

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
HELD ON FEBRUARY 24, 2015 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 February 24, 2015.

**CALL TO ORDER                      3:00 PM**

**PRAYER/PLEDGE OF ALLEGIANCE**

Prayer was given by Commissioner Elton Langford.

**INTRODUCTION OF ELECTED OFFICIALS**

Sheriff Will Wise  
Kathryn Hill, Tax Collector  
Karen Whaley with Representative Ben Albritton's Office

**SET/AMEND**

A motion was made by Commissioner Selph to set the agenda as presented. Seconded by Commissioner Mansfield. Motion carried 4-0 with Commissioner Miller absent.

**PUBLIC FORUM FOR NON-AGENDA ITEMS**

None

**CONSENT AGENDA-MOTION TO APPROVE**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Juril "Buddy" Mansfield, County Commissioner, District 1
<b>SECONDER:</b>	Elton Langford, County Commissioner, District 4
<b>AYES:</b>	Mansfield, Selph, Quave, Langford
<b>ABSENT:</b>	Miller

1. Accounts and Warrants Drawn Per Schedule of Bills Payable
2. Minutes of January 13, 2015 BOCC Public Meeting and January 27, 2015 BOCC Public Meeting
3. Approval of Small County Consolidated Solid Waste Grant Agreement
4. Agreement Between BOCC and Florida Division of Emergency Management (FDEM)

**PRESENTATION**

**5. Distinguished Citizen**

To Present Kathryn Hill with the 2015 1St Quarter Distinguished Citizen Award  
Commissioner Langford gave a background on the award and called Kathryn Hill to the podium and presented the award.

Ms. Hill thanked the nominating committee.  
Chairman Quave told a brief story regarding Ms. Hill.

Chairman Quave gave a plaque to former Commissioner Langford for his service as past Chairman.

<b>RESULT:</b>	<b>PRESENTATION GIVEN</b>
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**REGULAR BUSINESS**

**6. Cost of Living Adjustment**

Request to Authorize a 3% Pay Increase as a Cost of Living Adjustment for Staff

Mandy Hines presented this item and stated that Commissioner Mansfield requested this as an agenda item. This is a request for a 3% COLA for employees. Further explanation ensued.

Commissioner Selph commented this is not for the Board and only employees. This is long over due and has to be done. We have lost several employees because of this.

Commissioner Mansfield commented it is costing us money to train new employees and this is well deserved.

Commissioner Langford agrees this is needed, well over due and wishes he could do more.

Commissioner Miller agrees this is long past due. Concerned because we are mid budget year and should be addressed in the beginning. Feels it should have been addressed earlier in the budget year.

Suggested possibly tabling until next budget year.

Chairman Quave commented that you have to earn a raise and not always easy. He has never observed or seen anything inappropriate from a County employee. All have earned a larger raise but hopes this little bit helps.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Juril "Buddy" Mansfield, County Commissioner, District 1
<b>SECONDER:</b>	Elton Langford, County Commissioner, District 4
<b>AYES:</b>	Mansfield, Selph, Quave, Langford, Miller

#### **7. Resolution/Budget Amendment**

Request to Adopt a Resolution Amending the 2014/15 Budget as Attachments Represent.

Linda Nipper presented budget amendments 2015-34, 2015-35 and 2015-36 which includes the 3% COLA.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Elton Langford, County Commissioner, District 4
<b>SECONDER:</b>	James Selph, County Commissioner, District 2
<b>AYES:</b>	Mansfield, Selph, Quave, Langford, Miller

#### **8. Resolution/Budget Amendment**

Request to Adopt a Resolution Amending the 2014/15 Budget as Attachments Represent.

Linda Nipper presented budget amendments

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Elton Langford, County Commissioner, District 4
<b>SECONDER:</b>	Juril "Buddy" Mansfield, County Commissioner, District 1
<b>AYES:</b>	Mansfield, Selph, Quave, Langford, Miller

#### **9. Resolution/In God We Trust**

Request to Adopt the Resolution Installing the Words "In God We Trust" in the DeSoto County Board Room

Mandy Hines presented the Resolution for "In God We Trust" to be displayed in the Commission Chambers. The cost is approximately \$100 to be taken from the Board Room Supply Budget. There will be three inch letters placed above the seal to match.

Commissioner Miller commented several counties have adopted this and told a short story.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Juril "Buddy" Mansfield, County Commissioner, District 1  
**SECONDER:** James Selph, County Commissioner, District 2  
**AYES:** Mansfield, Selph, Quave, Langford, Miller

**10. Resolution/Delinquent EMS Accounts**

Request to Adopt the Resolution to Write Off All Uncollectible Ambulance Accounts

Chief Larry Taylor requested adoption of a Resolution for the write off of uncollected ambulance accounts for FY 2013/14.

