

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON NOVEMBER 13, 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 November 13, 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	Environmental Services Director, Billy Hines
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	

Commissioner Neads gave a brief speech about his retirement and thanked everyone for the past 12 years.

CALL TO ORDER

9:00 AM

PRAYER- Commissioner Judy Schaefer

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS- Sheriff Will Wise and Property Appraiser Newt Keen

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

PUBLIC FORUM FOR NON-AGENDA ITEMS

Trey Turner spoke to the Board on the issue of having the lights on at Brewer Sports Complex. He stated that he has started a youth traveling baseball team and due to the time change, it is dark before practice is finished. Mr. Turner requested that the Board approve to have the lights on Tuesday and Thursday nights until 7:30 pm through the month of February 2013. A motion was made by Commissioner Neads waive the agenda rule. Seconded by Commissioner Selph. Motion carried unanimously. A motion was made by Commissioner Neads to leave the lights on Tuesday and Thursday at Brewer Sports Complex through the month of February 2013. Seconded by Commissioner Selph. Mr. Maxcy called on Tara Anderson. She asked the Board for clarification that the Park will be open later on Tuesday and Thursday or 7 days a week. Commissioner Mansfield stated there is no reason to have the Park open that late for anyone not participating in baseball. Commissioner Mansfield suggested maybe opening later on Sundays. Ms. Anderson stated it is difficult to have the Park open for certain individuals. Commissioner Neads feels that due to the cost of having the lights on it would be better to have them on later only on Tuesdays and Thursdays. Commissioner Langford suggested having the Park open to

the public until 7:30 pm only on Tuesdays and Thursdays. The remainder of the week the Park will close at 6:00 pm. There was further discussion by the Board. Commissioner Neads stated his motion again to leave the lights on until 7:30 pm on Tuesday and Thursday night and open to the public. Seconded by Commissioner Schaefer. Motion carried unanimously.

CONSENT AGENDA-MOTION TO APPROVE

A motion was made by Commissioner Neads to approve the Accounts and Warrants drawn according to schedule of bills payable; Minutes of October 9, 2012 Public Meeting and October 23, 2012 Public Meeting; Approval of Vehicle Lease Agreement with Veolia Transportation for two new mini vans through the Federal Transit Administration, Section 5310, Elderly and Persons with Disabilities Program; Amendment to the contract with ComTel Technology Group for an additional 5 years for maintenance, programming and support of the phone systems; Amendment to the Agreement Clarke Environmental Mosquito Management, Inc. for a one year extension for mosquito control services. Seconded by Commissioner Langford. Motion carried unanimously.

PRESENTATIONS

6. Award/Distinguished Citizen

Johnny Patton was presented with the Distinguished Citizen Award for the fourth quarter 2012. Commissioner Langford presented the award. Mr. Patton thanked the Board.

7. Presentation-Discussion/Structural Site Assessment-Future Fire Station Site

Cindy Talamantez introduced Bob Taylor with Alliance Design Group. His firm conducted the structural assessment of Fire Station 1 at Carlstrom Field. A PowerPoint presentation revealed the findings and report of the assessment. He noted damages to the base of the building, damage to the walls, gutters, trim, front entry, roof, insulation system and more. Mr. Taylor then spoke on building codes and finally suggested that it would be easier to have a new building than to repair the existing structure. There was discussion by the Board. Chief Glenn Prescott spoke on the pros and cons of building on the Coke Property site. Commissioner Neads suggested moving forward on the Coke Property Site. Guy Maxcy then asked for direction from Chairman Mansfield. Chairman commented that the existing building is in bad shape but thought there would be more locations to choose from and suggested a workshop on the matter. Commissioner Langford stated he was not prepared to make a decision at that moment and suggested a workshop but to also think of how the County will fund the project. Commissioner Selph agreed with Commissioner Langford but also believes the existing building will last another one to two years. A workshop will be scheduled to discuss the matter.

