

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
HELD ON JULY 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 July 22, 2014 with the following persons present:

Commissioner, Buddy Mansfield, Dist#1	HR Director, Don Kesterson
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
Interim Administrator, Mandy Hines	Office Manager, Lauri Terry
County Attorney, Don Conn	Social Services Director, Peggy Waters
Transcribing Secretary, Jill Thompson	Planning Manager, Tom Cookingham
Administrative Services Director, Linda Nipper	Turner Center Director, Jody Sullivan
Road & Bridge Director, Shawn Edwards	Env. Services Director, Henry Grimes
Compliance Director, Jorge Hernandez	Building Official, Lester Hornbake
Facilities Director, Richard Metzger	Library Director Linda Waters
	Fire Inspector, Juanita Gaitan

**CALL TO ORDER 3:00 PM**

**PRAYER**-Will Brown/Interim-Pastor First Presbyterian Church

**PLEDGE OF ALLEGIANCE**

**INTRODUCTION OF ELECTED OFFICIALS**

Sheriff Will Wise, Karen Whaley with Representative Ben Albritton's office, Retired Commissioner Ronald Neads, Kathryn Hill, Tax Collector and Newt Keen, Property Appraiser.

**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**

A motion was made by Commissioner Selph to approve the Accounts and Warrants drawn according to schedule of bills payable; Minutes of June 24, 2014 LDR Workshop; Declaration of Surplus Property; Contract Amendment with Odyssey Manufacturing for Utilities DeSoto Correctional Institution Water & Wastewater Treatment Plant Chlorine Conversions; Contract Amendment with Fortiline Waterworks for the Supply of HDPE Corrugated Water Tight Pipe; Low Income Home Energy Assistance Program Vendor Payment Agreements; Amendment of Small County Consolidated Grant Agreement with FDEP. Seconded by Commissioner Mansfield. Motion carried unanimously.

**REGULAR BUSINESS**

**8. Resolution/Budget Amendments**

Linda Nipper requested approval of budget amendments 2014-137 and 2014-138. Commissioner Miller questioned the total amount raised for the Vietnam Wall. The amount currently is approximately \$15,000-\$16,000. A motion was made by Commissioner Mansfield to adopt the

Resolution amending the 2013/14 Budget including attachments. Seconded by Commissioner Miller. Motion carried unanimously.

**9. Resolution/Recording of liens for Demolition-Dilapidated Structures**

Jorge Hernandez requested authorization to record liens for three structures that were demolished by the County. A motion was made by Commissioner Selph to approve the Resolutions authorizing liens to be recorded for demolition of dilapidated structures located at 1448 SE Peach Dr., 1802 SW Duke St., and 4313 SW Hwy 17. Seconded by Commissioner Mansfield. Motion carried unanimously.

Commissioner Quave commented he informed Mr. Hernandez of another property that will possibly be demolished.

**10. Bid Award/State Housing Initiative Partnership Program**

Peggy Waters requested bid awards for two homeowners. Staff is recommending the lowest bidder which is Jesse's Services. He is a proven contractor with the program. A motion was made by Commissioner Miller to approve the bid awards as presented and authorize the Administrator to execute all related documents for rehabilitation of the units. Seconded by Commissioner Mansfield. Motion carried unanimously.

**11. Bid Award-Contract/The Dumont Company, Inc.**

Eddie Miller presented a request to award a bid to The Dumont Company Inc to supply Water and Wastewater chemicals. Commissioner Selph verified that this is a renewal contract. A motion was made by Commissioner Mansfield to award the bid for the supply of Water and Wastewater Treatment Chemicals to the Utilities Department. Seconded by Commissioner Selph. Motion carried unanimously.

