

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON APRIL 22, 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 April 22, 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 Terry
County Attorney, Don Conn	Building Official, Lester Hornbake
Environmental Svcs. Director, Henry Grimes	County Coordinator, Mandy Hines
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	Emergency Mgmt. Dir., Doug Christ
Library Director, Linda Waters	Facilities Director, Richard Metzger
HR Director, Don Kesterson	

CALL TO ORDER 3:00 PM

PRAYER- Commissioner Elton Langford

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS

Sheriff Will Wise, Kathy Hill, Tax Collector and Karen Whaley, District Aide to Representative Ben Albritton

SET/AMEND- Chairman Langford requested the addition of Agenda Item #16A. A motion was made by Commissioner Mansfield to waive the agenda policy. Seconded by Commissioner Selph. Motion carried unanimously. A motion was made by Commissioner Selph to set the agenda as amended with the addition of #16A. Seconded by Commissioner Miller. Motion carried unanimously.

PUBLIC FORUM FOR NON-AGENDA ITEMS

None

CONSENT AGENDA-MOTION TO APPROVE

A motion was made by Commissioner Mansfield to approve the Accounts and Warrants drawn according to schedule of bills payable; Minutes of April 8, 2014 BOCC Public Meeting; Declaration of Surplus Property; Amendment to the State Aide to Library's Grant Agreement and Agreement with South Florida State College for the use of the college as a Special Needs Shelter. Seconded by Commissioner Selph. Motion carried unanimously.

PRESENTATIONS

6. Proclamation/Child Care Provider Appreciation Day

Mr. Maxcy proclaimed May 9, 2014 as Child Care Provider Appreciation Day. This Proclamation calls attention to the importance of high-quality child care services for all children and families

within our state and community, these groups hope to improve the quality and availability of such services. Of 20 million children under the age of 5 in America, nearly 11 million are in some form of child care setting. A motion was made by Commissioner Selph to proclaim May 9, 2014 as Child Care Provider Appreciation Day. Seconded by Commissioner Miller. Motion carried unanimously. On behalf of the Early Learning Coalition, Board Chairman, Ashley Coone thanked the BOCC.

7. Proclamation/Water Conservation Month

Mr. Maxcy proclaimed the month of April 2014 as Water Conservation Month. This Proclamation is to encourage water conservation within DeSoto County. A motion was made by Commissioner Miller to declare the month of April as Water Conservation Month. Seconded by Commissioner Quave. Motion carried unanimously. Tara Poulton thanked the Board for their support.

8. Proclamation/DeSoto County Day of Prayer

Mr. Maxcy proclaimed May 1, 2014 as DeSoto County Day of Prayer. This Proclamation is a means for people to come together to thank God for our Nation's many blessings, to acknowledge our need for His wisdom and grace and to ask Him to continue to watch over our country in the days ahead. A motion was made by Commissioner Mansfield to proclaim May 1, 2014 as DeSoto County Day of Prayer. Seconded by Commissioner Quave. Motion carried unanimously. Pastor Brian Russell thanked the Board. Commissioner Miller commented that he is proud to still have the right to be at a meeting with elected officials where such a Proclamation can take place.

REGULAR BUSINESS

9. Resolution/Budget Amendments

Linda Nipper presented budget amendments #2014-76, #2014-77, #2014-79, #2017-80, #2014-82 and #2014-83. Ms. Nipper stated the General Fund amendment is larger due to finalization with the auditors. The fund balance was 1.8 million dollars larger than anticipated. In 2011 a fund balance was put aside and called an "Assigned Fund Balance". In GASB, it is required to have several fund balances with each one assigned a different category. Ms. Nipper stated the fund balance being discussed was not considered as fund balance forward because it was assigned. In 2013 the auditors came back with this additional money and that is where it came from. She proposed that \$1,651,637.00 is placed into the Committed Reserve Fund and \$150,000.00 into the Contingency Reserve for emergency projects. Commissioner Miller questioned the fact that no one knew about the \$1.8 million. He also expressed his discontent that money was borrowed to pay bills and that taxes were increased. Commissioner Quave stated that the rules of GASB can be confusing and if there is any blame in this it is whoever designated, from the State of Florida, which one we use and how we use it but then releases what we have been told to do. He plans to look further into the issue. Commissioner Miller feels the money should stay in the reserves. Commissioner Selph feels the blame is with the County's auditing firm. Ms. Nipper commented this issue will be discussed with the auditors at the time of the exit interview. Mr. Maxcy commented that the process of the \$1.8 million going from restricted to non-restricted was not conveyed to the County by the auditors. This is usually done through findings of fact or the exit interview. Chairman Langford commented this issue is perplexing and he feels the \$1.8 million should stay where it is and not used for anything.

