

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON JUNE 12, 2012 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 12, 2012 with the following persons present:

Chairman, Buddy Mansfield, Dist#1
Commissioner, Jim Selph, Dist#2
Commissioner, Judy Schaefer, Dist#3
Commissioner, Elton A. Langford, Dist#4
Commissioner, Ronald P. Neads, Dist#5
County Administrator, C. Guy Maxcy
County Attorney, Donald Conn
Administrative Services Dir., Linda Nipper
Transcribing Secretary, Betty Phillips

County Coordinator, Mandy Hines
Transportation Supervisor, Shawn Edwards
Utilities Director, Michael Crumpton
HR/Risk Manager, Don Kesterson
Environmental Services Director, Billy Hines
Purchasing Manager, Cindy Talamantez
Facilities Director, Richard Metzger
Planner, Penny Nelson
County Engineer, Mike Giardullo

CALL TO ORDER

9:00AM

PRAYER-Guy Maxcy

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS

SET/AMEND-Agenda Item #14 has been pulled from the Agenda. Motion was made by Commissioner Neads to approve the Agenda with the removal of Item #14 as presented. Seconded by Commissioner Selph. Motion carried unanimously.

PUBLIC FORUM FOR NON-AGENDA ITEMS

Ms. Mary K. Burns, Director of the DeSoto County Health Department provided a brief update on the purchase of the N. Mills Avenue Property and indicated that the goal was to eliminate the Oak Street and Hickory Street rentals. Ms. Burns stated that as representative of the Chamber of Commerce and Leadership DeSoto she provided a brief update of the McSwain Park Renovation Project. She indicated that she would inform the Board of the groundbreaking ceremony.

Mr. George Lempenau briefly discussed the medallions placed on the businesses by the Fire Department. He felt that the fireman could do the inspections instead of spending more for additional individuals. Commissioner Neads explained the signage issue. Mr. Lempenau stated that he could not find anything in the LDRs regarding roadside stands and hope they would address that issue when they do a further review of the regulations.

CONSENT AGENDA-MOTION TO APPROVE

Motion was made by Commissioner Selph to approve the Accounts and Warrants drawn according to schedule of bills payable; Minutes of May 8, 2012 Workshop and May 22, 2012 Public Meeting; Declaration of Surplus Property; Resolution for the execution of Transportation Disadvantaged Trust Fund Grant Agreement and Grant Application for the Small County Consolidated Solid Waste Grant. Seconded by Commissioner Langford. Motion carried unanimously.

PRESENTATIONS

6. Presentation/4H Tropicana Public Speakers

Mr. Maxcy introduced Misael Menendez, a 6th grade student at DeSoto Middle School who placed 1st in the County Contest for Middle School Students presenting his speech titled "Bullying". Mr. Maxcy stated that Haylie Barnhill, a 5th grade student at West Elementary School who placed 2nd in the County Contest for Elementary Students will present her speech titled "Anne Frank".

7. Turner Center Update

Mr. Metzger provided a PowerPoint presentation reviews past and current figures for Concessions, Arena Rentals and the Exhibit Hall Rentals. Mr. George Lempenau suggested that the Board consider placing vending machines at the Arena and Exhibit Hall. Commissioner Langford stated that he was glad to see these figures as it is offsetting the cost of operation and is bringing in out of the area people. This also helps the local businesses. Mr. Metzger stated that the staff, Jody and Jolene were responsible for all the good work there and Mr. Maxcy stated that more adjustments will be made in the next few weeks. Commissioner Schaefer stated that everyone needs to get out there and see what is going on and that she was proud of the progress being made.

REGULAR BUSINESS

8. Letter of Engagement

Ms. Nipper stated that Purvis Gray & Company was selected as the County Auditors in 2008 with an additional 4 year renewal, one year at a time, upon mutual agreement. She is requesting approval of the Engagement Letter with Purvis Gray & Co. for Auditing Services. Motion was made by Commissioner Langford to approve the Engagement Letter with Purvis Gray & Company as presented. Seconded by Commissioner Neads. Motion carried 4-0. Commissioner Selph was out of the room for this vote.

9. Agreement/Property Sale

Ms. Talamantez stated that on May 8, 2012 the Board declared Parcel #07-39-24-0000-0140-0000 as surplus property and authorize staff to negotiate the sale using a minimum bid of \$5,000.00. Staff received sealed bids and negotiated with the two adjacent property owners. After negotiations Mr. Jason Palm had the highest bid with a final offer of \$10,500.00. Staff recommends acceptance of the final bid and award to Mr. Palm. Motion was made by Commissioner Neads to accept the Bid from Jason Palm and to approve the Property Sale Agreement. Seconded by Commissioner Langford. Motion carried unanimously.

