

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
HELD ON NOVEMBER 27, 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 November 27, 2012 with the following persons present:

Commissioner, Buddy Mansfield, Dist#1	Code Enforcement Mgr., Jorge Hernandez
Chairman, Jim Selph, Dist#2	Utilities Director, Eddie Miller
Commissioner, Gabriel Quave, Dist#3	Social Services Manager, Peggy Waters
Commissioner, Elton Langford, Dist#4	Fire Chief, Glenn Prescott
Commissioner, Bob Miller, 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	Building Dept. Manager, Lester Hornbake

**CALL TO ORDER**

**3:00 PM**

**PRAYER-** Commissioner Buddy Mansfield

**PLEDGE OF ALLEGIANCE**

**INTRODUCTION OF ELECTED OFFICIALS-** Sheriff Will Wise

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

**PUBLIC FORUM FOR NON-AGENDA ITEMS**

George Lempenau gave his opinion on the new public transportation in DeSoto County. He stated he had the pleasure of riding DART but noticed that it was lacking passengers. Mr. Lempenau feels DART should be on all County web sites and also observed a lack of seating at the designated pick up/drop off areas. He suggested incorporating stops for the residents located in the R.V. Parks. Mr. Lempenau also found difficulty in finding a schedule. Overall, he finds that the equipment and operators are great but the program needs more promotion.

Chairman Selph stated that all of Mr. Lempenau's concerns have been discussed at the Transportation Disadvantaged meetings.

Peggy Waters stated they are working on a website and they have recently dispersed a large amount of brochures. She also stated that the program can be changed to meet the needs of the community.

Laraine Pollock spoke to the Board about the constant noise of Allied Recycling. She stated it is no longer quiet at her home due to the noise and vibrations of the recycling plant. She stated there is now a tumbling process which creates another constant noise. Ms. Pollack questioned why there was not more consideration given to the surrounding residents before this type of business was allowed. She commented that she wanted to move due to these circumstances.

Chairman Selph asked that Mr. Conn recommend what could be resolved with the Nuisance Ordinance.

Mr. Conn stated that he would speak with the Code Enforcement Department. He stated we have two Ordinances that would address this issue. He will see if either Ordinance would help alleviate the problem.

Colleen Spangler stated that she lives on Tangelo and that she is also affected by Allied Recycling.

### **CONSENT AGENDA-MOTION TO APPROVE**

A motion was made by Commissioner Langford to approve the Accounts and Warrants drawn according to schedule of bills payable; Minutes of November 13, 2012 Public Meeting. Seconded by Commissioner Mansfield. Motion carried unanimously.

### **PRESENTATIONS**

#### **3. Fair Housing Presentation/Community Development Block Grant**

Peggy Waters explained that part of the requirements for the CDBG is to train our elected officials and our general public about our Fair Housing Act. A short video was presented on the matter. Ms. Waters also spoke on how to recognize discrimination.

#### **4. Presentation/Florida Department of Transportation (FDOT) 5 Year Work Program**

Johnny Limbaugh with the FDOT presented the Draft Tentative Work Program for the fiscal year starting in July 2013 through June 30, 2018. He worked with County employees to identify priorities for funding for State and Federal Transportation dollars. Mr. Limbaugh reviewed the projects scheduled to take place over the next 5 years. Mr. Limbaugh requested an endorsement and a letter from the Board in support of the 5 Year Work Program. A motion was made by Commissioner Langford to accept the FDOT 5 Year Work Program as presented. Seconded by Commissioner Mansfield. Motion carried unanimously.

