

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON OCTOBER 9, 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 October 9, 2012 with the following persons present:

Chairman, Buddy Mansfield, Dist#1	Code Enforcement Mgr., Jorge Hernandez
Commissioner, Jim Selph, Dist#2	Utilities Director, Eddie Miller
Commissioner, Judy Schaefer, Dist#3	Social Services Manager, Peggy Waters
Commissioner, Elton Langford, Dist#4	Fire Chief, Glenn Prescott
Commissioner, Ronald Neads, Dist#5	Veteran Services, Lee Gallagher
County Administrator, C. Guy Maxcy	Admin. Services Director, Linda Nipper
County Attorney, Don Conn	HR Manager, Don Kesterson
Facilities Director, Richard Metzger	Purchasing Director, Cindy Talamantez
Office Manager, Lauri Jones	County Coordinator, Mandy Hines
Transcribing Secretary, Jill Thompson	DeSoto County Sheriff, Will Wise
Event Coordinator, Jody Sullivan	Environmental Svc. Director, Billy Hines
Transportation Director, Shawn Edwards	Administrative Assistant, Kathy Heitman

CALL TO ORDER

9:00 AM

PRAYER- Pastor Jay Stamey / Church of God of Nocatee

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS- Sheriff Will Wise

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

CONSENT AGENDA-MOTION TO APPROVE

Mr. Maxcy stated the minutes for September 11, 2012 should read a Workshop to Discuss (2) Draft Ordinances. Commissioner Neads questioned if a Resolution was presented previously to name the Rank & File Committee. Mr. Maxcy stated the Resolution presented to the Board today is for a name change. A motion was made by Commissioner Neads to approve the Accounts and Warrants drawn according to schedule of bills payable; Minutes of September 11, 2012 Workshop to Discuss (2) Draft Ordinances; Declaration of Surplus Property List; Small County Solid Waste Grant Agreement No. 305SC; A Resolution changing the name of the Rank & File Committee to Employee Advisory Committee; A Resolution for Joint Participation Agreement for Transit Projects; A vehicle Lease Agreement with Veolia Transportation Services. Seconded by Commissioner Selph. Motion carried unanimously.

PRESENTATION

8. Proclamation/National 4-H Week

Guy Maxcy read to the Board the Proclamation declaring the week of October 7-13, 2012 National 4-H Week. 4-H had its beginnings in rural America; it now serves youth in urban and suburban as well as rural communities. This Proclamation earnestly suggests that all citizens take part in the county and community observances being planned so that they may more fully realize the many varied contributions of 4-H through our county's progress. A motion was made by Commissioner Selph to proclaim the week of October 7-13, 2012 as National 4-H Week. Seconded by Commissioner

Langford. Motion carried unanimously. Commissioner Selph encouraged everyone to get their children and families involved in 4-H.

9. Proclamation/Domestic Violence Awareness Month

Guy Maxcy read to the Board the Proclamation declaring the month of October Domestic Violence Awareness Month. This seeks to stop the crime of Domestic Violence through public awareness and education. The Board of County Commissioners urges all citizens to observe this month by becoming aware of the tragedy of domestic violence. A motion was made by Commissioner Langford to proclaim the month of October as Domestic Violence Awareness Month. Seconded by Commissioner Schaefer. Motion carried unanimously.

10. Presentation/Animal Rescue Coalition-Venice Cat Coalition

Caroline Resnick and Teresa Foley gave a presentation on the Animal Rescue Coalition's Ferrell Cat Program in Sarasota. They spoke on the cat over population program. Ms. Resnick introduced the Trap, Neuter and Return Program (TNR). In this program, ferrell and free roaming cats are humanely trapped, spayed, vaccinated and returned to their location with their human caregivers. This service is free of charge and at no cost to DeSoto County taxpayers. October 16th is National Ferrell Cat Day. Ferrell Cat Food Drives are organized to benefit low income people who care for Ferrell cats that have gone through the TNR program. Teresa Foley spoke about the program. There were questions and comments from the Board. Commissioner Selph stated he has information on Ferrell cat colonies in Florida from the University of Florida and there is a law on releasing non-indigenous animals into the wild. Commissioner Selph does not agree with the TNR program. Commissioner Schaefer stated she also has TNR cats in her neighborhood. George Lempenau commented that he has a controlled area of TNR cats and that with this program; his cat population has decreased.

