

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON FEBRUARY 25, 2014 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 25, 2014 with the following persons present:

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

CALL TO ORDER 3:00 PM

PRAYER- Pastor Will Browne/First Presbyterian Church

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS

Sheriff Will Wise and Kathy Hill

SET/AMEND- A motion was made by Commissioner Quave to approve the agenda as presented. Seconded by Commissioner Mansfield. Motion carried unanimously.

PUBLIC FORUM FOR NON-AGENDA ITEMS

None

CONSENT AGENDA-MOTION TO APPROVE

A motion was made by Commissioner Selph to approve the Accounts and Warrants drawn according to schedule of bills payable; Minutes of January 28, 2014 Turner Center Workshop; Minutes of January 28, 2014 Public Meeting; Minutes of January 28, 2014 LDR Workshop; Declaration of Surplus Property; Contract amendment with Marine Contracting Group, Inc; Acceptance of Committee Recommendation for LAP Gateway Signs CEI Services with KCCS. Seconded by Commissioner Miller. Motion carried unanimously.

PRESENTATION

6. Presentation/Carlstrom Field Road

Mike Giardullo presented an update on the progress with Carlstrom Field Road. This project was funded in a short time by FDOT. SCOP is the funding source which gives the opportunity to do other projects such as drainage improvements and driveway restoration.

Commissioner Miller questioned if these funds could also be used to repair City streets. Mr. Giardullo replied that we could apply. Commissioner Miller feels that our Country, Nation and State

need to wake up and start paying attention to the things that need to be addressed; Carlstrom Field Rd. is not one of the more urgent issues.

Commissioner Selph stated that at a recent meeting with FHREDI, he spoke with FDOT representatives regarding SCOP due to the Governor's budget having a decrease of 1.4 million. SCOP is created by the Legislature specifically for Counties and not Cities.

Mr. Giardullo stated there are other funding sources that may be used to address Commissioner Miller's concerns regarding City roads.

Mr. Giardullo continued with the issues regarding Carlstrom Field Rd. which included the width, pavement quality, location of drainage swales and culverts. Proposed solutions are as follows: widen the travel lanes, add paved shoulder where possible, re-grade the ditch, replace the old culverts, repave existing driveways with asphalt or concrete that are damaged while replacing the culverts and address the existing concrete road. Further discussion ensued regarding the existing concrete road. Completion of the project is scheduled for November 2015. The road will need to be closed in segments so that residents will always have access to their homes. There will be Community Involvement meetings as construction time approaches; the public will be properly noticed.

Further discussion ensued.

REGULAR BUSINESS

7. Resolution/Budget Amendments

Linda Nipper presented budget amendments #2014-052, #2014-053, #2014-054, #2014-055. A motion was made by Commissioner Mansfield to adopt a Resolution amending the 2013/14 Budget including attachments. Seconded by Commissioner Quave. Motion carried unanimously.

8. Agreement/Budget Services

Mr. Maxcy stated he would like to change the budget process by hiring a Consulting Firm. Mr. Maxcy gave the definition of a formal budget process and the steps that will be taken during this process. Mr. Maxcy feels this is something the Board needs as our organization moves forward and will improve in the efficiency of the budget.

Ed Johnson spoke in opposition of the request, stating the Board would be paying for the same service twice. He feels this should be done in-house and is the primary duty of the Administrator.

George Lempenau stated there is a software program available that can assist with the budget process.

Commissioner Miller commented on the amount of errors he discovered in the previous budget and the timeliness of documents is an issue. He agreed with Mr. Lempenau's comments regarding technology but hopes the quarterly meeting with Directors will give a better understanding of the budget process. He is in favor of hiring a Consulting Firm in hopes that it will save money eventually.

Chairman Langford questioned if a CPA or employee could be obtained for this position at a pay rate of \$25,000.00 annually including benefits. Ms. Nipper replied no.

Commissioner Quave feels the Administrator needs to be more involved in the budget process and feels it is not wise to leave this knowledge in the hands of a contracted service. He is not in favor of the request.

Commissioner Miller feels this is not a solution to the problems.

Commissioner Selph commented he could see problems coming years ago and at this point staff is not able to handle the budget process.

Chairman Langford feels staff needs assistance with the budget and should give the service a try.

Commissioner Mansfield commented this is not a permanent solution but a tool to be better prepared. A motion was made by Commissioner Mansfield to approve the Agreement with

Milestone Professional Services, Inc. to provide Budget Services and authorize the Chairman to execute the Agreement. Seconded by Commissioner Miller. Motion carried 4-1 with Commissioner Quave dissenting.