**12. Approval/Group Insurance for FY 14-15**

Don Kesterson requested approval of the following. Fully funded Health-Option 2 which is a 2.1% premium increase with United Healthcare and increase to out-of-pocket maximums from \$1,500 Single/\$4,500 Family to \$2,500 Single/\$5,000 Family and co-pays will apply toward out-of-pocket maximum. Dental-no rate change. Vision-2<sup>nd</sup> year of guaranteed rate, no increase, Life/AD&D-2<sup>nd</sup> year of guaranteed rate, no increase. Commissioner Miller commended the Insurance Committee members on a job well done. He also commented regarding the increase due to Obamacare. A motion was made by Commissioner Mansfield to approve the proposed Fiscal FY 14-15 Health, Dental, Vision and Life plans and premiums as shown. Seconded by Commissioner Quave. Motion carried unanimously.

Commissioner Mansfield questioned if the out-of-pocket money will put a burden on the employees? Mr. Kesterson replied that for some it may but for the most part the Insurance Committee felt it was the right decision due to the co-pays and prescriptions counting towards the out-of-pocket maximum. Commissioner Miller commented that other bids went out.

**13. Indigent Care Surtax**

Don Conn presented a proposed Ordinance that would set a referendum on the adoption of a ½ percent Indigent Care Surtax. Exhibit A was prepared by Council for DeSoto Memorial. It would basically direct all proceeds from the surtax to service debt, new or existing. Exhibit B would allow proceeds to be used for other purposes, such as, the Health Department, individual providers and the Hospital. Mr. Conn requested direction from the Board as to which option to proceed with. He commented that if the Board chooses Option A, it would need to pass by a supermajority of 4/5 of the BOCC. Mr. Conn stated that he was informed by Council for the Hospital that if the BOCC decided not to go with Option A; Option B is acceptable but their preference is Option A.

Chairman Langford questioned when the tax would stop? Further discussion ensued. Commissioner

Quave commented he prefers Option A, however, when a business is doing well and growing, it will incur debt. He would prefer an end date as well. Commissioner Miller feels the word “new” should be eliminated from Option A. Commissioner Selph feels the issue with indigent care will be ongoing.

Vince Sica commented the way he understood the statute is if there was mortgage debt, tax funds would be collected then applied to the mortgage debt at the end of the year. Mr. Conn commented it could be used for servicing bonds or government guaranteed loans. Dan Hogan, CFO with DeSoto Memorial Hospital stated the average depreciation life on the total construction renovation is around 20-22 years. The loan is for 30 years and cash flow is 1.2 million to the USDA. Depreciation annually is just over 2.2 million. Commissioner Miller is still very concerned about what DMH is doing about the shortfall. Janie Watson stated the Hospital is open to all avenues. They are still working on RFPs and working everyday on cutting expenses. Mr. Sica stated that they continue to have conversations with larger hospital groups. They also have a presentation scheduled with Raymond James.

Chairman Langford stated the Board is deciding if this will be on the referendum. He feels there should also be an “end date” on the surtax. Further discussion ensued.

Penny Kurtz stated that 80% of the Health Department’s patients pay little or nothing. The help received from the government is not enough. Further discussion ensued.

Commissioner Selph feels Option A is the best. Commissioner Quave is in favor of Option A. Don Conn commented there can be a motion that offers amendments. Chairman Langford feels “new” should be stricken, leave “debt” and put the money towards the USDA loan.

A motion was made by Commissioner Mansfield to authorize that the notice be published of the Board’s consideration at its next meeting of an Ordinance setting a referendum on adoption of an Indigent Care Surtax as presented in Exhibit A, striking the word “new” in section 4 paragraph B. Seconded by Commissioner Quave. Motion carried 4-1 with Commissioner Miller dissenting.

