

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON AUGUST 13, 2013 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 13, 2013 with the following persons present:

Commissioner, Buddy Mansfield, Dist#1	Library Director, Lorel Reinstrom
Chairman, James Selph, Dist#2	Utilities Director, Eddie Miller
Commissioner, Gabriel Quave, Dist#3	Social Services Director, Peggy Waters
Commissioner, Elton Langford, Dist#4	Fire Chief, Glenn Prescott
Commissioner, Bob Miller, Dist#5	Purchasing Director, Cindy Talamantez
County Administrator, C. Guy Maxcy	HR Director, Don Kesterson
County Attorney, Don Conn	Parks & Recreation Director, Tara Anderson
Facilities Director, Richard Metzger	County Coordinator, Mandy Hines
Environmental Svcs. Director, Henry Grimes	EM Director, Doug Christ
Transcribing Secretary, Jill Thompson	Office Manager, Lauri Jones
Administrative Services Director, Linda Nipper	Turner Center Dir., Jody Sullivan
Road & Bridge Director, Shawn Edwards	County Extension Director, Ken Johnson
Planning Manager, Tom Cookingham	County Engineer, Mike Giardullo
	Compliance Director, Jorge Hernandez

CALL TO ORDER 9:00 AM

PRAYER- Rick Nations, Calvary Baptist Church

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS

Sheriff Will Wise

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

PUBLIC FORUM FOR NON-AGENDA ITEMS

Eva Lowe requested that the Board waive the rental fee for a benefit concert she would like to hold at the Turner Center. The concert is to help with the building fund for two Churches in Nocatee that will be demolished for the widening of Hwy 17. Ms. Lowe suggested the County would receive funds from the concessions and the Church would receive funds from ticket sales and parking.

Jody Sullivan stated the non-profit prices are \$1 per car for parking and \$1 per ticket in addition to the rental fee of \$900.00. Chairman Selph suggested to have this request as an agenda item for the August 27th Board meeting. This would allow the Board time to review the policy. It was consensus of the Board to do so.

CONSENT AGENDA-MOTION TO APPROVE

A motion was made by Commissioner Quave to approve the Accounts and Warrants drawn according to schedule of bills payable; Minutes of July 9, 2013 Public Meeting; Minutes of June 9, 2013 Budget Workshop; Minutes of July 23, 2013 Budget Workshop; Minutes of July 23, 2013

Executive Session; Declaration of Surplus Property; Agreement amendment with Trademark Metals Recycling, LLC; Agreement renewal with the Medical Director, Dr. Steven Mishkind; A Resolution to apply for the State of Florida Department of Health Bureau of Emergency Medical Services County Grant Program. Seconded by Commissioner Mansfield. Motion carried unanimously.

PRESENTATION

7. Distinguished Citizen

Commissioner Miller presented Richard Bowers with the Distinguished Citizen Award for the third quarter. Commissioner Miller stated that Mr. Bowers is a man of character and authority, a family man and well respected. He cares about the County and the residents. Mr. Bowers stated he loves DeSoto County. He believes there is a system in life that we should follow; God then family. We need to take care of our children.

8. Heartland 2060

Pat Stead with the Central Florida Regional Planning Council (CFRPC) stated that the Board has been involved with Heartland 2060 since 2008. Heartland 2060 includes Polk, Hardee, DeSoto, and Okeechobee, Highlands, Glades and Hendry counties. One of the most important assets we have today in our region is natural resources. We need to work together in partnership to make our future better. Heartland 2060 is creating a 50 year vision for the future that enables growth while preserving natural areas, protecting wildlife, increasing agricultural production, supporting healthy communities and ensuring a vibrant economic and social life. The Core Values of Heartland 2060 are Stewardship of Natural Resources, Our Communities, Future for our Children, Water Resources and Respect for Agriculture.

REGULAR BUSINESS

9. Resolution/Budget Amendments

Linda Nipper request adoption of the Resolution amending the 2012/13 budget including attachments #2013-87, #2013-91, #2013-95, #2013-102, #2013-103, #2013-104. A motion was made by Commissioner Langford to adopt the Resolution amending the 2012/2013 budget including attachments. Seconded by Commissioner Mansfield. Motion carried unanimously.

