

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
HELD ON AUGUST 12, 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 August 12, 2014 with the following persons present:

Commissioner, Buddy Mansfield, Dist#1  
Commissioner, James Selph, Dist#2  
Commissioner, Gabriel Quave, Dist#3  
Chairman, Elton Langford, Dist#4  
Commissioner, Bob Miller, Dist#5  
Interim Administrator, Mandy Hines  
County Attorney, Don Conn  
Facilities Director, Richard Metzger  
Transcribing Secretary, Jill Thompson  
Administrative Services Director, Linda Nipper  
Road & Bridge Director, Shawn Edwards  
Fire Chief, Larry Taylor  
Lee Gallagher, Veteran Services

Planning Manager, Thomas Cookingham  
Compliance Director, Jorge Hernandez  
Purchasing Director, Cindy Talamantez  
HR Director, Don Kesterson  
Office Manager, Lauri Terry  
Parks Director, Tara Anderson  
Utilities Director, Eddie Miller  
Environmental Svcs. Director, Henry Grimes  
Library Director, Linda Waters  
Building Official, Lester Hornbake  
Social Services Director, Peggy Waters  
Turner Center Director, Jody Sullivan  
County Engineer, Mike Giardullo

**CALL TO ORDER 9:00 AM**

**PRAYER-** Pastor Greg Martin / Mt. Pleasant Baptist Church

**PLEDGE OF ALLEGIANCE**

**INTRODUCTION OF ELECTED OFFICIALS**

Tax Collector, Kathy Hill, Sheriff Will Wise, Interim-City Marshall, Matt Anderson and Karen Whaley with Rep. Ben Albritton's Office.

**SET/AMEND-** A motion was made by Commissioner Mansfield to withdraw item #11 from the Agenda. 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 June 24, 2014 BOCC Public Meeting; Minutes of July 8, 2014 BOCC Public Meeting; July 8, 2014 LDR Workshop; Declaration of Surplus Property; Lease Agreement with Veolia Transportation Services, Inc; Contract Extension with Garden Street Iron & Metal of SW Florida, Inc for the pickup of scrap/waste tires; Resolution requesting FDOT convey to the County property for a Lift Station at the NW corner of US-17 and SW Skates St. and Grant application for Affordable Care Act New Access Point Grant. Seconded by Commissioner Quave. Motion carried unanimously.

**PRESENTATIONS**

**8. Distinguished Citizen Award**

Mandy Hines stated Carey Mike Mercer has been chosen to receive the Distinguished Citizen

Award. He is very supportive of our youth and agriculture. Commissioner Selph presented Mr. Mercer with the award.

**9. Veterans Wall Project Update**

Lee Gallagher stated the Traveling Vietnam Memorial Wall will be in DeSoto County December 3<sup>rd</sup>-8<sup>th</sup>, 2014. The wall is a 3/5 scale of the actual Memorial in Washington, DC. Currently there are approximately 48 sponsors. Commissioner Selph stated he and his wife Cindy are making a donation to Lee Gallagher for the Traveling Vietnam Memorial Wall. He also commented that Representative Ben Albritton made a donation of \$500 as well. Mr. Gallagher thanked the BOCC, Mandy Hines and the late Guy Maxcy for their support.

Commissioner Miller commented he would like to see each individual community within DeSoto County to hold barbeque fundraisers.

**10. Third Quarterly Report for 2013/14**

Linda Nipper stated at the end of the third quarter, we had received 79% of our budgeted revenue and spent 59%. Transportation 29% revenue received; Road and Bridge 70% spent; Engineering 35% spent; Public Safety received 70%, spent 64%; Landfill received 84%, spent 58%; Landfill Reserve Trust received all revenues; Utilities received 66%, spent 49%; Water Capital \$500,000 spent, received \$789,000; WasteWater received 94%, spent 11%. Commissioner Miller commented he likes the report and the format.

Chairman Langford commented that Karen Whaley with Rep. Ben Albritton's Office is in the audience today.

**11. Item pulled from agenda**

**REGULAR BUSINESS**

**12. Agreement/Florida Department of Environmental Protection**

Mandy Hines stated this is a financial assistance agreement, which is the result of a legislative project award for \$700,000. These funds will be utilized to fund the utility line extension down US 17 in the third phase. A motion was made by Commissioner Mansfield to approve the DeSoto County DEP Agreement No. LP14025. Seconded by Commissioner Miller. Motion carried unanimously.

**13. Deed in Lieu of Foreclosure/SHIP Mortgage forgiveness**

Peggy Waters commented the owners have had this loan since 1998 and are unable to make the mortgage payments. The offer to the County is for the amount of \$2000 to satisfy the mortgage. A motion was made by Commissioner Selph to approve and authorize the Chairman to execute the Deed in Lieu of Foreclosure offer. Seconded by Commissioner Quave. Motion carried unanimously.