Commissioner Selph questioned what percent are habitual offenders?

Chief Taylor commented it is approximately 10%

Commissioner Miller questioned how many accounts that represents?

Chief Taylor answered it equals to approximately 2500 ambulance calls.

Commissioner Miller commented that United Financial is collecting less than 1%. He would like to continue pursuing collection through the agency.

Further discussion ensued.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Elton Langford, County Commissioner, District 4  
**SECONDER:** Juril "Buddy" Mansfield, County Commissioner, District 1  
**AYES:** Mansfield, Selph, Quave, Langford, Miller

**11. 2015 Herbicide Application Services**

To Approve the Amendment to DeSoto County's Fiscal Year 13/14 Annual Herbicide Application Services

Mike Giardullo presented a request for a one year extension for the Annual Herbicide Program. Bid came in at \$29,000 to clean the ditches. Total was approximately \$32,000. Further discussion ensued.

Commissioner Selph questioned the start of the program and cautioned to observe rain fall. There needs to be adequate growing conditions for the herbicide to work properly.

Commissioner Mansfield commented this is long over due and it has proved itself. The ditches look great and has made a difference.

Commissioner Langford is happy to see the program implemented. There will sometimes be standing water no matter how clean the ditches are.

Commissioner Selph questioned how many more ditches could be added to this program?

Mike commented it could be expanded in the years to come.

Further discussion ensued.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Elton Langford, County Commissioner, District 4  
**SECONDER:** Bob Miller, County Commissioner, District 5  
**AYES:** Mansfield, Selph, Quave, Langford, Miller

**12. Interlocal Agreement / Heartland Regional Transportation Planning Organization**

Request to Approve an Interlocal Agreement to Form the Heartland Regional Transportation Planning Organization

Mandy Hines presented. This has been worked on for the past 6 years with the support of CFRPC and our six inland counties that make up the FHREDI region. Ms. Hines gave a brief history of the request.

Presented today is the Interlocal Agreement to form the Heartland TPO.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Elton Langford, County Commissioner, District 4  
**SECONDER:** Juril "Buddy" Mansfield, County Commissioner, District 1  
**AYES:** Mansfield, Selph, Quave, Langford, Miller

**13. Agreement for Internet Service- Comcast Business Communications**

To Approve the Network Services Agreement for Internet Service to Include the First Amendment and Authorize the Chairman to Execute the Agreements.

Cindy Talamantez presented. This is for the County's main internet connection. The next 5 years are at a much lower rate than previous years which will result in an \$1,100.00 savings per month. Nothing will change with the service.

Chairman Quave commented that Comcast is very reliable.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Juril "Buddy" Mansfield, County Commissioner, District 1  
**SECONDER:** James Selph, County Commissioner, District 2  
**AYES:** Mansfield, Selph, Quave, Langford, Miller

**14. Weiler Work Assignment 47-2 Wastewater Capacity Analysis Review**

To Approve Work Assignment 47-2 with Weiler Engineering for Completion of the Wastewater Capacity Analysis Review and Authorize the Chairman to Execute the Documents.

Cindy Talamantez presented Weiler Engineering Work Assignment #47-2. This is a continuation of a project that was started last year for a waste water capacity analysis review.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Juril "Buddy" Mansfield, County Commissioner, District 1  
**SECONDER:** Elton Langford, County Commissioner, District 4  
**AYES:** Mansfield, Selph, Quave, Langford, Miller

**15. Weiler Work Assignment 51-2 DCI Water Use Permit**

To Approve Work Assignment 51-2 with Weiler Engineering for Completion of the DCI Water Use Permit Process and Authorize the Chairman to Execute the Documents.

Cindy Talamantez presented Weiler Engineering Work Assignment #51-2. This is regarding the DCI Water Use Permit.

