

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON JUNE 26, 2012 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 June 26, 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, Don Conn
Administrative Services Dir., Linda Nipper
County Coordinator, Mandy Hines
Office Manager, Lauri Jones
Transcribing Secretary, Betty Phillips

Facilities Director, Richard Metzger
Fire Chief, Glenn Prescott
Utilities Director, Michael Crumpton
Purchasing Manager, Cindy Talamantez
Co. Extension Director, Ken Johnson
County Engineer, Mike Giardullo
Human Resources Manager, Don Kesterson
Environmental Services Director, Billy Hines
Parks & Recreation Director, Tara Anderson
Emergency Mgmt. Manager, Doug Christ
Social Services Manager, Peggy Waters
Transportation Director, Shawn Edwards

CALL TO ORDER-3:00 PM

PRAYER-Commissioner Ronald P. Neads

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS

SET/AMEND-Chairman Mansfield stated that it was requested that Agenda Item #6 be moved to Regular Business Item #10A and requested that Item #19A (Piggyback Contract-Sutter Roofing Company) be added to the Agenda. The Board consensus was to set the Agenda as amended.

PUBLIC FORUM FOR NON AGENDA ITEMS

Mr. James O'Leary stated that he has been trying to get through the process on opening a truck stop on US 17 and he is having trouble with FDOT regarding the access issue. It was recommended that because of new legislation becoming effective July 1, 2012, that he should start the application process all over again. Mr. Conn provided the Board with a handout referring to House Bill #503 which states that any development application that is filed with the County after July 1, that the County may not require as a condition that the applicant obtain permit approvals from State and Federal agencies. Mr. Conn suggested that Mr. O'Leary file a new application after July 1 and the County will accept all documents as previously submitted and waive all fees connected with the new application. Brief discussion followed and it was the Board consensus to approve Mr. Conn's suggested resolution.

CONSENT AGENDA-MOTION TO APPROVE

Motion was made by Commissioner Neads to approve the Accounts and Warrants drawn according to schedule of bills payable; Minutes of June 12, 2012 Public Meeting; Declaration of Surplus Property List; Resolution/DeSoto County Historical Society for Small Matching Historical Preservation Grant; Sufficiency of Surety Bonds-Determination that Bond coverage is adequate and Contract Modification for Department of Economic Opportunity Low-Income Home Energy Assistance Program (LIHEAP). Seconded by Commissioner Schaefer. Motion carried unanimously.

PRESENTATION

8. 2011/12 Tax Roll Presentation

Ms. Hill stated that each year the Tax Collector is required to present the Tax Roll to the Board requesting that each Board Member sign the form to be forwarded to State. Ms. Hill briefly reviewed the Tax Roll. Motion was made by Commissioner Neads to accept the year-end Tax Collector's Recapitulation for the tax year 2011-2012 as presented. Seconded by Commissioner Selph. Motion carried unanimously. Ms. Hill stated that when the Budget Workshops are started that there will be some future concerns that she will want to address.

9. 2010/11 Audit Presentation

Mr. Joe Welch, Purvis Gray & Company provided a copy of the Audit to Board members and the public. Mr. Welch made a brief presentation of some of the 2010/11 Audit highlights. He indicated that all reports were favorable and thanked Ms. Nipper and her staff as well as all the constitutional officers for the cooperation and hard work. Mr. Welch requested that the Board accept the Audit as presented. Mr. Maxcy also thanked Purvis Gray & Company and staff for a job well done. Motion was made by Commissioner Neads to accept the 2010/11 Audit as presented. Seconded by Commissioner Schaefer. Motion carried unanimously.

10. DeSoto County Extension Update Presentation

Mr. Johnson provided a PowerPoint presentation of the DeSoto County Extension Office since he came on board last year. He reviewed the new Mission Statement, the new Vision Statement and many of the programs that were provided this last year. Mr. Johnson also briefly reviewed some future programs they hope to provide. Mr. Maxcy stated that they are looking into an herbicide program for this coming year and will bring information back to the Board for review.

REGULAR BUSINESS

10A. Resolution/Public Risk Management of Florida

Mr. Kesterson stated that the County is required to provide a resolution and notice, at least 60 days in advance of new polity year, of intent to withdraw per the by-laws of the PRM Pool. He indicated that this does not mean that the County will withdraw from PRM. Commissioner Neads stated that he hopes we would not change insurance for a few thousand dollars as we have been with PRM for over twenty years and they have been good to us especially during Hurricane Charley. Motion was made by Commissioner Neads to adopt the Resolution and Notice as presented. Seconded by Commissioner Selph. Motion carried unanimously.

