

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON AUGUST 28, 2014 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 August 28, 2014 with the following persons present:

Commissioner, Buddy Mansfield, Dist#1	HR Director, Don Kesterson
Commissioner, James Selph, Dist#2	Fire Chief, Larry Taylor
Commissioner, Gabriel Quave, Dist#3	Purchasing Director, Cindy Talamantez
Chairman, Elton Langford, Dist#4	Utilities Director, Eddie Miller
Commissioner, Bob Miller, Dist#5	County Engineer, Mike Giardullo
County Administrator, Mandy Hines	Office Manager, Lauri Terry
County Attorney, Don Conn	Social Services Director, Peggy Waters
Transcribing Secretary, Jill Thompson	Planning Manager, Tom Cookingham
Administrative Services Director, Linda Nipper	Turner Center Director, Jody Sullivan
Road & Bridge Director, Shawn Edwards	Env. Services Director, Henry Grimes
Compliance Director, Jorge Hernandez	Building Official, Lester Hornbake
Facilities Director, Richard Metzger	Library Director, Linda Waters

CALL TO ORDER 3:00 PM

PRAYER- Commissioner James Selph

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS

Sheriff Will Wise, Karen Whaley with Representative Ben Albritton's Office, Tax Collector Kathy Hill, DeSoto County School Board Member Ronny Allen and Retired County Commissioner Ronald Neads.

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

PUBLIC FORUM FOR NON-AGENDA ITEMS

Mary Kay Burns gave an update regarding some of the budget concerns that are facing the Health Department. The ER Diversion Grant will be going away as of June 2015, which is \$375,000. Office hours will decrease to 5 days a week, 8 hours a day. She wanted to make the Board aware of the situation. The cost of utilities at the Baldwin site runs approximately \$92,000 annually. Ms. Burns stated the building is over 30 years old. Commissioner Mansfield questioned the cost of installing insulation or FPL performing an audit assessment. Ms. Hines commented we are currently looking into this. Ms. Burns commented that she will remain optimistic and apply for grants. Commissioner Selph feels these funds should be in a pool instead of a grant. He feels this is an issue for the Small County Coalition to address. With these issues, an excess of 1 billion in funding cuts with the State. Ms. Burns commented she is looking at all things that will be impacting the Health Department and working on a plan. Further discussion ensued. Commissioner Selph requested a breakdown of costs for utilities at the Baldwin site.

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 22, 2014 BOCC Public Meeting; Minutes of July 24, 2014 Budget Workshop; Minutes of July 31, 2014 Emergency Budget Meeting; Resolution for the Florida Department of Transportation Section 5316 Program Grant; Resolution for the Florida Department of Transportation Section 5317 Program Grant; Annual SHIP report certification for State fiscal years 2011-2012 through 2013-2014; Proclamation for Childhood Cancer Awareness Month and Contract addendum with Digitech Computer, Inc. Seconded by Commissioner Mansfield. Motion carried unanimously.

REGULAR BUSINESS

8. Resolution/Budget Amendments

Linda Nipper presented budget amendment #2014-154. A motion was made by Commissioner Mansfield to adopt the Resolution amending the 2013/2014 budget including attachments. Seconded by Commissioner Selph. Motion carried unanimously.

9. Bid Award-Contract/Custodial Services

Richard Metzger stated one contractor responded, which is also the current contractor. There was a slight increase of less than 3% in the contract due to taking on extra duties. This item is included in the budget. A motion was made by Commissioner Quave to approve the contract with Premier Cleaning Technologies, LLC and authorize the Chairman to execute the contract. Seconded by Commissioner Mansfield. Motion carried unanimously.

10. Bid Award-Contract/Pence Lawn Care

Richard Metzger stated two companies responded. A motion was made by Commissioner Selph to approve the contract with Pence Lawn Care and authorize the Chairman to execute the contract. Seconded by Commissioner Miller.

Commissioner Quave commented he met with one of the companies that submitted a bid on this item and a subsequent meeting with Don Conn. He feels there is language that should be reviewed and changed and therefore would like to see this item presented to the Board next year. Further discussion ensued. Commissioner Quave does not feel the contract is worded correctly.

Mr. Conn commented the suggestion is that three months before the renewal, there is further discussion to see if the Board wants to renew or go out with another bid that clarifies a portion of the language. This is a unit price bid and the County may be better off, in a bid like this, awarding to more than one contractor and selecting the lowest unit price for the different components.

Mr. Metzger commented that during the mandatory pre-bid process he stated it would be awarded as a total lump sum; the reason being is that most lawn maintenance is grouped as banks, etc... Further discussion ensued. Commissioner Selph feels the contract should remain the same.

