

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
HELD ON NOVEMBER 12, 2013 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 November 12, 2013 with the following persons present:

Commissioner, Buddy Mansfield, Dist#1	Planning Manager, Thomas Cookingham
Chairman, James Selph, Dist#2	Fire Chief, Larry Taylor
Commissioner, Gabriel Quave, Dist#3	Purchasing Director, Cindy Talamantez
Commissioner, Elton Langford, Dist#4	HR Director, Don Kesterson
Commissioner, Bob Miller, Dist#5	County Coordinator, Mandy Hines
County Administrator, C. Guy Maxcy	Office Manager, Lauri Jones
County Attorney, Don Conn	County Engineer, Mike Giardullo
Facilities Director, Richard Metzger	Environmental Svcs. Director, Henry Grimes
Transcribing Secretary, Jill Thompson	Building Official, Lester Hornbake
Administrative Services Director, Linda Nipper	Turner Center Director, Jody Sullivan
Road & Bridge Director, Shawn Edwards	Utilities Director, Eddie Miller
Compliance Director, Jorge Hernandez	4-H Extension Agent, Kristie Popa
Veteran Services, Lee Gallagher	Right of Way Inspector, Robert Hamrick

**CALL TO ORDER 9:00 AM**

**PRAYER**- Chairman Selph

**PLEDGE OF ALLEGIANCE**

**INTRODUCTION OF ELECTED OFFICIALS**

Kathy Hill, Tax Collector and Sheriff Will Wise

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

**PUBLIC FORUM FOR NON-AGENDA ITEMS**

None

**CONSENT AGENDA-MOTION TO APPROVE**

Chairman Selph requested that the motion not to include #3 (Final confirmation and approval of new Fire Chief). A motion was made by Commissioner Miller to separate #3 from the consent agenda; to approve the Accounts and Warrants drawn according to schedule of bills payable; Minutes of October 22, 2013 Public Meeting; amendment of the Distinguished Citizens Award Policy Seconded by Commissioner Langford. Motion carried unanimously.

**FINAL CONFIRMATION AND APPROVAL OF NEW FIRE CHIEF**

Guy Maxcy thanked the Selection Committee. He stated the reasons why the new Fire Chief was chosen. The Board congratulated Chief Larry Taylor. A motion was made by Commissioner Langford, in accordance with Florida Statute 125.741K, to approve and confirm the selection of the Public Safety Chief as Larry Taylor. Seconded by Commissioner Miller. Motion carried unanimously.

## **PRESENTATION**

### **5. Distinguished Citizen Award**

Commissioner Mansfield presented Algie Didlaukies with the Distinguished Citizen Award.

Ms. Didlaukies told a short story about her first encounter with DeSoto County and commented on how she enjoys helping the County.

## **REGULAR BUSINESS**

### **6. Resolution/Budget Amendments**

Linda Nipper stated the first amendment is recognizing an expense in SHIP revenue. The remaining two are for GEO for the month of August and September. A motion was made by Commissioner Langford to adopt the Resolution amending the 2012-13 Budget including attachments 2013-116, 2013-117 and 2013-120. Seconded by Commissioner Mansfield. Motion carried unanimously.

### **7. Grant Agreement/Florida Department of Environmental Protection**

Henry Grimes presented a request for the Board to accept the 2013/14 Small County Consolidated Grant. This grant is used to assist in the payment of the waste tire collection. A motion was made by Commissioner Mansfield to accept the 2013/14 Small County Consolidated Grant awarded by the FDEP and authorize the Chairman to sign the grant agreement. Seconded by Commissioner Miller. Motion carried unanimously.

### **8. Agreement/Southwest Florida Water Management District Cooperative Funding Grant**

Mandy Hines stated this is a competitive cooperative funding agreement that was applied for in conjunction with Arcadis. The agreement has been awarded by the District in the amount of \$1,069,545.00. A motion was made by Commissioner Langford to approve a Cooperative Funding Agreement with Southwest Florida Water Management District. Seconded by Commissioner Mansfield. Motion carried unanimously.

### **9. FY 13/14/Annual Striping Project**

Mike Giardullo explained to the Board the process of choosing the streets for striping. He stated that Turner and FiveAsh are at the top of the list. A portion of Turner Rd. is within City limits. The City has indicated that they will pay for their portion of the striping program. A motion was made by Commissioner Mansfield to approve the streets for the FY 13/14 Annual Striping Project. Seconded by Commissioner Quave. Commissioner Miller questioned the type of material being used for the striping. Mr. Giardullo stated he would use the thermo-plastic striping and for the remaining streets he recommends paint striping. Motion carried unanimously.