### **REGULAR BUSINESS**

#### **5. Resolution/Budget Amendment**

Linda Nipper requested to adopt the Resolution amending the Fiscal Year 2012/13 Budget including attachments. Sheriff-JAG Equipment Grant, Excess fees returned to the County from Constitutional Offices: Sheriff (\$465,162.00/Corrections), (\$92,374.39/Communications). Newt Keen/Property Appraiser (\$197,232.91), Katherine Hill/Tax Collector (\$107,098.00), Mitzie McGavic/Clerk of Courts (\$10,561.00). Donations from the Library Association to our Library specifically earmarked for certain books and materials. The Sheriff received SCAP Funds. Additional excess funds were received from Katherine Hill that covers the smaller MSBU Districts (\$14,747.00). Commissioner Langford verified with Ms. Nipper that the excess funds would be placed into reserves. Ms. Nipper stated that our reserve balance is approximately 2.5 million. A motion was made by Commissioner Mansfield to adopt the Resolution amending the 2012/13 Budget including attachments. Seconded by Commissioner Quave. Motion carried unanimously.

#### **6. Resolution/Budget Amendment**

Linda Nipper requested to adopt the Resolution amending Fiscal 2011/12 Budget including attachments. Ms. Nipper stated all Hurricane Charlie monies received have been transferred. Engineering and Fuel Funds were consolidated in with the Transportation Fund. This will only be for auditing purposes. For Budget purposes, they will be kept separate. A motion was made by Commissioner Langford to adopt the Resolution amending the 2011/12 Budget including attachments. Seconded by Commissioner Miller. Motion carried unanimously.

## **7. State Legislative Priorities/FY 2012-13**

Mandy Hines presented the outline of the Draft Legislative Priorities for the upcoming session for 2013. She also requested that the Board appoint staff or a Commissioner to present to the Delegation. Ms. Hines stated that upon approval of priorities, she will submit an agenda request and we will be on the agenda to address our Delegation. It was the consensus of the Board to have Ms. Hines to present to the Delegation. A motion was made by Commissioner Mansfield to approve the Legislative priorities for the 2013 Legislative Session and appoint Mandy Hines to present the Board's priorities during the DeSoto County Delegation meeting. Seconded by Commissioner Langford. Motion carried unanimously.

## **8. Bid Award-Contract/Air Mechanical & Service Corporation**

Richard Metzger requested stated that on October 3, 2012 staff released an invitation to bid a contract to provide preventative maintenance and repair services for the chiller system at the Turner Center. Air Mechanical Services was the lowest bidder. Mr. Metzger stated that Air Mechanical's bid was substantially lower than the others. Commissioner Langford pointed out the difference in the bid amounts. Mr. Metzger reassured the Board he is comfortable with this company. Commissioner Quave questioned Mr. Metzger if there were any hourly requirements for maintenance in the future that may have been overlooked. Mr. Metzger stated that this contract guarantees the labor rates and increase or materials. A motion was made by Commissioner Langford to award the bid for the Turner Center Chiller System Preventative Maintenance and Repair to Air Mechanical & Service Corporation. Seconded by Commissioner Mansfield. Motion carried unanimously.

## **9. ERU Pool Usage**

Eddie Miller requested the distribution of 4 ERU's from the ERU Pool for Iron Head Ranch. He stated this is for an Assisted Living Facility and 2 residences. A motion was made by Commissioner Mansfield to approve the distribution from the ERU Pool of 4 water ERU's to Eva Lowe, Iron Head Ranch, Inc. Seconded by Commissioner Miller. Motion carried unanimously.

## **ADMINISTRATOR'S REPORT**

Mr. Maxcy stated that Mr. Conn was going to prepare Resolutions extending the waving of impact fees for one year to be voted on at the December 11, 2012 Board meeting. He also stated that we will be in touch with the DeSoto County School Board to verify if they agree to have their impact fees waived for another year.

Mr. Maxcy called on Don Kesterson to request the Board to change the current and written policy of posting all open positions both internally and externally. Mr. Kesterson stated he would like to request permission to post open positions internally first to provide promotion opportunities as well as moral incentive for current employees. If we determine that no internal candidates are qualified through the application process or interviews, the position will be advertised externally. Don Kesterson stated that he is asking the Board to bring back the internal only policy so that these positions may be offered to current employees. Commissioner Langford stated his support of this decision. Commissioner Miller also agreed with the policy change but questioned the time frame that it would be available before the position was made available to the public. Mr. Kesterson stated that it would depend on the number of applications received; it could possibly be for a period of 7 to 10 days. Commissioner Mansfield is in support of the change as long as the qualifications are not altered or rewritten to suit a certain person. Commissioner Selph agreed with the policy. Commissioner Quave cautioned Mr. Kesterson on how the moral of the employee would be affected if they were not offered the position. Mr. Kesterson stated that the final decision would be made by the County Administrator.

