

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON SEPTEMBER 10, 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 September 10, 2013 with the following persons present:

Commissioner, Buddy Mansfield, Dist#1
Chairman, James Selph, Dist#2
Commissioner, Gabriel Quave, Dist#3
Commissioner, Elton Langford, Dist#4
Commissioner, Bob Miller, Dist#5
County Administrator, C. Guy Maxcy
County Attorney, Don Conn
Facilities Director, Richard Metzger
Transcribing Secretary, Jill Thompson
Administrative Services Director, Linda Nipper
Road & Bridge Director, Shawn Edwards
Compliance Director, Jorge Hernandez

Planning Manager, Thomas Cookingham
Fire Chief, Larry Taylor
Purchasing Director, Cindy Talamantez
HR Director, Don Kesterson
EM Director, Doug Christ
County Coordinator, Mandy Hines
Parks & Recreation Director, Tara Anderson
Environmental Svcs. Director, Henry Grimes
County Engineer, Mike Giardullo
Building Official, Lester Hornbake
Turner Center Director, Jody Sullivan

CALL TO ORDER 9:00 AM

PRAYER- Commissioner Mansfield

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS

Kathy Hill, Tax Collector and Sheriff Will Wise

SET/AMEND- Chairman Selph stated that item #18 will be moved to the first item on the agenda. A motion was made by Commissioner Quave to set the agenda moving item #18 to be heard first. Seconded by Commissioner Miller. Motion carried unanimously.

PUBLIC FORUM FOR NON-AGENDA ITEMS

Tara Anderson presented to the Board the issue of Fall/Winter hours for Brewer Park. Ms. Anderson requested guidance regarding lights, fees and schedules. DCYBS would like the use of park lights beyond the scheduled times to allow for practice.

Trey Turner made a request to the Board regarding use of the lights for the senior field at Brewer Park on Tuesdays and Thursdays from 5:00pm-7:30pm. Further discussion was had regarding the extra charge for the lights during Fall Ball and the demand charges.

Mr. Maxcy suggested having fund raisers to help with the added expense of the lights.

Mr. Turner stated he would help in any way possible with the maintenance of the fields.

Ben Adams stated in the last year he has spent approximately \$30,000.00 on improvements for Brewer Park as an organization.

It was consensus of the Board to allow use of the lights by DCYBS for Fall Ball.

Frank Davis requested that the Board consider allowing campers on A-10 Ag land with proper waste removal and permits for electrical. Camping would be limited to weekends and holidays for personal use only. The property is located in Peace River Acres.

Jorge Hernandez stated this is brought before the Board due to several complaints in that area of people living or staying in recreational vehicles. Further discussion was had.

Don Conn stated the request would require a change in the County's LDRs.

Rick Young, Owner of Open Road Bar & Grill spoke to the Board regarding Temporary Use Permits. He feels the \$150.00 fee is too high and requested that the Board conduct a study or comparison of surrounding areas. Mr. Young stated the reason for permits would be due to outdoor vendors. He suggested the possibility of a onetime fee for one year.

Mr. Maxcy will direct staff to perform a study/comparison and report the results to the Board.

CONSENT AGENDA-MOTION TO APPROVE

A motion was made by Commissioner Langford to approve the Accounts and Warrants drawn according to schedule of bills payable; Minutes of August 13, 2013 Public Meeting; Minutes of August 27, 2013 Workshop; Application for annual State Aid through Florida Department of State, Division of Library and Information Services; Contract extension with Pence Lawn Care; Contract extension with Premier Cleaning Technologies, LLC. Seconded by Commissioner Quave. Motion carried unanimously.

REGULAR BUSINESS

6. Award of Funds/Tourism Development Marketing Grant Program

Mandy Hines requested consideration of the award of a marketing grant for the 2012/13 fiscal year to the DeSoto Arts & Humanities Council. Two applications were received and were ranked by a subset of the Tourism Development Council. The TDC has made a recommendation to provide an award of \$750.00 for an event held by the DeSoto Arts & Humanities Council on November 16, 2013. A motion was made by Commissioner Langford to award the Tourism Development Tax Funds in the amount of \$750.00 to DeSoto Arts & Humanities Council as presented. Seconded by Commissioner Mansfield. Motion carried unanimously. Karen Smoks spoke regarding her article printed in Florida Gardening Magazine. She thanked the Board and extended an invitation to an event at Martin Art Gallery on November 16th at 5:30pm.

PRESENTATION

7. Presentation/Urban Boundary

Tom Cookingham spoke regarding the Federal Urban Boundary and Functional Classification Study. After every census the Federal Highway Administration in conjunction with FDOT, undertake an update of the urban boundaries and the functional classification of roadways. Recommendations from the FDOT districts are forwarded to the State and Federal agencies for approval. Staff has reviewed the recommendations and concurs with them. Mr. Cookingham reviewed the classification and update process. Further discussion was had.