**14. Bid Award-Contract/Carlstrom Field Road Improvements**

Mike Giardullo requested approval of a contract with Excavation Point, Inc. This company was the lowest bidder. The project is funded through a grant from FDOT. Commissioner Quave questioned the amount of the original grant. Mr. Giardullo stated the budgeted amount presented is less after design and geotechnical expense. A motion was made by Commissioner Quave to award the bid for Carlstrom Field Road Construction Improvement Services to Excavation Point, Inc. and authorize the Chairman to execute the contract. Seconded by Commissioner Mansfield. Motion carried unanimously.

**15. Agreement/NHC-FL101, LLC for Big Tree R.V. Resort.**

Eddie Miller stated this agreement is for the wastewater side. A motion was made by Commissioner Quave to approve the Utility Service and Conveyance Agreement between DeSoto County and NHC-FL101, LLC for Big Tree RV Resort and authorize the Chairman to execute the Agreement.

Seconded by Commissioner Mansfield. Motion carried unanimously.

**16. Indemnity Agreement/Lake Nancy**

Don Conn stated the Utility Department is moving forward to interconnect the Lake Suzy neighborhood with the Central Utility System. Existing lines need to be located. The existing lines are old and are not identified in any plans, therefore permission was needed from property owners to allow access. A motion was made by Commissioner Selph to approve the Indemnity Agreement with MS Rialto Heritage Lake, LLC. Seconded by Commissioner Quave. Motion carried unanimously.

**17. Continuing Disclosure Certificate**

Don Conn stated that PRMRWSA is in the process of refinancing its current outstanding bond issues in order to achieve a lower overall interest rate. As part of this, there is a routine disclosure certificate that must be completed by all of the member governments. It requires the County to confirm certain financial reports to the Authority, inform the bond holder of any significant events and to provide certain identifying information. A motion was made by Commissioner Mansfield to approve the Continuing Disclosure Certificate for the Peace River Manasota Regional Water Supply Authority. Seconded by Commissioner Selph. Motion carried unanimously.

**18. Agreement Amendment/City of Arcadia**

Don Conn stated for several years the County has had an Interlocal Agreement with the City of Arcadia relating to flush water. Presented to the Board today is a third amendment that would extend the agreement for an additional 6 months. This would also establish a tiered pricing structure. Under the current agreement, the City can receive up to 200,000 gallons per day of water from the County. There have been several instances over the past few months when the City has exceeded the limit. In order to properly reimburse the County, Mr. Conn would like to establish an increased rate of .74 cent per 1,000 gallons for all water over 200,000 gallons per day. City staff has agreed to this and will present to City Council. A motion was made by Commissioner Quave to approve the Third Amendment to the Interlocal Agreement between the City of Arcadia and DeSoto County to adjust the water charge for the next 6 months. Seconded by Commissioner Mansfield. Motion carried unanimously.

**19. Ordinance/DeSoto County Fire Prevention Code**

Don Conn stated the Ordinance being presented will allow for a waiver and an appeal of decisions of local Fire Officials relating to the Fire Prevention Code. He added Section 2, which addresses appeals from decisions of the local Fire Officials and the local Building Official. A motion was made by Commissioner Mansfield to approve the attached Ordinance amending the DeSoto County Fire Prevention Code to establish criteria and conditions for waiver or modification by the Board of Code provisions, and also authorizing appeals to the Board of decisions of the local Fire Official and local Building Official concerning the Florida Fire Prevention Code, Florida Building Code and Life Safety Code. Seconded by Commissioner Quave. Motion carried unanimously.

Ed Johnson supports this Ordinance but is concerned with the use of the word “contain” and what exactly it refers to. Mr. Conn stated he interprets that “contains” refers to within the four corners of the building. Commissioner Miller stated this is a bold move by the Board. It shows how much the Board is trying to make it possible to do business in DeSoto County.

**20. Agreement/DeSoto County School Board**

The Agreement presented today has been revised to reflect prior Board discussion and has been agreed to by the DeSoto County School Board. This would provide that beginning on October 15, 2014, the County would pay to the School Board \$10,000 per month. One year from now in November 2015 and concluding in December 2015, we would true up. A motion was made by

Commissioner Mansfield to approve the Interlocal Agreement with the DeSoto County School Board concerning the DeSoto Payment from the Peace River/Manasota Regional Water Supply Authority. Seconded by Commissioner Miller. Motion carried unanimously.

