

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON JANUARY 13, 2015 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 January 13, 2015 with the following persons present:

Commissioner, Buddy Mansfield, Dist#1	Facilities Director, Richard Metzger
Commissioner, James Selph, Dist#2	Planning Manager, Thomas Cookingham
Chairman, Gabriel Quave, Dist#3	Compliance Director, Jorge Hernandez
Commissioner, Elton Langford, Dist#4	Purchasing Director, Cindy Talamantez
Commissioner, Bob Miller, Dist#5	Utilities Director, Eddie Miller
County Administrator, Mandy Hines	Office Manager, Lauri Terry
County Attorney, Don Conn	Parks Director, Tara Anderson
HR Director, Don Kesterson	County Engineer, Mike Giardullo
Administrative Services Director, Linda Nipper	Environmental Svcs. Director, Henry Grimes
Transcribing Secretary, Jill Thompson	Library Director, Linda Waters
Fire Chief, Larry Taylor	Building Official, Lester Hornbake
Road & Bridge Director, Shawn Edwards	Turner Center Director, Jody Sullivan
	Emergency Management Director, Doug Christ

CALL TO ORDER 9:00 AM

PRAYER- Pastor Spurgeon/Mt. Ephraim Baptist Church

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS

Sheriff Will Wise

SET/AMEND

A motion was made by Commissioner Mansfield to set the agenda as presented. Seconded by Commissioner Selph. Motion carried unanimously.

PUBLIC FORUM FOR NON-AGENDA ITEMS

None

CONSENT AGENDA-MOTION TO APPROVE

Commissioner Langford made a motion to approve Accounts and Warrants drawn according to schedule of bills payable; Minutes of November 10, 2014 BOCC Public Meeting; Minutes of November 24, 2014 Executive Session; Sufficiency of Surety Bonds for the County Officials and Declaration of Surplus Property. Seconded by Commissioner Mansfield. Motion carried unanimously.

REGULAR BUSINESS

5. Resolution/Budget Amendments

Linda Nipper presented amendments; #2015-11, #2015-14, #2015-15, #2015-16, #2015-17 and #2015-18. Commissioner Miller questions what will be done with the leftover funds raised for the Traveling Vietnam Veterans Wall? Mandy Hines stated it was understood if there were excess funds that they would be used for other veteran organization support. A motion was made by Commissioner Langford to adopt a Resolution amending the 2014/2015 Budget amendments including attachments and removing #2015-14 that will be presented to the Board at the next BOCC

meeting. Seconded by Commissioner Mansfield. Motion carried unanimously.

6. Resolution/Appointments to Planning Commission/Board of Adjustments

Tom Cookingham requested to appoint Larry Hudson and Gordon Martin and to reappoint Mike Provau and Judy Kirkpatrick to the Planning Commission Board of Adjustment. He also requested to reappoint John Super as an Alternate Seat. Mr. Cookingham commented that John Super expressed interest in serving on the Board but no written interest was received. Commissioner Langford feels since Mr. Super has served as an alternate for several years, he should be considered to fill Seat 1. Commissioner Selph feels the Ordinance concerning the Planning Commission should be reviewed and possibly amended. Mr. Conn verified with the Board that they would like to designate John Super as the representative for Seat 1 and also approve the others that are recommended and to come back in March with consideration of extending that appointment or dealing with it in some way. Commissioner Miller feels Mr. Super should be appointed to fill Seat 1.

A motion was made by Commissioner Langford to appoint Larry Hudson to Seat 5 and John Super to Seat 1; reappoint Mike Provau and Judy Kirkpatrick to the Planning Commission Board of Adjustments and offer the appointment to Gordon Martin as an alternate seat in the Planning Commission Board of Adjustments to include the amendment to the term for alternate Seat 1 to expire August 1, 2016. Seconded by Commissioner Miller. Motion carried unanimously.

7. Resolution/CDBG Award

Peggy Waters stated the County has been awarded a Housing Grant due to DEO finding other funding that was not expended in other strategies and was put into the housing projects. SHIP funds will be used to match, as required. A motion was made by Commissioner Langford to adopt the Resolution and authorize the Chairman or the County Administrator, in his absence, to sign all related documents executing and expending the CDBG Award. Seconded by Commissioner Mansfield. Motion carried unanimously.