10. Policy/Indigent and Unclaimed Body Disposition

Ms. Hines stated that Florida Statute requires all counties to dispose of unclaimed or indigent bodies for public health purposes. The DeSoto County policy is very broad at present and this updated policy helps to better define the roles of the Social Services Department and the funeral home. The updated policy also does not allow for upgrades to cremations or services. The policy requires the family to be qualified as indigent for the County to provide funding for cremation. Applications will be made with the Social Services Department which will perform the intake process instead of the funeral home. Motion was made by Commissioner Neads to approve the policy as presented regarding indigent and unclaimed body disposition. Seconded by Commissioner Langford. Motion carried unanimously.

11. Memorandum of Agreement/Florida Department of Children and Families

Ms. Hines stated that the County Medicaid Billing issues became a prominent legislative focus this year in session centered around a back log of unpaid billings dating back numerous years. With the passage of legislation that changes the county Medicaid billing system dramatically, the Florida Association of Counties, the Agency for Healthcare Administration (ACHA), the Florida Department of Children and Families along with County Representatives have been conducting weekly conference calls. The Memorandum of Understanding presented is the result of repeated Florida County requests

to have view-only access to the data that ultimately determines residency in ACHA's billing process. Motion was made by Commissioner Selph to approve the MOU with DCF for limited access to the Florida System Data. Seconded by Commissioner Schaefer. Motion carried unanimously.

12. Resolution/Appointing Members to the Library Advisory Board

Ms. Hines stated that two terms of the nine-seat Library Advisory Board have expired. Staff advertised openings in the newspaper of general circulation and received a request for re-appointment by Andy Buell and a notice of interest to serve from Karen Smoke. Motion was made by Commissioner Neads to adopt the Resolution appointing Andy Buell and Karen Smoke to the Library Advisory Board. Seconded by Commissioner Schaefer. Motion carried unanimously.

13. Resolution/Appointing Members to the Tourist Development Council

Ms. Hines stated that Staff advertised openings of three of the four seats in a newspaper of general circulation and received no letters of interest to serve. The incumbent members have placed requests for reappointment. The Assistant City Manager has been contacted with a request of the City Council to appoint or reappoint a City Council representative to the expired designated seat. The re-instatement of TDC members also recognized that the City Council appointed Councilman Joe Fink to complete the term of form Council Member Sharon Goodman. Motion was made by Commissioner Langford to adopt the Resolution appointing Commissioner Schaefer, George Lampeneau, Carolyn Wittmeir and City Council appointee to the TDC. Seconded by Commissioner Neads. Motion carried unanimously.

14. Resolution/Community Development Block Grant Application

Pulled from the Agenda.

15. Resolution/Designating Streets in Nocatee area for Golf Cart Use

Mr. Conn stated that residents in the Nocatee area have submitted a petition requesting that certain streets in their area be designated for golf cart use. Section 316.212(1), Florida Statutes, authorizes the County Commission to designate streets for use by golf carts based on the speed, volume and character of traffic on those streets. The streets will be posted for use by golf carts and such use may only occur during daylight hours. The County has previously designated streets in the Sunnybreeze area for use by golf carts. Mr. Conn briefly reviewed the included roads and indicated that it is not authorized on 760A or Shores Avenue. Commissioners were concerned about an age limit and suggested that there should be something added to indicate that drivers must be licensed. Mr. Frank Strickland stated that they have been using golf carts for over fifteen years on these road but now they are being ticketed. He had no objection to 760A and Shores Avenue being eliminated. Brief discussion followed. Mr. Maurice Brown submitted a written objection with concerns regarding the approval of this request. Motion was made by Commissioner Selph to adopt the Resolution designating certain streets in the Nocatee area for golf cart use and amending to include that individuals must have a license to operate. Seconded by Commissioner Schaefer. Motion carried unanimously.

16. Bid Award-Contract/McShea Contracting, LLC

Mr. Giardullo stated that staff released an Invitation to Bid on April 19, 2012, for the County's Fiscal Year 11-12 Annual Striping Project with a Base Bid for Brownville Street and an Add/Alternate for Shores Avenue with an Engineer's estimate for the Base Bid of \$48,893.54. Three Bids were received with McShea Contracting as the lowest most responsible Bidder. Due to budgetary constraints, it was determined to only award the Contract for the Base Bid of Brownville Street. Brief discussion followed regarding the striping for Shores Avenue and it was felt that money could be found for this project. Motion was made by Commissioner Neads to award Bid for the FY 11-12 Annual Striping Project, to include Brownville Street and Shores Avenue, to McShea Contracting, LLC. and authorize the Chairman to execute the Contract. Seconded by Commissioner Langford. Motion carried unanimously.