Commissioner Langford questioned who pays for this? Ms. Hines stated that under the lease, we have full operational control and responsibility.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Elton Langford, County Commissioner, District 4  
**SECONDER:** Juril "Buddy" Mansfield, County Commissioner, District 1  
**AYES:** Mansfield, Selph, Quave, Langford, Miller

**16. PRMRWSA 2016 - 2036 20 Year Water Projections**

Request to Adopt the PRMRWSA 20 Year Water Projections

Eddie Miller presented a request to adopt PRMRWSA 20 Year Projection. This will be done annually.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Elton Langford, County Commissioner, District 4
<b>SECONDER:</b>	Juril "Buddy" Mansfield, County Commissioner, District 1
<b>AYES:</b>	Mansfield, Selph, Quave, Langford, Miller

### **ADMINISTRATOR'S REPORT**

Ms. Hines discussed the recent change to our LDRs that now requires Development Plans to come before the Board. Ms. Hines requested direction to propose an amendment to the LDR to clearly state they will be brought to the Board in a public meeting session. This will leave no room for error in interpretation in the future of the Board's intent.

Don Conn commented there is no definition of Public Hearing and the way to address the issue is to amend the LDRs. There is no law to have Public Hearings at 6:30pm unless it's a rezoning. Further suggestions ensued. Dev. Plans can be on agenda at 9:00am, 3:00pm and/or 6:30pm and can be at the discretion of the Administrator. He does not recommend opening the LDRs again to make this amendment.

Chairman Quave commented that he is ok with the Administrator making the decision. He is not in favor of opening the LDRs again.

Further discussion ensued.

Commissioner Mansfield commented he agrees with the Administrator but would like this corrected in the LDRs in the future.

Ms. Hines recommended changing in the LDR and the reason being that it is very clear that it is not a public hearing requirement.

Commissioner Selph commented he does not have a problem with opening the LDRs if only changing 2 words.

Commissioner Miller questioned the cost? Ms. Hines stated only the cost to advertise.

Don Conn commented further.

There was consensus of the Board to amend the language in the LDRs.

Ms. Hines has scheduled April 27, 2015 from 6:00pm-8:00pm in the Lake Suzy area and April 30, 2015 at the Turner Center Exhibit Hall from 6:00pm-8:00pm for Community Conversations.

### **COUNTY ATTORNEY'S REPORT**

Don Conn commented regarding the PIE case; there was a case management conference held yesterday. This was an issue of discovery and the Plaintiff's inability or unwillingness to respond to the County's discovery request. The Judge has given the Plaintiff 30 more days.

In regards to the Gavriloff /Watson case; depositions are scheduled for next Monday for the two Plaintiffs.

Regarding Arcadia Four Star; very recently there has been contact relating to the property formerly called Arcadia Four Star that is now owned by a bank that foreclosed on the property. There is interest in purchasing the property and the bank would like to present a settlement proposal. He feels the thrust of the proposal is that they will drop their lawsuit and request a return for the capital charges that were paid by the original developer. Mr. Conn stated he does not have details yet but will hopefully be an agenda item at the next Board meeting.

### **BOARD MEMBER COMMENTS**

Commissioner Langford had no further comments.

Commissioner Mansfield had no further comments.

Commissioner Selph commented he attended The Carvery ribbon cutting. He presented keys for a new home recently for Habitat for Humanity. He also commented on recent world events.

Commissioner Miller commented the ARC group is very special and they attended the Special Olympics. Some members came home with medals and he commended them for a job well done.

Chairman Quave commented he also attended the Habitat for Humanity home presentation. Spent time at Arcadia Airport last Saturday for pancake breakfast; it is once a month and he urged everyone to attend. He also attended the wood carving event at the Turner Center.

**RECESS UNTIL 6:30 PM PUBLIC HEARING**

Recessed at 4:12pm until 6:30pm

**PUBLIC HEARING**

Called to order at 6:30pm

**17. Resolution/Development Plan**

Request to Adopt the Resolution Approving Development Plan 2015-01

Tom Cookingham presented. DP 2015-01 to allow construction of 3 greenhouses at 1615 Highway 17. He gave details regarding the request and presented the findings. The request is compliant with Section 12000 of the LDRs. Staff recommends approval with conditions.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Selph, County Commissioner, District 2
<b>SECONDER:</b>	Bob Miller, County Commissioner, District 5
<b>AYES:</b>	Mansfield, Selph, Quave, Langford, Miller

**QUASI-JUDICIAL PUBLIC HEARING**

Don Conn gave opening remarks regarding Quasi Judicial Hearing proceedings.

Oath was given by Jill Thompson to all present and giving testimony.

Ex- Parte communications requested. All Board members reported yes and proper forms completed.

**18. Resolution/Special Exception**

Request to Adopt Resolution Approving Parking of Commercial Vehicle in Residential Zone.

Tom Cookingham presented SE 2014-12 to allow parking of a larger commercial vehicle in Residential Zoning. Findings were given. Proposal complies with the Comprehensive Plan. Staff recommends approval.