### **10. Conveyance Agreement/Oak Haven Park, LLC**

Eddie Miller stated this will be the agreement for the water. Don Conn explained a few of the terms in the agreement. A motion was made by Commissioner Langford to approve the Utility Service and Conveyance Agreement between DeSoto County and Oak Haven Park, LLC; the agreement allocates 134.5 Water ERUs from the ERU pool to Oak Haven Park, LLC. Seconded by Commissioner Mansfield. Motion carried unanimously.

### **11. Conveyance Agreement/Lettuce Lake Travel Resort**

Eddie Miller stated this is the same process as the previous agreement. Mr. Conn stated the numbers are slightly different and presented the Board a revised Exhibit B due to an error. A motion was made by Commissioner Langford to approve the Utility Service and Conveyance Agreement between DeSoto County and Lettuce Lake Travel Resort to include Exhibit B correcting the verbiage from 3 months to 30 days. Seconded by Commissioner Mansfield. Motion carried unanimously.

### **12. Bid Award-Contract/Consolidated Productions Group, Inc.**

Eddie Miller presented the request. Don Conn stated that he would like the action to reflect that we

will not issue a Notice to Proceed until the grant is received. A motion was made by Commissioner Mansfield to award the bid for the Lettuce Lake Avenue Reece Street Water Main Extension and authorize the Chairman to execute the contract and that a Notice to Proceed will not be issued until the grant is received. Seconded by Commissioner Quave. Motion carried unanimously.

**13. Bid Award-Contract/Go Underground Utilities, LLC**

Eddie Miller stated that this is part of the appropriation. This is for the Lake Suzy Force Main Extension. A motion was made by Commissioner Quave to award the bid for the Lake Suzy Force Main Construction Services and authorize the Chairman to execute the contract. Seconded by Commissioner Langford. Motion carried unanimously.

**14. Agreement Amendment/Interlocal City of Arcadia**

Don Conn stated this amendment is relating to the County's Flush Water Agreement with the City. This helps the County with dispensing flush water and it helps the City with an additional supply of water. An additional 6 months would be useful before the amount charged is renegotiated on May 15, 2014. A motion was made by Commissioner Quave to approve the first amendment to the Interlocal Agreement between the City of Arcadia and DeSoto County to continue the current water charge for another 6 months. Seconded by Commissioner Miller. Motion carried unanimously.

**15. Request for Executive Session/Astaldi v. DeSoto County and Hartman & Associates**

Don Conn requested an Executive Session to discuss settlement negotiations and strategy relating to litigation in the case of Astaldi Construction Corporation v. DeSoto County. Mr. Conn requested the session to be held on Tuesday, November 26, 2014 at 2:00 pm. A motion was made by Commissioner Langford to set an Executive Session to be held on November 26, 2013 at 2:00 pm. Seconded by Commissioner Mansfield. Motion carried unanimously.

**16. Election of New Chairman & Vice Chairman**

Guy Maxcy presented the Board with ballots to vote for a new Chairman and stated the results will be in effect at 12:01 am tomorrow morning. Mr. Conn tallied the votes and announced that Commissioner Langford is the newly elected Chairman.

Mr. Maxcy presented the Board with ballots to vote for a new Vice Chairman. Mr. Conn tallied the votes and announced that Commissioner Quave is the newly elected Vice Chairman.

**ADMINISTRATOR'S REPORT**

Tom Cookingham clarified that the Peace River and Joshua Creek are the two floodways within DeSoto County.

Kristie Popa informed the Board that she has received a 4-H Grant to implement a teaching kitchen in the Extension Office. The kitchen will be used to aide in teaching the children to cook, canning and adult education in food preservation. It was consensus of the Board to begin construction on the new kitchen. Further discussion was had.

Mr. Maxcy requested approval from the Board to post a Worker III position and Code Enforcement 1 position. It was consensus of the Board to do so.

Mr. Maxcy presented a request to have the Front Desk position in Administration as full-time. Chairman Selph stated that he brought this to Mr. Maxcy's attention. Chairman Selph stated his concerns regarding the position being part-time. Commissioner Quave expressed his concern about Chairman Selph's suggestion of hiring (2) 20 hour positions for the front desk. Commissioner Mansfield would like to see the position hours from 8:00am to 4:45pm, allowing 15 minutes to take the daily mail. Commissioner Miller questioned funding for the position. Ms. Nipper stated that excess funds were received from various other elected officials that were not anticipated and that will allow for the small portion of additional funding needed to move the position to full-time. This matter will be presented to the Board as an agenda item at the next meeting.

