

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON JULY 24, 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 July 24, 2012 with the following persons present:

Chairman, Buddy Mansfield, Dist#1
Commissioner, Jim Selph, Dist#2
Commissioner, Judy Schaefer, Dist#3
Commissioner, Elton A. Langford, Dist#4
Commissioner, Ronald P. Neads, Dist#5
County Administrator, C. Guy Maxcy
County Attorney, Don Conn
Administrative Services Dir., Linda Nipper
County Coordinator, Mandy Hines
Transportation Director, Shawn Edwards
Office Manager, Lauri Jones
Administrative Assistant, Jill Thompson
Transcribing Secretary, Betty Phillips

Facilities Director, Richard Metzger
Fire Chief, Glenn Prescott
Social Services Manager, Peggy Waters
Purchasing Manager, Cindy Talamantez
Co. Extension Director, Ken Johnson
County Engineer, Mike Giardullo
Human Resources Manager, Don Kesterson
Environmental Services Director, Billy Hines
Code Enforcement Manager, Jorge Hernandez
Event Coordinator, Jody Sullivan
Emergency Mgmt. Manager, Doug Christ
Administrative Assistant, Kathy Heitman
Utilities Coordinator, Dan Saus

CALL TO ORDER

3:00 PM

PRAYER-Commissioner Elton A. Langford

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS

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

PUBLIC FORUM FOR NON-AGENDA ITEMS

Mr. Bob Siffert, representing Asphalt Paving Systems indicated that they were not included in the competitive bid process for the County's Paving Projects and stated that they would like to participate in any future bids. Mr. Conn stated that a letter was received from Asphalt Paving Systems Attorney, Mr. Paladino indicating that they may take action against the Board. Mr. Giardullo stated that they did extension research and found very little regarding this Company. Mr. Conn briefly reviewed a suit involving Asphalt Paving and one of their piggybacking contracts. Mr. Conn pointed out that the Board has a procurement process and advised that their granting of the piggyback Contract is valid and defensible. Mr. Giardullo was questioned regarding how much of the work was already completed and he indicated that it would be another 3-4 weeks. They have begun work on all the roads contracted for and canceling the contract would cost the County. Commissioner Selph questioned if Mr. Siffert was here to threaten the Board. Mr. Siffert stated that he was not here for that purpose and that all his company wanted was to be on a fair playing field with the other companies. Mr. Maxcy suggested that he (his company) do a better job of marketing themselves and make contact with all the local governments to promote the business. Mr. Siffert stated that they are in that process now.

CONSENT AGENDA-MOTION TO APPROVE

Motion was made by Commissioner Langford to approve the Accounts and Warrants drawn according

to schedule of bills payable; Minutes of July 10, 2012 Public Meeting and July 11, 2012 Special Meeting; Vendor Payment Agreement for Low Income Home Energy Assistance Program; Agreement Amendment-Trademark Metals Recycling, LLC and Contract Amendment-The Dumont Company, Inc. Seconded by Commissioner Selph. Motion carried unanimously.

REGULAR BUSINESS

6. Letter of Support/Alliance of Lake Suzy Homeowners' Associations

Ms. Hines stated that the Alliance of Lake Suzy Homeowners' Associations has developed an initiative to acquire private property, three parcels of which lie in DeSoto County, to utilize as walking and biking trails for the Lake Suzy Area residents. The property was formerly a golf course, with existing areas of trails in place. The initiative would connect the existing trail system. The Alliance initially inquired as to the County's ability to participate in the acquisition, development and/or maintenance. Ms. Hines stated that on May 24th, 2012 Ms. Maureen Stasi, Ms. Patty Rutherford and Mr. George Wojtkiewicz met with her and Commissioner Mansfield. Commissioner Mansfield communicated to them the lack of resources the County had at the present time to participate in such an initiative. At this time the Alliance is requesting a basic letter of support for the initiative to assist them in securing alternate funding sources to further the project. Motion was made by Commissioner Selph to approve the Letter of Support for the Alliance of Lake Suzy Homeowners' Association for the private walking/bike trail initiative. Seconded by Commissioner Schaefer. Motion carried unanimously.

7. Bid Award/Small Cities Community Development Block Grant and State Housing Initiative Partnership program

Ms. Waters stated that Housing Department issued Notice to Bidders for the construction rehabilitation of four units for eligible homeowners. Sealed bids were received and opened on July 6, 2012. The recommended bid awards are for the lowest bidders. Jewel Contracting and Clean Cuts Construction are approved contractors in the Housing Department program and have proven their ability to perform within the program guidelines. Motion was made by Commissioner Langford to approve the bids as submitted for the construction rehabilitation of the four units and authorize the Administrator to execute all related documents. Seconded by Commissioner Selph. Motion carried unanimously.