9. Resolution/Economic Development Advisory Committee Appointment

Mandy Hines presented a request to re-appoint four existing members (Tony Guidry, Bill Hackney, Mary Kay Burns and Andrew Neuhofer) and one new member (Robert Womack) to the EDAC. Staff advertised solicitation in the newspaper and received statements of interest from all current members to be considered for re-appointment and received one new private business interest request from Robert Womack. A motion was made by Commissioner Selph to adopt the Resolution appointing members to serve on the Economic Development Advisory Committee as presented. Seconded by Commissioner Mansfield. Motion carried unanimously.

10. Memorandum of Understanding/Small Business Development Center

Mandy Hines stated this is done by the County annually to recognize the in-kind contributions that the County provides in providing office space to provide business counseling from a Certified Business Analyst for our local small businesses. A motion was made by Commissioner Mansfield to approve the Memorandum of Understanding (MOU) between the County and SBDC and authorize the County Administrator to execute. Seconded by Commissioner Quave. Motion carried unanimously.

11. Resolution/CDBG Application

Peggy Waters stated that on August 27, 2013 the first Public Hearing was held to discuss the various grants DEO provides through the Small Cities Community Development Block Grant. At that hearing the Board gave staff direction to apply for a Housing Grant. Today is the required second Public Hearing.

A motion was made by Commissioner Quave to approve the CDBG application as presented enabling Resolution authorizing the Chairman or the County Administrator to execute and submit the attached application and also to adopt a Resolution approving SHIP funds to be pledged as matched. Seconded by Commissioner Mansfield. Motion carried unanimously.

Commissioner Miller questioned where the funds come from. Ms. Waters stated the funds are from the Federal Government and passed through the State. Further discussion ensued regarding SHIP funds.

12. Bid award/State Housing Initiative Partnership Program

Peggy Waters requested approval of Bid awards to Jewel Contracting, Inc. for the rehabilitation of two homes under the SHIP Program. A motion was made by Commissioner Quave to approve the Bid awards as presented and authorize the Administrator to execute all related documents for rehabilitation of the units. Seconded by Commissioner Selph. Motion carried unanimously

13. Buyout option/Lease Agreement

Cindy Talamantez stated that the Landfill is currently leasing a 2009 Wheel Loader. The Board voted to replace that loader with a new model at the previous Board meeting. Currently a 2006 model is used as a back-up. Ms. Talamantez requested that the Board allow Mr. Grimes to sell the 2006 model to pay for the buyout of the leased 2009 Wheel Loader. Further discussion ensued.

A motion was made by Commissioner Quave to accept the buyout option in the Lease Agreement ending in April 2014 for the 930H Wheel Loader and authorize staff to process a Purchase Order. Seconded by Commissioner Mansfield. Motion carried unanimously.

14. Agreement/Professional Services Library

Cindy Talamantez stated the County has a need for ongoing professional services and based upon upcoming needs in the near future; she has outlined specific disciplines that will aide in various

projects. Responses were received from an advertised Request for Qualifications. The services are used by any or all departments on an as needed basis. Ms. Talamantez read the 9 firms into record; AMEC, American Management Resources, Ardaman & Associates, GLE Associates, Kimley-Horn & Associates, MC Squared, PSI, SCS Engineers, Terracon Consulting Engineers.

A motion was made by Commissioner Miller to approve the Agreements for continuing Professional Services with the firms as presented and authorize the Chairman to execute the Agreements. Seconded by Commissioner Selph. Motion carried unanimously.

ADMINISTRATOR'S REPORT

Mandy Hines stated the Competitive Florida Program selected DeSoto County as one of three pilot communities in the state to participate. One requirement is that one representative is an elected official. It was consensus of the Board to choose Commissioner Quave as the representative.

Ms. Hines requested consent from the Board to develop and schedule a series of 4 or 5 community conversations. It was consensus of the Board to do so.

The Heartland Library Cooperative Coordinator is retiring at the end of the year. This person currently serves as the Highlands County Library Director. The Heartland Library Coop. Board decided to fill the void with a representative from each county to serve in that capacity. The BOCC appointed Linda Waters to fill the position.

Guy Maxcy stated that the Veterans Memorial Monument located at the Courthouse is in need of repair. The Veterans Council has offered to repair the monument free of charge.

Ronald Neads spoke on behalf of the Veterans Council.

Mr. Maxcy requested approval for an emergency culvert replacement at the intersection of 763 and the intersection of 760A & Airport Rd. The Board will vote to approve or deny the request at the next Board meeting. Further discussion ensued.