Commissioner Quave questioned the Planning Commissions recommendation? Mr. Cookingham stated the Planning Commission recommended denial and one person spoke in opposition of the request. They felt this was not compatible and would be an intrusion into the adjoining neighborhood. Further discussion ensued regarding conditions required. The effect on county roads will be assessed by engineering. This has been requested for a period of one year but can be limited by the Board.

Commissioner Selph questioned if the vehicle has been parked on the property recently or at any time?

Tom commented yes, this was the result of a Code Enforcement violation.

Miller commented regarding buffering and he would like more clarity on this. Additional vegetation has not been discussed up to this point.

Carlos Esquada answered questions from the Board.

Langford questioned number of trucks owned and the size.

Quave questioned if the driveway has had to be repaired? Applicant replied no. Miller commented this request is to park the tractor only and no other vehicles. How many days a week? Applicant replied twice a month. Quave commented it is still a residential neighborhood. Miller questioned if the Special Exception is even needed since the vehicle will not be left over night. Selph commented the Special Exception is to park. He brought up the fact that there are 6 vehicles all together. Carlos commented that on occasion the truck may remain on the property over night. Mr. Conn gave the definition of parking. Further discussion ensued. Miller commented to set conditions on the Special Exception. Quave commented the washing should be done at the offsite parking facility. Bob Bell commented and presented a photo. He stated the truck has ruined the culvert and spoke in opposition of the request. Further discussion ensued. Commissioner Langford questioned Mike Giardullo regarding the cost of a commercial culvert. Mr. Giardullo replied the approximate cost would be \$10,000 and a commercial culvert isn't always concrete. Commissioner Mansfield questioned if Mr. Giardullo has seen the turning radius. Mike commented there really is no turning radius. Kathy Popaleo commented that this is a man that supports his family with this business and doesn't like the negative comments.

A motion was made by Commissioner Mansfield to close the public hearing. Seconded by Commissioner Langford. Motion carried unanimously.

Commissioner Langford commented this case is different than others. A commercial culvert will be needed and he is not in favor of the Special Exception. Commissioner Mansfield commented it would be beneficial for the trucks to be parked elsewhere and he cannot support the request. Commissioner Miller commented we are getting mixed information but doesn't have a problem with the vehicle being washed on the property. He questioned if the culvert needs to be placed immediately? Mike Giardullo commented yes, in order to protect the road. Commissioner Selph commented this decision is made on facts and he is getting mixed signals as well and does not support the request.

<b>RESULT:</b>	<b>DEFEATED [0 TO 5]</b>
<b>MOVER:</b>	Elton Langford, County Commissioner, District 4
<b>SECONDER:</b>	James Selph, County Commissioner, District 2
<b>NAYS:</b>	Mansfield, Selph, Quave, Langford, Miller

**19. Resolution/Special Exception**

Request to Adopt the Resolution for Special Exception 2015-01

Tom Cookingham presented SE 2015-01 with conditions for ATV obstacle courses, paved courses and other uses. The project is located on the west side of Hwy 31. The property is currently under contract. Proper notice has been given. The current facilities will be utilized. The request would not impact the adopted level of service. The request is compatible with the Comprehensive Plan. The Applicant is providing set backs and buffering and course use will be limited to certain hours.

Commissioner Selph commented this is difficult to understand and wants clarification on the hours of the hotel and restaurant. Mr. Cookingham commented he will rewrite to clarify this issue.

Nan Exline spoke in opposition of the request and questioned the hours of operation of the gun range as well as the rally track. She is also concerned with the noise of the restaurant and bar.

Commissioner Quave stated this is questioning for staff and not presentations.

John Moore questioned Mr. Cookingham why he didn't mention the bar and the area to the west.

Tom Cookingham stated it was just an oversight.

Ivor Wigham, the applicant, was present to answer questions.

Commissioner Langford questioned the time frame for defensive driving. Mr. Wigham commented he contracts with the government. The gun range will operate from 9am - 5pm. Tactical vehicles will be 9am - 5pm. The bar is in the hotel and will be for members only. Members will get 60 track days per year as well as use of the restaurant and bar. This will generate many jobs that will increase over a 3 year period. The inside gun range will not be live ammunition. All instructors are ex-special forces.

Don Conn commented that local government cannot regulate firearms.

Mr. Wigham explained the training track. Night training is done in California along with land navigation.

Further discussion ensued.

Nan Exline questioned what government is the training for? The applicant replied the training is for the United States.

Ms. Exline commented she is concerned for the safety of the gopher tortoise that lives in the area. She commented the ecology group said they found nothing as far as protected species or burrows.