Mr. Conn stated the motion is to approve the contract. The contract is for 1 year with the option to renew. Commissioner Quave would like to amend the motion adding the requirement that staff bring this contract back to the Board 3 months before the first renewal so that the Board can decide if it should be renewed or if a new RFP should be issued, which gives the County the option of awarding more than one company and selecting the best unit price for each contractor.

Commissioner Selph feels this is no different than last time and creates a problem if changed. He does not agree with the change but he will go along with it.

Chairman Langford stated he agrees with changing the wording but he also feels it should be left the same so if there is an issue where the County can save money, there is room to allow that.

Motion carried to leave contract as is with a review 3 months prior to renewal 4-1 with Commissioner Quave dissenting.

11. Promissory Note/Utility Customers

Eddie Miller presented a spreadsheet to the Board for review. The cost for a typical connection short service is \$1,412. A payment/payback plan was discussed.

Commissioner Quave questioned what differentiates short service versus long service? Mr. Miller stated that if the pipe is on your side of the road, it is short service; if the pipe is on the opposite side of the road, it is long service. Further discussion ensued. Mr. Conn commented we would always encourage the shortest payback possible. He commented that Mr. Miller is looking for the authority to extend the payback period under certain circumstances. Chairman Langford commented that we have legal responsibility to do what we need to do and leave the payment period up to the customer. Further discussion ensued. Commissioner Miller questioned the method of disconnect with this fee included in the monthly bill. Mr. Conn stated he will verify what can be done legally.

Commissioner Mansfield feels the customer has nothing invested if they only pay a small fee. He feels the customer should be required to make a larger down payment so the Utility Department is not carrying the entire bill. The Board feels this item should be tabled until further information is collected. A motion was made by Commissioner Miller to table agenda item #11. Seconded by Commissioner Mansfield. Motion carried unanimously.

12. Work Assignment #55/The Weiler Engineering Corporation

Cindy Talamantez stated this work assignment is for CEI Services for Carlstrom Field Road project. It is grant funded under SCOP and the contract was awarded to Excavation Point. Further discussion ensued. A motion was made by Commissioner Mansfield to approve Work Assignment #55 with the Weiler Engineering Corporation for CEI Services for the Carlstrom Field Road project and authorize the Chairman to execute the work assignment. Seconded by Commissioner Selph. Motion carried unanimously.

13. Waiver/Code Enforcement Interest Accumulation

Jorge Hernandez on behalf of DeSoto Dairy, Inc. requested to waive the interest accumulated for demolition by the County on said property. The interest has accumulated for 6.85 years for a total of \$15,993.06. The actual cost of the demolition was \$23,349.87. Commissioner Mansfield questioned why this was not paid previously? Bob Dennis, property owner, stated lack of payment was due to insufficient funds. This was a County initiated demolition due to unsafe conditions.

Commissioner Miller verified the request is to waive the interest of \$15,993.06 and to pay \$23,349.87. Mr. Dennis commented the lien has prevented sale of the property. Further discussion ensued. A motion was made by Commissioner Quave to approve the request of waiver of interest accumulated for Resolution # 2007-67 with the understanding to be paid with cashier's check made payable to the County within 48 hours and if not, the deal is off the table and all interest will be due. Seconded by Commissioner Selph. Mr. Hernandez stated that all costs and fees are included in the total of \$23,349.87. Further discussion ensued. Don Conn stated this matter can be tabled or a second offer can be considered. If there is not a sale pending, this matter can come back to the Board at the next meeting.

Bill Spiegel is concerned with continuing to charge interest on demolition. He feels it defeats the purpose of the Ordinance if the entire interest is forgiven.

Mr. Dennis gave a counter offer of \$25,000.

Commissioner Quave amended his motion to approve the offer of \$25,000 or 1% whichever is greater. Seconded by Commissioner Selph. Motion carried unanimously.

14. Contract/County Administrator

Don Conn presented the proposed contract for Mandy Hines to serve as County Administrator. This contract is similar to prior contracts with Administrators. There are a few differences being; no

County car or allowance. The agreement will stay in effect until either Ms. Hines resigns, is terminated or reassigned. Compensation is \$100,000 which is equal to or less than previous Administrators, standard leave and will be in senior management service. Termination provisions will follow Statute. If there is misconduct or admission of a crime, there would be no severance. The reassignment provision allows that in lieu of termination or resignation Ms. Hines is to resume the position of County Coordinator at the salary she was making plus any cost of living increases; to remain in that position for a period of 3 years. Mr. Conn commented that accrued benefits will remain. Commissioner Quave suggested a payout of current vacation time accrued and start new. A motion was made by Commissioner Mansfield to approve the contract for Mandy Hines to serve as County Administrator of DeSoto County. Seconded by Commissioner Selph. Motion carried unanimously.

ADMINISTRATOR'S REPORT

Mandy Hines commented we have received bids on the CR 661 Railroad Improvement project which came in at \$34,715 and this price is good for 90 days and is in the tentative budget for 2014/2015. A contract will be presented to the Board approval unless the Board advises otherwise.

