

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON OCTOBER 23, 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 October 23, 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	Transportation Director, Shawn Edwards
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	Parks & Recreations Director, Tara Anderson
County Engineer, Mike Giardullo	Tax Collector, Kathy Hill

CALL TO ORDER

3:00 PM

PRAYER- Pastor Ron York / First Christian Church

PLEDGE OF ALLEGIANCE

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

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

CONSENT AGENDA-MOTION TO APPROVE

A motion was made by Commissioner Schaefer to approve the Accounts and Warrants drawn according to schedule of bills payable; Minutes of September 25, 2012 Public Meeting; Approval of update to Personnel Manual, Section 7.9 Military Leave; A Resolution in support of an application to the Florida Department of Agriculture and Consumer Services Promotion Facility request for funding. Seconded by Commissioner Selph.

PROCLAMATIONS

5. Proclamation/Week of the Family

Guy Maxcy read to the Board the Proclamation declaring the week of November 3rd- November 10th, 2012 as Week of the Family. This provides a time to expand awareness that strong families make strong communities. A motion was made by Commissioner Langford to proclaim the week of November 3rd – November 10th, 2012 as Week of the Family. Seconded by Commissioner Schaefer. Motion carried unanimously.

6. Proclamation/Pancreatic Cancer Awareness Month

Guy Maxcy read to the Board the Proclamation declaring the month of November as Pancreatic Awareness Month. The Pancreatic Cancer Action Network is the first and only National Patient Advocacy Organization that serves pancreatic cancer issues in DeSoto County and Nationwide by focusing its efforts on public policy, research funding, patient services, public awareness and education

related to developing effective treatments and a cure for pancreatic cancer. A motion was made by Commissioner Schaefer to proclaim the month of November as Pancreatic Cancer Awareness Month. Seconded by Commissioner Neads. Motion carried unanimously. Chairman Mansfield commented that this is a devastating disease.

REGULAR BUSINESS

7. Resolution/Budget Amendment

Linda Nipper requested the adoption of the Resolution amending the 2011/12 Budget including attachment #2012-167(Sheriff's Dept) Article V funds moved into the General Fund for education projects and GEO to pay for inmate housing for the month of September. A motion was made by Commissioner Neads to adopt the Resolution amending the 2011-2012 Budget including attachment. Seconded by Commissioner Langford. Motion carried unanimously.

8. Resolution/Budget Amendments

Linda Nipper requested the adoption of the Resolution amending the 2012-2013 Budget including attachments #2013-001 (Utilities) Professional Services for the Hwy. 17 project and #2013-002 (Utilities) Rate study for future CIP matters. A motion was made by Commissioner Neads to adopt the Resolution amending the 2012-2013 Budget including attachments. Seconded by Commissioner Langford. Motion carried unanimously.

9. Approval/Revised Employee Recognition Awards Program Policy

Don Kesterson requested approval of the revised Employee Recognition Awards Policy. The employees were given 30 days to review the changes. A motion was made by Commissioner Neads to approve the revised Employee Recognition Awards Program Policy. Seconded by Commissioner Langford. Motion carried unanimously. Commissioner Selph commented that he does not agree with section 4.3 that states awards are subject to change depending on budgetary constraints. Commissioner Selph feels this should not be included in the policy. Commissioner Neads amended his motion to strike the mentioned sentence in section 4.3. Seconded by Commissioner Selph. Motion carried unanimously.

10. Memorandum of Understanding/Enterprise Florida and County Economic Development

Mandy Hines requested the approval of the MOU between the DeSoto County and Enterprise Florida, designating the DeSoto County Economic Development Office as the Board's primary economic development organization. A motion was made by Commissioner Neads to approve the MOU designating DeSoto County Economic Development Office as the Board's primary economic development organization. Seconded by Commissioner Langford. Motion carried unanimously.

11. Short Sale/HHRP Mortgage Forgiveness

Peggy Waters requested approval of the Short Sale offer of \$1,500.00 as payment for the HHRP second mortgage on the home located at 215 Imogene Street. A motion was made by Commissioner Langford to approve the Short Sale offer of \$1,500.00 as payment for the HHRP second mortgage on the home located at 215 Imogene Street. Seconded by Commissioner Neads. Motion carried unanimously.

12. Short Sale/HHRP Mortgage Forgiveness

Peggy Waters requested approval of the Short Sale offer of \$2,500.00 as payment for the HHRP second mortgage on the home located at 405 North Arcadia Avenue. A motion was made by Commissioner Neads to approve the Short Sale offer of \$2,500.00 as payment for the HHRP second mortgage of the home located at 405 North Arcadia Avenue. Seconded by Commissioner Selph. Motion carried unanimously.

