

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON SEPTEMBER 25, 2012 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 25, 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
Planning Consultant, Barrie Buenaventura
Administrative Services Dir., Linda Nipper
County Coordinator, Mandy Hines
Transportation Director, Shawn Edwards
Office Manager, Lauri Jones
Transcribing Secretary, Jill Thompson
Kathy Heitman, Administrative Assistant
Dan Collins, Public Safety Captain

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
Larry Taylor, Deputy Fire Chief
Lorel Reinstrom, Library Manager

CALL TO ORDER

3:00 PM

PRAYER- Pastor Joe Yarborough / First Baptist Church of Arcadia

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS- Sheriff Will Wise and Kathy Hill, Tax Collector

SET/AMEND-Mr. Maxcy requested to have an item added. It is an application for Agricultural Education Promotion Facility Request for Funding. Commissioner Neads requested that the phrase "emergency" not to be used if it is not a true emergency. Ken Johnson stated this is a request to join a list. It was the Board consensus to have this item added to the Consent Agenda.

PUBLIC FORUM FOR NON-AGENDA ITEMS

Robin Vitali spoke on behalf of Costner Caretaking, Mary Costner and Mr. & Mrs. Wayne Cooper. An application for special exception was submitted. She asked the Board to consider waiving the fee. They are asking for a special exception for a house of worship for a church. It would be greatly appreciated to have all or part of the fee waived.

CONSENT AGENDA-MOTION TO APPROVE

Motion was made by Commissioner Neads to approve the Accounts and Warrants drawn according to schedule of bills payable; Minutes of September 10, 2012 Budget Hearing and September 11, 2012 Public Meeting; Declaration of Surplus Property List; Contract with Florida Department of Agriculture and Consumer Services for Mosquito Control and MOU with USF Small Business Development Center dedicating and defining the value of specific in-kind contributions of space and office equipment to SBDC. Seconded by Commissioner Schaefer. Motion carried unanimously. Mr. Maxcy stated a vote cannot be taken to waive a fee. It was Board consensus to have this issue brought before

the Board in November.

PRESENTATION

6. Proclamation/Mental Health Week

Guy Maxcy read to the Board the Proclamation declaring the week of October 7-13, 2012 Mental Health Awareness Week. This Proclamation raises the awareness of sound mental health services for the overall well being of the citizens of DeSoto County. A motion was made by Commissioner Langford to proclaim the week of October 7-13, 2012 Mental Illness Awareness Week. Seconded by Commissioner Selph. Motion carried unanimously. Kathleen Sansosti gave a brief explanation of what takes place at the Selby House and thanked the Board. Sandy Kaiser also thanked the Board.

REGULAR BUSINESS

7. Resolution/Budget Amendments

Linda Nipper requested the adoption of the Resolution amending the 2011/12 Budget including attachment #2012-151. This is for the Sheriff's Department transferring funds from Law Enforcement Trust to General Fund (\$1,743.04). Motion was made by Commissioner Neads to adopt the Resolution amending the 2011-2012 Budget including attachments. Seconded by Commissioner Langford. Motion carried unanimously.

8. Resolution/Economic Development Advisory Committee

Mandy Hines requested the adoption of the Resolution superseding and amending the Resolution that established the EDAC. The revised Resolution includes discussion from the last meeting that gives the Committee the authority to review Ordinances prior to the Board taking action. Ms. Hines reviewed the revisions. Motion was made by Commissioner Selph to approve the Resolution for the Economic Development Advisory Committee as presented. Seconded by Commissioner Langford. Motion carried unanimously.

9. Application/Southwest Florida Water Management District

Mandy Hines requested the approval of the application for the Cooperative Funding Application to be submitted to the Southwest Florida Water Management District. This would be for the project that would create a loop system in the area of Hull that would eliminate the potable water flushing. Motion was made by Commissioner Selph to approve the application for the Cooperative Funding Program for the 2014 funding cycle. Seconded by Commissioner Schaefer. Motion carried unanimously. George Lempenau commented that there is no longer loss of pressure.