REGULAR BUSINESS

11. Resolution/Budget Amendments

Linda Nipper requested the adoption of the Resolution amending the 2011/12 Budget including attachments #2012-159 (Utilities Dept), #2012-164 (Turner Center), #2012-166 (Sheriff's Dept.). Commissioner Neads verified this is for the 2011-2012 budget. A motion was made by Commissioner Langford to adopt the Resolution amending the 2011-2012 budget including attachments. Seconded by Commissioner Schaefer. Motion carried unanimously.

12. Resolution/Amendment 4

Mandy Hines requested the adoption of the Resolution urging citizens to carefully consider all impacts related to Amendment 4 prior to voting. If adopted by the Board, a copy of this Resolution will be transmitted to the Florida Association of Counties. Commissioner Neads questioned how the Board can bring awareness to the citizens of DeSoto County on this matter. Ms. Hines stated legally the Board can take a position on this issue; we can speak in front of civic groups such as the Rotary and Chamber of Commerce. Ms. Hines also stated we cannot expend funds to take a position. Commissioner Mansfield commented there are more Amendments that will affect the taxable income of DeSoto County. Commissioner Selph stated that Amendment 4 will either cause a tremendous reduction of services for the residents of DeSoto County or it will cause their taxes to increase. Chairman Mansfield commented that Amendments 2, 4,9,10 and 11 will make an impact on our tax roll. Further discussion followed. George Lempenau stated the issue is getting the issue out and showing the pros and cons. Mr. Lempenau feels many of these amendments are deceptive. Lori Coker stated that small business owners can attach information to their pay stubs. Penny Kurtz suggested that she could include amendment information on the Chamber of Commerce website. A motion was made by Commissioner Langford to adopt the Resolution concerning Amendment #4. Seconded by Commissioner Neads. Motion carried unanimously.

13. Bid Award/ Small Cities Community Development Block Grant and State Housing Initiative Partnership Program

Peggy Waters requested the approval of Becerra Construction as a participating contractor; approve the bid awards as presented; and authorize the Administrator to execute all related documents for rehabilitation units. A motion was made by Commissioner Langford to approve Becerra Construction as a participating contractor; approve the bid award as presented and authorize the Administrator to execute all related documents for rehabilitation of the units. Seconded by Commissioner Neads. Motion carried unanimously.

14. Recycling Program

Billy Hines requested the approval of the Operation of a Trial Recycling Program. Mr. Maxcy stated the Administrator's office and the Environmental Services office have received many calls regarding the lack of recycling in DeSoto County. We have received approval from the State to use a Small County Grant to fund a trial program. Mr. Womack has presented a proposal to transport the material to Hardee County where it will be processed. This program will be of no cost to the county. Mr. Hines stated that tentatively there will be four drop off sites. The sites will include the Turner Center, Road and Bridge, the Landfill and South County Fire Station. Commissioner Neads expressed his concerns that this program did not work previously. A motion was made by Commissioner Selph to approve the Operation of the Trial Recycling Program. Seconded by Commissioner Langford. Motion carried unanimously.

15. Lease/ Arcadia Shoppes, LLC

Mary Kay Burns requested approval of the lease between DeSoto County BOCC and Arcadia Shoppes, LLC for the operation of DeSoto County Health Department. Ms. Burns stated this will be for new clinic space. Commissioner Mansfield expressed his concern with the amount of parking space available. A motion was made by Commissioner Neads to approve the lease between DeSoto County BOCC and Arcadia Shoppes. Seconded by Commissioner Selph. Motion carried unanimously.