A motion was made by Commissioner Miller to adopt a Resolution amending the 2013-14 Budget including amendments, leaving the \$150,000.00 in the Committed Reserve. Seconded by Commissioner Selph stating that he would like the funds to stay in Regular Reserves and have discussion on how much we may need in the Contingency Fund. He would like to discuss the issue further. Commissioner Quave commented that sometimes you may not be able to explain why something was done with a certain amount of money, but you have a feeling the money may be needed; he feels that is the circumstance with the issue being discussed. Motion carried

unanimously.

10. Presentation/Quarterly Budget Review

Linda Nipper stated she has included the amendments in the report for the reserve. She asked that the Board disregard the \$150,000.00 in the Reserve and that to the Committed Reserve. Ms. Nipper commented that she consolidated the Transportation Funds. She will be departmentalizing Engineering, Road & Bridge and Fuel. There are no surprises and everything seems to be running well. Answering Commissioner Miller's question, Mr. Maxcy stated that he has reviewed the reports with each Director. Mr. Maxcy commented the Board should expect discussion on upcoming projections of revenues and also possible hits we may take through Legislation. Ms. Nipper commented that adjustment requests of MSBUs for the Lighting Districts will possibly be presented to the Board this summer. Public meetings can be held on this matter anytime between June and September. Commissioner Miller commented that the report furnished by the Finance Department is much easier to read and understand.

11. Resolution/State Housing Initiative Partnership (SHIP) Local Housing Assistance Plan

Peggy Waters stated the Florida Housing Finance Corporation provides funding for the SHIP Program and once every three years an updated Local Housing Assistance Plan is required. A motion was made by Commissioner Quave to adopt the Resolution approving the SHIP Local Housing Assistance Plan as submitted. Seconded by Commissioner Mansfield. Motion carried unanimously.

12. Resolution/Public Risk Management of Florida (PRM) Property and Casualty Pool

Guy Maxcy stated the County is required to provide notice by Resolution at least 60 days in advance of the new policy year of our intent to withdraw per the by-laws of the PRM Pool. To officially withdraw from PRM the by-laws require a Resolution from the entity's governing body. This is a formality required in order to shop our Property and Casualty Insurance. A motion was made by Commissioner Quave to adopt a Resolution to allow the Board Chairman to sign a letter providing notice to PRM of intent to withdraw from the pool effective the end of current policy term for P & C. Seconded by Commissioner Miller. Motion carried 4-0 with Commissioner Selph out of the room.

13. Resolution/DeSoto County Volunteer Program Policy

Guy Maxcy stated the County does not currently have a Comprehensive Volunteer Policy Program. An exception to policy is Public Safety for Volunteer Firefighters; they will continue to apply under that policy. He commented that hopefully this will jumpstart our program by promoting opportunities for students and the community to volunteer inside our organization. A motion was made by Commissioner Mansfield to adopt the Resolution and approve the DeSoto County Volunteer Program Policy. Seconded by Commissioner Selph. Motion carried unanimously.

14. Agreement Amendment/Marketing Alliance, Inc.

Mandy Hines presented a request for the final one year extension under the initial contract with Marketing Alliance. A motion was made by Commissioner Selph to approve the Agreement Amendment with Marketing Alliance, Inc. for Economic Development and Tourism Marketing Design Services and authorize the Chairman to execute the contract. Seconded by Commissioner Miller. Motion carried 4-0 with Commissioner Quave out of the room.