8. Resolution-Agreement Amendment/LAP

Mike Giardullo stated that this project is for the Arcadia Downtown improvements. An additional \$130,000.00 from other projects was received to augment the design, construction and CEI of the Master Plan for a total amount of \$270,555.00. Further discussion was had. A motion was made by Commissioner Mansfield to approve the LAP Resolution and Agreement Amendment and authorize the Chairman to execute both documents. Seconded by Commissioner Miller. Motion carried unanimously.

9. Bid Award-Agreement/Kimley-Horn and Associates, Inc.

Mike Giardullo stated this is for the beginning phases of the Downtown Improvements. There will be two phases. The initial phase will be for three intersections. Phase two will be the DOT intersection. A motion was made by Commissioner Langford to award the bid for design of the LAP Bike/Pedestrian Master Plan to Kimley-Horn and Associates, Inc. and authorize the Chairman to execute the Agreement. Seconded by Commissioner Mansfield. Motion carried unanimously.

10. Fee Waiver/Turner Center

Mr. Maxcy stated this is a request to waive the fee for a Church fundraiser.

Jody Sullivan stated that the Church buildings in Nocatee will be lost due to the expansion of Highway 17.

Eva Lowe stated the fundraiser would be held on January 10, 2014. She requested for the Turner Center fee to be waived in return for concessions, parking or the admission fee. The State only paid for a portion of the Church and Parsonage.

Commissioner Quave is concerned with other religious organizations that already rent the Turner Center on a regular basis.

Ms. Lowe feels that there is no support for Nocatee.

Commissioner Langford feels the Board has a job to do and the Policies are for everyone to follow.

Ms. Lowe stated the money raised will go towards updating the outbuildings. Further discussion was had. A motion was made by Commissioner Langford to deny the waiver for rental fees for the Church fundraiser at the Turner Center. Seconded by Commissioner Mansfield. Motion carried unanimously.

11. Bid Award/ Iron Street Iron and Metal Incorporated

Henry Grimes requested a bid award for the pickup and transportation of scrap/waste tires from the DeSoto County Landfill. One bid was received. Further discussion was had. A motion was made by Commissioner Langford to award the bid for Environmental Services Scrap-Waste Tire Disposal Services to Garden Street Iron and Metal Incorporated and authorize the Chairman to execute the contract. Seconded by Commissioner Miller. Motion carried unanimously.

12. Bank Offer/Code Enforcement Lien

Jorge Hernandez stated the lien was placed due to development without permits. The violations have been corrected. There is a buyer for the property. The bank made an offer for \$5,458.91; which the total lien amount on the property is \$6,801.15. Further discussion was had. A motion was made by Commissioner Langford to accept the offer of \$5,458.91 for the satisfaction of a Code Enforcement lien for property located at 7289 SW Horse Creek Road. Seconded by Commissioner Mansfield. Commissioner Quave feels the amount should be paid in full. Motion carried 4-1 with Commissioner Quave dissenting.

13. Approval/Policy Renewal

Don Kesterson requested approval to Bind Property and Casualty Insurance coverage. A motion was made by Commissioner Mansfield to approve to Bind the Property and Casualty Insurance coverage under Option C with the optional Pollution Policy and authorize the Chairman to sign. Seconded by Commissioner Quave. Motion carried unanimously.

14. Bid Award-Contract/Excavation Point

Mike Giardullo requested to award the annual paving contract to Excavation Point. An alternate was added to the bid which was to pave over the recently replaced culvert on Fletcher Street. The job should only take 3-4 weeks. Further discussion was had regarding bonding. A motion was made by Commissioner Langford to award the bid for the fiscal year 12/13 Annual Paving Project and

authorize the Chairman to execute the contract. Seconded by Commissioner Mansfield. Motion carried unanimously.

15. Offer Acceptance and Sales Agreement/1106 Rainbow Avenue

Cindy Talamantez requested approval of the highest bid. A motion was made by Commissioner Quave to accept the highest offer for the County owned property located at 1106 Rainbow Avenue and authorize the Chairman to execute the Sales Agreement. Seconded by Commissioner Langford.

16. Work Assignment #42-Professional Services/The Weiler Engineering Corporation

Cindy Talamantez requested approval of engineering services for the Carlstrom Field Road project. This request would cover the design and permitting for the project. A motion was made by Commissioner Quave to approve Work Assignment #42 with The Weiler Engineering Corporation for Design Engineering Services for Improvements to SE Carlstrom Field Road from Airport Road to SR 31 and authorize the Chairman to execute the Work Assignment. Seconded by Commissioner Langford. Further discussion was had. Motion carried unanimously.

17. Contract/Health Department

Mary Kay Burns stated that there are some changes in the contract. There is no longer a vaccine administrative fee and the rabies vaccine fee has increased. All other fees have remained the same. Ms. Burns mentioned that most health department electric bills are paid by the Board of Commissioners; but the DeSoto County Health Department pays their own. A motion was made by Commissioner Langford to approve the 2013/2014 Core Contract between the State of Florida, Department of Health in DeSoto County and the DeSoto Board of County Commissioners and authorize the Chairman to sign. Seconded by Commissioner Mansfield. Motion carried unanimously.

