

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON SEPTEMBER 11, 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 September 11, 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, Don Conn
Administrative Services Dir., Linda Nipper
County Coordinator, Mandy Hines
Transportation Director, Shawn Edwards
Office Manager, Lauri Jones
Transcribing Secretary, Jill Thompson

Facilities Director, Richard Metzger
Utilities Director, Eddie Miller
Social Services Manager, Peggy Waters
Purchasing Manager, Cindy Talamantez
Co. Extension Director, Ken Johnson
County Engineer, Mike Giardullo
Human Resources Manager, Don Kesterson
Environmental Services Director, Billy Hines
Event Coordinator, Jody Sullivan
Parks & Rec. Director, Tara Anderson
Code Enf. Manager, Jorge Hernandez

CALL TO ORDER 9:00 AM

PRAYER- Pastor Doug King / Temple Baptist

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS

SET/AMEND-Motion was made by Commissioner Selph to set the Agenda as presented. Seconded by Commissioner Schaefer. Motion carried 4-0; Commissioner Neads was not present at this time.

PUBLIC FORUM FOR NON-AGENDA ITEMS

None

CONSENT AGENDA-MOTION TO APPROVE

Motion was made by Commissioner Schaefer to approve the Accounts and Warrants drawn according to schedule of bills payable; Minutes of August 24, 2012 Special Meeting and August 28, 2012 Public Meeting; Declaration of Surplus Property List; State Housing Initiative Program (SHIP) Annual Report; Re-designation of FRS Senior Management Position; Contract Extension with Garden Street Iron & Metal of SW Florida Inc. for pickup and transportation of scrap/waste tires; Contract Extension with Pence Lawn Care for Lawn Maintenance Services and Contract Extension with Premier Cleaning Technologies, LLC for custodial services. Seconded by Commissioner Langford. Motion carried 4-0; Commissioner Neads was not present at this time.

Recessed at 9:09AM to attend the 9/11 ceremony.

Meeting called back in session at 10:30AM

REGULAR BUSINESS

9. Resolutions/Tax Roll Extension-Exclude tax notices of \$5.00 or less

Kathy Hill, Tax Collector requested the adoption of a Resolution extending the assessment of the 2012 Tax Roll pursuant to Sections 197.323 and 193.122 F.S. and adoption of a Resolution to exclude tax notices which are for \$5.00 or less. Commissioner Neads made a motion to adopt the Resolution extending the assessment of the 2012 Tax Roll pursuant to Sections 197.323 and 193.122 F.S. and the Resolution to exclude tax notices which are \$5.00 or less. Seconded by Commissioner Selph. Motion carried unanimously. Kathy Hill commented on how she has enjoyed working with Commissioner Neads and Commissioner Schaefer and thanked them for a job well done.

10. Resolution/Budget Amendments

Linda Nipper requested the adoption of the Resolution amending the 2011/12 Budget including attachments 2012-129 (Law Enforcement Trust to Sheriff's General Fund Account in the amount of \$245.27), 2012-134 (Engineering Reserves to Annual Paving, Striping and Culverts to complete fiscal year in the amount of \$23,123.57) and 2012-143 (GEO Inmate Funds to Expense Account and also transfer a small amount of Article V Funds totaling \$8,163.89). Commissioner Langford made a motion to adopt the Resolution amending the 2011/12 Budget including attachments. Seconded by Commissioner Neads. Motion carried unanimously.

11. Engagement Letter/Milestone Professional Services

Linda Nipper requested the approval of the Agreement with Milestone Professional Services for assistance for the 2012 audit. Ms. Nipper stated this would aid in preparing for the annual audit process due to changes that have been made. Ms. Nipper is hoping this will lead to more independence and will not require the services next year. Commissioner Neads expressed his concerns. Commissioner Selph questioned Ms. Nipper as to who is making the changes. Ms. Nipper stated it was the Auditor General's Office for the State of Florida. Commissioner Schaefer made a motion to approve the Agreement for assistance for the 2012 audit and authorizing the Chairman to sign. Seconded by Commissioner Langford. Motion carried unanimously.

12. Agreement-Amendment/CAS Governmental Services

Mandy Hines requested approval of the amendment with CAS Governmental Services, LLC for Lobbying Services to extend the current contract for one additional year. Ms. Hines stated this will carry through to November 2013. There are no changes in price or delivery of services. Commissioner Neads made a motion to approve the amendment extending the current contract for one additional year as presented. Seconded by Commissioner Selph. Motion carried unanimously.

