

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON SEPTEMBER 24, 2013 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 September 24, 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
County Coordinator, Mandy Hines
Administrative Services Director, Linda Nipper
Purchasing Director, Cindy Talamantez
Planning Manager, Tom Cookingham
EM Director, Doug Christ
County Engineer, Mike Giardullo

HR Director, Don Kesterson
Jill Thompson, Transcribing Secretary
Lauri Jones, Office Manager
Facilities Director, Richard Metzger
Interim Fire Chief, Larry Taylor
Social Services Director, Peggy Waters
Utilities Director, Eddie Miller
Veterans Services, Lee Gallagher
Parks Director, Tara Anderson
Compliance Director, Jorge Hernandez
Turner Center Director, Jody Sullivan
Environ. Services Director, Henry Grimes
Road & Bridge Director, Shawn Edwards

CALL TO ORDER 3:00 PM

PRAYER- Father Vincent Clemente/St. Paul's Catholic Church

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS

Sheriff Will Wise, Kathryn Hill-Tax Collector

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

PUBLIC FORUM FOR NON-AGENDA ITEMS

Bruce Barbour spoke and requested to have "No Littering" signs along Turner Road. He feels there is a major issue with trash as well as shopping carts along the roadside. He suggested a \$1,000 fine for littering. Mr. Barbour also spoke regarding the issue of Code Enforcement signs on vacant property. He feels the current process is a waste of money. Mr. Barbour suggested that the County charge a onetime fee of \$200-\$300 and 21% compound daily interest to clean up the vacant property. He would also like the County to look at the guidelines Jorge Hernandez follows regarding the process of who is notified of the violations.

Bob Bell commented that many counties have \$1,000 fine for littering and feels DeSoto County should do the same.

Steve Fussell commented that he has friends receiving benefits from the County and the Board has a tough decision to make. He would like the Board to take a good look at things and how to save money. He would like to see life brought into the County.

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 27, 2013 Public Meeting; Declaration of Surplus Property; Amendment to agreement with Veolia Transportation Services, Inc. for

transportation services and Vehicle lease agreement with Veolia Transportation Services, Inc. Seconded by Commissioner Quave. Motion carried 4-0. Commissioner Mansfield abstained from voting due to a possible conflict with agenda items 4 and 5. Further action taken under Administrator's Report.

PRESENTATIONS

6. Presentation/POW/MIA Table Setting

Lee Gallagher stated that POW/MIA stands for Prisoner Of War and Missing In Action. POW/MIA Personnel Remembrance Day was on September 20th. The POW/MIA table setting was presented and what each piece represents. The table is set for one and symbolizes the fallen and missing comrades. The table is small and symbolizes the frailty of one prisoner against his oppressors. The white table cloth – purity of intentions to respond to their Country's call to arms; single red rose- blood of many that was shed in sacrifice to ensure the freedom of the USA; red ribbon- all those that demand a proper counting of missing comrades; slice of lemon on the bread plate- reminder of the bitter fate; salt upon the dinner plate- symbolic of the family's tears as they wait; inverted glass- a symbol that they cannot toast; empty chair- they are not present; candle- light of hope that lives in our hearts to illuminate their way home away from their captors to the open arms of a grateful Nation.

REGULAR BUSINESS

7. Resolution/Budget Amendment

Linda Nipper requested to adopt the Resolution amending #2013-115. A motion was made by Commissioner Mansfield to adopt a resolution amending the 2012/2013 budget including attachments. Seconded by Commissioner Quave. Motion carried unanimously.

8. Bid Award-Contract/Marine Contracting Group, Inc.

Tara Anderson requested award of bid for the Lettuce Lake Park Boat Ramp Improvement Construction Services to Marine Contracting Group, Inc. Ms. Anderson stated the construction includes a double ramp and two floating docks. It does not include paving of the parking lot or restrooms. A motion was made by Commissioner Quave to award bid for the Lettuce Lake Park Boat Ramp Construction Services to Marine Contracting Group, Inc. and authorize the Chairman to execute the contract. Seconded by Commissioner Langford. Motion carried unanimously.

9. Lien Reduction/2741 NW Orange Blossom Lane

Mr. Maxcy stated that in 2007 Virginia Algar requested that the structures on her property be added to the Dilapidated Structures list after being cited by Code Enforcement; therefore by Resolution, the County demolished the structures and incurred a total cost of \$3,071.54 in demolition and removal of said structures. The total amount including interest is \$4,946.74. The request is to reduce the original lien of \$3,071.54 by half and waive the incurred interest with new a balance due of \$1,535.77 to be paid over a period of time with no interest. It was consensus of the Board that Ms. Algar makes payments for a period of time then return to the Board with a request for a reduction of the lien. Ms. Algar stated she could possibly pay \$100 a month. Mr. Conn stated that the Board could cease the accrual of interest but there is no precedent for that. Mr. Conn suggest a time period of 12 months as a time period to make payments before bringing the request back to the Board. A motion was made by Commissioner Miller to deny the request at this time and Ms. Algar to bring this request back to the Board after she has made payments toward the lien with the interest continuing to accrue. Seconded by Commissioner Langford. Mr. Maxcy stated that Jorge Hernandez will speak with Ms. Algar to make arrangements for payment. Motion carried unanimously.

