

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON JULY 10, 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 July 10, 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
Office Manager, Lauri Jones
Transcribing Secretary, Betty Phillips

County Coordinator, Mandy Hines
Administrative Services Dir., Linda Nipper
Transportation Supervisor, Shawn Edwards
HR/Risk Manager, Don Kesterson
Social Services Manager, Peggy Waters
Fire Chief, Glenn Prescott
Facilities Director, Richard Metzger
Event Coordinator, Jody Sullivan
County Engineer, Mike Giardullo

CALL TO ORDER 9:00AM

PRAYER-Commissioner Jim Selph

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS

SET/AMEND-Mr. Maxcy asked that the Utility Coordinator Services be added to the Agenda as Item #11 and that on Agenda Item #6 the Department of Revenue be corrected to read Department of Agriculture. Motion was made by Commissioner Langford to set the agenda as amended. Seconded by Commissioner Schaefer. Motion carried unanimously.

PUBLIC FORUM FOR NON-AGENDA ITEMS

None.

CONSENT AGENDA-MOTION TO APPROVE

Motion was made by Commissioner Langford to approve the Accounts and Warrants drawn according to schedule of bills payable; Minutes of June 26, 2012 Public Meeting; Declaration of Surplus Property and approval of the 2013 Holiday Schedule. Seconded by Commissioner Schaefer. Motion carried unanimously.

REGULAR BUSINESS

5. Resolution/Budget Amendments

Ms. Nipper requested adoption of the Resolution amending the 2011/12 Budget. Ms. Nipper briefly reviewed Amendments #2012-102 (Recognizing and expensing additional LIHEAP Funds), #2012-103 (Correction of a transfer error and reducing Engineering Reserves to adjust correctly) and #2012-105 (Recognized and expensed funds from Geo to house their prisoners in our jail. Motion was made by Commissioner Langford to adopt the Resolution amending 2011/12 Budget as presented. Seconded by Commissioner Schaefer. Motion carried unanimously.

6. Grant Application-Work Plan Budget/DeSoto County Health Department

Mr. Alan Johnson, DeSoto County Health Department requested approval of the submission of the Grant Application to the Florida Department of Agriculture along with the Work Plan Budget portion. This Agreement is between the Florida Department of Agriculture, the Desoto County Health Department

and the Board of DeSoto County Commissioners and is for \$18,000 with an \$18,000 County match. Commissioner Langford questioned if we could get some pricing information for individual communities that might want additional spraying done. Mr. Johnson stated that he could not afford any additional spraying however; Mr. Maxcy stated that he was sure that Clarke Mosquito Control could probably provide some information in that area. Motion was made by Commissioner Langford to approve the Grant Application and Work Plan Budget and authorize the Chairman to sign. Seconded by Commissioner Neads. Motion carried unanimously.

7. Agreement/Seminole Gulf Railroad Crossing

Mr. Giardullo stated that the wood railroad ties have rotted out next to the roadway causing the asphalt to deteriorate on Hull Avenue. Seminole Gulf Railroad (SGR) will perform the construction improvements within the railroad right of way; DeSoto County will provide maintenance of traffic and asphalt repairs. The Agreement is in the amount of \$72,000.00 and the County agrees to reimburse SGR for construction improvements to the railroad crossing at Hull Ave. Brief discussion followed regarding negotiating with the Railroad and Mr. Giardullo stated that they determine the cost and we do not have a choice. Motion was made by Commissioner Langford to approve the Agreement with Seminole Gulf Railroad for construction improvements and authorize the County Administrator to sign. Seconded by Commissioner Schaefer. Motion carried unanimously.