8. Local Housing Plan Amendment/SHIP-LHAP

Peggy Waters stated this amendment is to add a new strategy for rental development. It will be available to a non-profit to create affordable rental units. SHIP allows for rentals up to 35%. A motion was made by Commissioner Mansfield to approve the rental development strategy to the Local Housing Assistance Plan as presented for SHIP years 2011-2017. Seconded by Commissioner Mansfield. Motion carried unanimously.

9. Bid Awards/State Housing Initiative Partnership Program

Peggy Waters presented a request to award a bid to a local contractor for a home to be rehabilitated under the SHIP Program. Ms. Waters commented this particular project will be very difficult, which resulted in receiving only 1 bid. A motion was made by Commissioner Selph to approve the bid award as presented and authorize the Administrator to execute all related documents for rehabilitation of the unit. Seconded by Commissioner Miller. Motion carried unanimously.

10. Agreement/Universal Signs and Accessories

Shawn Edwards requested approval of a Piggyback Agreement with Volusia County for sign blanks and other miscellaneous sign supplies. A motion was made to approve a piggyback Agreement with Universal Signs and Accessories for the supply of sign blanks and other miscellaneous sign supplies and authorize the Chairman to execute the agreement. Seconded by Commissioner Selph. Motion carried unanimously.

11. Agreement/EREC

Doug Christ stated this provides mass casualty incident training to DeSoto County. A grant became available for this training. A motion was made by Commissioner Mansfield to award the bid and accept the agreement with EREC and authorize the Chairman to execute the agreement. Seconded by

Commissioner Langford. Motion carried unanimously.

12. Land Use Plan Amendment/State Land Use Plan Lease No. 4401

Mandy Hines stated the State surplused the property formerly leased by the Department of Children and Families; in that process, the County retained the 300 acre lease for the utilities. There is no issue with a partial release of lien as long as the County retains access to the critical utility infrastructure that is located within the 1.6 acres. Within the said 1.6 acres is the old water treatment facility, which is of no value or use to the County and the water tower. However, it does have two wells. Legal counsel for DEP has stated they cannot provide the easement when the property is under contract. The purchaser has no objection to providing the easements and anticipate all this will happen simultaneously at the closing on March 9, 2015. The purchaser has requested at a later date that Administration consider a portion of the 300 acre spray field become part of the dirt track via a sublease. Ms. Hines is requesting to submit an amendment to the Land Use Plan that the County may make land available to adjacent commercial uses in limited capacity for the purpose of utilizing land to meet Federal Contract obligations. Ms. Hines is requesting authorization to submit this if necessary and also a direct Letter of Request to authorize the sublease of a portion of the County's lease. A motion was made by Commissioner Langford to approve the amendment to the Land Use Plan and transmit a Letter of Request to sublease to the Florida DEP Land Management Section. Seconded by Commissioner Mansfield. Motion carried unanimously.

13. Partial Release of Lease 4401 & Application for Easement/Division of State Lands

Mandy Hines stated this partial release of lease 4401 for the 1.6 acres that contains the assets described in the previous agenda item. She requested the Board to authorize the County to work on an easement that would be executed and granted by the purchaser of the property at time of closing. A motion was made to approve the application for easements (s) to be submitted to the Division of State Lands and approve the Partial Release of Lease for approximately 1.6 acres from Lease 4401, conditioned upon the granting of necessary utility easements. Seconded by Commissioner Langford. Motion carried unanimously.

ADMINISTRATOR'S REPORT

Mandy Hines requested direction or consensus from the Board regarding the Reynolds Road former Landfill property. Further discussion ensued. Ms. Hines requested to establish a minimum bid per acre or direction on how to proceed. There was consensus of the Board to set the minimum bid at \$2,000 per acre.

Ms. Hines is seeking Board consensus to authorize the County Attorney to submit for an Attorney General opinion-authority to grant ED Ad Valorem Exemption to property that no taxes have historically been collected on. The question is what authority the Board has in setting exemptions on a piece of property such as this. Mr. Conn commented this is for the benefit and assurance of the potential purchaser. Further discussion ensued. There was consensus of the Board to proceed with the request.

Ms. Hines requested Board consensus regarding the Thornton Creek buffer. Ms. Hines stated that the type "B" buffer in the County's LDR is 2.4 trees and 9.6 shrubs for every 100 feet. While we state that it is providing type "B" buffer, it is actually an enhanced type "B" buffer requiring 4.5 trees and 20 shrubs. There was consensus of the Board that where a wall is present, the material will be planted on the exterior of the wall. Chairman Quave stated he is ok with Ms. Hine's interpretation as well as the legal interpretation. Commissioner Miller stated he is ok with the interpretation but is concerned with the last sentence. Mr. Conn commented if the Board agrees with Ms. Hine's interpretation, it will be included in the record of today's meeting. Ms. Hines stated it will still be

planted on both sides of the berm and/or wall but there is no requirement of percentage. There was consensus of the Board. Ms. Hines referenced 3(J) special condition in PUD for Thornton Creek as written, under no circumstance is the County requiring 2.4 trees and 9.6 shrubs on both sides; there is no intent to double the quantity or amount of material.