15. Debt Purchase Agreement-Promissory Note/FDEP State Revolving Fund

Mandy Hines stated this is for the extension of utilities along the US 17 corridors. We applied to two separate programs; clean water and drinking water. The total amount of the note is \$2,439,791.00. A contingency is required and technical services as well as capitalized interest. There are loan servicing fees through DEP that are approximately \$47,000.00. A motion was made by

Commissioner Mansfield to approve the SRF Clean Water Debt Purchase Agreement and Promissory Note for the extension of force main along US 17 from CR 760A to Heard Street. Seconded by Commissioner Selph. Motion carried unanimously.

Ed Johnson commented that he is opposed to this agreement due to a pipeline with no customers and feels the County should not obligate to more debt. He stated the taxpayers of DeSoto County cannot sustain the debt load of a possible \$100,000,000.00. Commissioner Miller commented that the agreement does not state that Utilities is responsible but DeSoto County is responsible.

Mr. Conn stated the legal entity is DeSoto County and the Utilities Department cannot contract separately from the County; however, the internal accounting and payment will come from Utility's budget. The County can take steps to ensure the Utility Department can meet this bill.

16. Construction Loan Agreement/FDEP State Revolving Fund Program

Mandy Hines stated this is essentially the same as the previous agenda item. This is for the water side with an interest rate of 1.69%. The loan document as presented is in a total amount of \$3,009,946.00. This includes a "principal forgiveness" or grant of \$1.25 million. There is approximate \$265,000.00 in allowances. Ed Johnson again stated he is opposed to this request. A motion was made by Commissioner to approve the SRF Drinking Water Construction Loan Agreement for the extension of water main along US 17 from CR 760A to Heard Street. Seconded by Commissioner Selph. Motion carried unanimously.

16A. Replacement Agreement-FDOT/FDEP/DeSoto County UWHC

Mandy Hines stated this is a result of the SRF Funding. This agreement is revised to include FDEP as a party to the agreement to provide for a mechanism to transfer FDEP SRF funds to the FDOT accounts for construction funding, contingencies and CEI services. Ms. Hines reviewed the details of the agreement. There will be an escrow agreement between DEP, DOT and the Department of Financial Services. If successful, the County will avoid having to obtain interim financing to meet FDOT's statutory deposit requirements and the costs associated with obtaining interim financing. A motion was made by Commissioner Selph to approve the Utility Work By Highway Contractor Agreement between the County, FDEP and FDOT, replacing the Utility Work By Highway Contractor approved by the Board on January 28, 2014. Seconded by Commissioner Mansfield. Motion carried unanimously.

17. Presentation-Discussion/Community Conversations

Mandy Hines presented a brief overview of the Community Conversations held April 2nd, 3rd, 9th and 10th. This was an effort to increase communication with the community at large and to hear matters of importance from the community perspective. There were 4 meetings held at two hours each with a total of 170 attendants. Economic Development and curb appeal were the main concerns overall. Other concerns included entertainment for the youth, homeless shelter and how information could be better shared. Mr. Maxcy expressed his appreciation for Mike Taber and Mandy Hines and a job well done. Commissioner Selph suggested a follow up meeting at one location so the general public will have access to this information. Commissioner Miller commented that he would like to see future meetings of this type. Commissioner Mansfield thanked Mandy and Mike as well for a job well done. Commissioner Quave agreed that a follow up meeting should take place within the next 30 days. Further discussion ensued regarding methods of advertising. No date was set for the follow up meeting.

18. Contract Amendment/Marine Contracting Group, Inc.

Mike Giardullo presented a request for an extension to the contractor's scope for the Lettuce Lake boat ramp. There were not sufficient funds to pave the parking area but spare money from the grant can be used to extend the contract and hard surface the ADA parking area and provide a concrete

apron in front of the boat ramp. Further discussion ensued regarding potable water access at the boat ramp. Mr. Giardullo stated he would research this topic and report back to the Board. He also stated that the majority of change orders regarding this project are due to time extensions. A motion was made by Commissioner Quave to approve Contract Amendment and authorize the Chairman to execute the amendment. Seconded by Commissioner Mansfield. Motion carried unanimously.

19. Bid Award-Contract/Excavation Point, Inc.

Mike Giardullo stated this is regarding the Golden Melody Storm Water Improvement Project. This mainly concerns safety issues concerning storm water in this subdivision and also outfalls running in between resident's homes. A motion was made by Commissioner Mansfield to approve the contract with Excavation Point, Inc. for the Golden Melody Subdivision Storm Water Improvement Project and authorize the Chairman to sign the contract. Seconded by Commissioner Selph. Motion carried unanimously.