8. Proposal/Weiler Engineering Corporation

Mr. Giardullo requested approval of the Engineering Proposal from Weiler Engineering Corporation for the installation of an Emergency Generator at Lift Station 1. DeSoto County Utilities (DCU) operates and maintains Lift Station 1 located at the DeSoto Correctional Institution (DCI). Station 1 was constructed and cleared for operation in January 2011 without standby emergency power to serve the new Florida Civil Commitment Center (FCCC). Due to the lack of standby emergency power that has caused wastewater service related issues, he requested the subject proposal from Weiler Engineering Corporation (WEC) to provide engineering services regarding the installation of an emergency generator. Brief discussion followed and it was determined that this proposal only included design services. Motion was made by Commissioner Neads to approve the Engineering Proposal from Weiler Engineering Corporation for the installation of an Emergency Generator at Lift Station 1. Seconded by Commissioner Selph. Motion carried unanimously.

9. Approval/ERU Pool Usage

Mr. Conn stated that in accordance with the ERU Pool Usage Policy, Riverside RV Resort Phase II (29.0 Water and 29.0 Wastewater ERU's) and the Sabal Palm Bank Property (13.5 Water and 13.5 Wastewater ERU's) qualifies as candidates for the distribution of ERU's. Staff recommends that the Board approve these requests. Mr. Conn provided a brief summary of the total of ERUs in the pool. Commissioner Neads stated that we are now increasing our customer bases and Commissioner Langford stated that was bringing in more money. Motion was made by Commissioner Langford to approve distribution from the ERU Pool of 29.0 Water and 29.0 Wastewater ERU's to Riverside RV Resort Phase II and 13.5 Water and 13.5 Wastewater ERU's to the Sabal Point Bank Property. Seconded by Commissioner Schaefer. Motion carried unanimously.

10. Agreement/Sabal Palm Bank

Mr. Conn stated that the Agreement with Lake Suzy Professional Center, Inc. was terminated by the Board on March 27, 2012. Subsequently, Sabal Bank as the new owner of the property expressed an interest in entering into a new Agreement for the same amount of ERU's as in the original Agreement. The County Attorney and staff negotiated the proposed new Agreement and recommends the Board's approval. Mr. Conn pointed out that they did pay all of Lake Suzy Professional Center fees. Commissioner Langford asked if the new rates were being offered to all

the customers. Mr. Conn indicated that he believed they were but will double check to be sure. Motion was made by Commissioner Langford to approve the Water and Wastewater Capacity Reservation Agreement with the Sabal Palm Bank. Seconded by Commissioner Selph. Motion carried unanimously.

11. Utility Coordinator Services/Weiler Engineering Corporation

Mr. Maxcy stated that DeSoto County currently does not have a Utility Director. Weiler Engineering Corporation has provided a proposal to perform utility coordination services as outlined in the work authorization. Mr. Giardullo stated that they will provide an experienced Utility Coordinator to assist DeSoto County Utilities in administration and operations of the utilities on a full time basis for a period of 4 months. Mr. Giardullo introduced Mr. Dan Saus who would be serving as the Coordinator. Mr. Saus stated that he is a very hands-on person and would not be just sitting in the Office. Commissioner Neads stated that he believes they are very knowledgeable in the utility business and will save the County a substantial amount of money. Mr. George Lempenau stated that he felt this was a wrong decision and that they should take a long hard look at since there is a big supply of competent individuals for this type of position. Mr. Lempenau indicated that it was alright for a couple of months but not in the long run. Commissioner Neads disagreed with Mr. Lempenau indicating that he has seen the full-time positions and they have not worked out. Commissioner Langford stated that he did not totally disagree with Mr. Lempenau however; they needed to get the department straighten out first and reconsider the situation. Mr. Maxcy stated that there was also a need for an Administrative Assistant in that office. Brief discussion followed and it was suggested that it wait until budget discussions. Motion was made by Commissioner Neads to approve the Contract with the Weiler Engineering Corporation for providing a full time Utility Coordinator. Seconded by Commissioner Selph. Motion carried unanimously.