10. Contract/The State of Florida, Department of Health

Mary Kay Burns with the DeSoto County Health Department requested the approval of the 2012-2013 Core Contract between the State of Florida, DeSoto County Health Department and the DeSoto Board of County Commissioners. Nothing in the contract has changed from the previous year. There is a slight change that will be addressed in agenda item #11. Commissioner Langford made a motion to approve the 2012-2013 Core Contract between the State of Florida, Department of Health and the DeSoto Board of County Commissioners. Seconded by Commissioner Neads. Motion carried unanimously.

11. Amendment/Fee Schedule

Mary Kay Burns requested the approval of the amendment to the DeSoto County Health Department Fee Schedule. Ms. Burns stated she is proposing that County Employees or those that have County insurance, have their co-pay waived. A motion was made by Commissioner Neads to approve the amendment of the DeSoto County Health Department Fee Schedule for the fiscal year 2012-2013. Seconded by Commissioner Schaefer. Motion carried unanimously.

12. Agreement-Amendment/Chemical Pollution Control of Florida

Billy Hines requested the extension of the contract with Chemical Pollution Control of Florida for household hazardous Waste Shed Cleanout Program. Commissioner Mansfield confirmed with Mr. Hines that this is just for an extension to the three year contract. Mr. Hines agreed. A motion was made by Commissioner Langford to extend the current agreement with the Household Hazardous Waste Shed Cleanout Program. Seconded by Commissioner Neads. Motion carried unanimously.

13. Contract Amendment/Odyssey Manufacturing Company

Guy Maxcy stated this is requesting to extend the current contract for Utilities South Booster Station Conversion. Eddie Miller requested the approval of the amendment to extend the contract with Odyssey Manufacturing Company for Utilities Booster Station Conversion from gaseous chlorine and ammonia to liquid chlorine and ammonia. A motion was made by Commissioner Neads to extend the current contract for Utilities South Booster Station Conversion. Seconded by Commissioner Selph. Motion carried unanimously.

14. Work Assignment/Nova Engineering

Mike Giardullo requested the approval of the Work Assignment with Nova Engineering for additional assessment activities. Mr. Giardullo stated this is for additional testing services regarding the fuel tank encountered in their LAP project this past year. Two fuel tanks were discovered while the contractor was excavating to install a sidewalk. They were reported to FDEP. Supplemental LAP funding was used in the past for this type of situation. FDOT will provide the funds for this testing. A motion was made by Commissioner Neads to approve the Work Assignment 10-04. Seconded by Commissioner Langford. Motion carried unanimously.

15. Work Assignment/The Weiler Engineering Corporation

Cindy Talamantez requested the approval of the Work Assignment #25 with The Weiler Engineering Corporation for Professional Engineering Services. Ms. Talamantez stated this is under Weiler's Core Contract that was awarded by Board approval last August. This Work Assignment would be for day to day Engineering Services as of October 1, 2012. A motion was made by Commissioner Selph to approve Work Assignment #25 with Weiler Engineering Corporation for Professional Engineering Services. Seconded by Commissioner Schaefer. Motion carried unanimously.

16. Work Assignment/The Weiler Engineering Corporation

Cindy Talamantez requested the approval of the Work Assignment #26 with The Weiler Engineering Corporation for Professional Engineering Services. Ms. Talamantez stated this Work Assignment is for the Landfill Operating Permit Renewal. It is standard for the Landfill to update this to FDEP. A motion was made by Commissioner Langford to approve Work Assignment #26 with Weiler Engineering Corporation for Engineering Services to renew the DeSoto County Section 16 Landfill Operating Permit. Seconded by Commissioner Schaefer. Motion carried unanimously.

