

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON NOVEMBER 26, 2013 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 November 26, 2013 with the following persons present:

Commissioner, Buddy Mansfield, Dist#1
Commissioner, James Selph, Dist#2
Commissioner, Gabriel Quave, Dist#3
Chairman, Elton Langford, Dist#4
Commissioner, Bob Miller, Dist#5
County Administrator, C. Guy Maxcy
County Attorney, Don Conn
County Coordinator, Mandy Hines
Administrative Services Director, Linda Nipper
Purchasing Director, Cindy Talamantez
HR Director, Don Kesterson

Road & Bridge Director, Shawn Edwards
Transcribing Secretary, Jill Thompson
Office Manager, Lauri Jones
Facilities Director, Richard Metzger
Fire Chief, Larry Taylor
Utilities Director, Eddie Miller
Parks Director, Tara Anderson
Planning Manager, Tom Cookingham
Environ. Services Director, Henry Grimes
County Engineer, Mike Giardullo

CALL TO ORDER 3:00 PM

PRAYER- Pastor Matt Clayton / First Baptist of Arcadia

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS

Kathryn Hill, Tax Collector and Sheriff Will Wise

SET/AMEND- A motion was made by Commissioner Selph to set the agenda. Seconded by Commissioner Mansfield. Motion carried unanimously.

PUBLIC FORUM FOR NON-AGENDA ITEMS

Rick Young, owner of Open Road Bar and Grill spoke to the Board regarding permit fees. He requested that the Board reduce the permit fees for small outdoor events. Mr. Young stated that surrounding counties have no fees. He suggested lowering the fees to match the City's.

Mr. Maxcy will give a report on this matter under the Administrator's Report.

Geri Waksler spoke on behalf of Barry Poole regarding the request to re-hear PUD-RZ 2013-01. She has reviewed the case law and strongly disagrees with the conclusion reached by the opposition's attorney. Ms. Waxler gave an update on the progress Mr. Poole has made on the project. A re-hearing will not prevent litigation but will likely open the door for more litigation. Ms. Waksler urged the Board not to consider a re-hearing in this matter.

CONSENT AGENDA-MOTION TO APPROVE

A motion was made by Commissioner Mansfield to approve the Accounts and Warrants drawn according to schedule of bills payable; Minutes of November 12, 2013 Public Meeting; Minutes of November 12, 2013 Workshop; Modification of job descriptions to Turner Center Staff. Seconded by Commissioner Selph. Commissioner Miller requested to add #3 as an agenda item. It was consensus of the Board to add the item as #7A. Motion carried unanimously.

PROCLAMATIONS

5. Proclamation/Pancreatic Cancer Awareness Month

Guy Maxcy read into record the Proclamation for Pancreatic Cancer Awareness Month.

The goal is to spread awareness throughout DeSoto County and the State of Florida. A motion was made by Commissioner Mansfield to proclaim the month of November 2013 as Pancreatic Cancer Awareness Month. Seconded by Commissioner Miller. Motion carried unanimously.

PRESENTATION

6. Presentation/FDOT

Carmen Monroy, Director of Southwest Area FDOT Office, District 1; presented the Draft Tentative Work Program for 2015-2019 and requested the Board's endorsement of the program. A formal Public Hearing will be held on December 13, 2013 at the Charlotte Harbor Event Center at 2:00 PM in the Peace River Room. Karen Maricola presented and explained to the Board the list of projects. The Arcadia Airport Master Plan Update was added for the current fiscal year and is not included on the map. Commissioner Miller questioned the location and cost of Shores Rd., which was \$344,005.00.

Commissioner Selph expressed his concern in the condition of CR 661. He feels the road is rapidly declining. He requested that FDOT reevaluate the road.

Chairman Langford requested that the project at Roan and Gibson Rd. be reconsidered for an earlier start date due to the current condition of the intersection.

Mr. Maxcy thanked FDOT for a great working relationship.

Mr. Russ with FDOT commented that they will be evaluating the "old Hwy 17 Bridge" between Morgan Park and Veteran's Park to determine the condition.

Commissioner Quave questioned the Aviation Preservation Project. Ms. Monroy stated it is a Master Plan for the City of Arcadia Airport.

Commissioner Selph agreed that the intersection of Roan and Gibson is in dire need of correcting.

A motion was made by Commissioner Selph to adopt the presentation of the tentative work program report fiscal year 2015-2019. Seconded by Commissioner Mansfield. Motion carried unanimously.

REGULAR BUSINESS

7. Resolution/Budget Amendments

Linda Nipper presented a request to adopt a Resolution amending the 2013/14 Budget including attachments 2014-001, 2014-002 and 2014-003. Ms. Nipper stated that through final certification, \$458,439.00 is being added to the budget. \$437,897.00 was placed in Reserves and a salary error was corrected in Economic Development. Ms. Nipper transferred \$1,928.00 into Court Funds at the request of Sheriff Wise. A motion was made by Commissioner Quave to adopt a Resolution amending the 2013/14 Budget including attachments. Seconded by Commissioner Mansfield. Motion carried unanimously.