ADMINISTRATOR'S REPORT

Mr. Maxcy again requested that they hire an Administrative Assistant for Utilities as there is only one person in the office and they have been putting in about 7 hours a week of overtime. Brief discussion followed and it was suggested that Mr. Saus should be included to decide if it is needed. Mr. Maxcy indicated that it can be worked into the budget. The Board consensus was to approve the position if needed. Mr. Maxcy stated that he, Mr. Kesterson and Sheriff Wise would be attending a free training session for Facility Design of Jail in Chicago. He stressed that it would be at no cost to the County.

COUNTY ATTORNEY'S REPORT

Mr. Conn provided a written report and briefly reported on the hearing dates for the Donray & Sandhill, DRD Enterprises and P.I.E. LLC. He also discussed Arcadia 4-Star Corp. and Astaldi possible settlements. Mr. Conn provided a brief summary regarding the history of the Agreement with the Rodeo Association. Currently the closing is scheduled for Monday, July 16, 2012 however; because of some Board concerns the Rodeo Association has asked for an extension of the July 16th closing date to August 16th. Commissioner Selph stated that he had only 10 pages of the 15 page document. Chairman Mansfield called a 10-minute recess to obtain the other pages of the document.

Mr. Conn briefly highlighted the original terms of the Agreement and indicated that it is not a perfect document. He believes that the Board and the Rodeo Association want to work together and will work toward that goal. Mr. Conn stated that the original closing date was set for January 2012 but the Rodeo Association asked for an extension until July 16, 2012 which the Board approved. Commissioner Schaefer stated that there were a few things she would like to see clarified and recommended that they extend the closing date for 30 days. Mr. Conn pointed out that they were legally bound to close on Monday if the Rodeo Association did not want to extend. Commissioner Neads stated that we should

proceed with the closing and that these minor issues could be resolved with the Rodeo Association. Commissioner Langford stated that he did not see the original Agreement until it was presented for approval and he voted against it. He felt that some of those issues need to be looked at again and he spoke with Mr. Hall and he was okay with looking at some of them again. Commissioner Langford pointed out that we have changed gears with the direction of the Turner Center and there are priority dates already set for 2013. He also indicated that it needed to represent a 50/50 relationship between us and the Rodeo Association. Commissioner Selph stated that he too that had issues and that if Mr. Hall was willing to work with us then we should do it. He indicated the need to protect the taxpayers with this Agreement. Mr. George Lempenau stated that everyone needs to cooperate and get it done. Chairman Mansfield indicated that he also had some issues but agreed with Commissioner Needs to proceed with closing and the issues could be resolved. The Board consensus was for staff to meet with Mr. Hall and proceed with closing on Monday if necessary.

BOARD MEMBER COMMENTS

Commissioner Schaefer stated the Rodeo & the Fireworks at the Turner Center were great and they had a very good turnout.

Commissioner Langford thanked everyone for their support of the Rodeo and indicated that \$9,000.00 was raised for Tidewell. He also indicated that the Turner Center had a profit of \$2,300.00 and the local businesses also profited. Commissioner Langford stated that the Parade was also great.

Commissioner Selph stated that the Parade, Rodeo and Fireworks were all great and commended the Turner Center staff. He asked Mr. Maxcy to look into mosquito control being done during the Fireworks Show. Commissioner Selph stated that the Railroad certainly had a strangle hold on the County regarding the crossing issue and recommended that individuals contact their Legislature to voice their concerns over this issue.

Commissioner Needs stated that the 4th of July was great and thanked the Elks Club for the Parade. He encouraged everyone in the community to keep these traditions going every year.

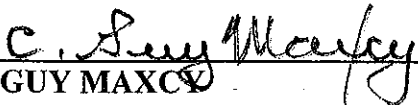
Chairman Mansfield also indicated that everything was great on the 4th of July and thanked the Elks Club for their support.

ADJOURNMENT

There being no further business, Chairman Mansfield adjourned the meeting at 10:55 AM.

ATTEST:

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



C. GUY MAXCY
COUNTY ADMINISTRATOR



JURIL O. MANSFIELD
CHAIRMAN