#### **14. Florida Fire Prevention Code**

Mr. Conn stated he is not asking for approval but for verification that what he has prepared meets with the Board’s initial acceptance to publish notice of adoption of an ordinance that would give those individuals in the community that would like to appear before the Board and plead their case as to why an exception or waiver should not be granted. The current local Fire Code Ordinance does speak to waivers and modifications of the Florida Fire Prevention Code (FFPC) but does not provide criteria or a process for appeal of decisions made by staff. There are criteria set forth in the draft. Further discussion ensued. Mr. Conn feels it is reasonable for the Board to condition any approval or waiver upon the applicant executing a release of liability. The release of liability would protect the Board as it relates to the individuals presenting a request for a waiver. Mr. Conn stated he has created an Ordinance to the best of his ability. It is based upon statutory language that deals with legislature giving local jurisdictions the ability to interpret in a reasonable and cost effective manner, the Fire Code, and giving to the locals the jurisdiction to make a determination as to what is an equivalent alternative means of addressing fire issues. Mr. Conn dispersed to the Board comments that were given to him by Ed Johnson. Mr. Conn feels there is one comment that is very important and it refers to the difficulty of accessing the Florida Fire Prevention Code on line.

Commissioner Mansfield commented that he would consider what is inside of a building and what type of material it is manufactured with. Commissioner Quave is nervous that this subject is being considered. He urged Chief Taylor to meet with other rural counties on this matter. Chief Taylor cautioned the Board in moving forward with the proposed Ordinance. He commented he is in the process of finding a solution to numerous issues. He cannot support the Ordinance as it stands.

Further discussion ensued. Commissioner Selph feels this is a legitimate issue and can possibly be solved if discussed. Commissioner Miller feels something needs to change for the better. Chairman Langford feels the Fire Code has cost the County money and there are some of the rules that make no sense. Commissioner Mansfield questioned if restaurants were eligible for waivers? Mr. Conn stated not under the proposed Ordinance due to the danger that is presented.

A motion was made by Commissioner Mansfield to authorize publication of a Notice to adopt an Ordinance amending the DeSoto County Fire Prevention Code. Seconded by Commissioner Selph. Motion carried unanimously.

### **ADMINISTRATOR'S REPORT**

Mandy Hines requested consensus or direction on two items. She requested flexibility to reduce the receptionist hours in Administration in order to support the employee's educational endeavors. Time would be reduced by 5 hours a week. There was consensus of the Board.

Ms. Hines requested posting of the County Extension Director position. There was consensus of the Board.

Ms. Hines made a request for participation in the JAG Grant. There was Board consensus.

Ms. Hines requested permission from the Board to use County property zoned Industrial Light on Kings Highway property to construct a lift station for utility purposes. Further discussion ensued. There was consensus of the Board.

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

Don Conn commented that he anticipates presenting to the Board at the first meeting in August the School Board Interlocal Agreement. The changes have been discussed with the School Board's attorney and he has agreed to the changes and will present the final draft at their next meeting.

### **BOARD MEMBER COMMENTS**

Commissioner Quave recognized departments for a job well done and appreciates how well his requests are received.

Commissioner Mansfield commented that according to Heartland Career Source, DeSoto County unemployment is lower than Hardee and Highlands counties. The average wage in DeSoto County is \$32,000.

Commissioner Selph commented that at the next meeting he would like Lee Gallagher to give an update on the Traveling Vietnam Memorial Wall. He will be a little late to the Employee Recognition Awards Breakfast due to a prior appointment but wants staff to know they are appreciated. He also commented that the insects and mosquitoes carrying the Chikungunya Disease are occurring now. Penny Kurtz commented she will disburse the information regarding this issue.

He recognized the Itsy Bitsy Art at the Library. He had the opportunity recently to give keys to a family for their new Habitat for Humanity home. He commented regarding the millage rate in surrounding counties. In closing, he commented that he would like the Board to invite our Representative Tom Rooney to discuss VA and support of our veterans that he could take back to Washington.

Commissioner Miller commented that the Board sometimes makes decisions that are not favorable but when making long term decisions, a lot of things need to be considered. He will not make a decision if it doesn't feel right.

Chairman Langford commented he will not be able to attend the Staff Appreciation Breakfast due to a previous engagement. Staff is appreciated and does a good job. We need to start looking at different ways, now, to start generating revenue on the bottom side of the tax bills. He feels a lot of the problem is exemptions. There are people in the county that live on private roads that have

expressed a concern of having their road paved. At the expense of the person making the request, would the County be willing to assess how much it would cost to repair the road with shell and maintained by the County. The resident would pay a special assessment annually on their taxes.