10. Resolution/Economic Development Advisory Committee (EDAC)

Mandy Hines stated that the Resolution presented would supersede and replace Resolution #2010-12. As the Committee has evolved, the Board as well as the Committee has recognized necessary changes. This will formalize the appointment of a member that a representative of the agricultural private sector at the Board's previous direction, reduces the term to (2) years, reduces the quorum requirements to 2/3, formalizes the EDAC recommendations to allow the review of Ordinances that the County Attorney and Administrator deem as relevant to economic development or impacts on business and the appointment of Bill Hackney to serve as a member on an open seat. A motion was made by Commissioner Mansfield to adopt the Resolution superseding and replacing Resolution #2010-12 as presented. Seconded by Commissioner Langford. Further discussion was had. Motion carried unanimously.

11. Resolution/Enterprise Zone Development Agency (EZDA)

Mandy Hines stated this Resolution is to appoint members to serve on the Enterprise Zone Development Agency (EZDA). This is statutorily required. Commissioner Quave commented that he has spoke to some of our legislatures and they feel it will be difficult to get through being that the larger counties would not be in favor of the expansion and he will continue trying. Ms. Hines stated this has been proven to be an effective program. Enterprise Zone locations can be amended with certain guidelines being followed. A motion was made by Commissioner Quave to adopt the

Resolution appointing members to the Enterprise Zone Development Agency. Seconded by Commissioner Miller. Motion carried unanimously.

12. Resolution/Citizen Advisory Task Force Committee

Peggy Waters stated this Committee related to the CDBG program. The Committee is for a (2) year term. The purpose is to allow adequate opportunity for our citizen involvement in the planning, development and implementing of our CDBG. It ensures representation of low to moderate income persons and minorities. Membership appointments will include George Clayton, Diane Burroughs, Laraine Miranda and Karen Blanchette. A motion was made by Commissioner Quave to adopt the Resolution appointing members to the Citizen Advisory Task Force for a (2) year term. Seconded by Commissioner Langford. Motion carried unanimously.

13. Resolution/Certificate of Public Convenience and Necessity

Larry Taylor presented a request for a Resolution for Certificate of Public Convenience & Necessity (COPCN) to include Medical Examiner transports. The COPCN Review Committee met to discuss the applications for the County. The purpose of the Committee is to evaluate, interview and discuss the applications then recommend a primary applicant to the state mandated COPCN for DeSoto County. The Committee included Commissioner Mansfield, Dr. Steven Mishkind, Karen Taylor and Larry Taylor. Mr. Taylor stated that due to the uniqueness of DeSoto County, there is a need for only one primary COPCN transport company. In review, there have been several transport companies in the past simultaneously. The result was that two of the companies closed their business. It is the recommendation of the COPCN Review Committee to issue (1) COPCN to West Coast Southern Medical Services. Issuing a COPCN to one applicant does not prevent other transport companies from taking an emergency transport out of DeSoto County but it does limit who is called first. The State mandates that each county has a COPCN.

Commissioner Selph feels there should be more than one transport service available in the County to assist the primary COPCN in a case where both services are needed at the same time.

Commissioner Quave feels the County should have more choices which will possibly cause a decrease in rates and questioned the reason for only allowing one COPCN service. Mr. Taylor stated that only one services is needed due to the low number of transports. Chief Prescott stated that it would be the decision of the individual calling for the transport service as to who is called first. He also stated that the Board is required to choose a COPCN. The COPCN chosen will be active for a time period of (4) years.

Dr. Steven Mishkind stated that no patient will suffer nor will their life be compromised. Applications were reviewed critically. The best service for the residents of DeSoto County is the most important. In his opinion, there is only enough business for one service.

Commissioner Miller stated he has a better understanding of the issue at hand. Further discussion was had.

Don Conn stated the COPCN is based on need. From what he has listened to today, there is only a need for one provider and through the selection process; West Coast Southern Medical Services has been determined to be the best capable of meeting that need.