Mr. Maxcy stated that as approved in the January 28th BOCC meeting, staff has proceeded with the negotiation phase in the Sheriff's Complex for the potential land acquisition. The top two properties that are being considered have agreed to allow the County to perform an appraisal. The total appraisal cost for both properties will be \$2,950.00, to be taken from the contingency fund and complete in approximately 45 days. Once the appraisals are received, staff will present an agreement to the Board for consideration. It was consensus of the Board 4-1 with Commissioner Miller dissenting to move forward with the appraisal process.

COUNTY ATTORNEY'S REPORT

Don Conn commented regarding a decision received in the case of PIE vs. DeSoto County. The Board denied an application for a mining permit in 2007. In March 2008 PIE filed a Bert Harris Act claim. The applicant no longer owns the property. Mr. Conn will give follow up with reports to the Board.

Mr. Conn discussed the LDR Revision Report. He stated he has categorized the report. He proposed that at the March 11th Board meeting, he will give a brief presentation and discussion of the issues. He would like to have a BOCC Workshop on March 25th. There will be a second Planning Commission Workshop on April 1st; the end of April or beginning of May will be the first Public Hearing on LDR revisions and the second meeting in May for adoption of any LDR revisions.

BOARD MEMBER COMMENTS

Commissioner Quave commented on how busy the restaurants have been recently and that the Rodeo will be here soon. He commented that the public really does appreciate the job that the BOCC does whether they agree or disagree.

Commissioner Mansfield echoed comments regarding the Rodeo and invited all to attend.

Commissioner Selph commented that Kristy Popa is having Ag Adventure on March 7th and encouraged all to participate. He encouraged citizens to contact Legislatures on issues.

Commissioner Miller commented that he, Mac Martin and the Tourist Development Council donated a photo that is displayed on the wall by the Department of Motor Vehicles Office. He asked that the Board speak with Kathy Hill, Newt Keen and Sue Bird regarding the effect of greening in Hardee County. He commented he will work on something regarding the jail and he doesn't want to burden the people of DeSoto County.

Chairman Langford commented regarding replacing the pavement on Hog Bay Rd. He commented his wife was selected as DeSoto County Teacher of the Year.

Recessed at 5:35 pm until 6:30 pm Public Hearing

15. Resolution/Special Assessment Collection

Debra Goodson presented the annual request. A motion was made by Commissioner Selph to adopt the Resolution allowing for the Uniform Method of Collection for the existing and potential Municipal Services Benefit Units of Special Districts. Seconded by Commissioner Mansfield. Motion carried unanimously.

Mr. Conn gave a statement regarding the procedural requirements for quasi-judicial hearings. Any and all persons present to testify regarding any of the items will be placed under oath.

Jill Thompson administered the Oath.

The Chairman called for ex-parte communication from the Board. Commissioner Quave reported none, Commissioner Mansfield reported yes, Commissioner Selph reported none, Commissioner Miller reported yes and Chairman Langford reported yes.

16. Resolution/Special Exception #2013-11

Tom Cookingham presented Resolution SE #2013-11 which would allow a Church in an existing commercial building located in a Commercial General Zone. Staff recommends approval and all requirements have been met. Maria Padilla was present on behalf of the applicant with no comments. A motion was made by Commissioner Mansfield to close the public hearing. Seconded by Commissioner Selph. Motion carried unanimously.

A motion was made by Commissioner Mansfield to adopt a Resolution granting SE 2013-11 allowing a Church in an existing commercial building located in the Commercial General zone district.

17. Resolution/Special Exception #2013-12

Tom Cookingham presented Resolution #2013-12 which would allow a Church in a Residential Single-Family-3 Zoned District. The applicant is the First Baptist Church of Nocatee. The request is due to the widening of Highway 17 which requires the Church to be relocated. Staff recommends approval with conditions stated in report.

Roland Wilson spoke on behalf of the applicant.

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

A motion was made by Commissioner Quave to adopt the Resolution granting SE 2013-12 allowing a Church in a Residential Single-Family-3 zone district. Seconded by Commissioner Miller. Motion carried unanimously.

18. Resolution/Special Exception #2013-13

Tom Cookingham presented Resolution #2013-13 which would allow outdoor entertainment at an existing bar and grill in a Commercial Established zone district. Staff found the request is consistent with the future land use as well as the existing use. History of the site was given. Staff believes the noise will be controlled appropriately and recommends approval. The Planning Commission did not recommend approval with a vote of 4-2 due to the noise and expansion of non-conforming use and incompatible with existing neighborhood.