11. Resolution/Budget Amendments

Ms. Nipper requested to adopt a Resolution amending the 2011/12 Budget. Ms. Nipper reviewed the following Amendments #2012-91 (Funds transferred from Utilities for purchase of lawn mower; #2012-94 (After transferring Turner Center to General Fund, some accounts were substantially inadequate to complete the fiscal year-transferred funds from General Fund Reserves to shore up accounts. Also, transferred funds from the Agri-Fest Reserves for prepayment on next year's talent booking) and #2011-97 (Recognized and expensed funds from Geo to house their prisoners in our jail. Motion was made by Commissioner Langford to adopt the Resolution including amendments as presented. Seconded by Commissioner Schaefer. Motion carried unanimously.

12. Resolution/Addendum-Master Lease Agreement & Escrow Agreement/Suntrust Equipment

Ms. Talamantez stated that the Board approved the finance of a rotary mower and a forklift on May 8, 2012. Due to the extended lead times the money must be held in escrow until delivery is taken. Suntrust Equipment Financing and Leasing Corp. required a minimum finance amount of \$100,000.00 to qualify for an escrow account. Public Safety identified a need for replacement of power stretchers that were at the end of their service life. The manufacturers finance rate was 6.61%.

Staff is recommending addition of the stretcher purchase to the Master Lease and Escrow Agreement. The total amount financed is \$106,923.84 payable over 5 years at 2.15%. Motion was made by Commissioner Selph to approve the Addendum to the Master Lease Agreement and Escrow Agreement to include adoption of the Resolution and authorize the Chairman to execute the related documents. Seconded by Commissioner Neads. Motion carried unanimously.

13. Work Assignment #14/Weiler Engineering Corporation

Ms. Talamantez stated that the County entered into a Piggyback Agreement with Weiler Engineering on August 23, 2011 for general engineering services. The current work assignment does not have sufficient monies to cover the balance of the fiscal year. The proposed work assignment is for the remainder of the current fiscal year. Mr. Maxcy pointed out that they were still coming in under budget for the Engineering Department. Motion was made by Commissioner Neads to approve Work Assignment #14 with Weiler Engineering for professional services and authorize the Chairman to execute. Seconded by Commissioner Selph. Motion carried unanimously.

14. Agreement/Heartland Workforce

Mr. Kesterson stated that on May 31, 2012 Ann Martin and John Worthington from Heartland Workforce presented the agreement to him in preparation for any disaster as we enter into Hurricane season. By completing the agreement at this time, it will allow quicker response for temporary labor to restore county services. There is no cost to the County under this agreement all wages and benefits will be from Heartland Workforce through a staffing agency. Commissioner Schaefer inquired if they would hire locals. Mr. Kesterson indicated that locals would be hired. Commissioner Selph stated that during Hurricane Charley this type of help was badly needed. It was suggested that Mr. Christ and Mr. Kesterson work on a plan for what type of help may be needed in the future. Motion was made by Commissioner Schaefer to approve the Workforce Investment Act National Emergency Grant Worksite Agreement with the Heartland Workforce and authorize the HR Coordinator/Risk Manager to execute. Seconded by Commissioner Selph. Motion carried unanimously.

15. Resolution/Florida Boating Improvement Program Grant Application

Ms. Anderson stated that Phase One has been completed which included all design and permitting. They are now preparing for Phase Two which includes construction of boat ramps, restrooms and parking lot at Lettuce Lake Park. Commissioner Neads stated that this was great but hoped they would keep applying for these grants so that some of the other boat ramps can get some attention. Commissioner Selph agreed with Commissioner Neads that we need to keep applying every year. Motion was made by Commissioner Langford to adopt the Resolution to submit an application for a Florida Boating Improvement Program Grant and authorize the Chairman to sign. Seconded by Commissioner Schaefer. Motion carried unanimously.

16. Agreement/Division of Emergency Management

Mr. Christ stated that this is a performance based cost reimbursement agreement. The purpose of this grant is to continue the enhancement of the local Emergency Management Program. DeSoto County has received funds from this grant source since 1994. Motion was made by Commissioner Langford to approve the Emergency Management Preparedness (EMPA) Agreement #13-BG-06-07-24- 01-014 and authorize the Chairman to execute. Seconded by Commissioner Schaefer. Motion carried unanimously.

17. Agreement/Division of Emergency Management

Mr. Christ stated that this is a performance based cost reimbursement agreement. The purpose of this grant is to enhance the emergency management program and ensure continued compliance with federal regulations. DeSoto County has received funds from this grant source since 1976. Motion was made by Commissioner Neads to approve the Emergency Management Preparedness (EMPG)

Agreement #13-FG-07-24-01- 081 and authorize the Chairman to execute. Seconded by Commissioner Langford. Motion carried unanimously.