REGULAR BUSINESS

8. Resolution/Budget Amendments

Linda Nipper requested the adoption of the Resolution amending the 2012/13 Budget Amendments #2013-003 (SHIP), #2013-005 (General Fund/Economic Development) and #2013-006 (Emergency Management). A motion was made by Commissioner Neads to adopt the Resolution amending the 2012/13 Budget including attachments. Seconded by Commissioner Selph. Motion carried unanimously.

9. Resolution/Delinquent EMS Accounts

Chief Glenn Prescott requested a motion to write-off all uncollectable ambulance accounts. Chief Prescott stated the current amount is less than last year. A motion was made by Commissioner Langford to adopt the Resolution to write-off all uncollected ambulance accounts including Medicare, Medicaid and insurance losses during the fiscal year of 2011/12. Seconded by Commissioner Schaefer. Motion carried unanimously.

10. Resolution/Caloosa Green Regional Landfill

Don Conn stated Charlotte County has under consideration a rezoning of 554 acres for the location of a Regional Landfill to be located East of Hwy 31 and North of County Road 74. The number of trucks resulting from the landfill is estimated to be 400 trucks per day traveling through DeSoto County to reach the landfill. The Economic Development Advisory Council looked into the matter and also expressed concerns. Mr. Conn stated the proposed Resolution expresses concern of the County to Charlotte County about the matter and expresses the opposition of DeSoto County to the rezoning for purposes of the Caloosa Green Regional Landfill. It requests that the Charlotte County Board of Commissioners follow the advice and recommendation of their professional staff. A motion was made by Commissioner Neads to adopt the Resolution expressing the Board's opposition in rezoning of the property in Charlotte County for the Caloosa Green Regional Landfill. Seconded by Commissioner Selph. Commissioner Selph commented that as President of the DeSoto/Charlotte Farm Bureau, he is opposed to this from an agricultural standpoint. Pristine agricultural areas could be severely affected by the landfill. Motion carried unanimously.

11. Resolution/Planning and Zoning Department Fees

Don Conn stated the proposed Resolution would establish fees relating to the Planning and Zoning Department. This results from the recent adoption by the Board of the Phosphate Mining Ordinance as well as the Biosolids Ordinance. Mr. Conn reviewed the fees and changes in the Resolution. He stated that Ken Johnson recommended those as good changes. Bart Arrington with Mosaic commented that the industry certainly wants to pay what is needed. Mr. Arrington expressed his concern with the consultant deposit. Mr. Conn responded to Mr. Arrington's concerns. A motion was made by Commissioner Neads to adopt the amended and restated Planning and Zoning Department Fee Schedule. Seconded by Commissioner Schaefer. Motion carried unanimously.

12. Negotiations/Aqua Utilities

Don Conn stated discussion is needed on a potential acquisition by the FGUA of the Aqua Utilities. Aqua Utilities is a national company and has significant utilities throughout the State of Florida. Aqua Utilities presented the FGUA with an offer to sell all of their Florida facilities to the FGUA. FGUA is considering the offer. FGUA has made it clear to county staff that they cannot move forward with the purchase of the Lake Suzy facility unless there are modifications to the contract that DeSoto County has with Aqua. Mr. Conn went into further discussion about the contract. Mr. Conn stated that if the FGUA were to take over the Lake Suzy facility, they would not be DeSoto County customers and the revenues would be going to the FGUA. He recommends that the Board authorize staff to commence negotiations with Aqua for the County purchase or conveyance of the Lake Suzy facilities. There was discussion from the Board. Eddie Miller with the DeSoto County Utilities Department stated this would result in about 526 residential and 66 commercial customers for the County. A motion was made by Commissioner Langford to authorize negotiations with Aqua Utilities on the County's acquisition of the Lake Suzy Utilities and decline to approve that FGUA Consent Resolution requiring the County to rescind the take-or-pay provision of the current Lake Suzy Utility Water Supply Contract. Seconded by Commissioner Schaefer. Motion carried unanimously.