10. Agreement Modification/Uniform Service and Conveyance

Eddie Miller requested approval of a deposit type system for existing customers. People would like to connect to the County Utilities but cannot afford the full deposit all at once. The current plan allows a new customer to sign a conveyance agreement and start payment of a monthly maintenance fee of \$3 per month per unconnected ERU. Mr. Miller views this as an opportunity to bring revenue to the County. Further discussion was had. Mr. Conn suggested designating a time limit on the commitment and also to have something in place if the business does not honor their part of the agreement. Further discussion was had. A motion was made by Commissioner Langford to approve a modification to the Uniform Service and Conveyance Agreement allowing a deposit in place of monthly reservation and maintenance charges, with specific conditions. Seconded by Commissioner Mansfield. Motion carried unanimously.

11. Agreement/CSX

Don Conn summarized the report for Hull Road Remediation, Realignment, and Water Main Improvements Project. The new water facilities will provide a looped water line system and eliminate the need to flush portions of the County's water system along Hull Avenue. CSX will incur all costs for the project. Along with realignment of the road, CSX has committed to signage and lighting in that area. Also, for a period of five years after the project is complete, CSX will replace and/or repair any damage to the signage or lighting. In addition, a traffic study will be conducted to determine if other procedures need to be put in place such as speed bumps.

Barry Buenaventura spoke regarding the old and new right-of-way and easements that will be conveyed to the County. Mr. Conn stated that if the Board approves this agreement today, construction bids will be issued in October for water lines as well other work. A motion was made by Commissioner Mansfield to approve the CSX Agreement and related documents in substantially the same order as presented. Seconded by Commissioner Quave. Motion carried unanimously.

ADMINISTRATOR'S REPORT

Mr. Maxcy questioned Shawn Edwards regarding the process of putting up "No Littering" signs. Mr. Edwards stated that half of Turner Rd. belongs to the City. Board approval is required for new signs. The amount of the fine is determined by statute. The crosswalk on Turner Rd. was funded by a Department of Transportation grant.

Mr. Maxcy requested direction from the Board to determine a date for the meeting in December. It was consensus of the Board to have one meeting on December 17, 2013 at 3:00pm and 6:30pm.

Mr. Maxcy stated that the Motorola Radio System needs to be removed from the Surplus List. A motion was made by Commissioner Miller to approve the Surplus Property list with the removal of the Motorola Radio System. Seconded by Commissioner Langford. Motion carried unanimously.

A meeting on the Legislative Priorities will be held in October.

COUNTY ATTORNEY'S REPORT

Mr. Conn had nothing to add to the Attorney's Report.

BOARD MEMBER COMMENTS

Commissioner Quave commented that he has become very familiar with the Board's policy regarding private, non-county maintained roads.

Commissioner Mansfield thanked Mandy Hines for the State Legislative Priorities list and all who put forth efforts during the budget.

Commissioner Miller thanked all who helped with the budget. He also thanked Don Kesterson for

the information regarding the Insurance Workshop. He suggested moving agenda item up so that others are not waiting. Tom Cookingham stated he has already notified all involved with that agenda item and advised them to arrive later to avoid unnecessary waiting.

Chairman Selph thanked the Vietnam Brotherhood and Lee Gallagher for the presentation. He also commented regarding the difficulty of the budget this year. Chairman also commented regarding the unfunded mandates from Tallahassee. He thanked staff for all their hard work.

RECESSED AT 4:36 PM UNTIL 6:30 PM PUBLIC HEARING

BUDGET HEARING

Mr. Maxcy stated that the millage has remained the same for the last seven years. He commented that the expenses in the departments are less than last year. The budget being presented tonight is balanced.

Linda Nipper presented the Board with the final budget. She requested an 8.4810 millage rate in order to make the budget solvent. Ms. Nipper stated that in order to make our budget, we have cut expenses but kept services that are demanded or expected by the county. Ms. Nipper spoke regarding ad valorem distribution and distribution of tax dollars. EMS will remain the same.

Mr. Maxcy stated that some will take a hit with the millage increase but to look at what the average tax bill has been over the last six to seven years.

Mandy Hines reviewed Residential, Homestead and Senior exemptions as well as Improved Pasture/Ag exemption, Commercial/Business Property and Residential Property value.

Mr. Maxcy suggested a five year outlook study and will look further if needed. County staff has done a great job at putting together the budget. County costs have increased as well as state mandates.

Chairman Selph reminded the public to be polite and civil during public comment and that everyone will have 5 minutes to speak.

PUBLIC COMMENT

Ed Johnson spoke in opposition of post employment health benefits and the subsidized dependant health insurance that is a family plan or any increase in the ad valorem taxes or millage to support these programs. Mr. Johnson also commented that proposed equipment purchases should be cut from the budget. Mr. Johnson gave further suggestions to the Board for possible cuts to save money.