7A. Approval/Administrative Receptionist Position Change

Commissioner Miller requested this as an agenda item due to the issue of funds to pay for change of the position from part-time to full-time. He agrees that the change is justified. He is not in favor of funding this change from Reserves. Chairman Langford verified that the additional \$13,790.00 will be taken out of Reserves. Some of the additional funds that were previously added to the Reserves will help support the change. Ms. Nipper stated that on July 1st of each year, she receives a certification from the Property Appraiser which states the values for that year and the budget is based on that information. In September, a final certification is prepared based on several different

scenarios. There were several large ones this year that resulted in the final certification to increase. Commissioner Selph stated that he was under the impression there was money in the budget to cover the change without using funds from the Reserves. He feels that at some point, a policy needs to be adopted stating it takes a supermajority to use funds from the Reserves. Further discussion was had. A motion was made by Commissioner Selph to approve the change of Administrative Receptionist position from part-time 30 hours to full-time 40 hours. Seconded by Commissioner Mansfield. Motion carried unanimously.

8. Settlement Agreement/Astaldi Construction Co.

Mr. Conn presented the Board with a Settlement Agreement in the Astaldi litigation for payment of settlement amount to be paid partly by the County and partly by PRM. The County will receive an executed release of all claims from Astaldi so there will be no further claims that the County has to be involved in with Astaldi. Mr. Conn recommends approval of the Agreement as presented. A motion was made by Commissioner Quave to approve the Settlement Agreement with specified terms. Seconded by Commissioner Selph. Motion carried unanimously. Mr. Maxcy stated this settlement is not coming from the General Fund.

9. Agreement/Florida Department of Environmental Protection LP 14021

Mandy Hines stated this item is the Financial Assistance Agreement from the DEP. It is a result of legislative appropriation for the infrastructure to be extended to connect Lettuce Lake and Oak Haven Mobile Home Parks to the water system. A motion was made by Commissioner Mansfield to approve the funding agreement with FDEP LP 14021 as presented. Seconded by Commissioner Quave. Motion carried unanimously.

10. Agreement/Florida Department of Environmental Protection LP 14022

Mandy Hines stated this item is in the amount of \$350,000.00. It is for the force main construction work in the Lake Suzy area. A motion was made by Commissioner Selph to approve the funding agreement with FDEP LP 14022 as presented. Seconded by Commissioner Mansfield. Motion carried unanimously.

11. Bid Award-Contract/PSC Environmental, LLC

Henry Grimes stated the contract is for the Household Hazardous Shed Cleanout Program.

There is no limit to the amount of household hazardous waste that can be dropped off. A motion was made by Commissioner Mansfield to award the bid for the Household Hazardous Waste Shed Cleanout Program and authorize the Chairman to execute the contract. Seconded by Commissioner Selph. Motion carried unanimously.

12. Agreement-Employment Contract/Public Safety Chief

Don Kesterson stated this is a basic contract that the Board approved on May 14, 2013. A motion was made by Commissioner Quave to approve the contract between the DeSoto County BOCC and the Public Safety Chief. Seconded by Commissioner Miller. Motion carried unanimously.

ADMINISTRATOR'S REPORT

Mr. Maxcy stated that IFAS is considering a multi-county livestock agent for DeSoto, Hardee and Highlands County to increase efficiency. Mr. Maxcy requested direction from the Board as to what they would like to see regarding CED job description and views regarding the proposed regional livestock agent.

Commissioner Selph does not agree with a multi-county agent and stated reasons why.

Commissioner Quave and Commissioner Mansfield agreed with Commissioner Selph.

Mr. Maxcy called on Eddie Miller to discuss the overlap of the Wastewater Operator position for

training purposes.

Eddie Miller stated he would like to bring in a trainee to work with the outgoing employee. It was consensus of the Board to move forward with the request.

Mr. Maxcy suggested holding a workshop regarding the Turner Center on January 28, 2014 at 10:00 AM. The Board agreed to the workshop date and time.

Mr. Maxcy called on Mr. Cookingham to present to the Board his findings regarding a survey of permit fees.

Tom Cookingham stated that staff surveyed 4 surrounding cities and counties. It was found that there is no trend to the fees charged for Special Use Permits and the fees vary. Duration of an event is also considered when determining permit fees. The County has six major categories of temporary use permits. Mr. Cookingham feels we should charge appropriately for staff time. Mr. Cookingham would like to bring further information regarding permit fees to the Board at a later date. Further discussion was had.