Mr. Maxcy requested that the Board approve the posting of a Code Enforcement Officer position. It was the consensus of the Board to move forward with the posting.

Mr. Maxcy requested that the Board approve the change to the Administrative Receptionist position which is currently filled by Angel Mardis, from part-time to full-time Administrative Assistant position. Cindy Talamantez explained that due to budget changes, a full-time position was lost in the Purchasing Department. She commented that the workload is the same or more and she has not been able to put her full effort into the Bulk Buying Program. Ms. Talamantez stated that there is a part-time position that is already funded for Purchasing and it could be a shared position between Administration and Purchasing. Commissioner Langford questioned the amount of savings through the Bulk Buying Program. Cindy stated that just on toilet paper, trash bags and paper towels; the savings would be approximately \$6,000-\$7,000.00. Mr. Maxcy stated this would allow Ms. Talamantez more time to work on other projects. Chairman Selph stated that if the Board were to approve the Bulk Buying, he would like quarterly reports to track what how much money this would be generating in savings. He also questioned where the bulk supplies would be stored. Ms. Talamantez stated that she looks at Bulk Buying and Warehousing differently. She also stated that as of right now, we do not have the space for warehousing. For now, just having bulk order on a few items will save money and we have the storage space for those. Chairman Selph also questioned if Angel Mardis would continue at her current location or if she would be in the Purchasing Dept. Ms. Talamantez stated there would be times that she would need to be away from her desk in Administration, but she could work on most of the projects without being away from her desk. Commissioner Miller questioned what the additional hours might cost. Linda Nipper stated that the cost would be approximately \$15,000-\$17,000.00 per year in addition to Ms. Mardis' current pay. That amount includes vacation, sick, etc... Commissioner Mansfield commented that the discussion on bulk buying has been ongoing for several months and we still have no information as far as numbers or supplies. He suggested looking at the pros and cons of AT&T. Commissioner Mansfield stated he is not in support of the full-time position. There was further discussion on bulk buying. Chairman Selph suggested having more in writing on this issue. Commissioner Mansfield suggested hiring a high school student 2-3 days a week to help in the Purchasing Dept. The Chairman asked that the Administrator bring this back as an agenda item, show saving and how the savings will be reported.

Mandy Hines spoke on the expansion of the lease with FDEP. Ms Hines stated that approximately 2 months ago the Board was presented with this request. Ms. Hines spoke about the expansion of the County's lease with FDEP and also reviewed the map of the extension area. It was staff's recommendation that the County decline on expanding the lease with FDEP. There was further discussion by the Board. It was consensus of the Board to maintain what we have to date.

Guy Maxcy stated the Board needs to have a Fire Station and Jail Workshop. January 8th, January 22<sup>nd</sup>, or February 12th was suggested by Mr. Maxcy. Commissioner Langford suggested having a Workshop on January 8, 2013 at 1:00 pm and a Workshop on January 22, 2013 at 9:00 am. Commissioner Miller questioned the meeting with the City of Arcadia to discuss the contract that did not take place. Mr. Maxcy stated that the meeting was postponed by the City. He also stated that City and County staff will have a meeting next week to discuss the issues regarding the contract and will then take to the Board.

Richard Metzger reported that the map successfully made it to Maryland. Once it is finished, it will be returned to the County.

## **COUNTY ATTORNEY'S REPORT**

Don Conn gave a brief explanation of the County Attorney's Report. The bold items are for easy reference for the Board to identify things that have recently happened or upcoming events. He will not always go through all the items on the report. Mr. Conn stated the meeting with Aqua was productive and there will be further negotiations as we move forward. Mr. Conn will report progress to the Board as needed.