Ray Shannon, owner of West Coast Southern Medical stated that his priority is to keep a minimum of one ambulance, if not more available at all times.

Maurice Brown stated he appreciates the Board's interest in this matter. He agreed with Mr. Conn that a need for another provider has not been demonstrated. He also agreed with Commissioner Quave's opinion of "fair play". He would encourage more than one service but due to the lack of need demonstrated, he changed his mind from his original thoughts.

Jerry Hill stated that he believes in free enterprise system. The new company may possibly invest in County property and hire employees. He feels we should not decide what business comes or goes in the County and that competition is good. He urged the Board to do what is best for the public.

Commissioner Miller addressed Mr. Hill's comments and stated that this is an unusual and unique situation. A motion was made by Commissioner Miller to adopt the Resolution granting a Certificate of Public Convenience and Necessity to West Coast Southern Medical Services, Inc. including Medical Examiner transports. Seconded by Commissioner Mansfield. Commissioner Langford verified that the Board is required to name someone as COPCN by statute. Mr. Conn stated that if at some point in the future there was an additional need demonstrated, someone else could apply for a second COPCN and present to the Board that a need had occurred. Motion carried unanimously. Further discussion was had.

14. Declaration of Surplus/Vacant County Owned Properties

Cindy Talamantez stated that 120 pieces of County owned lands were found. The properties that are being used and deed restricted were eliminated which left approximately 30 with 2 bonus properties. Ms. Talamantez requested direction from the Board on how to proceed with property located on Maple Street which would be handled as a public sale. She explained that Public Sale is anything that is suitable for anyone in the county with no restrictions. Private Sale would be advertised only to the adjacent property owners due to the fact that there is no access and is not a buildable lot. There will be minimum bid requirements depending on the property in question. Property located off of CR 761 on Edgewater Terrace is 5 acres and platted as a park in the 1950's. The County Parks Department has no need for this property.

Don Conn suggested that the Board review the list of properties and determine if there is anything they do not want to sell. For the properties that the Board determines to sell, they will give recommendations on how to proceed. Today the Board only needs to make a decision on the properties they would like to keep.

Commissioner Langford suggested keeping the 4 parcels located on Kings Highway for Economic Development for the possibility of new businesses and to sell the remaining properties.

Ms. Talamantez spoke regarding Peace River Estates properties. There are surrounding properties selling at \$4,000.00 per acre. She feels the above properties are not needed. Another property is Lettuce Lake Park (9 acres) that was previously donated to the County during the 1950's to be used as a park. Minor adjustments would be required before the sale of the property.

Tara Anderson suggested keeping the top corner of the property for the ramp and bathrooms. The back half of the property has hiking trails and the possibility of (5) primitive campsites.

Mr. Maxcy suggested leasing the property for the purpose of primitive campsites.

Ms. Talamantez stated there is a natural part in the property for dividing; a portion could be sold but not all.

Commissioner Miller commented that residents in the area may show concern if the possibility of campsites were discussed. He is concerned with the use of the property and the proximity of the parks in the area. He does not believe the County is financially able to do anything other than primitive camping.

Chairman Selph is not in favor of primitive campsites on this small amount of property and to look at these as revenue sources.

Maurice Brown suggested selling the lots and possibly developing for weekend cabins for the purpose of economic development.

George Lempenau feels this property is not commercially viable for camping and not a good time to

sell properties.

It was consensus of the Board to sell the property and only keep what is needed for utilities.

Ms. Talamantez spoke regarding Riverside Drive, also known as the Braden property. This property is a vacant lot that is buildable. Commissioner Langford suggested selling the property for the purpose of being added back to the tax roll.

Ms. Talamantez discussed the Reynolds Road property. It was the site of the former landfill. Due to contamination, this is not allowed to be sold. It is an option for a possible lease. Currently a resident has cattle on the property. There is no official lease. Ms. Talamantez suggested putting out for bid for grazing property and also suggested a liability release. It would be the decision of DEP if the property is eligible for sale.