Another project out to bid is for Downtown Arcadia for ADA compliance, beautification, landscaping and some drainage and intersection improvements. Funds in the amount of \$196,000 from FDOT through the LAP Program are available for enhanced intersections. The base bid came in significantly higher than the project budget. Purchasing staff has met with the bidder and discussed other options. Different options have been discussed with the City as well. Purchasing and Engineering will review alternatives and present a recommendation to the Board in the near future. If we are unable to reach a reasonable reduced scope or fund the project, we will lose the dedicated LAP funding for this project.

Transportation staff has been very helpful in working with the City and the airport to deliver dirt to help in the preparation of campsites which will support the fly in for the Rodeo and the Vietnam Memorial Wall. The County has also been working with the School Board Facilities Department to take care of ditch cleaning needs at the High School. They also need culverts that need repair and we are working with them to assist in that need.

Ms. Hines commented on the possibility of drawing on the line of credit for cash flow going into the next fiscal year.

The County has issued an RFP for State Lobbying Services for fiscal year 14/15.

COUNTY ATTORNEY'S REPORT

Don Conn commented at the last meeting discussion was had of the possibility of scheduling the LDR Hearings on September 23rd and October 28th. Are these dates satisfactory with the Board? There was Board consensus to proceed with the dates mentioned.

BOARD MEMBER COMMENTS

Commissioner Mansfield congratulated Ms. Hines. He also congratulated Commissioner Langford and Commissioner Selph on their wins Tuesday. He challenged all the Commissioners to the Ice Bucket Challenge to possibly take place next week. He requested they let Ms. Hines know what day they are available.

Commissioner Quave believes the grant the Health Department is losing will have a profound effect in the county. Regarding the deferred payment discussion, he is aware of specific language and if it is not in writing, it needs to be. He would like Mr. Conn to work on this issue.

He is excited to have Ms. Hines as the new Administrator. He feels that once all the holes are filled in the budget, there is a need to start looking at the revenue. Costs have been cut to a dangerously

low point. He questioned if everyone is being charged correctly? He will agree to participate in the ALS Ice Bucket Challenge.

Commissioner Selph congratulated Mandy as well as Commissioner Langford. He also thanked the voters that supported him.

Commissioner Miller congratulated Ms. Hines. He commented that it is a matter of concern regarding the utilities issue and thanked Eddie Miller for his understanding. He was pleased to see over 50 campers and RVs at the Turner Center over the weekend. He complimented the staff on having the area clean by the next day and only hears positive feedback regarding the Turner Center and staff. He commented regarding the new batting cages at the High School and those that contributed in helping make it happen. He commented on the success of the tailgate party downtown. He congratulated Commissioner Selph and Commissioner Langford on their recent wins. Chairman Langford announced that the DeSoto County Delegation meeting is scheduled for October 29, 2014 at 1:30 pm in the BOCC Chambers. He thanked the voters and those that personally helped him and congratulated Ms. Hines on her new position of County Administrator. He also congratulated Commissioner Selph. He agreed to the ALS Ice Bucket Challenge but he wants the Board to donate to the cause as well as the people that come to watch.

RECESS UNTIL 6:30 PM PUBLIC HEARING

PUBLIC HEARING

15. Resolution/Golden Melody Lighting District

Debra Goodson stated the MSBU for this lighting district needs to increase due to the rise in cost of electricity. The increase will cover the deficiency and will also cover some of the deficiency in the General Revenue Fund. When the gap closes, the MSBU will be decreased.

Commissioner Selph verified this money can only be used to pay for the lights and cannot go into the General fund, based on state law.

Timothy White is concerned with the increase and will it be a monthly assessment. Debra Goodson commented the assessment will be on the tax bill annually.

A motion was made by Commissioner Mansfield to adopt the Resolution to increase the Non-Ad Valorem Assessment rate from \$45.00 to \$55.00 per year per lot for the Golden Melody Lighting District. Seconded by Commissioner Quave. Motion carried unanimously.

16. Resolution/Harlem Height Lighting District

Debra Goodson stated the MSBU for this lighting district needs to increase due to the rise in the cost of electricity. The increase will be from \$11.00 per lot to \$15.00 per lot.

Commissioner Selph commented the MSBU amount is based on the number of lots and the number of lights. Ms. Goodson commented that Harlem Heights has 208 lots and Golden Melody has 129 lots. A motion was made by Commissioner Quave to adopt the Resolution to increase the Non-Ad Valorem Assessment rate from \$11.00 to \$15.00 per year per lot for the Harlem Heights Lighting District. Seconded by Commissioner Mansfield. Motion carried unanimously.