## **BOARD MEMBER COMMENTS**

Chairman Selph stated he appreciated being selected as Chairman. He thanked Commissioner Mansfield for a job well done as Chairman. He also welcomed Commissioner Miller and Commissioner Quave to the Board. He thanked Jody Sullivan for a wonderful AgFest and reminded everyone of the upcoming Employee Appreciation Day on December 12, 2012. He stated that sometime in January, he would like the Board to have a Workshop on Long Range Planning and include Board Procedures to help the newly elected Commissioners. Over the next year, he would like to double or triple customer satisfaction through our departments although County employees are already doing a great job. Chairman Selph stated that as a goal for this year he would like us to create a business climate in our community for economic development. Commissioner Quave stated that we could include the Economic Development Council in reaching this goal. Chairman Selph agreed. Chairman Selph thanked everyone for attending the Board meeting.

Commissioner Quave stated he enjoyed his first Board meeting and thanked everyone that was not staff that attended the meeting showing support and expressing their views. The more people we have attending the Board meetings the better.

Commissioner Langford welcomed the new Commissioners to their first official Board meeting. He thanked George Lempenau for the information on DART. He encouraged everyone to continue with the hard work. Also thanked the public for attending the Board meeting.

Commissioner Mansfield welcomed the new Commissioners. He suggested that the County start cleaning the ditches before the rainy season begins and would also like to look into a ditch spraying program. He stated his opinion that the utilities could be charged 6% for the rental of County Right of Way. He feels this is the only way the County can generate money from the Utility Department to be used to help with a new Jail or Fire Station.

Commissioner Miller stated it has been a long wait to sit on the Board of County Commissioners and what an honor it is. Stated his trip to Tallahassee was a great awakening. He is looking forward to the challenge. Commissioner Miller thanked Chairman Selph for his plan on the Workshops. He stated he plans to take a ride on DART and appreciates the input from George Lempenau.

## **RECESSED AT 4:41 PM UNTIL 6:30 PM PUBLIC HEARING**

### **PUBLIC HEARING 6:30 PM**

Chairman Selph commented that Saturday is the Christmas Parade. He also stated that he had previously served on the Insurance Committee and would like Commissioner Miller to take his place. The Board agreed to the change.

### **10. Resolution/Community Development Block Grant Application**

Mandy Hines stated this is the second Public Hearing as required by the Community Development Block Grant Application process. The proposed application is an Economic Development Application with the participating party being Allied Recycling, Inc. The purpose of the application is to apply for the maximum award of \$750,000.00 through the CDBG Program. Those funds would be utilized to construct a rail spur adjacent to Allied Recycling property. If the County is successful with this application, Allied would grant an easement either public or private to the railroad or the County in order to make it eligible for the use of these funds. The County Engineer currently has the scope and the

engineering plans for the rail spur construction. The budget will be modified but essentially the estimated cost of the project will range from \$700,000-\$850,000.00. The maximum award is \$750,000.00 of which 8% would be used for administration. Any gap in the financing for the project would be provided by Allied Recycling. If this application is deemed eligible, there would be a second portion to go through that would include entering into a Participating Party Agreement with Allied Recycling that would detail out the requirements. Due to the County being the applicant, we are financially the responsible party and failure of the jobs to be created as committed in the application is the responsibility of the County. These would be the types of things outlined in the Participating Party Agreement to protect the County financially. There is a minimum job commitment to create 25 jobs of which at least 13 would go to low to moderate income persons. As part of the application, there are two commitments that are required. One is a commitment of the Board of County Commissioners and the second is an irrevocable commitment from Allied Recycling. Ms. Hines further reviewed additional requirements set forth in the application. Ms. Hines stated she is requesting approval to authorize the Chairman to sign the Commitment Letter once the blanks are filled in with the project costs and to adopt the Resolution granting authority for submission of the application.

Commissioner Selph questioned Ms. Hines if the Planning & Zoning Dept. has checked on the people that this will effect regarding noise. Ms. Hines stated not that she was aware of and that all these properties abut an active railroad. Commissioner Mansfield questioned Ms. Hines about the spur being built on public property. Ms. Hines stated the County will be granted an easement or to the private utility.