COUNTY ATTORNEY'S REPORT

Mr. Conn stated that the Astaldi case will no longer appear on his report. Mr. Conn stated there is an eminent domain matter filed by FDOT similar to the Amvets matter reported earlier. There is a demolition lien on the property involved in the Hernandez case. The interest accrued on this lien is approximately \$1,200.00. Mr. Conn requested direction from the Board to pursue the matter.

Commissioner Quave expressed concern regarding the litigation costs and doesn't feel it is necessary to pursue this particular lien. Commissioner Miller agreed with Commissioner Quave.

Mr. Conn stated he was contacted by an attorney representing property owners in the SunnyBreeze area. He indicated that on behalf of his client, he was seeking to have the Board consider a re-hearing on the matter relating to the motor coach PUD. Mr. Conn feels the Board's position is firm and there was adequate notice given. He believes if the Board were to re-hear the matter, there is a substantial likelihood that there will be an appeal taken from that re-hearing that would be more in depth than a litigation relating to the notice issue. It was consensus of the Board not to allow a re-hearing on the matter.

Mr. Conn reminded the Board of the provision in the DeSoto County Code that the Board adopted relating to the County Administrator. It is the Administrator's responsibility to select employees, supervise all personnel and fill all vacancies/positions under jurisdiction and consent of the Board.

BOARD MEMBER COMMENTS

Commissioner Quave expressed how pleased he was to hear about the utilities employees receiving certifications and degrees. In the future, he would like to discuss with Mr. Maxcy the possibility of the County assisting with the costs to obtain those degrees and/or certifications.

Commissioner Mansfield wished everyone Happy Thanksgiving and safe travels. He would also like to have the County Seal on all county vehicles. It was consensus of the Board to do so.

Commissioner Selph commented on a recent death in his family as well as a friend that passed away with pancreatic cancer. He also commented on a letter to the editor that was printed in the newspaper regarding the Board giving themselves a raise in pay. He stated that Irwin Street is in terrible condition but it is a private road and is not maintained by the County. He wished everyone a Happy Thanksgiving.

Commissioner Miller congratulated Chief Taylor on his new position. He contacted the individual that wrote the letter regarding the Commissioners giving themselves a raise to express his displeasure regarding the accusation. He hopes the truth will reach everyone that received the false information. He wished everyone a Happy Thanksgiving.

Chairman Langford thanked the Board for their support and confidence in him as Chairman. He has chosen to leave the External Committee designees the same and to let him know if anyone would like to change. He congratulated Chief Taylor on his new position and wished everyone a Happy Thanksgiving. He commented regarding false information that is sometimes perceived about the County Commissioners. The Ag Fest was a success.

Steve Bauer with the Arcadian clarified information regarding an article he wrote and there would be a follow up article soon.

Commissioner Mansfield suggested that Ag Fest be extended to a 2 day event rather than only 1 day.

RECESSED AT 4:51 PM

PUBLIC HEARING 6:30 PM

13. Ordinance/Community Redevelopment Trust Fund

Mandy Hines requested the Board's consideration of adoption of an Ordinance formerly establishing the Community Redevelopment Trust Fund that was approved in part of this year's budget process. The trust fund will be utilized specifically for providing community redevelopment activities deemed to have a positive impact on the appearance of the community and to support the economic development initiatives. The Economic Development Advisory Committee will serve in an advisory capacity to the Board, make recommendations and prioritize projects, present to the Board, which will make the final decision on the project. A supermajority, (4 out of 5) vote of the Board is not required.

Commissioner Selph stated there could be gray areas but not with the current EDAC Committee and hopes this will clean up some areas in DeSoto County.

Ms. Hines stated that EDAC can only recommend projects and the Board can also bring projects to the attention of the EDAC that they may feel is more important or just as important.

Commissioner Selph feels it is important to listen to the EDAC if we want to keep them around.

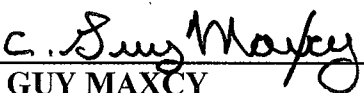
Commissioner Miller doesn't want to limit recommendations only from EDAC.

A motion was made by Commissioner Mansfield to adopt the Ordinance establishing a Community Redevelopment Trust Fund as presented. Seconded by Commissioner Quave. Motion carried unanimously. Commissioner Mansfield commented that he hopes the citizens see that the Board is trying to bring new business to the County.

ADJOURNMENT

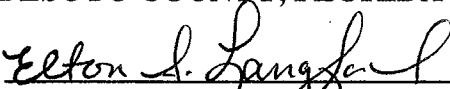
There being no further business, Chairman Langford adjourned the meeting at 6:48 PM.

ATTEST:



C. GUY MAXCY
COUNTY ADMINISTRATOR

BOARD OF COUNTY COMMISSION
DESOTO COUNTY, FLORIDA



ELTON A. LANGFORD
CHAIRMAN