

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON JULY 23, 2013 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 23, 2013 with the following persons present:

Commissioner, Buddy Mansfield, Dist#1	Road & Bridge Director, Shawn Edwards
Chairman, James Selph, Dist#2	Utilities Director, Eddie Miller
Commissioner, Gabriel Quave, Dist#3	Social Services Director, Peggy Waters
Commissioner, Elton Langford, Dist#4	Fire Chief, Glenn Prescott
Commissioner, Bob Miller, Dist#5	Purchasing Director, Cindy Talamantez
County Administrator, C. Guy Maxcy	HR Director, Don Kesterson
County Attorney, Don Conn	Parks & Recreation Director, Tara Anderson
Facilities Director, Richard Metzger	Deputy Fire Chief, Larry Taylor
Environmental Svcs. Director, Henry Grimes	County Extension Director, Ken Johnson
Transcribing Secretary, Jill Thompson	Library Director, Lorel Reinstrom
Administrative Services Director, Linda Nipper	Building Official, Lester Hornbake
Office Manager, Lauri Jones	Planning Manager, Tom Cookingham
Emergency Management Director, Doug Christ	County Engineer, Mike Giardullo

CALL TO ORDER 3:00 PM

PRAYER- Pastor Rick Evans, Church of Christ

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS

Sheriff Will Wise and Kathryn Hill, Tax Collector

SET/AMEND-Chairman Selph stated that agenda items #12 & #13 will be removed and to add agenda item to set the tentative millage rate as well as a tentative budget. A motion was made by Commissioner Mansfield to waive the agenda policy. Seconded by Commissioner Quave. Motion carried unanimously. A motion was made to add to the agenda #13 to adopt a tentative millage rate and to move agenda item #14 to agenda item #12. Seconded by Commissioner Langford. Motion carried unanimously.

PUBLIC FORUM FOR NON-AGENDA ITEMS

None

CONSENT AGENDA-MOTION TO APPROVE

A motion was made by Commissioner Langford to approve the Accounts and Warrants drawn according to schedule of bills payable; Minutes of June 24, 2013 Public Meeting; Declaration of Surplus Property; Agreement with South Florida State College and Amendment of Personnel Manual Section 2.9. Seconded by Commissioner Miller. Motion carried unanimously.

PRESENTATION

6. Presentation/Community Development Block Grant-Fair Housing

Peggy Waters stated that the Department of Housing and Urban Development (HUD) enforces the Fair Housing Act that prohibits discrimination and the intimidation of people in their homes. Equal access to rental housing and home ownership opportunities is the cornerstone of the Fair Housing Act. DeSoto County participates in the Florida Small Cities Community Development Block Grant (CDBG) Program and it is a requirement to educate the elected officials as well as the general public regarding fair housing. Ms. Waters further explained the Fair Housing Law.

REGULAR BUSINESS

7. Land Donation/Habitat for Humanity

Peggy Waters stated that on May 14, 2013 the Board passed a Resolution that identified inventory owned by the County which were appropriate for Affordable Housing projects. Habitat for Humanity would like one of the lots. They have 3 years to build on the donated lot and if not, it will be returned to the County. Commissioner Miller commented that the County has no investment in this lot. This property will be on the tax roll which will bring in revenue for the County. Ms. Jane Breylinger stated the lot allows for 5 homes but Habitat cannot afford "new builds" at this time. She also stated that Habitat homes are only built in fiscally restrained neighborhoods. A motion was made by Commissioner Langford to approve the donation of (1) County-owned lot, which has been deemed suitable for Affordable Housing, to the Arcadia-DeSoto County Habitat for Humanity. Seconded by Commissioner Mansfield. Motion carried unanimously.

8. Approval/Group Insurance FY 13-14

Don Kesterson stated that the Insurance Committee recommends approval of the current United HealthCare Plan with no changes. The Committee also recommends The Standard for the County Life Insurance Program. The Committee felt that it was in the best interest of the County to have the lower co-pays with the slightly higher prices for the employees to receive a better benefit. Commissioner Miller commented that many changes would occur if insurance carriers were changed. A motion was made by Commissioner Miller to approve the proposed FY 13-14 Health and Life plans and premiums as recommended. Seconded by Commissioner Quave. Motion carried unanimously. Commissioner Miller commented that he would like to see the proposed change in the retiree insurance as an agenda item.

