PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON MAY 8, 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 May 8, 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, Donald Conn
Administrative Services Dir., Linda Nipper
County Coordinator, Mandy Hines
Transcribing Secretary, Betty Phillips
Utilities Director, Michael Crumpton
Fire Chief, Glenn Prescott
Social Services Manager, Peggy Waters
HR/Risk Manager, Don Kesterson
Emergency Mgt. Manager, Doug Christ
Purchasing Manager, Cindy Talamantez
Facilities Director, Richard Metzger
Transportation Supervisor, Shawn Edwards
Parks & Recreation Dir., Tara Anderson
County Engineer, Mike Giardullo
Office Manager, Lauri Jones

CALL TO ORDER
PRAYER
PLEDGE OF ALLEGIANCE

Mr. Randy Hipp with the DeSoto County Fire Rescue stated that he would like to share his respect for his son, Ryan who is serving in Afghanistan. He indicated that his son is a 2010 DeSoto High School graduate and talked about the reasons that his son joined the service. Mr. Hipp read a brief portion of a letter he wrote to him and asked that everyone continue to pray and send letters to him. He is expected to return on July 4th of this year.

INTRODUCTION OF ELECTED OFFICIALS
SET/AMEND-Motion was made by Commissioner Langford to set the Agenda as presented. Seconded by Commissioner Schaefer. Motion carried unanimously.

PUBLIC FORUM FOR NON-AGENDA ITEMS
None

CONSENT AGENDA-MOTION TO APPROVE
Motion was made by Commissioner Schaefer to approve the Accounts and Warrants drawn according to schedule of bills payable; Minutes of April 24, 2012 Public Meeting; Declaration of Surplus Property List; Agreement Extension/LAP Bicycle/Pedestrian Master Plan Consulting Services with Tindale-Oliver & Associates and Contract Amendment/Landfill Access Ramp Construction Services with Clary’s Sitework & Development, Incorporated. Seconded by Commissioner Langford. Motion carried unanimously.

PRESENTATION
6. Distinguished Citizen Award
Chairman Mansfield and all Commissioners presented the Distinguished Citizens Award for the 2012 Second Quarter to James Westberry. Mr. Westberry thanked the Board and his wife and indicated that
he was blessed to be a DeSoto County citizen.

PROCLAMATION
7. Proclamation/Civility Month
Mr. Maxcy stated that the Attorneys of the City, County and Local Government Law Section of the Florida Bar asks all local governments in Florida to adopt such a proclamation to help uplift the tone and conduct in public meetings throughout the State. Mr. Maxcy read the Proclamation for the public. Motion was made by Commissioner Selph to proclaim the month of May as "Civility Month" in DeSoto County. Seconded by Commissioner Langford. Motion carried unanimously.

REGULAR BUSINESS
8. Resolutions/Budget Amendments
Ms. Nipper requested to adopt a Resolution amending the 2011/12 Budget including attachment #2012-78 (Revenue received from GEO for Sheriff to house their inmates). Motion was made by Commissioner Langford to adopt the Resolution amending the 2011/12 Budget Amendment as presented. Seconded by Commissioner Schaefer. Motion carried unanimously.

Mr. Christ stated that Chapter 9G-6 Florida Administrative Code requires that each county adopt by Resolution the Comprehensive Emergency Management Plan (CEMP) once approved by the Florida Division of Emergency Management. The 2012 Comprehensive Emergency Management Plan (CEMP) has been developed utilizing criteria set forth by the Florida Division of Emergency Management and Florida Statue 252. The CEMP was reviewed and approved by the State Division of Emergency Management in accordance with Florida Administrative Code. A copy of the compliance letter is included in the packet. Motion was made by Commissioner Schaefer to adopt the Resolution for the 2012 Comprehensive Emergency Management Plan as presented. Seconded by Commissioner Langford. Motion carried unanimously.

10. Agreement/South Florida Community College (SFCC)
Mr. Christ stated that this is an agreement between SFCC and DeSoto BOCC for the use of the College as a Special Needs Shelter. The Agreement is updated every two years. Motion was made by Commissioner Langford to approve the Agreement with SFCC for Special Needs Shelter. Seconded by Commissioner Schaefer. Motion carried unanimously.

11. Declaration of Surplus Property/Vacant County Owned Property
Ms. Talamantez stated that the County received requests to purchase a one acre parcel owned by DeSoto County. The property is landlocked and is not suitable for public sale to anyone other than the adjacent property owners. Staff recommends negotiating a sale with those property owners. The Property Card for parcel #07-39-24-0000-0140-0000 (SW Bay Avenue) is included in the packet. Brief discussion followed regarding the value of the property plus the County’s current investment for work that has had to be done. Ms. Talamantez stated that she will bring back to the Board for approval before any sale is complete. Motion was made by Commissioner Neads to declare the described property as surplus and authorize staff to negotiate the sale. Seconded by Commissioner Selph. Motion carried unanimously.