13. Contract Amendment-Neighborhood Lending Partners, Inc.

Peggy Waters requested the approval of the amendment with Neighborhood Lending Partners, Inc. Commissioner Langford made a motion to approve the amendment as presented and authorize the Chairman to sign all related documents for the amendment. Seconded by Commissioner Neads. Motion carried unanimously.

14. Agreement/Veolia Transportation Services

Peggy Waters requested the Board to award and execute the Agreement for the Arcadia Area/DeSoto County Community Circular Bus Route Provider to Veolia Transportation Services. Chairman Mansfield stated he would not have discussion or vote on this matter. The gavel was passed to Commissioner Schaefer. Commissioner Langford questioned Ms. Waters on the funding. Ms. Waters stated the funds would come from a grant. Mr. Ed Johnson commented that he is concerned this will become Government subsidized long term. He also stated typically public transportation does not break even. He questioned if during the operational period, will this service break even. Mr. Johnson is opposed to any tax dollars going into this service. There was further discussion on the matter.

Commissioner Selph made a motion to award the Agreement for Arcadia/DeSoto County Community Circular Bus Route Provider to Veolia Transportation Services and authorize the Chairman to execute the Agreement. Seconded by Commissioner Neads. Motion carried 4-1 with Commissioner Mansfield abstaining. The gavel was passed back to Chairman Mansfield.

15. Waiver/Special Exemption Application Filing Fee

Jorge Hernandez on behalf of the Planning and Zoning Department made a request for a waiver of a Special Exception Application filing fee of \$750.00. This is for the parking of a commercial vehicle on a residential lot that is less than the required size. The Board expressed concerns on the matter. Donn Conn stated if the Board has concerns after looking at the information in the packet, the appropriate action would be not to waive the fee. He also stated that neither he nor staff has been able to do any due diligence because there is no application from Ms. Alpern. Mr. Conn stated that Ms. Alpern will still be required to submit an application for the special exception even if the Board decides to waive the application fee. It will then be determined if she has the right to request the special exception. The matter before the Board is only to determine if the application fee of \$750.00 will be waived. Commissioner Langford made a motion to request the waiver of special exception application fee for Ms. Carol Alpern for the property located at 1384 N.E. Shibleon Street. Seconded by Commissioner Schaefer. Further discussion was had. Motion carried 3-2 with Commissioner Selph and Commissioner Neads descending.

16. Medicaid Lawsuit/Alachua County, et al. v. Dudek, et al.

Donn Conn requested the dismissal of DeSoto County as a party to the Medicaid lawsuit previously filed by 57 counties and the Florida Association of Counties. It has to do with an unfunded mandate where by the legislature in the new law that passed in the last session, required counties to make certain payments based on what had been referred to as overdue bills. A number of counties including DeSoto County joined this lawsuit challenging the new legislation as unconstitutional based on unfunded mandate and also the time had run for some of the past bills to be pursued. The County will now receive a refund instead of a bill. Mr. Conn recommends to the Board to voluntarily dismiss out of the lawsuit. In doing so, the County will not give up any rights. Further discussion was had. Commissioner Selph made a motion to authorize the County Attorney to file a Notice of Voluntary Dismissal of DeSoto County in the Medicaid lawsuit previously filed of 57 counties in the Florida Association of Counties. Seconded by Commissioner Langford. Motion 4-1 with Commissioner Neads descending.

17. Grant Application/2012 Rural County Grant Program

Linda Nipper on behalf of Jordan Ahrens, the 911 coordinator with the DeSoto County Sheriff's Department, requested approval of the application and subsequent award for E911 Rural County Grant Program and authorize the Chairman to sign the Grant Application. Mr. Ahrens has submitted (4) grant applications. The first will cover the 911 system maintenance. The second will cover training for himself. The third is for supplemental ALI Database and the fourth grant will cover UPS replacement. These Grants are applied for annually. They were previously submitted by Doug Christ, Emergency Management Coordinator. The total is approximately \$90,000.00. Commissioner Langford made a motion to approve the application and subsequent award for the E911 Rural County Grant Program and authorize the Chairman to sign the grant application. Seconded by Commissioner Selph. Motion carried unanimously.