17. Prioritization of Roads-Grant Application/FDOT

Mr. Giardullo stated that staff has recommended SE Carlstrom Field Road, NW Florida Avenue, Roan/Gibson Intersection, SW Fletcher Street and SW Shores Avenue for SCOP Grant consideration; and NE Roan Road, SW Shores Avenue and SE Durrance Street for SCRAP Grant consideration. Board endorsed SCOP and SCRAP Grant Projects for FDOT consideration are due by July 1, 2012. Commissioner Langford questioned what would be done to Florida Avenue. Ms. Giardullo stated that it would include widening of the road and addressing any drainage issues. Brief discussion followed regarding the Roan/Gibson Intersection and the need to get it done sooner than 2018. Commissioner Selph asked if it could be moved up on the priority list and Mr. Giardullo responded that it could. Mr. Maxcy stated that this was one of the intersections that a lot of residents complain about. Commissioner Langford stated that with the Turner Center and the High School traffic it is a problem. Mr. Maxcy stated that they will be trying something different for the 4th of July celebration regarding the traffic issues. Motion was made by Commissioner Langford to approve prioritization of roads and authorize the Chairman to sign the FDOT SCOP and SCRAP Grant Applications. Seconded by Commissioner Neads. Motion carried unanimously.

18. Contract Amendment/Merrell Bros, Inc.

Mr. Crumpton stated that on June 14, 2010, the Board approved a Contract with Merrell Bros, Inc. to provide sludge hauling services for the DeSoto County Water Reclamation Facility and the DeSoto Correctional Institution Wastewater Treatment Plant. The initial period of the Contract was for a period of one (1) year effective June 14, 2010. The Contract contains a renewal clause for two (2) one (1) year periods, upon mutual agreement of both parties and the approval by the Board for each independent renewal year. Staff has been pleased with the level of service provided by Merrell Brothers, Inc. during the current contract year which terminates on June 14, 2012 and recommends the extension of the Contract to June 14, 2013. Motion was made by Commissioner Langford to extend the current Contract for Professional and Technical Contractor Services for Sludge Management with Merrell Bros., Inc. Seconded by Commissioner Neads. Motion carried unanimously.

19. Approval/ERU Pool Usage

Mr. Crumpton stated that the ERU Pool, as established by the Board on May 22, 2012 contains 384 Wastewater ERU's and 877.5 Water ERU's. In accordance with the ERU Pool Usage Policy, the Wild Kingdom Day Care (3.5 Water ERU's) and the DeSoto Auto Mall (8.5 Wastewater ERU's) qualifies as candidates for the distribution of ERU's from this pool. DCU recommends that the Board approve these distributions. Motion was made by Commissioner Neads to approve the use of 3.5 Water ERU's for the Wild Kingdom Day Care and 8.5 Wastewater ERU's from the ERU Pool for the DeSoto Auto Mall. Seconded by Commissioner Selph. Motion carried unanimously.

20. Alternative Landscape Buffering/Allied Recycling

Mr. Conn stated that Allied Recycling is developing property which it owns and seeks approval of alternate landscape buffering. Land Development Regulation 7507 states, "In lieu of compliance with the above buffer and screening requirements (adjacent land use), an applicant may submit a detailed plan and specifications for landscaping and screening to the Board of County Commissioners for review and approval. Mr. Conn indicated that staff is not going to take a position on this matter.

Mr. Ed Johnson representing the applicant provided a handout and made the following requests: The North Property Line Alternate to LDR Type D Buffer: (1) To substitute an 8' high opaque fence in lieu of landscape Type D buffer; (2) To withhold installation of the 8' high opaque fence while Allied

completes the negotiation for the purchase of the two parcels to the north and while Allied petitions the BOCC to rezone the two parcels to the north to IH. If Allied is unsuccessful in the purchase of the two properties to the north, Allied will install the 8' high opaque fence within 60 days. Allied will post cash bond equal to the amount of the fence, if necessary. (3) East Property Line along Poinsettia Avenue request the Conditional Notice To Proceed be amended to accept the existing metal panel fence in lieu of a landscape buffer. (4) North Property Line along Oleander Street request the Conditional Notice To Proceed be amended to accept the existing metal panel fence in lieu of a landscape buffer. (5) East property Line along US 17 (North of the existing ditch) request the Conditional Notice To Proceed be amended to accept the existing metal panel fence in lieu of a landscape buffer. (6) East Property Line along US 17 (South of the existing ditch to the entry) request the Conditional Notice To Proceed be amended to accept a metal panel fence in lieu of a landscape buffer. (7) East Parking Lot Type A Buffer along US 17 (from the entry to the SE Corner) request the BOCC to not require a Type A buffer along US 17 and (8) East Parking Lot Landscaping-request that the BOCC not require any parking lot landscaping. Brief discussion followed regarding the buffering along the highway.