Commissioner Miller feels this would benefit the County as well if an emergency vehicle needed access to that particular road.

Commissioner Selph questioned if we have the proper equipment to handle this request. Chairman Langford stated yes.

**Recessed at 5:14 pm**

**PUBLIC HEARING 6:30 pm**

Don Conn explained the proceedings for a Quasi Judicial Hearing.

Jill Thompson, Board Clerk, placed all who were present and giving testimony under oath.

**15. Resolution/Special Exception 2014-04**

Tom Cookingham stated the Special Exception is for parking of a commercial vehicle in a residential district. There has been no correspondence received either for or against this project. The Planning Commission unanimously recommended approval with conditions specified. Mr. Cookingham gave details regarding the project.

Steven Gonzalez, son of the applicant was the interpreter. The applicant stated he would be very grateful if the Board approves his request to park a semi truck with a flatbed trailer on his property. He also understands the requirements.

Commissioner Mansfield questioned time frame requirements and wanted the applicant to understand he cannot do repairs on the truck while on the property. Mr. Cookingham stated the time frame can be added. Commissioner Mansfield was also concerned with the turning radius. Mr. Cookingham commented that is something that the applicant will need to work with Engineering to settle.

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 2014-04 allowing the parking of a commercial vehicle on property zoned Residential Single-Family 3 based upon the Planning Commission's recommendation and add to the conditions "no repairs". Seconded by Commissioner Quave. Motion carried unanimously.

**16. Resolution/Special Exception 2014-06**

Tom Cookingham stated the Special Exception is to allow a Church in a residential district. This is the same request as the First Baptist Church of Nocatee. Future land use is mixed use. Mr. Cookingham reviewed the details of the request. Staff has reviewed the application and requests the Board to approve the application.

Pastor John Stamey stated he agrees with the conditions set forth and is just trying to get back to normal.

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 2014-06 allowing a Church in a Residential Single-Family-3 and Commercial zone districts. Seconded by Commissioner Selph. Motion carried unanimously.

**17. Resolution/Future Land Use Element of the Comprehensive Plan**

Tom Cookingham commented this is a large scale text amendment. This is a transmittal hearing only. This will be sent to the State for their review of our proposal. It will come back to the Board

for an adoption hearing. The purpose of the text changes is to create policy consistency between the concurrency requirements, as they relate to the planning, designing and constructing of wastewater facilities and State regulations. Also, the amendment would clarify that the Peace River Manasota Regional Water Authority is responsible for meeting the County's current and future water needs. A motion was made by Commissioner Mansfield to adopt a Resolution transmitting to Department of Economic Opportunity the Comprehensive Plan Amendment; LS 2014-02 revising the concurrency policy as it relates to utility provision in the Future Land Use Element, based upon the Planning Commission's recommendation. Seconded by Commissioner Quave. Motion carried unanimously.

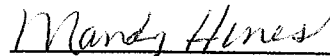
**18. Resolution/Future Land Use and Conservation Elements of the Comprehensive Plan**


Tom Cookingham presented LS 2014-01 and this is a transmittal hearing only. The revision to Map I-7 is being withdrawn by staff. There has been no correspondence received. The purpose of the requested text amendments is to bring internal consistency, clarify those policies and items which have previously adopted with the Generalized Phosphate Mining Overlay Designation. We are acknowledging that the Environmental Resource Process and Adopting Standards will be consistent. Staff recommends transmittal as presented. A motion was made by Commissioner Mansfield to adopt a Resolution transmitting to Department of Economic Opportunity the Comprehensive Plan Amendment, LS 2014-01 creating and revising definitions, revising policies in the Future Land Use and Conservation Elements as they relate to Phosphate Mining, based upon the Planning Commission's Recommendation. Seconded by Commissioner Selph. Motion carried unanimously.

**ADJOURNMENT**

There being no further business, Chairman Langford adjourned the meeting at 7:01 PM.

ATTEST:

  
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MANDY HINES  
INTERIM-COUNTY ADMINISTRATOR

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