Commissioner Quave questioned if the easement would be in perpetuity and who owns the land. Also, will there be a difference between land ownership between the spur and the actual railroad. Mandy responded yes, the proposed construction site of the spur is currently owned by Allied. Ms. Hines stated we would at least need to maintain the easement through the monitoring period of the grant which would be 5 years after close out. She stated there are no restrictions other than the operating hours that address the noise issues.

Jorge Hernandez stated everything Allied Recycling has done has been through the Planning Dept. The Noise Ordinance is basic and Code Enforcement has not received any complaints to date on the property. There was further discussion.

Todd Adamson, Owner of Allied Recycling, stated that the purpose of the spur will be to import and export materials.

Lucille Strickland, DeSoto County resident, stated the recycling plant is noisy even at midnight. Will the spur cause additional noise?

Mr. Adamson stated the shredder runs from 7am to 7pm, trucks load and unload from 7pm to 7am. There was further discussion. A motion was made by Commissioner Quave to approve the Resolution for the CDBG Block Grant Application as presented. Seconded by Commissioner Miller. Motion carried unanimously.

#### **11. 10 Year Water Supply Facilities Work Plan**

Don Conn stated local governments are required to prepare the 10 Year Water Supply Facilities Work Plan no later than 18 months after the Water Management District adopts it's Water Supply Plan. SWFWMD adopted its plan in July 2011 therefore the County must submit to the State Land Planning Agency its 10 year Work Plan no later than January 2013. Mr. Conn stated the Planning Commission did recommend that the Board approve this item for transmission to the State Land Planning Agency. Mr. Conn stated that at this point, the Board is not being asked to approve any changes to the Comp Plan, but to submit the Work Plan to the Land Planning Agency for their review and comments. Once the comments are received, the Board will have the opportunity to review the comments and make any

changes they recommend that the Board agrees with and then finalize the plan which includes amendments to the Comp Plan. Mr. Conn reviewed the 10 Year Water Supply Facilities Work Plan including the proposed Comp. Plan amendments. A motion was made by Commissioner Miller to approve the Plan with proposed Comp. Plan amendments for transmittal to the State Land Planning Agency and any required reviewing agencies. Seconded by Commissioner Langford. Motion carried unanimously.

**Explanation of Quasi Judicial Public Hearings**

Chairman Selph stated the Board of County Commissioners will conduct Public Hearings on Land use matters that are on the agenda. He then asked the County Attorney to explain the procedures we will use for the hearings.

Mr. Conn stated that agenda item #12 is a Quasi Judicial matter. The matter will be decided by the Board based upon what is presented to the Board during this hearing. Anyone who has information that they would like the Board to consider is welcome to come forward and present that information at this time.

Anyone who was going to address the Board was sworn in by Jill Thompson.

Chairman Selph then asked the Board for any ex-parte communications. Commissioner Miller reported he had completed the required form. No other ex-parte communications was reported.

**12. Resolution/Special Exception – 2012-02 Alpin**

Kathy Heitman presented a request for approval of a Special Exception granting the commercial vehicle parking. Staff has determined that the applicant has met all requirements under Section 2202D of the LDRs. Planning Commission met on this matter on November 8, 2012 and unanimously recommended for approval. There was discussion by the Board. A motion was made by Commissioner Langford to close the Public Hearing. Seconded by Commissioner Miller. Motion carried unanimously. A motion was made by Commissioner Miller to make an amendment to the Resolution granting SE 2012-02 request for commercial vehicle parking on 1.05 acres zoned RSF 1 based on the Planning Commission’s recommendation with a limitation of a 72 hour time frame for the vehicle to be parked at the location and anything in excess of that, the vehicle would need to be removed. Seconded by Commissioner Langford. Motion carried unanimously.

**ADJOURNMENT**

There being no further business, Chairman Selph adjourned the meeting at 7:30 PM.

**ATTEST:**

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

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**C. GUY MAXCY  
COUNTY ADMINISTRATOR**

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**JAMES F. SELPH  
CHAIRMAN**