20. Contract Amendment/Go Underground Utilities, LLC

Eddie Miller thanked all involved in this process. This amendment is to extend the contract on the Lake Suzy Force Main. Weiler Engineering rerouted the piping saving the County approximately \$50,000.00. A motion was made by Commissioner Quave to approve a time extension for Go Underground Utilities, LLC on the Lake Suzy Force Main Extension. Seconded by Commissioner Mansfield. Motion carried unanimously.

21. Bid Award-Contract/Odyssey Manufacturing Co.

Eddie Miller stated that Odyssey Manufacturing converts the chlorine from gas to liquid. This contract is for the DCI Waste Water Treatment Plant and the RO Plant. A motion was made by Commissioner Quave to approve the contract with Odyssey Manufacturing Company for the DeSoto Correctional Institution Water & Waste Water Treatment Plant conversion from gas to bulk liquid disinfection components. Seconded by Commissioner Mansfield. Motion carried 4-0 with Commissioner Selph out of the room. Commissioner Quave commented that as the Board approves similar items as this, it will become more imperative that we take Mr. Miller very seriously when he comes before the Board with automation. Further discussion ensued.

22. Agreement/The Weiler Engineering Corporation

Eddie Miller presented the request. The County has been in a piggyback agreement between Weiler Engineering and the City of Marathon as related to environmental, traffic and general engineering. Marathon has entered into a new agreement with enhanced services. The County wishes to enter into a new piggyback agreement to benefit the new services. A motion was made by Commissioner Quave to approve the Agreement with Weiler Engineering Corporation for Professional Engineering Services piggybacking the City of Marathon Continuing Services Agreement and authorize the Chairman to execute the Agreement. Seconded by Commissioner Selph. Motion carried unanimously.

23. Discussion/Florida Fire Prevention Code

Don Conn reviewed certain sections and language of the Code. The personnel administering the Code locally are recognized to be agents of the County. Protection of the public is the intent of the Fire Prevention Code and should be administered in a manner that is reasonable and cost effective. Some structures are exempt. The local authority, case by case, in order to meet special situations arising from historic, geographic or unusual conditions, may authorize alternative equivalent standards. It is up to local government to determine the alternative. Further discussion ensued.

Mr. Conn stated he could not cite any specific language that DeSoto County "can do the following" in lieu of the Fire Code. The alternatives should at least be equal to the protections offered by the

State Fire Prevention Code. Mr. Conn advised the Board and Mr. Maxcy to take action on a case by case basis and do what is reasonable and prudent and what is safest for the residents. If an alternate approach is decided upon; the County needs to make sure it is justifiable in case there is an accident or fire. Commissioner Selph feels that property rights should be decided by the owner. Commissioner Quave feels that each statement or paragraph contradicts the one before it. Mr. Conn stated the Fire Code puts ultimate responsibility on the County Administrator and BOCC.

Chairman Langford commented that he wants everyone to be safe and protected but be smart and reasonable.

Ed Johnson commented that people have informed him that they will not expand their business they cannot afford a fire protection system. He stated to have this section of the Florida Administrative Code changed and that every law can be changed.

Karen Whaley with Rep. Ben Albritton's Office commented that Rep. Albritton would like to meet with the Fire Chief to try reaching a solution. He will be back from Tallahassee around the beginning of June. Further discussion ensued. Commissioner Miller commented he is still confused regarding local discretion and we need to be aggressive with this issue.

ADMINISTRATOR'S REPORT

Guy Maxcy requested Board approval to post the position of Maintenance Operation Specialist. Board consensus was unanimous.

Chief Larry Taylor introduced the new Deputy Chief, Tom Moran. Mr. Moran thanked the Board.

Mr. Maxcy stated there are 2 site appraisals for the Sheriff's Complex to be presented to the Board within the next 2-4 weeks.

Mike Giardullo stated that Pembroke Circle is this year's Annual Paving Project. Culverts have been assessed and Mr. Giardullo suggested replacing the culverts as the need arises. He does not feel the existing culverts are a safety concern. The culverts under the road are good. It was consensus of the Board to go with Mr. Giardullo's suggestion to watch the culverts and not replace at this time.

