&E study is complete. A motion was made by Commissioner Selph to approve prioritization of projects and authorize the Chairman to sign the letter to FDOT to consider projects for funding. Seconded by Commissioner Quave. Motion carried unanimously.

14. Agreement/Womack Sanitation

Don Conn stated that in August 2005 the County entered into a 10 year Agreement with Womack Sanitation and it is timely to review at this point. There was a need to clarify some things in the Agreement. One provision stated the Agreement terminates in October 2014 and another that stated it terminates only if Womack is in default. Mr. Conn stated that in his judgment, the latter provision is the more specific and that is what the County is bound by. Mr. Womack is not in default of any of the provisions of the Agreement. In the new Agreement, paragraph 9, new language specifies under what circumstances this Agreement would either terminate or be further extended. There is no increase in the residential charge for this service under this Agreement.

Commissioner Miller stated he is very happy with the service Womack provides, however, he has been asked several times why this is not put out for competitive bid. Also, he questioned what the County pays Womack. He also questioned roll off services. Mr. Conn addressed the issue of competitive bidding. He stated we are here under the terms of a contract that was approved by the Board 10 years ago. The County is bound by action of the Board 10 years ago to extend the contract but in doing so, we are including language that will put the County in a better position 10 years from

now to judge performance. In the Ordinance adopted 10 years previous, all commercial property within the unincorporated area of the county shall be required to use the franchisee. Paragraph 6 recites the fact that the residential rate is \$165.00 per year.

Robert Womack stated that Womack Sanitation is the sole franchisee for roll off services. Further discussion ensued. Lester Hornbake stated in the Ordinance, there is a requirement that the Building Department have the owner or contractor, for any form of permit, sign a form stating if they are going to self-haul use Womack. Mr. Womack commented that using his service ensures correct disposal and that no two counties do garbage the same way.

Ed Johnson commented that he served on the Board at the time this Agreement was passed. At that time, there were no other interested parties. He is concerned with automatic provisions. The contract is essentially until 2035. He feels this should be put out to bid so the residents know they are getting the best deal. Mr. Womack commented that Charlotte County has a 20 year contract with Waste Management. George Lempenau commented that illegal dumping throughout the county has decreased since Womack's service began. Further discussion ensued. Ronald Neads commented he has a home in Highlands County has seen the franchise change 3 times. He feels there are no issues and the contract is valid.

A motion was made by Commissioner Selph to approve the Garbage Franchise Agreement with Womack Sanitation, Inc. Seconded by Commissioner Mansfield. Motion carried unanimously. Commissioner Mansfield believes there should be room left for improvement and would like to see "clam shell" pick up for furniture by Womack.

15. Resolution/Citizen's Advisory Committee

Mandy Hines stated this is a result of the last LDR Workshop. There was a request by the Board for a Citizen Advisory Committee regarding RV's on A10 and A5 zoning districts. A simple, time definitive formation of the Advisory Committee is being presented that would end on August 30, 2014. An advertisement is ready to submit upon the Boards adoption of the Resolution.

Commissioner Mansfield and Commissioner Quave are not in favor of this committee.

Commissioner Selph is in favor of the committee but wanted to remind the public that they can only meet in public and cannot violate the Sunshine Law. Commissioner Miller is in favor of the committee. Chairman Langford stated that A5 and A10 zoning allows specific uses that are not allowed in residential zoning; it is rural residential zoning.

Bill Spiegel gave a brief history of why the committee was requested. Further discussion ensued. Chairman Langford is not in favor of the committee.

A motion was made by Commissioner Miller to approve a Resolution establishing a Citizens Advisory Committee on RVs in A10 and A5 zoning districts. Seconded by Commissioner Selph.

Motion was denied with a vote of 2-3 with Commissioner Quave, Mansfield and Langford opposing.