18. Amendment/Fee Schedule

Ms. Burns presented along with the previous agenda item. A motion was made by Commissioner Langford to approve the Department of Health in DeSoto County amended Fee Schedule for fiscal year 2013/2014. Seconded by Commissioner Miller. Motion carried unanimously.

19. Grant Agreement/Florida Department of Economic Opportunity and Participating Party Agreement/Allied Recycling, Inc.

Ms. Hines presented a grant agreement to construct a rail spur on Allied Recycling site. There will be a Direct Pay Agreement in the future with Seminole Gulf. This will create 25 full time jobs and will offset some of the traffic generated by Allied Recycling.

Todd Adamson with Allied Recycling stated operation of the spur would be on Seminole Gulf's set schedule which would be on Tuesday and Friday during daylight hours. A motion was made by Commissioner Mansfield to accept the Federal Fiscal Year 2012 Federally Funded sub grant agreement from the Florida Department of Economic Opportunity and to approve the Participating Party Agreement with Allied Recycling, Inc. as presented. Seconded by Commissioner Langford. Motion carried unanimously.

20. Resolution/State Legislative Priorities FY 2013-14

Mandy Hines stated there are no significant changes but there are additional projects. Staff is requesting review of the Legislative Priorities and requests any modifications of the Board prior to adoption. A motion was made by Commissioner Langford to approve Legislative Priorities for the 2014 Legislative Session and appoint Mandy Hines to present the Board's priorities during the DeSoto County Delegation Meeting. Seconded by Commissioner Mansfield. Motion carried unanimously.

21. Conveyance Agreement/Lettuce Lake Travel Resort

Eddie Miller stated that this is the Wastewater side. The Agreement allocates 165.5 Wastewater ERUs from the ERU Pool to Lettuce Lake.

Don Conn stated there is a deferral of the maintenance charge for 120 days which is \$496.50. The Reservation fee of \$3,600.00 will be paid the first month.

Mr. Miller expects the project to start within 1 week. A motion was made by Commissioner Langford to approve the Utility Service and Conveyance Agreement between DeSoto County and Lettuce Lake Travel Resort. Seconded by Commissioner Mansfield. Motion carried unanimously.

22. Resolution/ Extending Tax Rolls

Mr. Conn stated these Resolutions are brought before the Board annually.

Kathryn Hill, Tax Collector stated most of the notices are less than .46 cents. These do not have Special Assessments which if not paid will not cause the certificate to be sold. A motion was made by Commissioner Langford to adopt the Resolutions which extend the Tax Rolls and instructs the Tax Collector to not send Tax Notices which are for \$5.00 or less. Seconded by Commissioner Mansfield. Motion carried unanimously.

ADMINISTRATOR'S REPORT

Mr. Maxcy called on Mandy Hines to give an update regarding Transportation Planning Organization (TPO). The Department of Transportation would like a seven county TPO to include Polk County. It was consensus of the present TPO not to go with that recommendation.

COUNTY ATTORNEY'S REPORT

Mr. Conn reported that discussions with General Contracting Services have produced a tentative settlement. This case relates to the Water Treatment Plant. The County has assessed liquidated damages in the amount of \$105,000.00 which was basically the amount of retainage left in the job. The plaintiff is willing to accept the settlement offered. Mr. Conn requests that the Board allows him to move forward and resolve the matter. It was consensus of the Board to do so.

BOARD MEMBER COMMENTS

Commissioner Quave thanked the Board and staff for the courtesy, respect and graciousness shown during the budget process.

Commissioner Langford thanked staff for hard work during the budget process.

Commissioner Mansfield stated the budget is an ongoing process and we need to continue to save the County money. He also commented that the air conditioning system at the Turner Center needs to be a priority to be repaired.

Commissioner Miller stated he took part in a conference call regarding the Small County Coalition in which priorities are being set to present to Legislation. He would like a Workshop scheduled to discuss all insurance; where we are and where we are going.

Chairman Selph reminded all that tomorrow is Patriot's Day and there will be a ceremony at Veteran's Memorial Park at 9:30am. A Workshop was scheduled for September 24, 2013 at 9:00am to discuss insurance and the bond issue. He commented that he is against regulating fertilizer by the County and feels it is the responsibility of the Department of Agriculture.

Commissioner Quave requested Commissioner Miller to work with staff on getting answers regarding the insurance.

Chairman Selph invited members of the Insurance Committee to participate in the upcoming workshop.

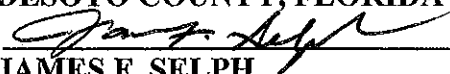
ADJOURNMENT

There being no further business, Chairman Selph adjourned the meeting at 11:32 AM.

ATTEST:



C. GUY MAXCY
COUNTY ADMINISTRATOR

BOARD OF COUNTY COMMISSION
DESOLO COUNTY, FLORIDA


JAMES F. SELPH
CHAIRMAN