ADMINISTRATOR'S REPORT

Guy Maxcy called on Cindy Talamantez to give a Fire Station report. Mr. Maxcy stated the Board tasked a Committee to meet along with Commissioner Langford, to discuss the possibility of building a new fire station on the City property as well as investigate sites and other matters. Ms. Talamantez stated the Committee is prepared to report the findings and receive direction from the Board to move forward. The Committee has found there is a need to take some kind of action with Station 1 Public Safety Facility located on Carlstrom Field Rd. Ms. Talamantez then spoke on the Merger Agreement between DeSoto County and The City of Arcadia that came with the Fire Merger that discusses obligations and also property that we are currently paying for located off of Highway 17. Ms. Talamantez commented on the increased cost of building materials. Ms. Talamantez spoke on the issues of the matter. She stated the options to consider. One option is to construct a new building either on

Carlstrom Field or Highway 17 site. The other option would be renovating the Carlstrom Field site. Ms. Talamantez followed with more issues to take into consideration. There was further discussion from the Board. It was the consensus of the Board to have the existing building evaluated by a structural engineer. Cindy Talamantez stated that the \$3,600.00 does not include cost estimate. Ms. Talamantez will follow up with the structural engineer and start organizing a workshop.

Guy Maxcy asked for permission from the Board to task the County Attorney to review an Ordinance in regards to Veteran solicitation in DeSoto County. It was consensus of the Board to move forward with this task.

Mr. Maxcy stated there is an Economic Development request to issue a final task order in the amount of \$12,100.00 for website work. Issuance of the task order will exceed \$15,000.00 in the amount of \$2,775.00. Staff is requesting consensus of the Board to authorize issuance of the task order. The current budget will cover the expense with no additional funding requested. It was consensus of the Board to proceed with the final task order requested.

Mr. Maxcy asked for feedback from the Board over the next two weeks on a trial recycling program.

Mike Giardullo gave an update on Hull Rd. and Seminole Gulf. Starting on October 1st Hull Rd. will be closed at the North entrance for approximately one week. This is to replace the railroad crossing surface. A local contractor will then take approximately two weeks to complete the paving. The signs will state the road will be closed for one month to just to be safe.

COUNTY ATTORNEY'S REPORT

Barrie Buenaventura had nothing to add in addition to the report.

BOARD MEMBER COMMENTS

Commissioner Langford stated there is a prayer vigil across the nation for the upcoming election. Asked that everyone pray for our Country, the election and that whoever is elected into office will do the right thing. Something different has to be done or things will change as we know it.

Commissioner Selph spoke on the Policy Meeting for the Florida Association of Counties (FAC) that he attended recently. He believes that we all need to pray for our Country and our leaders. Also pray for the ones that are serving our Country overseas and the 4 Embassy employees that lost their lives. We need to take a stand and become a strong Nation again.

Commissioner Neads stated he has 58 more days before he retires as County Commissioner.

Chairman Mansfield stated he also attended the FAC Conference last week. There are some very enlightening issues coming up in the November election. Chairman Mansfield then called on Mandy Hines to speak on some of the Amendments that will be voted on. Mandy Hines stated the two that will be the largest impact to Florida Counties are Amendment #4 and Amendment #10. Ms. Hines urged everyone to oppose Amendment #4. The burden is going to shift to our Homesteaded residents. Amendment #10 is the Tangible Personal Property Tax Exemption. If your value is \$25,000-\$50,000 it will take you off of the Tangible Personal Property Tax Roll. Ms. Hines urged everyone to educate yourself thoroughly and look at both sides of the issue.

RECESSED AT 4:17 PM UNTIL 6:30 PM PUBLIC HEARING

PUBLIC HEARING 6:30 PM

Chairman Mansfield called the meeting to order. Chairman Mansfield stated the Board will conduct Public Hearings on Land Use matters that are on the agenda. Barrie Buenaventura then explained the procedure for the hearings. Any and all persons going to testify before the Board were sworn in by Lauri Jones, Office Manager. Chairman Mansfield called for any ex-parte communications from the Commissioners. None were reported.

17. Resolution/Plat Vacate 2012-01

Kathy Heitman requested the adoption of the Resolution granting PV 2012-01, to vacate the described portion of the plat of Peace River Terrace. Commissioner Langford questioned how many parcels that are owned by other individuals is remaining that will not be vacated. Ms. Heitman replied there were approximately 30-35.