Chris Barerra commented the environmental report was a preliminary report. This development will not be in the wetlands.

John Moore spoke in opposition of this project.

Mr. Wigham commented further.

A motion was made by Commissioner Langford to close the public hearing. Seconded by Commissioner Mansfield. Motion carried unanimously.

Board member comments:

Ms. Hines stated the land use would not carry over to any other applicant.

Commissioner Langford spoke in favor of the project and stated the property would be back on tax roll and will supply high paying jobs.

Commissioner Selph commented we have worked hard to access this piece of property. He is in favor of the request.

Commissioner Quave is in favor of the project.

Commissioner Mansfield commented this will help our community and is in favor of the project.

Commissioner Miller commented this is exactly the type of development DeSoto County needs. The money will be put back into the county.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Elton Langford, County Commissioner, District 4
<b>SECONDER:</b>	Bob Miller, County Commissioner, District 5
<b>AYES:</b>	Mansfield, Selph, Quave, Langford, Miller

## **20. Rezone 2014-02**

Request to Adopt the Resolution for Rezone of Agriculture 10 to Planned Unit Development

Tom Cookingham presented 2014-02 rezoning request.

\*Project changes due to concerns by the Board and the public

\*Rezoning and PUD Specifications

\*Findings/Request

Staff recommends approval with conditions, development standards and schedule of uses.



Joseph Forte stated there was no notice in Charlotte County for this public hearing. Mr. Cookingham replied that notification is only required to be sent to residents within DeSoto County, however there was an ad in the Charlotte County Sun. Mr. Forte followed with questions regarding low density, conservation overlay acreage, adverse effects to real estate and surrounding areas; further questioning ensued.

Commissioner Langford questioned page 6 of the staff report.

Clark Polikian questioned Mr. Cookingham's comments regarding lot size and square footage of homes.

Joanne Drinkwater questioned how people can react when the information online is not correct; she was unsure of what plan was being presented tonight. Mr. Cookingham replied the agenda item and the staff report was not out of his office; it was part of the new agenda process and does not know why the maps were partially blacked out. Further questions ensued.

Judy Thompson questioned how many letters of objection were received?

Virgil Campbell questioned Mr. Cookingham re: jogs in the road and why there is an emergency access onto Glenadine.

Commissioner Langford questioned if there is a gate at the end of Glenadine?

Delbert Rimers Questioned when we can determine where the property lines are that Mr. Cookingham referred to?

Tom replied the property lines are described by the boundary survey.

John Martellini questioned if Tom has a visualization that he can put on the overhead projector of all entrance and exits including emergency?

Don Drinkwater questioned the change in the spine road and stated the wrong plans are in the package.

Ron Enge representing the applicant gave a brief background of his history with the applicant. He stated the property line comes to an easement on Glenadine. Tonight is a concept development plan and not a final decision. They are asking 1.9 units per acre. He had a meeting previously with the Lake Suzy Alliance and presented the revised plans.

Mr. Enge presented each change made to the plans. He addressed a rumor concerning emergency access. He commented regarding the recreational area. Additional changes have been made such as minimum townhouse width.

Mr. Enge showed what the development would look like if passed.

Options were given regarding Sonoma. The roads and infrastructure will be privately owned and there will be an HOA.

Commissioner Selph questioned the term low income. He did not see low income homes in the presentation.

Don Conn questioned the plan submitted and who it was shared with.

Chairman Quave commented that he appreciates Mr. Enge's efforts. He also questioned King's Row setbacks.

Don Conn commented the report the Board has and that was put on the website does not include the concept plan presented tonight. He feels there is a notice issue; the public did not have the same information.

Don recommended that the Board should re-notice this hearing.

Chairman Quave commented the County is currently in a lawsuit regarding notice so this issue is very sensitive.

Commissioner Miller questioned if it is required that the specific information regarding a matter is published?

Commissioner Langford commented this was a great presentation and is embarrassed of the mistake.

Commissioner Selph apologized for the mistake.

This matter was tabled until March 24, 2015 at 6:30pm  
A motion was made by Commissioner Langford to close the public hearing. Seconded by Commissioner Mansfield. Motion carried unanimously

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>	<b>Next: 3/24/2015 6:30 PM</b>
<b>MOVER:</b>	Elton Langford, County Commissioner, District 4	
<b>SECONDER:</b>	Juril "Buddy" Mansfield, County Commissioner, District 1	
<b>AYES:</b>	Mansfield, Selph, Quave, Langford, Miller	

**ADJOURNMENT**

10:25pm