Ms. Hines requested direction from the Board regarding loaning tables and chairs from the Turner Center to the public. There was consensus of the Board to not allow the loaning of these items to private parties for any purpose; only governmental or quasi-governmental entities

COUNTY ATTORNEY'S REPORT

Mr. Conn reported regarding the PIE case and the County's motion to compel discovery from the plaintiff from PIE; they have been delaying on responding discovery. The judge found in our favor has given them 7 days to provide full and complete answers to our discovery. We are waiting a full and complete discovery of response.

Mr. Conn commented regarding Gavriloff and the Thornton Creek matter. Plaintiffs filed a motion for temporary injunction and request for emergency hearing. We filed a response in opposition to an emergency hearing due to short notice and the court did not grant a hearing. Over the holiday, plaintiff's counsel set a one hour hearing for February 3, 2015. Having a hearing on these motions is entirely appropriate, however one hour is inadequate. It would not be productive use of time.

Mr. Conn would like the Board's authorization to request that he will file a motion for continuance and for case management conference. There was consensus of the Board to sign the motion for continuance.

BOARD MEMBER COMMENTS

Commissioner Langford wished everyone a Happy New Year. He commented he has seen on the news that ISIS has declared war on police officers and military personnel. He believes the threats are real. He commented regarding a speaker named Usama Dakdot. Commissioner Miller commented he feels it is a real threat as well.

Commissioner Mansfield commented regarding the warm weather and is happy to see everyone made it through the holidays safely. He wished everyone a Happy New Year.

Commissioner Selph wished everyone a Happy New Year. He commented the Florida Cattleman's Institute will be hosted at the Turner Center this week. He complimented Mike Giardullo on a job well done with the railroad crossing on CR 661. He thanked Shawn Edwards for the help over the holidays regarding a trash/dumpster matter. He commented regarding new businesses in town, in particular, The Carvery.

Commissioner Miller commented regarding The Carvery. Discussion ensued regarding the Florida Cattleman's Institute. He attended a City Council Meeting last week and was delighted. FDOT had a public meeting regarding the Highway 17 expansion and he was surprised at the concern regarding Palm Street. He believes DeSoto County has a bright future and the development in South County.

Commissioner Miller stated he would like to have a workshop in general to discuss upcoming development and what we need to be looking at to ensure and protect the existing citizens as well as be able to service the ones who are coming in and creating the costs.

Chairman Quave agrees with having a workshop.

Commissioner Miller feels the County needs to be prepared to know how to cover upcoming services.

Commissioner Selph agrees with having a workshop and feels it should be open to the public but only to have discussion by the Board.

Commissioner Quave feels there could be great dialogue but not open to public comment.

Mandy Hines commented she would like to present a draft agenda to the Board at the next BOCC meeting. She would like to work with Tom Cookingham, Don Conn and possibly Pat Stead to develop an agenda that is specific to how to be prepared for development.

Commissioner Mansfield would like to hold a workshop but does not want it open to public comment.

Chairman Quave commented he and Commissioner Miller will be in Gainesville starting tomorrow for training. He thanked Shawn for handling the Board politely when they need a problem addressed. He would like everyone to be aware that he would like to have more of a restaurant selection and that comes with growth. The Board is not always in charge of asking restaurants to come to our county; they chose the areas on their own. He enjoys the Christmas parade and the camaraderie that goes along with it. He would like the Board to ride together in the Martin Luther King Jr. Day Parade on Monday.

Commissioner Mansfield thanked Mike Giardullo for his work on the drainage issue on Rainbow Ave.

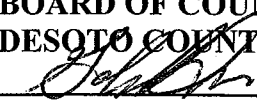
ADJOURNMENT

There being no further business, Chairman Quave adjourned the meeting at 10:35 AM.

ATTEST:



MANDY HINES
COUNTY ADMINISTRATOR

BOARD OF COUNTY COMMISSION
DESOLO COUNTY, FLORIDA


GABRIEL QUAVE
CHAIRMAN