13. Contract/Department of Corrections-DCI Work Squad #WS796

Tara Anderson requested approval of the new contract #WS796 with Department of Corrections-DCI Work Squad replacing the current contract #WS365. A motion was made by Commissioner Neads to

approve and authorize the Chairman to execute the new contract #WS796 replacing the current contract #WS635. Seconded by Commissioner Selph. Motion carried unanimously.

14. Agreement Amendments/Professional Services Library

Cindy Talamantez requested approval of the Agreement Amendments with 13 Firms as presented for the Professional Services Library. Ms. Talamantez made a correction to the request. The Bid release was in 2010 for the Engineering Library, not 2012. A motion was made by Commissioner Langford to approve Agreement Amendments with 13 Firms as presented. Seconded by Commissioner Schaefer. Motion carried unanimously.

15. Work Assignment #24/Weiler Engineering Corporation

Cindy Talamantez requested the approval of Work Assignment #24 with Weiler Engineering Corporation. This involves the Lettuce Lake Park Phase 1 improvements. The County has received grant funding under the Florida Boating Improvement Grant through the Florida Wildlife Commission. This would be for the design and permitting of a restroom facility, utility connection, lift station, boat ramp and floating dock. A motion was made by Commissioner Selph to approve Work Assignment #24 with Weiler Engineering Corporation for Engineering Services to provide the design services and plans for improvement to Lettuce Lake Park. Seconded by Commissioner Langford. Motion carried unanimously.

ADMINISTRATOR'S REPORT

Mr. Maxcy spoke about working with the University of Florida and their firm in Maryland on digitizing a map. The estimated cost is \$650.00.

Mr. Maxcy stated an individual was released during the probation period and would like to fill the position of Maintenance Technician II in the Utilities Department. It was consensus of the Board to fill this position.

Mr. Maxcy spoke about the Workshop with the City of Arcadia to discuss the property for a fire station. A date of November 5, 2012 at 5:30 pm has been discussed. The City would also like to discuss water and sewer supply to the Airport during this workshop. This will be advertised (10) days prior to the workshop.

Mr. Maxcy discussed the upcoming meetings for the Holidays. A special meeting is needed on November 20, 2012 at 5:30 pm for the swearing in of the new Commissioners. A new Chairman will be elected at this time and Committee assignments will be discussed as well. Mr. Maxcy suggested December 11, 2012 at 3:00 pm with the potential of a 6:30 pm Public Meeting.

Mr. Maxcy stated when Commissioner Quave takes office in November, there will be a vacancy with the Planning Commission. Options for his replacement were discussed. It was decided for this matter to be added as an agenda item and voted on at the next Board meeting. It was consensus of the Board to fill this position by receiving resumes from interested parties.

COUNTY ATTORNEY'S REPORT

Don Conn reported that the Braynen foreclosure hearing was rescheduled. Mr. Conn reported that we were successful on getting the DRD Pressler case dismissed and a hearing on the County's motion for sanctions was set for October 19, 2012. In order to avoid sanctions and a hearing on the motion for sanctions; DRD Pressler submitted a check to the County in the amount of \$3,000.00. Mr. Conn then commented on MERS v. Cox, DeSoto County. An amount slightly under \$5,000.00 was received by the County on this case. Finally, Mr. Conn spoke about the Resolution Establishing Fees. At the next

meeting, he will bring a Resolution that would address (3) types of fees.

BOARD MEMBER COMMENTS

Commissioner Selph commented on a friend that passed away with pancreatic cancer. He also commented on the importance of public service and voting.

Chairman Mansfield stated he feels voting is one of the most important things people can do.

Commissioner Langford made a statement on the importance of voting.

RECESSED AT 3:36 PM UNTIL 6:30 PM PUBLIC HEARING

PUBLIC HEARING 6:30 PM

Mr. Conn stated the Board will hear (3) Ordinances as well as an initial agenda item.