Mr. Maxcy stated a request was received from the Highlands County Coalition for the Homeless, for DeSoto County to execute a letter certification of local government approval for non-profit organizations to be submitted with a grant application for an emergency shelter for the homeless. The application was due on November 5, 2013. This execution does not create any responsibility or liability for the grant application for DeSoto County.

Mandy Hines commented that the County has been actively searching for areas that we can make significant cost savings. In order to look at all the facilities and maximize our options, there is a division within FPL called the Energy Services Division. Ms. Hines suggested issuing an RFQ and select one of the ten contractors that are on contract with the Department of Management Services to pick the most qualified company in aiding the County in presenting options for long-term energy savings in our facilities. It was consensus of the Board to proceed.

Mr. Maxcy stated there is a situation with a culvert on Hog Bay Extension. There is a culvert that runs under a County maintained road and connects to a culvert responsible for draining a grove. This is a SWFWMD storm water drainage issue for the grove to utilize a County culvert. There is old engineering plan from the previous owner of the grove. The plan shows that the grove pipe should be connected to an existing culvert. While we cannot determine when the County culvert was installed, Florida Statutes allow the County to replace the culvert. The questions remains as to who is responsible for paying to replace the culvert. Mr. Conn explained the applicable statutes. Mr. Conn has been made aware that there is danger to the roadway. The engineering staff feels that unless this culvert is repaired, the road will face the likelihood of damage. Mr. Conn advised that it would be appropriate for the County to move forward and replace the culvert. Shawn Edwards stated the cost would be approximately \$10,000 – \$15,000.00 including paving of the high traffic area. Mike Giardullo stated there is money in the budget specifically for culverts. Commissioner Miller expressed his desire to continue moving forward with the West Farms Road extension. Further discussion was had regarding the culvert on Hog Bay Rd. It was consensus of the Board to move forward on resolving the matter.

#### **COUNTY ATTORNEY'S REPORT**

None

#### **BOARD MEMBER COMMENTS**

Commissioner Quave commented that he is looking forward to the Ag-Fest Dinner. The Veteran's Day Parade was wonderful with a large amount of children attending. He feels it is very important that children understand the meaning of Veteran's Day. He thanked Sheriff Wise for not allowing the use of trailers on Halloween.

Commissioner Mansfield commented regarding the County adopting needy families for the upcoming holidays. He urged everyone to be safe during the holidays.

Commissioner Miller commented that he enjoyed the Veteran's Day Parade. He questioned differences observed regarding the 2013/14 Final Budget. Mr. Maxcy stated that the Budget is a living document and continues to change and often at the last minute.

Chairman Selph thanked the people that organized the Veteran's Day Parade and Lee Gallagher for the ceremony. He reminded the Board the importance of attending the Employee Appreciation Day on December 11<sup>th</sup>.

Commissioner Langford commented on the success of the Veteran's Day Parade. He stated that ethics training is mandatory and suggested, as a cost savings method, having a class in DeSoto County in the future. He understands Commissioner Miller's concerns regarding the Budget, agreed that it is a living document and that there were no illusions.

Commissioner Langford presented Chairman Selph with a plaque to show the Board's appreciation for his service as Chairman of the Board November 20, 2012 – November 12, 2013. Chairman Selph thanked the Board. He hopes to continue the work regarding the GPW property.

Commissioner Mansfield commented that he would like some of the major outflow ditches sprayed and to use a vegetation bucket in place of digging the ditches deeper.

**RECESSED**

**RECONVENED AT 11:40 AM**


A motion was made by Commissioner Langford to approve the interior demolition of Fire Station 1 as discussed in the Workshop with a limit of \$5,000 to allow for unforeseen issues; funds needed beyond the set amount will need to be approved by the Board. Seconded by Commissioner Mansfield. Motion carried unanimously.

**ADJOURNMENT**

There being no further business, Chairman Selph adjourned the meeting at 11:42 AM.

ATTEST:

  
\_\_\_\_\_  
C. GUY MAXCY  
COUNTY ADMINISTRATOR

BOARD OF COUNTY COMMISSION  
DESOTO COUNTY, FLORIDA  
  
\_\_\_\_\_  
ELTON A. LANGEFORD  
CHAIRMAN