Ms. Talamantez stated that the Board approved the 2011/2012 Budget which authorized the finance of certain equipment including a rotary mower for the Parks Department and a forklift for the Facilities Department. Proposals were received by the Purchasing Department for financing options. Suntrust Equipment Financing and Leasing Corp. submitted the best offer providing an interest rate of 2.15%. The total amount financed is $61,281.84 payable over 5 years. Brief discussion followed regarding the micro rotary mower and Ms. Talamantez indicated that it is on State Contract and the savings are estimated at $5,000. Motion was made by Commissioner Langford to
approve the Addendum to the Master Lease Agreement to include adoption of the Resolution as attached. Seconded by Commissioner Neads. Motion carried unanimously.

13. Contract Amendment/Central Concrete Products, Inc.
Mr. Giardullo stated that a Contract was awarded to Central Concrete Products for construction services regarding a LAP Sidewalk Multi-Use Path on August 2, 2011. The Contract was extended an additional 90 days on February 29, 2012. Staff would like to request another extension to facilitate changes in the Scope of Services and give FDOT additional time at final walk through for any changes they may deem necessary. Staff is also requesting an increase in Contract Price. The original LAP Agreement listed a reimbursable amount of $765,000.00 for construction services on this project. The original Contract price is $653,257.96. Staff would like to avail itself of the additional reimbursable funding and amend the Contract increasing the price an addition $100,000.00 bringing the total contract price to $753,257.96. Brief discussion followed regarding park bench pads and canopies. Motion was made by Commissioner Selph to amend the Contract for the Local Agency Program Sidewalk and Multi-Use Path Construction Services with Central Concrete Products, Inc. as presented. Seconded by Commissioner Neads. Motion carried unanimously.

14. Agreement/Marketing Alliance Inc.
Ms. Hines stated that the County solicited for proposals for marketing design services in June 2011. The selection committee ranked all firms. The County was not successful in negotiating with the top ranked firm due to fiscal constraints and entered into contract with the #2 firm, Noise Incorporated in October 2011. In April staff determined it to be in the best interest of the county to exercise its termination for convenience clause within the contract and negotiated a contract with the 3rd ranked firm, Marketing Alliance, Inc. Contract negotiations were initiated and completed within the 6 month time frame that the County issued a Notice of Commencement of the original contract award. Staff has amended the not to exceed items in the new contract to reflect adjusted amounts for the remainder of the current fiscal year. Staff recommends approval of the contract with Marketing Alliance, Inc. for economic development and tourism marketing design services. Motion was made by Commissioner Schaefer to approve the Contract with Marketing Alliance Incorporated for Tourism Marketing Design Services as presented. Seconded by Commissioner Langford. Motion carried unanimously.

15. Resolution/Retiree Medical Health Insurance
Mr. Kesterson stated that at the April 10, 2012 meeting the Board discussed a situation pertaining to a Firefighter that merged from the City and recommended paying the percentage not paid by the City. The individual, Ricky Wood, had 23.5 years of service when he merged to the County in June 2006. During the merger Retiree Health Insurance was not an item negotiated within the agreement. On April 3, 2012, the City of Arcadia approved the recommendation of a pro-rated employee only health insurance benefit of 94% to be paid until the individual became Medicare eligible at age 65. The individuals current cost will be $35.83 when he retires in June 2012 and could adjust yearly upon the plans renewal. The other 2 eligible individuals would request 8% and 12% upon retirement. New language is added to Attachment A, Class B, Item 4 that Fire Rescue individuals that merged from the City in 2006 who had 20 years or more service at that time will be eligible to be approved by the Board on a case by case basis to receive up to the percentage difference not covered by the City for the City's health insurance until Medicare eligible.

Mr. Ed Johnson stated that he was strongly opposed to this change and that the County already has an unlimited liability of 10 million dollars. Mr. Johnson stated that he had the County papers and these
were being added to the list of 45 others that would be receiving that benefit. He further indicated that five County Commissioners were receiving this benefit and this has to stop. Commissioner Langford stated that this issue was not addressed at the time of the merger and that the County is only picking up the 6%. Commissioner Langford inquired about where the 10 million dollars came from. Mr. Johnson stated that he has not completed his investigation, but the figures show as of 2008 the County will have to pay out that much.

Commissioner Neads stated that they have an obligation to help the employees when we can however; they re-evaluated that and made some changes to the retiree’s policy. Commissioner Langford stated that there was a stop date set. Mr. Jeff Griffith stated that the Commissioners were right and the County changed the policy that employees must have 16 years by December 31, 2008 in order to qualify. He further added that this liability was far less now than the 10 million. Ms. Kathryn Hill stated that as a member of the Insurance Committee, that there are a lot of ifs regarding the retirees and what they earned. The Committee did not want to overstep its boundaries, but they do the best they can for the employees. Chairman Mansfield agreed and felt that it was wrong to take away what has been given prior. Commissioner Schaefer stated that since it only involved 3 people why not go ahead and approve all today. Mr. Conn stated that was because we did not know what the City was going to do with the other 2 individuals and by only approving the one today, it will give us a chance to look at the others as they retire. Motion was made by Commissioner Schaefer to adopt the Resolution amending the Retiree Medical Health Insurance Policy. Seconded by Commissioner Langford. Motion carried unanimously.