Ms. Talamantez spoke regarding Herbert Avenue. Mr. Davis approached the Board in 2006 for use of the property. Shawn Edwards stated the Road & Bridge department utilizes this property and could be used as a shell pit for the County in the future. It was consensus of the Board to keep this property. Commissioner Langford suggested maintaining the property with cattle.

Ms. Talamantez spoke regarding lots on Kings Highway that are zoned IL. Mandy Hines agrees that these are good to keep as a resource.

Mr. Maxcy stated that all of the properties will be brought before the Board as an agenda item and a decision will be made at that time.

15. Code Enforcement Complaints

Jorge Hernandez requested direction from the Board regarding the reinstatement of anonymous complaints. Currently the public is required to give their name and number when filing a complaint. Citizens are concerned for their safety when filing a complaint and giving their name that is public record. In June 2010, the Board voted to stop accepting anonymous complaints due to residents abusing the policy. Mr. Hernandez stated the amount of cases have decreased dramatically when anonymous complaints were no longer accepted. If the anonymous policy is reinstated, complaints will increase.

Mr. Maxcy suggested changing the policy and re-evaluate in (1) year.

Chairman Selph stated he brought this item to the Board due to a citizen informing him that he felt threatened to turn in a code violation. He feels if the policy is amended, the complaints will increase resulting in the need for an additional Code Enforcement Officer. At the same time, Chairman Selph understands someone feeling intimidated by being required to leave their name.

Mr. Conn stated he does not have a recommendation for an alternate solution.

Commissioner Miller feels the workload will increase resulting in the need for additional personnel. Threats can be dealt with in other ways. He is not in favor of changing the policy.

Commissioner Mansfield is not in favor of changing the policy and stated that anyone not comfortable with leaving their name can call him and he will put his name on the complaint.

Commissioner Quave is in favor of changing the policy and feels the issue is if a violation has occurred. The name of the complainant should not be important. There should be a proactive enforcement of codes.

George Lempenau feels there should not be an issue with someone giving their name. The County cannot afford to change the policy which will result in the need for an additional Code Enforcement Officer.

Nancy Anderson stated she attempted to make a complaint but declined because she was required to give her name.

Bill Spiegel stated he is in favor of keeping the current policy and suggested forming a separate file for the names. He believes requiring the complainant's name forces people to really think before they actually file a complaint.

Tom Pafford is in favor of changing the policy and feels being anonymous is his right.

Maurice Brown stated that laws are to be enforced. The County should not dump this on the Sheriff and we all have the right to live in harmony and peace with our neighbors. He is in favor of changing the policy and the Board should allow Jorge Hernandez to do his job.

A motion was made by Commissioner Quave to accept anonymous complaints of alleged code violations. Seconded by Commissioner Miller. Commissioner Miller amended the motion to state anonymous complaints be kept in a separate file and available to anyone upon request; additionally that any complaint received regarding safety or environmental reasons, the complainant is not required to leave their name. Motion died for lack of support. Commissioner Miller withdrew his amendment. Further discussion was had. Motion failed 1-4.

16. Contract Amendment/Fortiline Waterworks

Shawn Edwards present a request to amend the current contract for an additional (2) years. A motion was made by Commissioner Langford to approve the contract amendment with Fortiline Waterworks, Inc. for the supply of HDPE corrugated water tight pipe. Seconded by Commissioner Mansfield. Motion carried unanimously.

17. Contract/Mueller Services

Eddie Miller presented a request for a piggyback contract for hydrant and valve maintenance services. The County has had a system in place for approximately (9) years with no servicing. Seals will be replaced if needed and hydrants will be painted. There are a total of approximately 200 hydrants to be serviced. Cost will be less than \$10,000.00. Chairman Selph feels this is a reasonable price for the one-time service. A qualified County employee will perform follow up maintenance. This service/repair is required by DEP. A motion was made by Commissioner Quave to approve the piggyback contract with Mueller Services for hydrant and valve maintenance and repair/replacement services. Seconded by Commissioner Langford. Motion carried unanimously.

18. Contract/Mader Electric Motors

Eddie Miller stated that he has experienced excellent service and quality with Mader Electric. A motion was made by Commissioner Langford to approve the piggyback contract with Mader Electric Motors for equipment repair/replacement services. Seconded by Commissioner Mansfield. Motion carried unanimously.