Mr. George Lempenau stated that he had this issue a few years ago and was told by Mr. Green that the Board did not have authority to approve an alternate buffering request however; that was wrong and the Board does have the authority to approve. He indicated that they are trying to eliminate the view of the yard and was in support of it. Commissioner Neads stated that they do have the authority and he felt that the fences looked better than the piles of dirt, trees and shrubs. Commissioner Langford stated that this is a junkyard and he had no problem with the proposed buffering. Chairman Mansfield stated that he was not a fan of 8 foot fences as most of them in the County are falling down and he would like to see some standards used. Brief discussion followed regarding the fencing and the purchase of property at the north end. Chairman Mansfield was also about any noise level and Commissioner Langford asked about hours of operation. Brief discussion followed and Mr. Johnson indicated that it was most likely daytime hours of operation. Mr. Johnson stated that they were trying to clean this area up. Motion was made by Commissioner Schaefer to approve the Alternative Landscape Buffering as requested by Allied Recycling including the 60 day timeline for the purchase of the property. Seconded by Commissioner Langford. Motion carried unanimously.

ADMINISTRATOR'S REPORT

Mr. Maxcy stated that there has been a property in River Oaks/Sunnybreeze that has been in code violation for last five years and the County would like to proceed with the foreclosure process. This is a safety issue and the owner has never responded to the County. The cost to foreclose and tear down the structure is approximately \$16,120.00 and the lots are valued between \$15,000.00 and \$25,000.00. The Board consensus was to approve the staff to proceed with the foreclosure process on this property with a cap of \$16,120.00 and keep them updated on the progress.

Mr. Maxcy stated that Cindy in the Extension Office has transferred to the Public Safety position and request that he be allowed to fill that vacant position. Also Ms. Phillips is retiring next month after 15 years as the Transcribing Secretary and would also like to advertise and fill her position. Mr. Maxcy stated that there is also a vacant position in the Utilities and Transportation Departments that need to be filled. The Board consensus was to approve the filling of those positions. Mr. Maxcy stated that there was a Hurricane Seminar being held at the Turner Center tonight.

Mr. Maxcy requested that Mr. Crumpton discuss the need for a looping of the system at Highway 31. Mr. Crumpton stated that the Agreement with Walmart for flushing our water lines expires in May of

2013 and the system needs to be looped. Commissioner Neads stated that is why the Board has the policy regarding agenda items because he is not prepared to make a decision until he receives further information on this item. Mr. Maxcy stated that they would bring it as an agenda item.

COUNTY ATTORNEY'S REPORT

Mr. Conn provided a written report and indicated that he had nothing to add to the report.

BOARD MEMBER COMMENTS

Commissioner Schaefer stated that the Graduation Ceremony Friday was very good and asked that everyone celebrate and support Flag Day coming up this week.

Commissioner Langford stated that he was glad that the Administration was finally doing something about that code violation in Sunnybreeze as it was about time. Commissioner Langford also stated that the issue regarding the County Administrator's Think Tank that the Board hesitantly allowed Mr. Maxcy to attend, appears to be in violation of the Sunshine Law. He indicated that he felt it was a bad idea and it appears that some administrators want to run their counties and the Peace River Manasota Regional Water Supply Authority as well. He felt that Mr. Maxcy should be attending to DeSoto County business and not the Water Authority business.

Commissioner Selph stated that he attended the Authority's meeting in place of Commissioner Langford and it appeared that there was a lot of political posturing going on. He indicated that he does not always agree with the Sunshine Law but it is the law. He agreed with Commissioner Langford regarding Mr. Maxcy's attendance at those meetings. Commissioner Selph stated that he is very proud of the speakers for the County's 4-H Program and everyone should support it.

Commissioner Neads complimented Weiler Engineering and the fact that they have saved a lot of taxpayer dollars. Commissioner Neads stated that FAC Conference is coming up next week and they are doing some re-organization. He is currently serving as Chairman but would recommend Commissioner Selph to replace him if he is still Chairman for this upcoming term.

Chairman Mansfield echoed Commissioner Schaefer's request to support Flag Day on June 14, 2012. He indicated that Mr. William Waits will be receiving several long overdue medals for his service in WWII. Chairman Mansfield asked why the County did not have a POW Flag Pole. Mr. Metzger stated that a flag pole could be installed with Board approval. The Board consensus was to authorize the POW Flag Pole to be installed. Chairman Mansfield also complimented Weiler Engineering and Mr. Edwards and the Transportation Department for the job they did on the Barrow Bridge.

ADJOURNMENT

There being no further business, Chairman Mansfield adjourned the meeting at 11:30 AM.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
DESOTO COUNTY, FLORIDA**



C. GUY MAXCY
COUNTY ADMINISTRATOR



JURIL O. MANSFIELD
CHAIRMAN