16. Resolution/Pain Clinics (Pill Mills)
Mr. Conn stated that due to the danger to the public presented by pain clinics (pill mills) existing in other areas of the state, the County adopted Ordinance 2011-06 which places a moratorium on issuance of business tax receipts for these clinics. DeSoto County is continuing to review the experience of other counties with these clinics, as well as legislation which has been proposed to regulate their operation. This extension is in accordance with Ordinance 2011-06 and will allow the County to gather additional information and experience concerning these clinics before they are allowed to operate. Commissioner Selph asked why we could not extend for a year. Mr. Conn indicated that the Ordinance only allow for 6-month extension. Mr. Conn stated that if the State does not do something soon, he will bring back a new Ordinance which can extend it further. Motion was made by Commissioner Langford to adopt the Resolution extending the moratorium on Pain Clinics (pill mills). Seconded by Commissioner Neads. Motion carried unanimously.

17. Engagement Letter/County Attorney Services
Mr. Maxcy stated that he has served DeSoto County as County Attorney for the past two years. The Agreement with his firm, Pennington Moore Wilkinson Bell & Dunbar has expired. This will continue that Engagement under the same terms as have been in effect for the past two years. Motion was made by Commissioner Langford to approve the Engagement Letter for the County Attorney Services and authorize the Chairman to execute. Seconded by Commissioner Schaefer. Motion carried unanimously.

ADMINISTRATOR’S REPORT
Mr. Maxcy requested that he be authorized to fill a position in the Utilities Department. They have a Plant Operator III position however; he only needs a Plant Operator I position. Mr. Maxcy stated that it would be a downgraded position and help in lowering costs. The Board consensus was to authorize the request as presented.
COUNTY ATTORNEY’S REPORT
Mr. Conn provided a written report. Mr. Conn stated that the lawsuit challenging the constitutionality of the Medicaid reimbursement law passed in 2012 has been filed in the Second Judicial Circuit, Leon County. DeSoto County is a named plaintiff along with 49 other counties. Mr. Conn will keep them updated as it proceeds along.

Mr. Conn stated that in the Donray/Sandhill Case we reserved the right to have costs and asked if the Board would consider accepting an offer from them. Brief discussion followed and it was decided that the Attorney should negotiate to recoup what he can.

Mr. Conn stated that there is another Planning Commission Meeting tomorrow and they will be taking another look at the LDR revisions. He provided a handout to the Board of all written public comments received and briefly reviewed some of those updates. Brief discussion followed regarding the Sludge and Phosphate Ordinances and the inclusion of the “clustering” section which was added back into the LDRs. Mr. Conn stated that he would talk with staff about putting all the written comments and revisions currently made on the Web Page. The final Public Hearing for adoption will be held at the next Board Meeting.

Mr. Conn stated that he will be bringing to the Board a policy regarding ERUs. He indicated that it would include making them available to other customers and waiving Capital Charges.

BOARD MEMBER COMMENTS
Ms. Schaefer congratulated Mr. Westberry and asked that everyone remember the service men and women overseas.

Mr. Maxcy apologized and indicated that there was one more item he needed to present to the Board. Mr. Metzger stated that previously the Board approved an OPS position to do electrical work for the Court House. He asked that he be able to hire this individual full-time or at least for another 30 days to complete some unfinished work. Mr. Metzger indicated that Mr. Crumpton has an Electrician position that is retiring and he has spoken to him about transferring the position to Facilities. Brief discussion followed regarding the electrical issues at the Turner Center and the need to have a position full-time. It was suggested that Mr. Metzger look at his budget and make necessary cuts where he can to fill this position.

Commissioner Selph also congratulated Mr. Westberry and stated that he understood where Mr. Hipp was coming from as he has also been in a combat zone. He asked that letters be written and to keep Ryan in your prayers.

Commissioner Neads stated that he appreciates what Mr. Hipp did and asked that when Ryan returns in July to ask him to participate in the 4th of July Festivities.

Chairman Mansfield stated that he has received comments regarding the Barnes & Trailers out at the Turner Center. He indicated that the people need to know that they were built by the Department of Agriculture and they house lots of equipment needed for emergency response. Chairman Mansfield stated that we were lucky to have this in DeSoto County as there are only two such facilities in the State.
ADJOURNMENT
There being no further business, Chairman Mansfield adjourned the meeting at 10:34 AM.

ATTEST:

C. GUY MAXCY
COUNTY ADMINISTRATOR

BOARD OF COUNTY COMMISSIONERS
DESOOTO COUNTY, FLORIDA

JURIL O. MANSFIELD
CHAIRMAN