18. Bid Award-Contract/Empower Construction Inc.

Mr. Giardullo stated that staff released an Invitation to Bid on April 24, 2012, for the County's 2012 Open Grade Paving Project to include N.W. Mizelle Avenue, N.W. Elm Street, S.E. Plaza Drive and S.E. Allison Street. Six bids were received with Empower Construction, Inc. as the lowest most responsible Bidder. Commissioner Langford questioned the amount budgeted. Mr. Giardullo stated that the amount budgeted includes the regular paving projects. Commissioner Neads questioned whether the Brownville Road paving project would be done. Mr. Giardullo stated that it would be done with the regular paving projects funds. Motion was made by Commissioner Langford to award the bid for the 2012 Open Grade Paving Project to Empower Construction and authorize the Chairman to execute the Contract. Seconded by Commissioner Selph. Motion carried unanimously.

19. Regional Roadway Network

Mr. Giardullo stated that regional transportation priorities are established on a regional basis. Because the Rural Counties located in Florida's Heartland do not qualify as Metropolitan Planning Organizations by population and density, FHREDI has been identified as the regional organization through which regional projects are prioritized. Ms. Hines stated that the Transportation Committee of FHREDI consists of a County Commissioner from each of the member Counties. Projects are submitted by each county and prioritized on an annual basis for submission to FDOT by the FHREDI Transportation Committee. To be eligible for FDOT Transportation Regional Incentive Program (TRIP) funds, the project must be identified on the Regional Transportation Map. Roadways listed on the Regional Roadway Network Map are not in prioritization. Commissioner Selph suggested that a letter be sent noting that these roads are not prioritized. Commissioner Langford stated Item #13 on the map should read Brownville Road and Chairman Mansfield stated that Item #16 should only include the 2-mile stretch on the West Farm Extension and not the whole road. Mr. Giardullo will correct these items on the map. Commissioner Neads stressed that these were regional priorities that benefit the region and not necessarily the County. Motion was made by Commissioner Langford to approve the network of roads for future Federal and State Regional Grant funding considerations. Seconded by Commissioner Schaefer. Motion carried unanimously.

19A. Piggyback Contract- School Board of DeSoto County/ Sutter Roofing Company of Florida

Mr. Metzger stated that the current fiscal year includes monies for necessary repairs to the DeSoto County Sheriff's Office. The School Board of DeSoto County has an existing ongoing construction services contract for roof repairs which is suitable for piggybacking. Mr. Metzger provided an aerial of the three buildings in need of emergency roof repair. He further indicated that this method of procurement will expedite the project as well as save additional cost of engineering the project. Mr. Metzger stated that this was the Company that did the Courthouse Roof Project and they did an excellent job. Commissioner Langford inquired about a warranty and Mr. Metzger stated that it was included. Sheriff Wise was asked about the building in between the buildings and was not included in the request for repairs. He indicated that it was used for maintenance, records and evidence storage and that it also needed roof repairs. Brief discussion followed and it was determined that they needed to move fast on the records/evidence building also. Motion was made by Commissioner Langford to approve the Piggyback Contract with Sutter Roofing Company of Florida. Seconded by Commissioner Selph. Motion carried unanimously.

ADMINISTRATOR'S REPORT

Mr. Maxcy reminded the Board of the upcoming AgFest on November 17, 2012 featuring Swamp People live entertainment.

COUNTY ATTORNEY'S REPORT

Mr. Conn provided a written report and reviewed the DRD, P.I.E. and Donray cases indicating the hearings are set for August 2012. Mr. Conn indicated that the Rodeo Association was ready to set a closing date and recommended July 12th or 13th. The Board directed him to set the date. Mr. Conn stated that the River Oaks foreclosure has been filed and they are waiting for the documents to be serviced. Mr. Conn provided a copy of a draft Ordinance regarding Regulation of Internet Cafes and Stimulated Gambling and requested that the Board set a Public Hearing date. He recommended that there be a moratorium for one year to see if the Legislature will address. The Board consensus was to approve the setting of the Public Hearing for the last meeting in July.

BOARD MEMBER COMMENTS

Chairman Mansfield congratulated Commissioner Selph on completion of his Certified County Commissioner's classes.

Commissioner Schaefer also congratulated Commissioner Selph. Commissioner Schaefer stated that she attended the FAC Conference last week and they complimented our Finance & Purchasing staff for how professional they were.

Commissioner Langford stated in regard to the Water Authority and County Administrator's issue, Charlotte County asked for a special meeting and it appears that no one can agree to a time. He also congratulated Commissioner Selph. Commissioner Langford passed around a flyer for the "Workin' Cow Horse Ranch Rodeo" at the Turner Center on July 4, 2012 at 1:00PM. He asked everyone to attend and indicated that all the net proceeds will go to benefit Tidewell Hospice.

