

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
HELD ON AUGUST 14, 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 August 14, 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  
Transcribing Secretary, Jill Thompson

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  
Event Coordinator, Jody Sullivan  
Utilities Director, Eddie Miller

**CALL TO ORDER**

**9:00 AM**

**PRAYER-Pastor Eric Romick of First Baptist Church of Nocatee**

**PLEDGE OF ALLEGIANCE- Lcpl. Ryan Hipp, United States Marine Corp**

**INTRODUCTION OF ELECTED OFFICIALS**

**SET/AMEND-Motion was made by Commissioner Neads to set the Agenda as presented including addition of agenda item #16. Seconded by Commissioner Selph. Motion carried unanimously.**

**PUBLIC FORUM FOR NON-AGENDA ITEMS**

Mr. Bill Stakey commented on two incidents that he witnessed with DeSoto County Public Safety. He smelled smoke in his home. While he was trying to locate the source of the smoke, his wife called 911. He stated his wife had difficulty with the 911 operator understanding his address. Public Safety was on the scene in 6 minutes. He also stated the fire truck or ambulance never arrived. He later found out that the ambulance broke down. The second incident was when a friend fell off the roof of his home which resulted in a broken hip. The ambulance initially went to the wrong address. He would like to see these issues addressed by the Board. Commissioner Neads called on Chief Prescott for any comments and also to investigate the issues presented by Mr. Stakey and report to the Board the results of the investigation. Commissioner Schaefer asked that the Sheriff check the 911 records. Mr. Maxcy stated there are signs missing and that it will be resolved. Mr. Stakey would like to tour Fire Station #4. Chief Prescott will arrange the tour. Chief Prescott stated that unfortunately this type of situation sometimes happens. He also stated that when he arrived at Mr. Stakey's residence, he assessed the situation and acted accordingly. He then commented that he was not aware of the second situation and would need to do some research. He will do his best to make sure this does not happen again. Commissioner Mansfield mentioned he was in the area on Saturday and he did see the fire department in the neighborhood checking the signs.

## **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 17, 2012 Workshop, July 24, 2012 Workshop and July 24, 2012 Public Meeting; Declaration of Surplus Property List; Commercial Lease with Collins Management & Realty, Inc. and Contract Change Order with Sutter Roofing. Seconded by Commissioner Selph. Motion carried unanimously.

## **PRESENTATION**

### **6. Distinguished Citizen Award**

Mr. Phil Turner, Sr. accepted the Distinguished Citizen Award from Commissioner Selph. Mr. Turner thanked the Board.

## **REGULAR BUSINESS**

### **7. Resolution/Budget Amendments**

Ms. Linda Nipper requested adoption of the Resolution amending 2011/12 Budget-Amendments #2012-108 (expenses-law enforcement trust fund money transferred to the Sheriff's Office), #2012-109 (correcting an omission of fund balance for law enforcement trust fund from the 2010/11 budget to the 2011/12 budget), #2012-112 (Utilities Dept. insurance reimbursement for the crane truck repair and replacement of the stolen tools), #2012-119 (Courthouse facilities-transfer article V reserve funds to upgrade security system in the Courthouse), #2012-121 (Sheriff's Office-GEO funds for housing prisoners in the jail), #2012-123 (transfer law enforcement trust funds to the Sheriff's Office), #2012-124 (transfer landfill reserves to complete payment of the Master Plan Feasibility Study). Motion was made by Commissioner Neads to adopt the Resolution amending the 2011/12 Budget as presented. Seconded by Commissioner Schaefer. Motion carried unanimously.

### **8. Resolution/Small County Outreach Program Agreement**

Mr. Mike Giardullo requested adoption of the Resolution approving an agreement between FDOT and DeSoto County for FDOT to provide funds to the County for Guardrail Safety Improvements. Brief discussion followed on where the guardrails will be placed. Commissioner Langford made a motion to adopt the Resolution approving the agreement between FDOT and DeSoto County as presented. Seconded by Commissioner Schaefer. Motion carried unanimously.

### **9. Interlocal Agreement Amendment/Heartland Workforce Investment Consortium**

Ms. Mandy Hines requested approval of an amendment to the Heartland Workforce Investment Consortium and Interlocal Agreement between Hardee, Highlands and DeSoto Counties. This amendment would bring the County into compliance with the new Workforce Accountability Act. and outlines a process for the nomination and solicitation of Board member to serve. Commissioner Neads made a motion to approve the Amendment to the Heartland Workforce Interlocal Agreement. Seconded by Commissioner Selph. Motion carried unanimously.