Henry Jakimer, Trustee and owner of said property stated there were 30-35 parcels but only 7 individual owners.

Chairman Mansfield requested any member of the public that would like to make a presentation either in favor or in opposition to the application or ask questions of staff or the applicant. There was no rebuttal. A motion was made by Commissioner Neads to close the Public Hearing. Seconded by Commissioner Langford. Motion carried unanimously. A motion was made by Commissioner Neads to adopt a Resolution granting PV 2012-01, to vacate the described portion of the plat of the Peace River Terrace. Seconded by Commissioner Selph. Motion carried unanimously.

18. Adoption/2012-2013 Final Budget

Linda Nipper presented a request for the adoption of the 2012/2013 millage rates and the accompanying budget.

Mr. Maxcy stated the Board of DeSoto County Commissioners does hereby determine and state the rate of millage to be levied for the fiscal year 2012/2013 for the following funds. DeSoto County Board of Commissioners rollback rate is 7.3422. The millage rate to be levied is 6.8987. The DeSoto County EMS Municipal Services Taxing Unit rollback rate is .4801. EMS/MSTU millage rate to be levied is .4514. The proposed collected millage represents a -6.04% decrease from the calculated roll back rate of 7.8975. Mr. Maxcy also stated some of the changes since the first budget workshop are additional funds for the Sheriff's Department, Communications (worker's comp. & additional holidays) and deletion and/or elimination of capital expenditures such as equipment and decrease of each department in fund budget to or less than the prior fiscal year.

Linda Nipper questioned the Board if there were any parts of the Budget they would like to review. As requested, items were deleted and/or added items from the preliminary budget. Ms. Nipper stated our overall reserves countywide \$8,653,126.00. A motion was made by Commissioner Neads to adopt the Resolution approving the operating ad valorem millage of 6.8987. Seconded by Commissioner Selph. Motion carried unanimously. A motion was made by Commissioner Neads to adopt the Resolution approving the EMS ad valorem millage rate of .4514. Seconded by Commissioner Langford. Motion carried unanimously.

Commissioner Neads commended previous Commissioners and the current Board for not raising taxes. We have not raised taxes in 12 years or the millage rate. There will be trying times. We will need to do more with less. Mr. Neads stated he is proud to have been a part of this process.

Mary Kay Burns approached the Board with a request of the Health Department receiving an increase. This request is being made due to the need for additional space. The cost of the additional space would be approximately \$2,000.00 more annually than what has been allocated. There was further discussion on the matter. Barry Buenaventura pointed out to the Board that earlier, as part of agenda item #9, the Board approved a contract with the Department of Health wherein the Board agreed to cap its responsibility at \$40,000.00. If the Board chooses to increase its responsibility to \$42,000.00; that change would need to be made in the contract. Ms. Burns stated the contract could be amended.

Commissioner Schafer questioned Ms. Burns regarding the surplus vehicles. Ms. Burns stated there are four vehicles that will be surpluses. One vehicle will be purchased to replace four.

Chairman Mansfield feels that if this is one of the Board's obligations then they need to make it happen.

Commissioner Langford commented the County has a small reserve and would like to keep that for emergencies only.

Commissioner Selph feels this issue needs to be presented to the Board again at a later date so there is more time for review.

Commissioner Needs feels the Board should allow the extra \$2,000.00 to the Health Department.

Commissioner Schaefer likes the idea of selling the four vehicles to help supplement the \$2,000.00.

A motion was made by Commissioner Langford to adopt the Resolution approving the 2012-2013 Final Budget. Seconded by Commissioner Selph. Motion carried unanimously.

Mr. Maxcy gave a special thanks to staff for all the hard work.

ADJOURNMENT

There being no further business, Chairman Mansfield adjourned the meeting at 7:05PM.

ATTEST:

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

**C. GUY MAXCY
COUNTY ADMINISTRATOR**

**JURIL O. MANSFIELD
CHAIRMAN**