13. Memorandum of Understanding/CSXT

Don Conn presented the MOU between the County and CSXT relating to Hull Avenue improvements. Mr. Conn stated that all costs associated with this project will be paid for by CSXT. There is no cost to the County for any of the improvements. CSXT is required by the EPA to remediate properties that they own in the vicinity of Hull Avenue. The MOU expresses the intent of the County and CSXT to exchange Hull Avenue Rights of Way once the remediation is complete, to work together to apply for a grant from SWFWMD and for CSXT to extend water lines above Hull Avenue to create a looped

system that will reduce the need for flushing. A motion was made by Commissioner Langford to approve the MOU with the CSXT. Seconded by Commissioner Selph. Motion carried unanimously.

14. Settlement Offer/Centex Homes (3F Ranch)

Don Conn presented a settlement offer from Centex Homes concerning the 3F Ranch development. Centex Homes has determined that they are going to release under this settlement agreement, any claims they have regarding the \$900,000.00 capacity reservation fee that was previously paid to the County. They will not pursue any claim for reimbursement of that particular deposit that was made to the County. In addition they are releasing their claim to 200 ERU's of wastewater. Centex Homes is asking that the County not record a lien for unpaid reservation fees in the amount of \$171,600.00. A motion was made by Commissioner Langford to approve the settlement offer as presented on behalf of Centex Homes concerning termination of the Wastewater Capacity Agreement concerning 3F Ranch. Seconded by Commissioner Selph. Motion carried unanimously.

15. ERU Pool Usage

Eddie Miller presented a request to approve the distribution from the ERU Pool of 64.0 Wastewater ERU's to Big Tree RV Resort. A motion was made by Commissioner Langford to approve the distribution from the ERU Pool of 64 Wastewater ERU's to Big Tree RV Resort. Seconded by Commissioner Schaefer. Motion carried unanimously.

16. Agreement Amendment/River Oaks RV, Inc. and Schiller Investments

Eddie Miller presented a request to approve the River Oaks RV, Inc. and Schiller Investments standard Utility Service and Conveyance Amendment for additional 29 ERU's. A motion was made by Commissioner Neads to approve the River Oaks RV, Inc. and Schiller Investments standard Utility Service and Conveyance Agreement Amendment for the additional 29 ERU's. Seconded by Commissioner Langford. Motion carried unanimously.

17. Work Assignment/The Weiler Engineering Corporation

Cindy Talamantez presented a request for Work Assignment #33 with the Weiler Engineering Corporation. This is an extension of the Utility Coordinator position that Eddie Miller currently occupies on behalf of Weiler. The extension would grant Mr. Miller another 6 months under the piggyback contract with The Weiler Engineering Corporation. The expense would be \$54,000.00. A motion was made by Commissioner Selph to approve Work Assignment #33 with the Weiler Engineering Corporation to provide a Utility Coordinator for an additional 6 month period. Seconded by Commissioner Langford. Motion carried unanimously.

18. Letter of Commitment and Support/Heartland Brownfields Revitalization Partnership

Mandy Hines stated this is a partnership through the Central Florida Regional Planning Council. It is a Regional Brownfields Grant. The only commitment would be staff time to participate. A motion was made by Commissioner Neads to participate in the Heartland Brownfields Revitalization Partnership in the support of the Coalitions application for funding of the 2013 fiscal year. Seconded by Commissioner Selph. Motion carried unanimously.