19. Letter/Department of Economic Opportunity, Bureau of Community Planning

Tom Cookingham stated the letter is in lieu of what used to be the Evaluation Appraisal Report which was a very detailed appraisal of the County's Comprehensive Plan that followed State criteria with the changes in the Growth Management Act in 2011. Local jurisdiction has greater flexibility in reviewing its Comp. Plan and identifying things that need to be modified or changed. A motion was made by Commissioner Quave to approve staff transmittal of the evaluation and appraisal notification letter to the State Department of Economic Opportunity, Bureau of Community Planning. Seconded by Commissioner Langford. Motion carried unanimously.

20. Lease Amendment/Lake Suzy

Don Conn stated that when Lake Suzy was acquired by the County, we also acquired a lease to 26 acres on which utility facilities are located. Peace River Authority is requesting that the County release 4,000 square feet for purchase from the property owner. No utility facilities are on the requested parcel. The Peace River Authority has an underground meter assembly located on the

requested property. A motion was made by Commissioner Langford to approve the amendment to the Lake Suzy lease. Seconded by Commissioner Mansfield. Motion carried 4-0. Commissioner Quave was not present at the time of voting.

21. Settlement of Statutory Lien/NRH DeSoto

Don Conn stated that this item involves a utility agreement that the Board has terminated. The agreement was in 2006. The property owner at the time was NRH DeSoto which paid \$225,000.00 in capital charges in order to reserve 50 Wastewater ERU's. NRH DeSoto failed to make the required monthly payments and the agreement was terminated. The property is currently owned by Rialto and a buyer has been obtained. Due to the statutory lien of \$44,112.00 by the County; the buyer will not close on the sale of the property. Rialto has proposed to pay to the County \$22,056.56 or 50% of the lien amount to settle the matter. A motion was made by Commissioner Miller to approve the settlement in the amount of \$22,056.56 and release of lien. Seconded by Commissioner Mansfield. Motion carried unanimously.

22. LDR Section 2202/Parking or Storage of Commercial Vehicles in Residential Districts

Don Conn requested direction from the Board as to interpretation of Section 2202 of the LDR. The provision deals with the parking or storage of vehicles in residential districts. Five types of commercial vehicles are defined which are prohibited in a residential district. There are six exceptions set forth and after each section there is a period; there is not an "and", there is not an "or".

Exception 1/ Commercial vehicles that meet these 3 criteria are exempt: load capacity, height and length.

Exception 2/ Places limitations of two commercial vehicles in A5, A10 and RM zoning districts.

Mr. Conn stated he was requested by Code Enforcement to render an interpretation of how Exceptions 1 & 2 are to be construed. If they are read separately, the residential districts will have an unlimited number of commercial vehicles that meet the criteria of number one due to no notation of the number of vehicles. If they are read together, number 2 states no more than two commercial vehicles can be parked in A5, A10 and RM zoning districts. Mr. Conn would interpret that limitation of 2 to be placed on the criteria set forth in number 1 so that in residential districts, two commercial vehicles are allowed as long as they meet the criteria in number 1. Mr. Conn requested direction from the Board as to whether to read 1 & 2 together or read them separately. Mr. Conn requested the Board's attention to Exception 5/ Exempts parking of agriculture equipment and vehicles on private land used for bonafide agricultural purposes.

Jorge Hernandez stated he is only looking for clarification from the Board on how to interpret the above. His recollection is that it was to be "either/or" but the "or" was not included. Further discussion was had.

Mr. Conn stated the proposed revisions will be presented to the Board at a later date.

ADMINISTRATOR'S REPORT

Mr. Maxcy proposed a date of September 9, 2013 for the tentative adoption of the 2013/2014 Budget and September 24, 2013 as the Final Budget Hearing both to be held at 6:30pm. The Final Budget Workshop to be held on August 27, 2013 at 9:00am. It was consensus of the Board to approve the above dates and times.