8. Review/Unrecorded Plat/Richard

Ms. Heitman stated that Roy Kirkpatrick of DeSoto Land Surveying, LLC and agent for owner Norman Richard, requests a review of a minor plat of a 38.39 acre parcel, zoned Agricultural Five, into two lots. Both parcels, 38.39 acres in size have direct access to Hog Bay Road. Ms. Heitman proved a copy of the LDR Section Article 4-Subdivision Procedures for the Board indicated that only review and not approval was required. The Board had no problem with the request as presented.

9. Approval/ERU Pool Usage

Mr. Conn stated that DJJ has confirmed the termination of the original Utility Agreement under which a total of 392.2 Water ERUs and 511.6 Wastewater ERUs were committed to DJJ for utilities service at the G. Pierce Wood Facility. The allocation of 6 Water and 7 Wastewater ERUs from the ERU Pool will replace the prior commitment and allow continued service at the current level needed by DJJ. Motion was made by Commissioner Langford to approve the allocation of 6 Water ERUs and 7 Wastewater ERUs from the ERU Pool to the Department of Juvenile Justice to provide continuing utility service. Seconded by Commissioner Neads. Motion carried unanimously.

10. Approval/Wastewater System Utility Service and Conveyance Agreement

Mr. Conn stated that DeSoto Ford-Mercury, Inc. (Desoto Auto Mall) is requesting wastewater service from the County and has approved the County's standard Wastewater System Utility Service and

Conveyance Agreement. Capital charges are waived since the 8.5 ERUs for Wastewater will be allocated from the ERU Pool, as previously authorized by the Board on June 12, 2012. Motion was made by Commissioner Neads to approve and authorize the Chairman to sign the Wastewater System Utility Service and Conveyance Agreement between DeSoto County and DeSoto Ford - Mercury, Inc. for the Desoto Auto Mall. Seconded by Commissioner Schaefer. Motion carried 4-0. Commissioner Langford was out of the room during the vote.

11. Approval/Sale of Reverse Osmosis Skid

Mr. Saus stated that the Peace River Manasota Regional Water Supply Authority took ownership of wells #1 and #3 at DJJ. Utilities installed a new Master Meter Assembly in May, 2012 to connect DJJ to the County's public water supply. Utilities severed all water lines to the elevated water tower and the clear well, thus disconnecting the water treatment plant from the water distribution system. Mr. Saus is requesting approval to sell the RO Skid with an estimated minimum price of \$325,000. Brief discussion followed regarding the lack of use and estimated worth of the Skid. Motion was made by Commissioner Langford to approve the sale of the Reverse Osmosis Skid at Department of Juvenile Justice. Seconded by Commissioner Selph. Motion carried unanimously.

12. Agreement/Florida Department of Transportation

Mr. Giardullo stated that the Small County Outreach Program (SCOP) shall reimburse the County for actual costs for the design and construction of the traffic railing retrofit at two bridges located on CR 761 over Peace River (bridge #040004 and #040025); and one bridge located on Brownsville Road over Peace River (bridge #040005). Motion was made by Commissioner Neads to approve Agreement with Florida Department of Transportation for Guardrail Safety Improvements and authorize the Chairman to sign. Seconded by Commissioner Langford. Motion carried unanimously.

ADMINISTRATOR'S REPORT

Mr. Maxcy questioned if the Board would like to change their Meeting date on August 14, 2012 because of the elections. Brief discussion followed and the Board consensus was to leave the date as scheduled.

Mr. Maxcy stated that Ms. Phillips is retiring next week and he would like to move Ms. Thompson into her position and hire a Part-time Receptionist for Ms. Thompson's position. The Board consensus was to approve the request.

Mr. Maxcy stated that following this meeting, they were going to hold a Budget Workshop. He indicated that they were going to propose a 3-Point Plan where as they would request a hiring freeze, major purchase freeze and no anticipated lay-offs. Brief discussion followed and Mr. Maxcy also suggested that following the election, the MSBU & MSTU be reviewed. Commissioner Neads stated that they needed to be decreasing taxes not raising taxes. Brief discussion followed regarding DeSoto County being the poorest County in the State.

COUNTY ATTORNEY'S REPORT

Mr. Conn provided a written report and briefly reviewed the Foreclosure filing indicating that they did have an Attorney and he would be working to resolve the issue. Mr. Conn also provided a draft copy of an Ordinance regarding Secondary Metals Dealers and indicated that he would be noticing it for Public Hearing next month. He briefly reported that the Sludge Ordinance Revisions and the Phosphate Mining Ordinance Revisions were being worked on and would be presented for Public Hearing in September. Commissioner Neads complimented Mr. Conn on proceeding with those Ordinance Revisions.