16. Public Hearing/Community Development Block Grant

Mandy Hines requested to provide information regarding the CDBG Program and to elicit public comment regarding local projects. Ms. Hines stated she is presenting the first Public Hearing of the Community Development Block Grant which is a requirement of the submission. The purpose of the Public Hearing is to provide information on what are the eligible activities, types of funding that are available and to solicit public input on the types of projects and needs of community development in the area. Ms. Hines stated there are (4) primary categories in the CDBG program; housing rehabilitation, neighborhood revitalization, commercial revitalization and economic development. Ms. Hines briefly explained each category. Ms. Hines stated the maximum award under the Small Cities Program is \$750,000. Commissioner Mansfield questioned if this grant could be used for handicapped wheelchair ramps in private homes. Ms. Hines replied that maybe under the housing category it would be possible. Commissioner Selph then questioned Ms. Hines on the amount of people a business would need to hire. There was no public comment.

17. Ordinance/Pain Clinics (Pill Mills)

Don Conn requested to adopt the Ordinance extending the moratorium on Pain Clinics (pill mills) for an additional (1) year. Mr. Conn stated in early 2011, the Board adopted a moratorium that has been extended several times. The current moratorium expires at the end of November 2012. A motion was made by Commissioner Needs to approve the Ordinance extending the moratorium of pain clinics (pill mills) for an additional (1) year. Seconded by Commissioner Schaefer. Commissioner Selph questioned if this Ordinance could also cover signs placed throughout the county with phone numbers to said pain clinics. Mr. Conn stated this issue could be dealt with through the Code Enforcement department. Motion carried unanimously.

18. Ordinance/Phosphate

Mr. Conn stated this is a proposed Ordinance dealing with Phosphate Mining in DeSoto County. This is the second Public Hearing on the proposed Ordinance. Public comment has been received and considered in the proposal. Mr. Conn emphasized the Board is considering an Ordinance and not on any particular application. Mr. Conn then reviewed the provisions of the Ordinance. Changes to offsite mitigation were discussed by Mr. Conn. The change would allow mitigation to occur outside of the County if required. Mr. Conn stated once approval is given for the Master Mine Plan, which does not allow mining activities to take place. It allows an applicant to submit an application for an operating permit. Set back requirements and financial responsibility were then discussed by Mr. Conn. Mr. Conn then answered questions from the Board. Mr. Andrew Smith spoke on his concerns of phosphate mining. Mr. Maurice Brown stated he has no objections to this Ordinance. Bart Arrington with Mosaic thanked Mr. Conn for making this an open and interactive process with regard to changes in the Ordinance. Mr. Andrew Smith spoke against any revisions to previous Ordinances. Mr. Smith also stated he is against

any permitting to phosphate mining. He then gave reasons for his opinion. Mr. Conn repeated that the Board was not there on any particular application and none have been proposed. The Board was there on an Ordinance that sets forth policy. He also stated phosphate mining is a legal activity in the state of Florida. Commissioner Langford stated that in regard to phosphate mining, this Ordinance is much better than the previous Ordinance. A motion was made by Commissioner Langford to adopt the revision to the Phosphate Mining Ordinance as proposed. Seconded by Commissioner Selph. Motion carried unanimously.

19. Ordinance/Biosolids (Sludge)

Mr. Don Conn stated this agenda item proposes an Ordinance that regulates land spreading and hauling of Biosolids. This is the second public hearing on the subject. The proposed Ordinance sets forth findings reiterating the opportunities for public input and specifies that upon revision of the Land Development Regulations, this Ordinance would be placed in the Land Development Regulations as part of the next revision of those standards. Mr. Conn feels that the provisions are an improvement over the current Ordinance. Mr. Conn stated this particular Ordinance is intended to regulate two aspects of Biosolids use. Mr. Conn then reviewed the two aspects of use. An important aspect of this Ordinance is that it incorporates the Department of Environmental Protections Rule 62-640, which makes all of the standards set forth in that rule applicable in DeSoto County and also incorporates 40CFR503, which is the Federal Register Code of the Federal Environmental Protection Agency's rule relating to the use of Biosolids. Mr. Conn called attention to a change in the draft Ordinance on page three that deals with prohibited acts. Subsection B is added and would allow the Board to add other areas and locations as it may determine following public hearing that are not appropriate for the application of Biosolids based upon specific topography, water resources, groundwater levels and potential impact of the natural resources of a specific location. Maurice Brown stated a number of problems that he has with this Ordinance as far as clarity. Further discussion followed. A motion was made by Commissioner Needs to adopt the revisions to the Biosolids Spreading and Hauling Ordinance. Seconded by Commissioner Langford. Motion carried unanimously.

ADJOURNMENT

There being no further business, Chairman Mansfield adjourned the meeting at 7:35 PM.

ATTEST:

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

**C. GUY MAXCY
COUNTY ADMINISTRATOR**

**JURIL O. MANSFIELD
CHAIRMAN**