INTERIM-ADMINISTRATOR'S REPORT

Mandy Hines stated there has been a PWII probationary resignation from the Road & Bridge Department and would like to fill this critical position. It was consensus of the Board to fill the position. There has been a resignation of the Utility Electrical position and it will not be filled at this point. Chairman Langford requested that at the time this position needs to be filled to bring before the Board. Administration received a request for an item to be placed on the agenda for this meeting regarding the lightning detection system at Brewer Park but was not able to carry out. This item will be placed on the following agenda. There is an issue with enforcing the system.

Ms. Hines would like to set dates for upcoming Workshops.

Tentative dates are as follows:

July 24, 2014 at 9:00 am - Budget Workshop/Set Tentative Millage

August 12, 2014 at 1:00 pm – Public Hearing/Budget

August 26, 2014 at 9:00 am – Public Hearing/Budget

A property on Maple Dr. has been put out for bid. Two competitive bids were received. The second bidder has requested the Board consider negotiating for the highest bid. Ms. Hines is requesting direction from the Board as to either negotiate or reward the highest bid. In the past, we have not negotiated. Further discussion ensued. It was consensus of the Board to move forward with the process of the highest bidder.

COUNTY ATTORNEY'S REPORT

Don Conn stated the next LDR Workshop is in 2 weeks at 9am. He will pick up where he left off and finish off the notebook. He will distribute two sets of additional comments at that time. Mr. Conn stated he will coordinate with Ms. Hines regarding additional Workshops to conclude the LDR process.

BOARD MEMBER COMMENTS

Commissioner Selph congratulated the local traveling ball team. He received an e-mail from FDOT regarding their sign blocking the County's marquee. They have agreed to fix the problem but it will take 60-90 days to move their sign. The Community Conversation follow up meeting did not have as many people as he hoped but he appreciates participation by the citizens.

Commissioner Miller stated there will be a tournament in July that will be the same as last year but unfortunately there is not enough housing for all the visitors. He attended three very important events last Tuesday night. As Chairman of TDC (Transportation Disadvantaged Committee), the County Transportation Coordinator went from a manual process to a computer process. He feels it will be great once fully implemented. He also commented that as Chairman of the Insurance Committee, they have been exploring the possibility of a self-funded insurance plan. Robin Riley has presented great information regarding this issue. He felt the need to bring this up due to a possible increase this year. A self-funded plan may possibly prevent an increase.

Commissioner Miller commented that 13 days paid holidays is a lot and those days cost money; however County employees have not received an increase in pay in several years. He encouraged employees to appreciate such a generous benefit. He questioned if Davis Rd. is a minor plat? Chairman Langford commented that he believes it is a subdivision. He mentioned that as he was in Sebring, he observed fences that were not opaque with things stored behind the fencing. He also mentioned that in Hardee County, in a residential section, he observed approximately 40 melon buses parked.

Commissioner Quave commented that he was pleased at the type of attendees that he observed at the Community Conversation meetings and enjoyed hearing from the citizens and what they think is important. There are two issues being presented to the Board this afternoon and a lot of thought goes into decisions that are made; not everyone will be happy. The Board does what it feels is best for the county. The DCYBB will be brought before the Board again and is grateful that they care. He would like the County Attorney to research what is allowable regarding the Lightning Detection System at Brewer Park.

Commissioner Mansfield commented that high schools throughout the United States have guidelines available for viewing regarding lightning detection systems. He reminded everyone that Saturday, June 14th at 10 am there will be a Flag Day Ceremony at Veteran's Park.

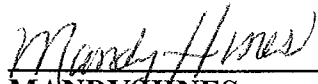
Chairman Langford reminded everyone of the Workshop today to discuss the indigent care surtax at 1:30 pm with DeSoto Memorial Hospital. Several people have brought up greening and orange

groves. He encouraged everyone to read the book of Joel in the Bible.

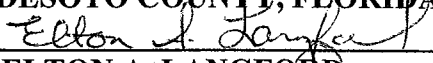
ADJOURNMENT

There being no further business, Chairman Langford adjourned the meeting at 11:51 AM.

ATTEST:



MANDY HINES
INTERIM-COUNTY ADMINISTRATOR

BOARD OF COUNTY COMMISSION
DESOTO COUNTY, FLORIDA


ELTON A. LANGFORD
CHAIRMAN