BOARD MEMBER COMMENTS

Commissioner Schaefer congratulated Ms. Phillips on her retirement.

Commissioner Langford also congratulated Ms. Phillips on her retirement next week. Commissioner Langford stated that he presented Tidewell Hospice with a check for \$9,500 and indicated that he forgot to thank Mr. Edwards, Commissioner Neads and Ms. Janet Harvin for their involvement in the Rodeo. He further indicated that he and Mr. Maxcy spoke with the Rodeo Association regarding the Agreement. Mr. Conn provided a draft copy of a revised Rodeo Association Agreement. Brief discussion followed regarding the Agreement that was previously approved and Mr. Conn stated that he felt that the Association was open to adjusting the Agreement. However, the original Agreement is valid and they will proceed with closing either way.

Commissioner Selph also commented on Ms. Phillips retirement and indicated that she earned it and deserved it. He asked that everyone hold Aurora, Colorado in their thoughts and prayers. Commissioner Selph referred to an email received by the Commissioners from the Dade County Commissioners in reference to "textured beef". He commented that it was "beef" pure and simple and not something made up as the media indicates. Commissioner Selph briefly read a letter written by Dr. Carr with the University of Florida indicating that he would serve his daughter this "textured beef". He indicated that as Chairman of the Cattlemen's Association Research and Education this hurts the producers and they have the science to back this up.

Commissioner Neads stated that FAC would be holding their visit tomorrow in Port Charlotte which he will be attending.

Chairman Mansfield asked the Board if Mr. Maxcy could be asked to find out what other counties were doing regarding fire inspections, especially concerning the fire suppression systems. He indicated that he did not want to see what has been accomplished in economic development lost. The Board was okay with the request. Chairman Mansfield apologized for missing the first Budget Workshop but indicated that he was attending the State Championship with his son. He stated that he would have preferred to see the Tournament done here because our fields were much nicer then where they ended up playing. Chairman Mansfield reported that the kids did not win but did a great job.

Commissioner Selph stated that he also wanted to let everyone know about the DeSoto/Charlotte Farm Bureau's 2012 Candidate Forum to be held Tuesday, July 31, 2012 from 7:30AM-9:30AM at the Turner Center Exhibit Hall.

Chairman Mansfield stated that there would also be a 4-H Ranch Rodeo on August 3-4, 2012.

RECESSED AT 4:10 PM UNTIL 6:30 PM PUBLIC HEARING

PUBLIC HEARING 6:30 PM

13. Temporary Use Permit/Agricultural Education Opportunity

Ms. Heitman stated that Mr. & Mrs. Montalvo are requesting a Temporary Use Permit for their 4-H child to be able to have poultry on their property. The property is located 1128 SE Hansel Avenue and zoning is MHP. The adjacent property located at 1096 SE Hansel Avenue and the zoning is MHP. The adjacent property owner has signed a letter of support that is included in the packet. The staff has determined that the applicants have met all requirements of LDR Section 8300(G). Motion was made by Commissioner Selph to approve the Temporary Use Permit #2012-05/Montalvo Agricultural Education Opportunity to allow a 4-H child to house poultry at their residence. Seconded by Commissioner Langford. Motion carried unanimously.

14. Ordinance/Simulated Gambling Establishments

Mr. Conn stated that this Ordinance imposes a 365 day temporary moratorium on the acceptance of applications for and issuance of business tax receipts, as well as any other County approval for Simulated Gambling Establishments as defined in the Ordinance. Findings are set forth which explain the reason for this Ordinance. The Ordinance only applies in the unincorporated area of the County and does not affect existing businesses. The Florida Legislature has been reviewing the need for regulation of Simulated Gambling Establishments for several years. This Ordinance will allow the County to study the means and methods of permanently regulating these businesses if the Legislature does not act during the 2013 Session. Motion was made by Commissioner Langford to adopt the Ordinance imposing a 365 day temporary moratorium on the acceptance of applications for an issuance of business tax receipts, as well as any other County approval, for Simulated Gambling Establishments. Seconded by Commissioner Selph. Motion carried 4-1. Commissioner Neads opposed.

ADJOURNMENT

There being no further business, Chairman Mansfield adjourned the meeting at 6:40 PM.

ATTEST:

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



**C. GUY MAXCY
COUNTY ADMINISTRATOR**



**JURIL O. MANSFIELD
CHAIRMAN**