COUNTY ATTORNEY'S REPORT

Don Conn commented that he, Commissioner Mansfield and Mr. Maxcy met with representatives of Sonoma Preserve. There have been no applications submitted as of yet but there will be a PUD application as well as a re-zoning application.

Mr. Conn addressed a letter received from the DeSoto County School Superintendant regarding payments from the Water Authority. In summary, in 1991 the Peace River Water Authority entered into an inter-local agreement and DeSoto County signed on to that agreement. As part of that agreement, there was a provision that established a facility use cost, which was a payment to be made to DeSoto County equal to the ad-valorem tax that would have been collected by all taxing authorities located solely in DeSoto County for the Peace River Regional Water Treatment Facility. Mr. Conn stated that it is important to understand the agreement was entered into in 1991, commonly referred to as a payment in lieu of taxes. In 1998 an agreement was adopted that stated a portion of the facility use cost be used for the purpose of enhancing the educational opportunities of citizens in DeSoto County. The agreement terminated in 2003. The agreement was not renewed but the County continued to make payments. The County continued to receive a facility use cost until October 2005 when a new Water Authority contract was entered into. The new contract superseded all prior Water Authority contracts and it does not include a facility use cost charge. This contract provides a set amount that the County will receive annually. It is Mr. Conn's opinion that the County does not have a legal obligation to take a portion of the DeSoto payment and apportion it to the School Board. Also, the Board is not legally obligated to make back payments. There were no questions or

comments from the Board regarding this matter.

BOARD MEMBER COMMENTS

Commissioner Quave commented he is proud of the County Directors and seem to fit in their roles nicely. The Community Conversations were a success. Economic opportunity does not exist until we have infrastructure and pipe in the ground. He addressed questions he gets frequently regarding hiring local engineers and attorneys.

Commissioner Mansfield commented that some people don't realize that not everything Mr. Conn does is as a County Attorney and appreciates the work Mr. Conn does.

Commissioner Miller commented regarding a resident that commented on volunteer groups within the communities. He hopes that Chief Taylor will continue his progress regarding this matter.

Commissioner Selph commented he met with FDOT regarding the relocation of a sign that was blocking the Turner Center marquee on Hwy 70 E. He is proud to live somewhere that we can still pray.

Chairman Langford explained that by retaining Don Conn, we also acquire the services of Barry Buenaventura and formerly Fred Busak. He does not believe we would have the same level of representation with only one local attorney.

RECESSED AT 5:42 PM UNTIL 6:30 PM PUBLIC HEARING

PUBLIC HEARING 6:30 PM

Don Conn reviewed the rules of a quasi-judicial hearing. All persons present to speak regarding the first three items on the agenda were sworn in.

Chairman Langford called for any ex-parte communications; none were reported.

24. Resolution/Special Exception 2014-01

Tom Cookingham gave the history and purpose of the request. The applicant is requesting a special exception to reuse two modular units for a Church and classrooms in the RMF-M zone district. The property is a 0.5+ acre lot located in the Limestone Heights area. Required notification was sent with no response received. The request is in compliance with the Comprehensive Plan. Staff recommends approval with the conditions set forth. Commissioner Selph commented that there are only 13 parking spaces and questioned how many people will the Church hold. Jonathan Salazar, a representative for the Church, stated it would hold approximately 20 people. Further discussion ensued. He stated that if other events are held at the Church, the neighbor will allow additional parking on her property. A motion was made by Commissioner Mansfield to close the public hearing. Seconded by Commissioner Quave. Motion carried unanimously.

A motion was made by Commissioner Quave to adopt a Resolution granting SE 2014-01 allowing the Church and ancillary classrooms in the Residential Multi-Family-Mixed (RMF-M) zone district. Seconded by Commissioner Mansfield. Motion carried unanimously.

25. Resolution/Rezoning 2014-01

Tom Cookingham gave the history and purpose of the request. The applicant is requesting a rezoning of a 3 acre parcel from Industrial Light (IL) to Commercial General CG to establish a retail store with residence. Staff finds compliance with the Comprehensive Plan and a Development Plan will be submitted if approved. Further discussion ensued. The applicant, Debra Shakerdge-Hussey stated she is satisfied with the conditions of the request. A motion was made by Commissioner Mansfield to close the public hearing. Seconded by Commissioner Miller.