Commissioner Selph stated that Tidewell Hospice is a great organization and please support the Rodeo. Commissioner Selph stated that he felt that the Board should send a letter to the State Firefighters Association and copy to the Governor regarding the "R" fire signs. He still believes it is backwards and something should be done to correct before a firefighter gets hurt. Commissioner Selph stated that the 4th of July is also a time to remember the troops and pray for them.

Commissioner Neads asked that everyone try to attend Commissioner Langford's Rodeo and the Parade scheduled for 10AM. He indicated that there would be a military presentation at the Rodeo and stated that it would not cost a lot for a family to go. Commissioner Neads also asked if any of the Commissioners would be interested in sponsoring a softball team. The cost would be \$50.00 each and they could contact him after the meeting.

RECESSED AT 4:28 PM UNTIL 6:30 PM PUBLIC HEARING

PUBLIC HEARING 6:30 PM

20. Ordinance/RZ #2012-01-Allied Recycling Arcadia, Inc.

Mr. Conn stated that Mr. Ed Johnson, agent for owners of property, Allied Recycling Arcadia, Inc, requests rezoning of approximately 5.72 acres from Industrial Light to Industrial Heavy. The property, narrow strips of land separating Allied owned parcels, was recently purchased from DeSoto County and is being requested to be rezoned in order to provide continuity of zoning with the common owned parcels to the North. The property is located adjacent to 2423 SW US 17 on the West side of US 17 South of the existing recycling center property. At its regular meeting on June 5, 2012 the Planning Commission unanimously recommended approval of the rezoning.

Mr. Ed Johnson stated that he is "representing Allied Recycling Arcadia, Inc. with regard to their

request to rezone the properties brought before you today. I have not spoken with any member of the Commission with respect to this issue. I ask that my written and verbal comments be made a part of the public record. The three parcels listed are located immediately south of the present Allied Recycling Arcadia operation on south US17. Allied purchased the former OSS property on January 23, 2012; and the two County surplus parcels on March 2, 2012. They intend to develop a companion facility to melt aluminum scrap metal, which comes in the daily scrap metal stream, and from the shredder, into ingots for shipment to mills and other production and manufacturing centers. The former OSS property has an existing Desoto County Improvement Plan and current SWFWMD ERP, both of which will be submitted for modification as part of the new site design. We would like to begin the site planning, engineering and design for this facility in early July 2012. A construction start and opening dates have not yet been announced. This property is located within the Future Land Use Map category of Employment Center. Allied has made a significant capital investment in Desoto County; and their shredder project will create thirty new jobs for our local economy. The number of new jobs, which will be created by the new facility, has not yet been released; but, they will be in addition to those created by the shredder project. I have reviewed the Planning and Zoning Department Staff Report and concur with their findings and recommendations.” Motion was made by Commissioner Langford to close the Public Hearing on RZ #2012-01. Seconded by Commissioner Neads. Motion carried unanimously. Motion was made by Commissioner Neads to adopt the Ordinance rezoning request #RZ #2012-01 from Industrial Light to Industrial Heavy. Seconded by Commissioner Schaefer. Motion carried unanimously.

21. Ordinance/DeSoto County Fire Prevention Code

Chief Prescott stated that Ordinance #2006-64 was in need of some revisions and corrections, therefore a new Ordinance was written to correct those issues and to clarify more needed information. The revised Code will delete and replace the previous ordinance. The revised Code includes new fees and provides specific details to expound on the Florida Fire Prevention Code. The revised Code also eliminates exaggerated requirements. Chief Prescott briefly reviewed some of the changes. Commissioner Langford questioned “Section 13-Deadend Roads. Chief Prescott indicated that was for new roads only. He further asked the Chief to explain “Section 18-Festival Seating” in regards to something like the Craig’s RV Shows. Ms. Juanita Gatlin explained that a seating plan was required but that it did not omit lawn chairs. Commissioner Neads stated that he understood the “life safety codes” but thought it might be a burden on some. Brief discussion followed and Commissioner Selph stated that the Inspectors worked very well with the Farm Credit Bureau when they were in violation. Mr. George Lempenau stated that with the State and Federal Standards there was no need for a County code. Mr. Ed Johnson stated that with the work on the LDRs and non-conforming uses, they should take more time for any revised code. Motion was made by Commissioner Neads to adopt the revised DeSoto County Fire Prevention Code Ordinance as presented. Seconded by Commissioner Langford. Motion carried unanimously.

ADJOURNMENT

There being no further business, Chairman Mansfield adjourned the meeting at 7:09 PM.

ATTEST:


C. GUY MAXCY
COUNTY ADMINISTRATOR

BOARD OF COUNTY COMMISSION
DESOTO COUNTY, FLORIDA


JURIL O. MANSFIELD
CHAIRMAN