Mr. Maxcy requested Board approval to post a Public Worker III position as well as a Utilities Maintenance Technician position. It was consensus of the Board to do so.

Mr. Maxcy announced the retirement of Chief Prescott with his last day being August 30, 2013. He requested to install Larry Taylor, Deputy Fire Chief as the Interim Fire Chief. Chief Prescott will act

as the Deputy Chief until his retirement. Mr. Taylor will work as a transition period until August 30, 2013 with no change in rate of pay. After that date Mr. Taylor's will receive an increase in pay until the position of Fire Chief is hired. Mr. Maxcy requested to post the position internally as well as externally with the expectation of filling the position within 60-120 days. He also requested the Board's direction on a method for selecting a Screening and Interviewing Committee for a new Fire Chief. The Committee should consist of 7-8 members with knowledge of fire standards and operational issues as well as members with knowledge in the healthcare field. The committee should also consist of members with knowledge of the codes and standard and operational issues to assure the candidate selected is a good fit for DeSoto County. This committee will only make recommendations to Mr. Maxcy.

Chairman Selph was in favor of the committee but does not want to delay 120 days. He suggested if someone is hired that requires relocating, to delay until after Christmas for time with family.

Don Kesterson stated the position will be advertised as soon as the job description is reviewed.

Commissioner Mansfield requested to review the job description within 1 week.

Commissioner Langford suggested choosing the best possible candidate as quickly as possible but without rushing the matter.

Mr. Maxcy stated the position will be advertised at the current pay range but experience will determine the rate of pay for the new hire. It was consensus of the Board to move forward with the committee.

COUNTY ATTORNEY'S REPORT

Mr. Conn commented on an issue regarding second hand dealers who sell items such as books, firearms and sporting equipment. The current statute does not state any exceptions for someone who wants to sell clothing, books and firearms. He will present a report to the Board and possibly a proposed Ordinance that exempts certain second hand items from being required to be regulated by the County.

There has been a Notice of Claim received regarding the matter at the jail filed on behalf of the individual. This is not a lawsuit. A six month notice is required before an action is brought against a governmental entity.

BOARD MEMBER COMMENTS

Commissioner Quave commented that the food drive at the Turner Center was a success and proud to see all the volunteers who helped.

Commissioner Langford stated that a person that is involved with local paving projects is concerned regarding bonds with the County. Commissioner Langford suggested having the matter brought before the Board as an agenda item in the near future. There is a possibility of cost savings. Mr. Conn stated he will discuss this with the Purchasing Department and Engineering then present a recommendation to the Board.

Commissioner Mansfield commented regarding County boat ramps being closed when the water is dangerously high. Mr. Maxcy stated that the policy is that when the river has reached the flood stage or close, the boat ramps are closed. Commissioner Mansfield commented that Lee Gallagher has received approval to have the traveling Vietnam Memorial Wall December 3-8, 2014.

Commissioner Miller stated the Brownville Bridge is open and ahead of schedule. He thanked the Board for making every matter on the agenda important and not rushing. He was very pleased to see that Farm Share was such a success with Representatives Ben Albritton and Frank Artillion were present. Commissioner Miller also stated that he took part in an event to benefit a local resident, Darrell McCall that has been diagnosed with cancer. Mr. Joe Gallimore held the event and raised

approximately \$11,000.00.

Commissioner Selph commented that this community takes care of each other. He also commented regarding the article about DeSoto County in the Sarasota Herald Tribune and we are a good community regardless of what is stated in the article. He thanked the Sheriff for his services and his officers. He also commented regarding the tragedy of Sgt. Mike Wilson that was killed in the line of duty in Charlotte County. He wished Chief Prescott a happy retirement.

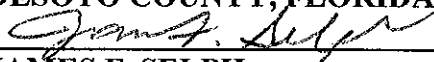
ADJOURNMENT

There being no further business, Chairman Selph adjourned the meeting at 1:24 PM.

ATTEST:



C. GUY MAXCY
COUNTY ADMINISTRATOR

BOARD OF COUNTY COMMISSION
DESOTO COUNTY, FLORIDA


JAMES F. SELPH
CHAIRMAN