### **10. Lease Amendment/Florida Department of Environmental Protection**

Ms. Mandy Hines requested approval of an amendment to Lease No. 4401 requesting an addition of approximately 244 acres of land. The land is located at the former DJJ and GPW site. Currently there is approximately 300 acres leased near this site for effluent disposal purposes. There is a statutory guidance that dictates how the property is first offered. Utilities staff has identified a value in requesting an increase of our lease of an additional 244 acres of vacant land for future effluent disposal purposes. There could be a potential need for additional effluent disposal places in the event of wet weather or other circumstances relating to the regional wastewater plant. Ms. Hines also mentioned a Land Use Management Plan is approximately 30% complete for the mentioned site and in the process of gathering average prices to allow for cattle grazing or the cutting of hay so in the event we are successful in receiving the 244 acres, there would be approximately 500 acres that would not be a

maintenance burden to the County. Further discussion followed. Commissioner Selph made a motion to approve the Request for an Amendment to the Florida Department of Environmental Protection Lease No. 4401 requesting an addition of approximately 244 acres of land. Seconded by Commissioner Langford. Motion carried unanimously.

**11. Ordinance Request Review/Economic Development Advisory Committee**

Ms. Mandy Hines requested staff direction for a proposed Ordinance developed by the Economic Development Advisory Committee (EDAC). EDAC is requesting the Board to consider allowing them to review each and every Ordinance the Board considers prior to taking action. Mr. Conn gave suggestions on how to approach this matter. Ms. Hines stated EDAC would like to have a meaningful purpose. EDAC feels Ordinances passed by the Board may or may not have impact on future or current businesses and would like to review those from the perspective of how they would impact businesses. Further discussion followed. It was consensus of the Board that the Economic Development Advisory Committee only reviews the Ordinances that pertain to Economic Development.

**12. Approval/Group Insurance for FY 12-13**

Mr. Don Kesterson requested approval of proposed fiscal year 2012-13 Health, Dental, Life and Vision plans and premiums as presented. Commissioner Neads questioned the cost of Health Insurance. Commissioner Neads also questioned what the employee pays and what the County pays of each benefit. He also commented that changes were made previously to help cut the expenditures on health insurance. Commissioner Neads also made the statement that in the future we will need to identify the necessity of the benefits and feels they are above and beyond. Further discussion followed. Mr. Kesterson commented the cost of the premium is for the entire year. The County only pays a portion of that premium. For employees, 100% of the health insurance is paid by the County and only 50% of the family plan is paid by the County. Commissioner Neads stated the biggest expenditure is the health insurance for employees and retirees. Commissioner Neads stated he does not want to be a burden to the taxpayers of DeSoto County. Mr. Ed Johnson opposed the approval of the 4 million dollar healthcare package. Mr. Johnson gave a statement as to why he opposes the proposed healthcare package. He feels the package far exceeds anything available in the local private sector. He also feels the average Board salary exceeds those paid in the local private sector. Further discussion followed. Commissioner Mansfield agrees the healthcare plan needs to be reviewed in the future. Commissioner Langford made a motion to approve the proposed fiscal year 2012-13 Health, Dental, Life and Vision plans and premiums as presented. Seconded by Commissioner Selph. Further discussion followed. Kathy Hill, DeSoto County Tax Collector made a statement that there needs to be research on this subject before anything is decided. She also made a statement concerning her salary and all of the local organizations she contributes to as a Constitutional Officer. Mr. Ed Johnson then responded to the Board and Kathy Hill's statements. Commissioner Langford commented on Mr. Johnson's response. Motion carried unanimously.

**13. Agreement/Landfill Access Road Construction Settlement and Warranty**

Mr. Donn Conn requested the approval of the Settlement and Warranty Agreements with Clary's Sitework & Development Inc., for completion of the landfill access road construction. As the project was nearing completion, it became evident there were significant problems with the quality of the work. As a result, the County has retained \$66,752.00 from the project. Mr. Conn sent a Letter of Termination to Clary's which is the first step in terminating the agreement. The Settlement Agreement provides that upon execution of the Settlement Agreement, 2/3 of the retaining fee will be released to Clary's so they can then put another 1 ½ inches of asphalt on the road. Staff feels the additional asphalt will remedy the deficient condition of the road. Upon satisfactory repaving, the remaining \$22, 251.00 will be released. Mike Giardullo then commented on the matter. Mr. Conn then stated he is recommending the Settlement

Agreement and the Warranty Agreement. Further discussion followed. Commissioner Selph made a motion to approve the Settlement and Warranty Agreements with Clary's Sitework & Development Inc., for completion of the landfill access road construction. Seconded by Commissioner Langford. Motion carried unanimously.

**14. Memorandum of Understanding Agreement/Peace River Manasota Regional Water Supply Authority**

Mr. Eddie Miller requested the approval of the second amendment of the Peace River Manasota Regional Water Supply Authority (PRMRWSA) MOU. Commissioner Langford made a motion to approve the second amendment of the PRMRWSA MOU development of a new water supply. Seconded by Commissioner Selph. Motion carried unanimously.