19. Contractor Designation/Advanced Environmental Technologies, LLC

Mandy Hines stated that current staff had learned about a previous contamination that occurred on the complex where the Sheriff's Department is built. In 1993 underground storage tanks were found and were also leaking. The County notified the FDEP and also took initial remedial action by removing approximately 750 cubic yards of contaminated soil. The score on this site is a 26. The FDEP has been authorized to initiate a low score site initiative program and anything that has a score of 29 or below, they have allocated up to \$30,000.00 per site. State allocated money pays for 75% and 25% is paid by the County. Through an FDEP approved contractor, the site would be re-evaluated. There are three closure options under this program with no cost from the County. The first would be a rehabilitation

completion order; the second would be a no further action order and the third being a site rehabilitation completion order with conditions. Ms. Hines is presenting to the Board a Contractor Designation Form to hire Advanced Environmental through the FDEP to complete the assessment. This is a voluntary program and we are not required to participate. A motion was made by Commissioner Neads to designate Advanced Environmental Technologies, LLC as a contractor for DeSoto County under the LSSI Program for the 208 E. Cypress St. property. Seconded by Commissioner Schaefer. Motion carried unanimously.

20. Cable Easement/Embarq Florida, Inc.

Mike Giardullo presented a request from Century Link to put an easement through the DeSoto County Veteran's Memorial Park. The County has worked with Century Link to find the best location given the current development and potential future development inside the park. Mr. Giardullo stated the location would be from American Legion Dr. to State Road 70. Further discussion was had. A motion was made by Commissioner Langford to approve an easement with Embarq Florida, Inc. for underground cable. Seconded by Commissioner Schaefer. Motion carried 4-1. Commissioner Neads opposed.

21. Annual Paving Program/Road Prioritization

Mike Giardullo presented the prioritization list of roadways to be paved with the FY 12/13 Annual Paving Program. The current allocation for the program is \$150,000.00. Mr. Giardullo stated the list is based off doing similar types of annual paving projects. A motion was made by Commissioner Neads to approve the prioritization list of the roadways to be paved with the FY 2012/2013 Annual Paving Program. Seconded by Commissioner Schaefer. Motion carried unanimously.

ADMINISTRATOR'S REPORT

Mr. Maxcy stated he had nothing to report.

COUNTY ATTORNEY'S REPORT

Don Conn stated he had nothing to report.

BOARD MEMBER COMMENTS

Commissioner Schaefer commented that the past four years, other than her marriage and her children, has been one of the most interesting four years of her life. She thanked all the departments for the help and support. She also stated it takes all of the departments to help make the County successful. Commissioner Schaefer thanked the City of Arcadia, George Lempenau, Bob Bell, Maurice Brown, and her family. She also thanked the Board for all they do and working so well together.

Commissioner Langford stated Commissioner Schaefer will be greatly missed and she has done a great job. Commissioner Langford also stated he will miss Commissioner Neads.

Commissioner Selph commented that Johnny Patton was a fantastic volunteer. He was honored to be chosen as the speaker for the Veteran's Day Program. He congratulated Lee Gallagher on a job well done. Commissioner Selph stated he has enjoyed serving with Commissioners Schaefer and Neads and considers both to be good friends.

Commissioner Neads thanked his friends and neighbors for coming. He stated that Mr. Maxcy is a personal friend, a good man and everything that DeSoto County needs. Commissioner Neads stated that Mr. Maxcy has proven to be a team player in County Government working in all positive manners with constituents and the Board. He went on to name additional reasons he feels Mr. Maxcy was the right choice for DeSoto County Administrator. Commissioner Neads requested the Board to consider the accomplishments that Mr. Maxcy has made and a possible salary increase.

Chairman Mansfield stated Commissioner Neads has been instrumental in his learning process the past four years.

Bob Bell thanked Commissioners Schaefer and Neads for the job they have done and also thanked the Board for voting against supporting the landfill in Charlotte County.

Chairman Mansfield presented Commissioners Schaefer and Neads with plaques in appreciation of their time served on the Board.

ADJOURNMENT

There being no further business, Chairman Mansfield adjourned the meeting at 11:05 AM.

ATTEST:

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

**C. GUY MAXCY
COUNTY ADMINISTRATOR**

**JURIL O. MANSFIELD
CHAIRMAN**