ADMINISTRATOR'S REPORT

Mr. Maxcy called on Mike Giardullo to report on landscaping that will take place on Hwy. 17 North. Plants will be removed and direction is needed from the Board as to what they would like to do with those plants. Commissioner Selph stated that maybe inmate labor could be used to do the job. Commissioner Mansfield stated the plants could be moved to Brewer Park. It was the consensus of the

Board to reuse the plants. Mr. Maxcy gave a report on the Denver (jail) trip. Mr. Maxcy stated a grant was used to conduct a feasibility study on sites; other studies have also been conducted on what DeSoto County should do about a jail. Mr. Maxcy asked for direction from the Board as to what action should take place next. Mr. Maxcy would like to take action and have permission from the Board to have staff start looking at sites. In 30 days, Mr. Maxcy would like to visit other complexes in North and South Georgia. Commissioners Selph, Mansfield and Schaefer all agree that we need to keep moving forward with this. Sheriff Wise stated that he agrees with moving forward with this and feels it would be a positive step for liability reasons.

Mr. Maxcy stated there is a possibility of the Health Department changing location.

Mr. Maxcy requested the Board give authorization to issue a Letter of Support for a 4-H Grant application to the Community Garden Program. The request is for a \$5,000.00 grant to provide hands on experience to approximately 200 students in our community in growing food for oneself. The program will also provide interaction with agricultural professionals in our community.

Mr. Maxcy then spoke to the Board regarding his contract. Mr. Maxcy expressed how thankful he is for the opportunity to serve as County Administrator. He feels he gives 110% to the job and truly enjoys the DeSoto County team. He feels great things have been achieved. He believes moral has improved, vast improvements have been made in customer service and staff is thinking outside the box. Mr. Maxcy asked for the Board's consideration of a more fair salary and to take into consideration the salaries of Administrators in surrounding counties. Commissioner Selph stated that he feels Mr. Maxcy's salary should be adjusted. Commissioner Schaefer stated that Mr. Maxcy has served as a Commissioner, she is happy with what he has accomplished. Commissioner Langford then commented that Mr. Maxcy does a great job and would like to see him stay as County Administrator. Commissioner Langford feels the Board is not in a position to make a change. He feels there are many employees that have not had a pay increase in several years and does not agree on a pay increase at this time. Commissioner Mansfield commented that he agrees with Commissioner Langford.

Mr. Conn commented that he appreciates the working relationship with Mr. Maxcy.

Mr. Maxcy referred to the rate of pay for past County Administrators. He stated that he has added expenses to cover in order to serve as County Administrator.

George Lempenau commented the County needs to pay Mr. Maxcy fair compensation or we will lose him.

Commissioner Selph stated this is a difficult decision to make and originally was not handled correctly. He then made a motion to raise Mr. Maxcy's salary to \$101,000.00. Commissioner Mansfield stated there is no motion necessary. Donn Conn suggested this matter to be added as an agenda item. It was consensus of the Board to be added onto the next agenda.

Mr. Maxcy stated there was no reason to bring back to the Board and doesn't feel the need for more grief.

COUNTY ATTORNEY'S REPORT

Mr. Conn reported on the Braynen Foreclosure. They have asked that the Clerk’s default be set aside. Mr. Conn has scheduled a hearing on the motion to set aside the Clerk’s default that will be heard mid October.

Mr. Conn will not attend the next Board meeting on September 25th. Barry Buenaventura will take his place.

BOARD MEMBER COMMENTS

Commissioner Schaefer thanked Glenn Prescott, the Fire Department, VFW, DeSoto High School and especially the young man that played the TAPS for a job well done at the September 11th Ceremony. Commissioner Selph commented on the Ceremony as well. He also commented how important it is to thank our Firemen, EMS and our Law Enforcement Officers for the job they do and how often they put themselves in harm’s way. We need to be appreciative of our men and women in DeSoto County that put their lives on the line on a daily basis. Please always remember our Troops. Commissioner Mansfield commented that this is a special day and hopes we all remember to thank our Veteran’s also.

ADJOURNMENT

There being no further business, Chairman Mansfield adjourned the meeting at 11:59 AM.

ATTEST:

**BOARD OF COUNTY COMMISSION
DESOTO COUNTY, FLORIDA**

**C. GUY MAXCY
COUNTY ADMINISTRATOR**

**JURIL O. MANSFIELD
CHAIRMAN**