Rick Young, Co-owner, spoke regarding the issues and concerns of the Board and a concerned resident of the neighborhood. Mr. Young presented a petition of 533 signatures in favor of the request. Further discussion ensued.

Julie Payne spoke in support of the request.

Ronald Neads spoke in support of the request.

Eugene "Brother" Turner spoke in support of the request.

Sharon Pearson spoke in opposition of the request.

Darlene Melton spoke in support of the request.

Max Haggy spoke in support of the request.

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

Further discussion was had regarding zoning and sound travel.

A motion was made by Commissioner Miller to adopt a Resolution granting SE 2013-13 allowing outdoor entertainment, music, live music and an existing bar and grill in a Commercial Established zone district with recommended conditions for approval; numbers 1 and 2 as they are stated, #4 changing the word and to or (Saturday or Sunday) and adding #6 for a one year trial period. Seconded by Commissioner Mansfield. Motion carried unanimously.

5 minute recess

19. Resolution/Rezoning RZ #2013-03

Tom Cookingham presented a request to rezone from Residential Single-Family-3 to Ag-5. The Planning Commission recommended approval by a vote of 4-1.

Eugene H. "Brother" Turner stated he would like the rezoning due to the high taxes on the parcels and that the easement will remain open for the northern parcel owned by Mr. Summerall.

Mr. Summerall spoke in opposition of the request stating that he will have sole responsibility of maintenance of the easement if the rezoning is approved. He is also concerned with his water supply if cattle are placed on the property.

Mr. Turner offered to mow the easement three times a year although he does not use the easement as an entrance to his properties.

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

Further discussion ensued.

A motion was made by Commissioner Mansfield to adopt a Resolution granting RZ 2013-13 allowing a rezoning of 20± acres from Residential Single-Family-3 to Agriculture-5. Seconded by Commissioner Selph. Motion carried unanimously.

20. Resolution/Vacation of Rights-of-Ways (VR2013-02)

Tom Cookingham presented the request regarding Florida, Henderson and Ogden Avenues. The applicants are Ms. Coleman and Mr. & Mrs. Strickland. Staff recommends approval. Proper notification was made to all concerned.

A motion was made by Commissioner Mansfield to adopt a Resolution closing and abandoning of portions of rights-of-ways for Florida, Henderson and Ogden Avenues, Fort Ogden, DeSoto County. Seconded by Commissioner Selph. Motion carried unanimously.

21. Plat/Minor Plat with Easement for Access

Tom Cooking presented a request for approval of a minor plat on Nott’s Dairy Rd. The request is for (1) a minor subdivision of a 66 acre parcel zoned Ag-10 into five lots and (2) approval of a matching 33 foot wide easement beginning a Nott’s Dairy Rd. and extending westward approximately 2,210 linear feet; the proposed easement would match an existing 33 foot access easement and serve as an access for the 5 lots and a property as its terminus. The request does not meet the requirement of abuts or having direct access by easement over a single lot to a county maintained road or other public right-of-way. The request requires crossing more than one lot.

Mr. Conn suggested the Board could approach the request as a major subdivision or decide that in this instance to apply the definition in a way allowing to move forward. Further discussion ensued.

Chairman Langford suggested tabling the item and Mr. Cookingham will bring the matter back to the Board as soon as possible. A motion was made by Commissioner Selph to table the item until a future date. Seconded by Commissioner Miller. Motion carried unanimously.

22. Ordinance-Amendment/County Utility Ordinance 2010-21

Eddie Miller stated this item was discussed at the November 26, 2013 Board Workshop. It is his opinion that the current Ordinance does not allow for the recovery of costs for administration cost as well as fuel and other expenses; the current amount will not cover expenses if a customer defaults on their account. The changes encourage new customers to hook up by providing an option to make payments. Mr. Miller commented the average residential bill is \$60.00. Discussion was had regarding late charges, cut off dates and billing strategies.

Mr. Maxcy requested that Mr. Miller present feedback to the Board in 6 months.

A motion was made by Commissioner Mansfield to adopt an Ordinance amending the County Utility Ordinance 2010-21 and all the changes that were mentioned. Seconded by Commissioner Quave. Motion carried unanimously.

ADJOURNMENT

There being no further business, Chairman Langford adjourned the meeting at 10:11 PM.

ATTEST:

C. Guy Maxcy
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COUNTY ADMINISTRATOR

BOARD OF COUNTY COMMISSION
DESOTO COUNTY, FLORIDA
Elton A. Langford
ELTON A. LANGFORD
CHAIRMAN