17. Resolution/Kings Crossing Lighting District

Debra Goodson stated the MSBU for this lighting district needs to increase due to the rise in the cost of electricity. The increase will be from \$21.00 per lot to \$28.00 per lot.

Jerry Barnes, Treasurer of Lake Suzy Home Owners Association questioned how the assessment was determined? Why are condominium units assessed the same amount as single family homes? Why is another section of the county assessed lower? What is the assessment going to be used for? Why did the assessment come immediately after the newspaper announced that the County budget was losing ground? When will the MSBU become effective? Debra Goodson stated there are 942 lots in Kings Crossing with 198 lights that are being assessed which create a monthly bill of almost \$1,900.

Further discussion ensued. Commissioner Miller commented the lights benefit everyone equally. George Lempenau suggested looking at other options such as different bulbs.

A motion was made by Commissioner Quave to adopt the Resolution to increase the Non-Ad Valorem assessment rate from \$21.00 to \$28.00 per year per lot for the Kings Crossing Lighting District. Seconded by Commissioner Miller. Motion carried unanimously.

Don Conn gave a statement regarding the Quasi-Judicial Hearing process. All that wish to be heard was sworn in by the Board Clerk.

Chairman Langford called for any ex-parte communication. Commissioners Selph, Miller, Mansfield, Quave and Langford all reported ex-parte communication and will complete the appropriate form.

18. Resolution/Special Exception 2014-07

Tom Cookingham presented a request to allow the reuse of a store, boat ramp, pavilion and infrastructure for recreational/leisure uses (airboat tours) on 23+ acres in an Agricultural-5 zone district, contingent upon conditions. The property is north of and adjacent to CR 760 and Adventure Way. Proper notice was given to surrounding property owners and property was posted. One letter of concern was received regarding airboat noise and asking the Board to consider, at some point, an Ordinance regulating airboat noise. The project is in compliance with the Comprehensive Plan. There is no staff proposed special requirements.

George Lempenau commented that the Board has no control over the noise on a navigable waterway. Eugene Turner, Jr. commented he was present on behalf of Walt Johnson.

Zack Varner with Peace River Airboat Tours stated he was in favor of the request. He stated the store will be mainly for the airboat customers but will welcome other customers. The plan is to make use of existing structures. Hours of operation are generally 9:00 am – 5:00 pm.

Maurice Brown voiced his concerns regarding security and vandalism.

A motion was made by Commissioner Mansfield to close the public hearing. Seconded by Commissioner Quave. Motion carried unanimously.

A motion was made by Commissioner Mansfield to approve a Resolution granting SE 2014-07 allowing the reuse of a store, boat ramp, pavilion and infrastructure for recreational/leisure uses (airboat tours) on 23+ acres in the Agriculture-5 zone district contingent upon conditions. Seconded by Commissioner Selph. Motion carried unanimously.

19. Resolution/Special Exception 2014-08

Tom Cookingham presented a request to allow a church expansion with the construction of a 1,500 square foot children's play area in a Residential Multi-Family-Mixed (RMF-M) zone district. The request is consistent with LDRs. Staff recommends approval.

A motion was made by Commissioner Miller to close the public hearing. Seconded by Commissioner Mansfield. Motion carried unanimously.

A motion was made by Commissioner Selph to adopt a Resolution granting SE 2014-08 allowing a church expansion with the construction of a 1,500 square foot children's play area in the Residential Multi-Family-Mixed (RMF-M) zone district. Seconded by Commissioner Miller. Motion carried unanimously.

20. Resolution/PUD

Tom Cookingham presented a request to allow 999 mixed residential units, recreational areas and 242+ acres of open space/preserve and ancillary facilities. The property is located on the east side of CR 769. Turning lanes will be required in the future. Mr. Cookingham explained the set up of the development. This development will also need to hook up to County Sewer and Water.

Commissioner Langford questioned if all property was properly noticed?

Mr. Cookingham stated this item was advertised before the required time and a correction notice was also advertised. Don Conn stated a 10 day corrective notice rescheduling the hearing from the 26th to the 28th was given properly. The property was not posted with the corrected hearing date nor was notice sent by mail of corrected date. Chairman Langford feels that due to insufficient notice, this item should be tabled until proper notice is given.

A motion was made by Commissioner Quave to close the public hearing. Seconded by Commissioner Mansfield. Motion carried unanimously. A motion was made by Commissioner Quave to table this agenda item, SE 2014-02 to a later date so that proper notice can be given. Seconded by Commissioner Mansfield. Motion carried unanimously.

ADJOURNMENT

There being no further business, Chairman Langford adjourned the meeting at 7:24 PM.

ATTEST:

Mandy Hines

MANDY HINES
COUNTY ADMINISTRATOR

BOARD OF COUNTY COMMISSION
DESOTO COUNTY, FLORIDA

Elton A. Langford

ELTON A. LANGFORD
CHAIRMAN