**15. Appointment/Florida Governmental Utility Authority Board of Directors**

Mr. Eddie Miler requested approval of the appointment of Michael Vuolo as DCU representative to FGUA Board of Directors. Commissioner Langford made a motion to approve the appointment of Michael Vuolo as DCU Representative to FGUA Board of Directors in place of former Utilities Director Michael Crumpton. Seconded by Commissioner Neads. Motion carried unanimously.

**16. Contract Amendment/McShea Contracting**

Mr. Mike Giardullo requested approval of the contract amendment with McShea Contracting for FY 11-12 Annual Striping Project and authorize the Chairman to execute amendment. Mr. Giardullo stated this is an emergency item to extend the contract on the Annual Striping Project. The contract was delayed due to unforeseen circumstances. Commissioner Neads made a motion to approve the contract amendment with McShea Contracting for the FY 11-12 Annual Striping Project and authorize the Chairman to execute amendment. Seconded by Commissioner Selph. Motion carried unanimously.

**ADMINISTRATOR'S REPORT**

Mr. Maxcy called on Mandy Hines. They would like to ask the Board for direction regarding a possible new jail site. Notice was received of the surplus for the DJJ property and also property located at DCI. Sheriff Wise gave his opinion on DCI and DJJ facilities. While he does not think either facility are good candidates, he is willing to tour the facilities. Further discussion followed. Mr. Maxcy stated the facilities will at least be considered. Mr. Carl Wiley felt DCI would not be a good option due to maintenance issues and additional costs. He stated DJJ is closer and a newer facility.

Mr. Maxcy stated there are issues regarding the title to the property that the County leases to the School Board. The property includes the lab and land in Nocatee. The issue was discovered as the County and School Board were considering the swap. Mr. Maxcy asked that the Attorney look into the title issues and report to the Board a recommendation of action to be taken. Mr. Donn Conn stated a title search was completed on behalf of the School Board. The problem arose as a result of that title search. Mr. Conn will research and bring back to the Board a recommendation. Commissioner Selph requested a search of the minutes on this issue. Mr. Conn reported that the title problem arose in the 1950's which included a Supreme Court case involving this property. Mr. Conn will again research and report the findings to the Board.

Mr. Maxcy stated there is an emergency on Lily. The road is collapsing. The cost will be \$63,000.00 to repair.

Mr. Maxcy requested permission from the Board to allow staff as well as himself to contact the Rodeo Association to discuss their Master Plan. It was consensus of the Board to allow this meeting.

Mr. Maxcy requested approval to fill the vacant position in the Public Safety Department. This is a replacement not a new hire.

Mr. Maxcy acknowledged Jill Thompson as the new Transcribing Secretary.

Mr. Maxcy confirmed with the Board to move forward in researching the issue with the County Health Insurance.

**COUNTY ATTORNEY'S REPORT**

Mr. Conn provided a written report and reported on the DRD Enterprises & Pressler hearing. Case involved a Special Master hearing in 2009. He also reported there are more hearings approaching. One involves Sandhill & Donray and the other involves the Pie case. The General Contracting Services case involves construction that was done at the Regional Water Plant several years ago. Mr. Conn then commented on the Secondary Metals Dealers Ordinance. He stated that Sheriff Wise is satisfied that under the current State Statutes, he has all the authority that he needs and feels it is not necessary to proceed with the Ordinance adoption. Mr. Conn suggests for the Board table the issue and do not proceed with the adoption of the Ordinance. If the Board consensus agrees to this, there will be no need for a 6:30 pm meeting on August 28, 2012. It was the Boards consensus to pull the Secondary Metals Dealers Ordinance from the 6:30 pm meeting.

Mr. Conn reported on the Sludge and Phosphate Ordinance. A draft will be presented to the Board at the next BOCC meeting. Mr. Conn feels that the Secondary Metals Dealers Ordinance and the Sludge and Phosphate Ordinance should be reviewed by the Economic Development Advisory Council (EDAC).

Mr. Conn then reported on the LDR follow up. He suggests reporting back to the Board after the position of Planning/Development Director is filled, unless the Board decides otherwise. Mr. Conn would like to postpone the review of the LDR's until after October 1, 2012.

**BOARD MEMBER COMMENTS**

Commissioner Selph commented on the lease of the additional 244 acres. He would like to see it offered to the local 4-H or FFA for educational use. Commissioner Selph also suggested that the EDAC expand to include more agricultural members.

**ADJOURNMENT**

There being no further business, Chairman Mansfield adjourned the meeting at 10:46 AM.

ATTEST:

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

  
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C. GUY MAXCY  
COUNTY ADMINISTRATOR

  
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JURIL O. MANSFIELD  
CHAIRMAN