### **21. Ordinance/Indigent Care Sales Surtax**

Mr. Conn stated the changes presented today are from discussions at the previous Board meeting. The proceeds would be used simply and only to pay for existing debt. Existing debt is defined as "that debt which exists today August 12, 2014". Commissioner Mansfield questioned if there was a hard copy from DeSoto Memorial Hospital showing what they have tried to resolve this issue? Ms. Hines replied she has not received anything. Commissioner Quave feels there needs to be a sunset date in the Ordinance. This allows the taxpayers to know when this will end. He would like a sunset date of June 12, 2036. Further discussion ensued. A motion was made by Commissioner Quave to adopt an Ordinance setting a Referendum on whether DeSoto County shall levy an Indigent Care Sales Surtax as presented with the following addition to Section 3a with a sunset date of June 12, 2036. Seconded by Commissioner Mansfield. Motion carried unanimously.

### **22. Land Development Regulations**

Don Conn presented a request to publish notice for 2 public hearings regarding LDR Revisions.

Mr. Conn reviewed the revisions. He suggested scheduling the hearings in September. The first being held with the 9 a.m. meeting and the second held at the 6:30 p.m. meeting. Chairman Langford would like both meetings held at 6:30 p.m. so the public can attend. It was consensus of the Board to schedule a public hearing at the end of September and at the end of October.

A motion was made by Commissioner Mansfield to approve publication of notice for two Public Hearings on the LDR revisions. Seconded by Commissioner Quave. Motion carried unanimously.

### **INTERIM-ADMINISTRATOR'S REPORT**

Mandy Hines presented a request from the PRMRWSA to waive the Development Review Plan. They are constructing a training facility on the site with the reservoir. Consensus of the Board.

Ms. Hines requested approval from the Board to fill (2) PW II positions in the Road & Bridge Department. Consensus of the Board. She also requested approval from the Board to fill an Electrical Control Technician position in the Utilities Department.

There will be a presentation to City Council on August 19, 2014 regarding Community Conversations. There is a request for support for the Rodeo Fly in Event hosted by the friends of the airport in Arcadia.

Ms. Hines commented that she and Eddie Miller have met with SWFMD in hopes of obtaining further funding for the US 17 Line Extension Program. She intends on making application under the 2016 cycle or to apply for out of cycle funding.

She acknowledged the FDEP & FDOT for working together with the County to overcome significant barriers in their programs. She requested the Board's permission to draft letters of appreciation to the Governor and respective secretaries of the FDOT & FDEP.

Ms. Hines also recognized the Social Services Department for their superb customer service.

Ms. Hines also recognized the staff at the Turner Center for a job well done.

### **COUNTY ATTORNEY'S REPORT**

See written report.

### **BOARD MEMBER COMMENTS**

Commissioner Quave congratulated Carey Mike Mercer for being a valued member of our community. He requested that Karen Whaley relay the information regarding the Fire Prevention

Ordinance to Rep. Ben Albritton and let him know what a bold stance the Board took today. He also thanked the Turner Center staff for a job well done.

Karen Whaley with Rep. Albritton's office stated she and Mr. Conn have discussed this matter and she has already forwarded the information to Rep. Albritton and he is aware the BOCC is proactive.

Commissioner Mansfield commented the Vietnam Wall is very important to this community and any donation would be greatly appreciated. It will be an honor to have this wall in our community as well as a great Economic Development tool.

Commissioner Selph commented it was an honor to present the Distinguished Citizen Award to Carey Mike Mercer. He thanked DeSoto Memorial Board and staff for attending the meeting today and the effort they put forth. He attended the Smith-Brown Barbeque and feels it is important for kids to have a place to go. He also commented how much it means to have the Traveling Vietnam Wall in our community.

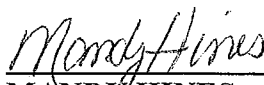
Commissioner Miller commented on August 27, 2014 at 4:00 pm, the Big Dog Club in conjunction with Mosaic and other funds are dedicating and having a ribbon cutting for the batting cage at the high school. He encouraged Dr. Gary and the School Board to dedicate a portion of the funds that they will be receiving from the County, to the youth and sports programs.


Chairman Langford commented the \$1,950,000 that has been gathered by staff would not have been accomplished without Mandy Hines. He thanked Hospital staff and Board members for attending the meeting today. Our Fire Department and Inspectors have had a hard time with the public recently only because they are doing their job and following the Fire Code. The Ordinance passed today will hopefully give the opportunity for new business or expansion of businesses in the county. He commented Carey Mike Mercer is a good person and friend. He also reminded everyone to just be friendly and wave or acknowledge in some way the candidates that are out holding signs.

**ADJOURNMENT**

There being no further business, Chairman Langford adjourned the meeting at 10:22 AM.

**ATTEST:**

  
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**MANDY HINES**  
**INTERIM-COUNTY ADMINISTRATOR**

**BOARD OF COUNTY COMMISSION**  
**DESOTO COUNTY, FLORIDA**  
  
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**ELTON A. LANGFORD**  
**CHAIRMAN**