A motion was made by Commissioner Quave to adopt a Resolution granting RZ 2014-01, allowing the rezoning of 3+ acres from Industrial Light to Commercial General. Seconded by Commissioner Mansfield. Motion carried unanimously.

26. Plat/Minor Plat with Easement

Tom Cookingham stated this issue is the minor plat on Nott's Dairy Rd. The Board heard the matter last month and continued due to issues concerning access. A meeting was held with Mr. Cookingham, the applicant and Mr. Conn at which time there was no resolution. At that time, discussion was had to wait until the LDRs are complete and there may be a possible change in the minor plat process that would be beneficial to this project. The applicant requested to present the request to the Board a second time. The issue with the request is that access of easement can only cross one lot before it reaches a county maintained road. The proposed solution would be the subdivision of a 66 acre parcel zoned Ag-10 into five lots, a matching 33 foot wide easement beginning at Nott's Dairy Road and extending westward approximately 2,210 linear feet; the proposed easement would match an existing 33 foot easement as access for the five lots and a property at its terminus. The applicant owns all 5 parcels.

Don Conn stated that the property to left of the yellow area on the map is not owned by the applicant. The significance of that is that the yellow area currently has a 33 foot easement for the benefit of the property owner to the left. Currently, the easement is for the sole benefit of the property owner to the west. We have nothing to indicate whether that property owner agrees or consents to the use of his easement. The purpose of the diagram being shown is to show if something could be done, not to recommend what is on the diagram. Further discussion ensued.

Moe Brown questioned if the County is in any way keeping the owner of the property from developing? Don Conn answered no; the owner can develop in other ways just not through a minor plat.

Dennis Clemons (DeSoto Dairy), applicant commented that he was advised to go with a minor plat. Mr. & Mrs. Nott only have right of passage and do not own the easement. Further discussion ensued. Commissioner Quave feels there are too many variables to make a decision tonight. Don Conn addressed the LDR language concerning a minor plat. A motion was made by Commissioner Mansfield to close the public hearing. Seconded by Commissioner Miller. Motion carried unanimously.

A motion was made by Commissioner Mansfield to table this item until the end of the LDR process. Seconded by Commissioner Selph. Motion carried unanimously.

RECESSED AT 7:50 PM UNTIL 8:00 PM

27. Land Development Regulations

Don Conn stated this process began in November 2013. All public comments received were posted on the County website. The Board will not be adopting LDR revisions tonight. This is the first of two public hearings. Revisions can be voted on at the second public hearing to be held at the end of May. Not every public comment received was addressed in this proposed revision. Mr. Conn along with Barry Buenaventura reviewed the proposed revisions.

PUBLIC COMMENT

Maurine Stasi, President of the Alliance of Lake Suzy Homeowners Association would like the Board to embrace the following recommendations:

1. Create special development restrictions on identified areas in accordance with Section 2400 "overlay zones" in the LDRs (reference pages 2-65).
2. Develop an overlay zone within the Lake Suzy southern most corner of the county; from the Charlotte/DeSoto County border to Agnes Street.
3. Implement a more restrictive overlay zone for lot size to RSF-2.

4. Create stronger zone restrictions to maintain the integrity of our properties to assist the County in:

Increasing county revenues

Increasing property values

Generating positive urbanization

Maintaining the quality of life that all DeSoto County residents deserve.

Commissioner Miller commented that he feels workshops are a necessity.

Bill Spiegel questioned the Board regarding page 5, section 7101 setbacks. He suggested reduce or change the setbacks as opposed to granting the power to issue a waiver. Most residents that will be working with the minimum will be requesting a waiver. What criteria will be used to grant or deny the waiver?

Tom Pafford spoke regarding the time limit when allowing an RV with a Special Exception.

Bill Spiegel feels a time limit should be specified.

Further discussion and questioning ensued regarding RVs on agricultural property.

Philip Sherwin commented that there is no time limit specified on RV use; people will live in them all year and not pay ad valorem taxes. He would like the LDRs to stay the same regarding RVs.

