

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON AUGUST 28, 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 August 28, 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
Office Manager, Lauri Jones
Transcribing Secretary, Jill Thompson

Facilities Director, Richard Metzger
Purchasing Manager, Cindy Talamantez
County Engineer, Mike Giardullo
Events Coordinator, Jody Sullivan
Emergency Mgmt. Manager, Doug Christ
Human Resources Manager, Don Kesterson
Transportation Director, Shawn Edwards
Social Services Manager, Peggy Waters

CALL TO ORDER-3:00 PM

PRAYER-Commissioner Selph

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS

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

PUBLIC FORUM FOR NON AGENDA ITEMS

Ms. Carol Alpin asked the board to waive the fee for a special parking permit. She stated her daughter drives a tractor-trailer and is only home on occasion for short periods of time. Commissioner Langford stated he would like to look into the matter further before making a decision. Commissioner Neads suggested this matter be placed on the next Board meeting agenda. The Board consensus was for staff to place this on the next Board meeting agenda, September 11, 2012.

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 31 2012 Budget Workshop; August 7, 2012 Special Meeting and August 14, 2012 Public Meeting. Declaration of Surplus Property List; State Aid to Libraries Grant Agreement. Seconded by Commissioner Schaefer. Motion carried unanimously.

PRESENTATION

5. Presentation/LAP Bicycle/Pedestrian Master Plan Summary

William Roll with Tindale-Oliver Associates, Inc. presented to the board the Master Plan Summary and the recommended project priorities. Board members questioned Mr. Roll. Further discussion was held on the matter. A motion was made by Commissioner Neads to approve the recommended project priorities. Seconded by Commissioner Langford. Motion carried unanimously.

REGULAR BUSINESS

6. Agreement Extension/Tindale-Oliver Associates, Inc.

Mike Giardullo requested approval of the Agreement Extension for the LAP Bicycle/Pedestrian Master Plan Consulting Service with Tindale-Oliver & Associates and authorize the Chairman to execute the Amendment. A motion was made by Commissioner Neads to approve the Agreement Extension for the LAP Bicycle/Pedestrian Master Plan Consulting Service with Tindale-Oliver & Associates and for the Chairman to execute the Amendment. Seconded by Commissioner Langford. Motion carried unanimously.

7. Amendment-Agreement/Florida Department of Transportation

Mike Giardullo requested the approval of the first amendment to the agreement with Florida Department of Transportation for bridge scour countermeasures. A motion was made by Commissioner Langford to approve the first amendment to the agreement with Florida Department of Transportation for bridge scour countermeasures. Seconded by Commissioner Neads. Motion carried unanimously.

8. Contract Extension/All-Rite Fence Services, Inc.

Cindy Talamantez requested the approval of a contract amendment with All-Rite Fence Services, Inc., and authorize the Chairman to execute the amendment. Commissioner Neads questioned the color of the fence. Ms. Talamantez stated it was a visibility issue. A motion was made by Commissioner Langford to approve the contract amendment with All-Rite Fence Services, Inc. and to authorize the Chairman to execute the amendment. Seconded by Commissioner Schaefer. Motion carried 4-0. Commissioner Neads descending.

9. Resolution-Agreement/Florida Department of Transportation

Mike Giardullo requested to adopt the Resolution and approve the agreement with FDOT to construct roadway improvements on S.E. Notts Dairy Road at SR 31. A motion was made by Commissioner Langford to approve the adoption of the Resolution and approve the agreement with FDOT to construct roadway improvements on S.E. Notts Dairy Rd. at SR 31. Seconded by Commissioner Schaefer. Motion carried unanimously.

10. Resolution Ambulance Fee Schedule

Glenn Prescott requested adoption of the Resolution for the new Fee Schedule for ambulance billing. Chief Prescott gave examples of fees that other counties are charging. Current DeSoto County charges were reviewed. A motion was made by Commissioner Langford to adopt the Resolution for the new Fee Schedule for ambulance billing. Seconded by Commissioner Selph. Motion carried 3-2. Commissioner Neads and Commissioner Schaefer descending.

11. Selection of External Committee Member Replacement/FAC Board of Directors

Guy Maxcy made a request to select a replacement for Commissioner Neads on the Florida Association of Counties Board of Directors. A motion was made by Commissioner Neads nominating Commissioner Selph to take his seat for the FAC Board of Directors. Seconded by Commissioner Langford. Motion carried unanimously.

ADMINISTRATOR'S REPORT

Mr. Maxcy reported Sister Cathy Buster would like to invite the Board for a tour of Casa San Juan Bosco. Mr. Maxcy also reported there is a position to be filled with the Road & Bridge Dept.

Mr. Maxcy stated there has been a request by DeSoto County Youth Baseball & Softball (DCYBS) to turn the lights on when necessary. Nicole Adams spoke on behalf of DCYBS. She explained the need in DeSoto County for a more competitive ball program. Ms. Adams stated having the kids practice in the light is necessary to prepare them for playing in tournaments. There was further discussion. It was

consensus of the Board to move forward with this issue. It was suggested to add to the agenda for the September 11, 2012 board meeting.

Mr. Maxcy also reported on the trip to Denver. A report will be given at a later date.

Doug Christ gave a brief report on Tropical Storm Isaac. Mr. Maxcy thanked the staff for taking charge.

COUNTY ATTORNEY'S REPORT

Mr. Conn gave updates on the following:

DeSoto County v. Braynen, et al- The County filed a Motion for Default since Defendants did not file an Answer to the Complaint. On August 21, 2012, the Clerk entered Default in favor of the County.

General Contracting Services v. DeSoto County PBS&J and Hazen and Sawyer- Plaintiff will take depositions of County staff on August 29, 2012.

Donray & Sandhill v. DeSoto County- A hearing on the County's Motion was held on August 21, 2012, at which time the Court entered Judgment Awarding Costs to the County in the amount of \$41,298.00.

DRD Enterprises/Pressler v. DeSoto County- A hearing on the County's Motion to Dismiss was held on August 6, 2012, and on August 21, 2012, the Court entered an order granting the County's Motion to Dismiss.

P.I.E., LLC v. DeSoto County- A hearing on the County's Motion to Dismiss was held on August 21, 2012. The Court ruled in the County's favor and dismissed the Amended Complaint with prejudice.

Arcadia 4-Star Corporation v. DeSoto County- A settlement meeting has been set for September 27, 2012.

Astaldi v. DeSoto County- The Plaintiff recently requested information regarding a possible settlement.

Mr. Conn also reported on the Phosphate and Sludge Ordinance revisions. Commissioner Neads suggested a Workshop prior to making a decision on the revisions. Mr. Conn suggested scheduling the Workshop to discuss the revisions on September 11, 2012 immediately following the Board Meeting.

BOARD MEMBER COMMENTS

Commissioner Schaefer commented that Doug Christ did an excellent job during Tropical Storm Isaac. She also agrees with Nicole Adams of the DeSoto County Youth Baseball & Softball (DCYBS).

ADJOURNMENT

There being no further business, Chairman Mansfield adjourned the meeting at 4:26 PM.

ATTEST:

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


C. GUY MAXCY
COUNTY ADMINISTRATOR


JURIL O. MANSFIELD
CHAIRMAN