Larry Hudson, EDAC Chairman spoke regarding funds previously requested for economic development. Mr. Hudson feels that infrastructure is needed to support new business and growth.

Bobby Avant spoke in opposition of the millage increase. He feels the majority of the people in the county have financial difficulty and this increase will hurt them more.

George Lempenau feels the County needs to bring expenses in line with its income.

Judy Berger spoke in opposition of the millage increase and feels that Ed Johnson made many good points. She is against lifetime insurance benefits as well as the subsidized employee dependants' healthcare benefits. She feels the Board should encourage entrepreneurship and this increase will not allow that.

Polly Hines spoke in opposition of the millage increase as well as lifetime insurance benefits.

Carl Wiley spoke in opposition of the millage increase and stated reasons why.

Commissioner Miller stated that from the start he began observing. He feels the County needs to fix the problems with what we have and no millage increase. Commissioner Miller's feels that the reason for the decrease in property values is due to recession. He is not in favor of the millage increase.

Commissioner Langford commented on comments made by the public. He feels that the employees receiving the lifetime benefits should continue to receive it due to the fact that they were promised to receive it. Further discussion was had.

Commissioner Quave feels the quickest way to save money is to lower the head count. He has searched for the “fat” everyone is talking about. Certain departments are short staffed as is it stands now. He attends training and speaks with other Commissioners and DeSoto County is not the worst. He is not in favor of cutting the lifetime benefits.

Commissioner Mansfield thanked everyone for attending the meeting. It is not the intention of the Board to make a bigger government and he does not have the county insurance. He stated that the Board is not at fault for the closing of DJJ. He feels we need to invest in our own county with funds for economic development.

Chairman Selph stated he has worked for 30 years and has bought his insurance through the University of Florida. He is not in favor of closing any departments.

Mr. Maxcy stated that we are at the final adoption stage if the Board so chooses.

Commissioner Langford stated that the County buys equipment only if it is absolutely necessary.

A motion was made by Commissioner Quave to approve and adopt a Resolution approving the Operating Ad Valorem Millage of 8.4810, in addition, adoption of a Resolution approving the EMS Ad Valorem Millage Rate of .4514 and also adoption of a Resolution approving the 2013/2014 Final Budget. Seconded by Commissioner Langford. Commissioner Miller commented that there needs to be a Budget Coordinator. The position is included in the final budget for 2013/2014. Motion carried 4-1 with Commissioner Miller dissenting.

Linda Nipper stated that the DeSoto County Board of County Commissioners hereby adopts the 2013/14 millage rate at 8.4810 which is 17.15 greater than the rollback rate. The increase will supplement the decreased values of taxable properties. DeSoto BOCC EMS/MSTU hereby adopts the 2013 millage rate of 0.4514 which is 3.99 less than the rollback rate. DeSoto BOCC hereby adopts the 2013/14 operating budget which is 2.8 less than expenditures than last year’s operating expenditures.

5 minute recess

13. Resolution/FDOT

Tom Cookingham stated that FDOT will give a presentation on Functional Classification. Scott Farash with FTE gave a presentation on the Functional Classification process.

A motion was made by Commissioner Langford to adopt a Resolution concurring with FDOT, District 1 recommendations regarding changes to the Functional Classification designations for certain roadways in DeSoto County. Seconded by Commissioner Mansfield. Motion carried unanimously.

14. Resolution/Vacation of Right-of-Way

Mr. Cookingham stated that the proposed vacation of Judy Ave. is located northwest of CR 761. Staff recommends adoption of this resolution. A motion was made by Commissioner Langford to adopt a Resolution to close and abandon a portion of right-of-way on Judy Ave. Seconded by Commissioner Miller. Motion carried unanimously.

15. Major Platt/2013-01

Mr. Cookingham stated that the request is to replat 2.8 acres into 13 lots. The project is located on the east side of Kings Highway. Staff recommends approval. Further discussion was had. A motion was made by Commissioner Langford to adopt a Resolution approving a Major Plat which creates 13 new lots through the replat of an existing subdivision. Seconded by Commissioner Mansfield. Motion carried unanimously.

Quasi-Judicial Proceedings

Don Conn explained the process of quasi-judicial hearings. All parties planning to give testimony were placed under oath by Jill Thompson, Notary Public, State of Florida. All ex-parte communications were reported and appropriate paperwork filed.

16. Resolution/Special Exception

Tom Cookingham stated that this is a continuation from the August 27, 2013 hearing. Mr. Cookingham stated the request meets all requirements and staff recommends approval. No correspondence was received for the support or opposition of SE 2013-08. Commissioner Langford questioned if all requirements by statute have been met.

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

A motion was made by Commissioner Langford to adopt a Resolution granting SE 2013-08, allowing a cemetery as an accessory use to a church complex on property zoned Agriculture-5, based upon the Planning Commission's recommendation. Seconded by Commissioner Mansfield. Motion carried unanimously.

ADJOURNMENT

There being no further business, Chairman Selph adjourned the meeting at 8:41 PM.

ATTEST:

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



C. GUY MAXCY
COUNTY ADMINISTRATOR



JAMES F. SELPH
CHAIRMAN