Maurice Brown feels there are a number of things wrong with the system. There have been no options given to the Board as far as what to put in the LDRs and appreciates Commissioner Miller advocating a workshop. He feels it is important to have a demonstration of need, review issues in detail and give more than five minutes. Mr. Brown commented there is no need for a minor special exception. He feels the Board needs to take charge of the county and do it right.

Clark Doan spoke regarding recreational zoning. He is concerned that he has not seen input from other departments and what they recommend. LDRs have a major impact on the county. He has to meet requirements as a homeowner and feels input is needed from all sources.

Joanna Drinkwater questioned if the Board had the authority to alter deed restrictions within the county and also make variations in property lines. She questioned if the requirements for the length of grass could be altered for the summer since it grows faster during that time of year. Ms. Drinkwater is also concerned with the changes in the notification for development. She feels there should be a special section for notifications that include larger developments.

Don Conn responded that there are 3 ways in which special exceptions or variances are notified. There are mailings, the property is posted and notice is published in the newspaper.

Bill Spiegel commented regarding page 24 section 2203, parking and storage of certain vehicles. There is no definition of "motor vehicle". Mr. Conn stated there is Florida Statute that defines "motor vehicle". Mr. Spiegel commented that it is written what is allowed in a zoning district rather than what is not allowed. He also questioned the difference between parking and storage; and what is the definition of a commercial vehicle. Further discussion ensued.

Ed Johnson suggested the Board schedules a workshop before the next public hearing regarding LDRs. He questioned why Fl. Statute 163.3163 Application for Development Permits, was not included in the LDRs. Also discussed were Fire Dept. access requirements, Engineering requirements, fences, off street parking, development/improvement plan, commercial garage, auto repair service, traffic impact study standards, buffer matrix, section 7206 and material used on mitered ends.

Chuck Caldwell questioned if the LDRs can be revised without State approval. Mr. Conn replied, yes and that the LDRs implement and must be consistent the Comprehensive Plan.

Vaughn Aiken commented regarding culverts and mitered ends. He feels if residents are required to install mitered ends then the County should as well.

Maurice Brown commented that commercial vehicles belong in commercial zoning. He also spoke regarding agricultural property. He urged the Board not to restrict the use of tents. RVs belong in parks, not throughout the entire community. He would like the minor plats looked at as a road issue and not depriving someone access to their property.

George Lempenau does not feel fencing should be limited to metal only.

Commissioner Quave commented that he thought it was clear that we do not need RVs in neighborhoods and does not understand why it is now an issue.

Don Conn commented that this was viewed from the legal side and private property rights can be limited if in order to protect the general public. Further discussion ensued.

Commissioner Mansfield stated he had concerns regarding RVs as well. He also questioned modifications, kennels, stables, veterinary hospitals and travel trailers.

Commissioner Mansfield questioned if the zoning of a property effects how it can be classified. He would like to see on Page 13, regarding A-10 to be changed from "principal" to "permanent". Further discussion ensued. He would like on page 13, 5E; change "permitted structure" to "permitted habitable structure". He does not want to see someone with a wealth of acreage have an abundance of RVs on the property.

Commissioner Miller feels a lot of good input was received. He would like the Board to discuss matters one at a time during a workshop or two if necessary. Workshops will be the key to the Board doing the best job it can and not trying to implement everything through public hearings.

Commissioner Selph commented he has a lot to review and does not want to rush. He thanked everyone for the comments. He is concerned with fencing enclosure of vehicles, especially agricultural vehicles. He believes in property rights, protecting our water and agricultural interest. Commissioner Selph feels each issue should be reviewed one by one.

Chairman Langford feels this process does not need to be rushed and there is not just one answer for every issue.

Mr. Conn questioned what kind of information would the Board like staff to bring to the second public hearing. The Board requested a workshop before the next hearing so that each individual issue can be discussed.

Further discussion was had regarding illegal building. A workshop was scheduled for May 27, 2014 at 9am. The second public hearing will be deferred to the end of June.

ADJOURNMENT

There being no further business, Chairman Langford adjourned the meeting at 10:30 PM.

ATTEST:



MANDY HINES
INTERIM-COUNTY ADMINISTRATOR

BOARD OF COUNTY COMMISSION

DESOTO COUNTY, FLORIDA



ELTON A. LANGFORD
CHAIRMAN