16. Work Assignment # 27/ Professional Services The Weiler Engineering Corporation

Cindy Talamantez requested approval of Work Assignment #27 with the Weiler Engineering Corporation for Engineering Services to develop plans for the Temporary Shutdown of the DCI Wastewater Treatment Plant and authorize the Chairman to execute the Work Assignment. Todd Helt represented Weiler Engineering in place of Mike Giardullo who is on vacation. Ms. Talamantez stated the proposed work assignment would temporarily shut down to implement a cost saving measure. It was also part of the recommendation that Weiler Engineering gave to the Board under a separate work assignment just after the departure of the previous Utilities Director. There were questions from the Board. Further discussion followed. A motion was made by Commissioner Langford to approve Work Assignment #27 with The Weiler Engineering Corporation for Engineering Services to develop plans for the Temporary Shutdown of the DCI Wastewater Treatment Plant and authorize the Chairman to execute the Work Assignment. Seconded by Commissioner Neads. Motion carried unanimously.

17. Work Assignments #28, #29, #30/Professional Services The Weiler Engineering Corporation

Cindy Talamantez requested the approval of Work Assignments #28, #29 and #30 with the Weiler Engineering Corporation for Engineering Services to provide design services and plans for guardrails at various bridges as presented and authorize the Chairman to execute the Work Assignment. Ms. Talamantez stated these are all under the STOP Grant Agreement for guardrail. The guardrails would be installed at the bridges on County Road 761 and Brownville Road. Commissioner Langford verified this work assignment actually came in under budget. A motion was made by Commissioner Langford to approve Work Assignments #28 through #30 with Weiler Engineering Corporation for Engineering

Services to provide design services and plans for guardrails at various bridges as presented and authorize the Chairman to execute the Work Assignment. Seconded by Commissioner Schaefer. Motion carried unanimously.

18. Waiver/Special Exception Application Filing Fee

Kathy Heitman requested determination on the waiver of a Special Exception application fee. Robin Vitali spoke on behalf of Ms. Mary Costner and Mr. & Mrs. Wayne Cooper. Ms. Vitali stated the Coopers would like to open a church. Further discussion followed by the Board to look further into the fees charged for this service. Commissioner Neads suggested re-evaluating the fee before making a decision. A motion was made by Commissioner Langford to waive the Special Exception Filing Fee of \$750.00 for the property located at 4173 N.E. Hwy. 17. Seconded by Commissioner Selph. Motion carried 4-1. Commissioner Neads descending.

19. Veterans Organization-Solicitation

Don Conn requested discussion on out of county organizations soliciting charitable contributions in DeSoto County then taking those contributions to serve residents in other counties. Mr. Conn stated that this problem has been primarily in the area of Veteran's Organizations. Mr. Conn then referred to Statute 817.312. The Disabled Veteran's Foundation, located in Plantation, Florida has been soliciting in Arcadia. Mr. Conn verified that this Organization is registered with the Department of Agriculture. Mr. Conn believes part of what is appropriate action is for the Board to go on record and educate businesses and individuals in DeSoto County that this is occurring and try to discourage participation in that activity. Mr. Conn suggested informing businesses that this is a problem and they are unknowingly helping the residents of other areas. Mr. Conn prepared a draft Resolution that was read into the record. If the Board feels the Resolution is appropriate, the Board may pass it immediately. Chairman Mansfield is pleased to see this issue addressed. A motion was made by Commissioner Neads to adopt the Resolution that was previously read by Mr. Conn. Seconded by Commissioner Selph. Motion carried unanimously. Mr. Maxcy stated that we cannot enforce this Resolution; we can disperse this Resolution to local businesses showing the Board supports hometown veterans. Further discussion followed.

20. Ordinance/ Phosphate Mining

Don Conn stated this is a Public Hearing; the first of (2) two Public Hearings to consider adoption of an Ordinance relating to phosphate mining. This matter was heard in a Workshop by the Board on September 11, 2012 and on two occasions by the Planning Commission. The Planning Commission did unanimously recommend approval of the Phosphate Mining Ordinance. In addition, the Economic Advisory Committee met on September 19, 2012 and considered this matter as well. Mr. Conn provided the Board with a proposed Resolution. He then referred to revisions in the proposed Ordinance. He suggested this particular Ordinance be included in the LDRs. Mr. Conn reviewed the highlighted changes in the Ordinance. Mr. Maurice Brown commented that he advocates the changes and recommends only making the changes proposed. Commissioner Neads thanked Mr. Brown for always having the best interest in the County in mind. Tanya Bond spoke on the Ordinance and stated she is against vested rights and gave reasons for her opinion. Bart Arrington with Mosaic commented that off site mitigation is not a good idea. It may have an effect on where mitigation can take place. Mr. Arrington stated the Board can still address Ms. Bond's concerns; there is no permit yet. Commissioner Schaefer commented on the Citizen Advisory Committee; and possibly they can help address some of Ms. Bond's issues. The public is also welcome to attend those meetings. Further discussion followed.

21. Ordinance/ Biosolids (Sludge)

Don Conn stated this is a Public Hearing on the Biosolids or Sludge Ordinance. This is the first of (2) two Public Hearings. A Workshop was held on this matter on September 11, 2012. Mr. Conn stated this

issue was considered by the Planning Commission on September 6, 2012 and again on October 2, 2012. The Planning Commission did recommend approval of the Draft Revision of the Biosolids (Sludge) Ordinance. The Economic Advisory Committee met on September 19, 2012 and will meet again on this Ordinance at a later date. A Draft Resolution was presented to the Board for review. Mr. Conn reviewed the highlighted changes of the Ordinance. Tanya Bond thanked everyone for revisiting the Biosolids Ordinance. Ms. Bond stated sewage sludge is not totally harmless and gave reasons for her opinion. Mr. Maurice Brown stated he has many problems with this Ordinance. Mr. Brown stated some of the changes he feels are necessary. Further discussion followed. Mr. Conn stated the second Public Hearing will be held on October 23, 2012.

ADMINISTRATOR'S REPORT

Mr. Maxcy invited Cindy Talamantez to speak. Ms. Talamantez reported on her meeting with the City. The City is open to suggestions for the new fire station. They have requested a joint meeting; preferably in the evening; between the BOCC and the City Council. Commissioner Neads suggested a 5:30 meeting on October 23rd prior to the BOCC meeting. The meeting will be held in the board room.

COUNTY ATTORNEY'S REPORT

Don Conn reported that PIE has taken an appeal of the Trial Court's ruling in our favor. Mr. Conn will keep the Board posted on this matter.

BOARD MEMBER COMMENTS

Commissioner Schaefer commented that McSwain Park looks great and commented that Jody Sullivan is doing a great job advertising AgFest. Commissioner Selph commented that he enjoyed attending the Advanced County Commission Training and plans on attending more. Also, Comm. Selph stated he is very happy about the Ordinance protecting our veterans. Chairman Mansfield read the 4-H card thanking the Board. Chairman questioned the placement of a flashing light at the crosswalk on Turner Ave. Commissioner Neads stated it was voted against. Chairman Mansfield commented on the 11 year old boy in Fort Myers that was struck by lightning; he would like to see estimates of what it would cost for equipment that detects lightning strikes in the area. Eddie Miller, Utilities Director, stated there are lightning box indicators available. Commissioner Langford stated at one time the City Park had something similar available. Further discussion followed.

ADJOURNMENT

There being no further business, Chairman Mansfield adjourned the meeting at 11:53AM .

ATTEST:

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

**C. GUY MAXCY
COUNTY ADMINISTRATOR**

**JURIL O. MANSFIELD
CHAIRMAN**