Introduction- Chairman Selph introduced Representative Ben Albritton and thanked him for being with us today.

9. Agreement Negotiations/Kimley Horn & Associates, Inc.

Cindy Talamantez stated that this is a recommendation of a firm to design the LAP Bicycle/Pedestrian Master Plan. This will cover several corridors within the City of Arcadia. Eight proposals were received. Upon Board approval, staff will negotiate an agreement and fee schedule with Kimley Horn which will be brought back to the Board after FDOT approves the recommendation and agreement. A motion was made by Commissioner Quave to authorize staff to proceed with negotiations of an agreement with Kimley Horn & Associates, Inc. for LAP Bicycle/Pedestrian Master Plan Design Services as recommended. Seconded by Commissioner Langford. Motion carried unanimously.

10. Annual Quote/Fire Extinguisher Services

Cindy Talamantez stated the County participated in its first Cooperative Procurement. The County joined the School Board and The City of Arcadia to look for common denominators. Fire Extinguisher Services is one subject they all had in common. The combination of fire extinguishers generated a total savings of approximately \$12,000.00. The contract will cover inspections, service and new equipment with a discount of the manufacturer's price. A motion was made by Commissioner Mansfield to accept the annual quote from All Florida Fire Equipment for fire extinguisher services under the cooperative procurement #RB201301. Seconded by Commissioner Quave. Motion carried unanimously.

11. Contract Amendment/Central Concrete Products, Inc.

Mike Giardullo requested extension of the contract with Central Concrete Products. Currently performing ditch paving at the Landfill. The extension of contract time and not amount is requested due to rain delays. A motion was made by Commissioner Langford to extend the contract for the Landfill Access Road Ditch Paving and Repair Services with Central Concrete Products, Inc. and authorize the Chairman to execute the contract amendment. Seconded by Commissioner Mansfield. Motion carried unanimously.

12. Resolution-Award of Gain Time/County Prisoners Good Behavior

Don Conn stated that Florida law allows the Sheriff to award gain time to County prisoners for good conduct if authorized by the Board. A motion was made by Commissioner Langford to adopt the Resolution continuing the Sheriff's authorization to award gain time to County prisoners for good conduct in accordance with Florida Statute 951.21. Seconded by Commissioner Mansfield. Motion carried unanimously.

13. Tentative Millage Rate

Guy Maxcy stated that at this time a tentative millage rate needs to be adopted. Property Appraiser, Newt Keen requires this information in his office no later than August 5, 2013.

Mr. Conn stated that in addition to the proposed millage, the rollback rate computed, pursuant to law, should also be approved. Also needed are the date, time and place at which Public Hearing will be held to consider the proposed millage rate and the tentative budget. Commissioner Langford verified with Ms. Nipper that the millage rate could be reduced but not increased once the tentative rate is set. A motion was made by Commissioner Langford to set the tentative millage rate for 2013-2014 at 8.75. Seconded by Commissioner Quave. Further discussion was had. Motion carried unanimously. It was consensus of the Board that staff is authorized to compute the rollback rate, identify dates for the Public Hearing and also the MSTU rate and provide the information to the Property Appraiser, Newt Keen.

ADMINISTRATOR'S REPORT

Mr. Maxcy commented in regards to the Board's involvement with Tallahassee through the various Organizations and Associations that they belong to. The Board is very active in the Florida Association of Counties. Chairman Selph is a Board member for the District FAC. Commissioner Mansfield represents the South Region of the Small County Coalition which includes DeSoto, Glades, Hardee, Hendry, Highlands, Indian River, Okeechobee, Martin and Monroe Counties. Mr. Maxcy also commended the Commissioners currently working towards Certified County Commissioner courses.

Mr. Maxcy requested Board approval to post a Library Aide position. It was consensus of the Board to do so.

Mandy Hines stated she and Chairman Selph met with the Governor regarding the DJJ property. The

property is in the process of being made available in the open market. While meeting with the Governor, it was conveyed that DeSoto County has a vested interest in what happens on that property. The Board has decision making authority in things such as land use and other decisions that will impact the value and the use of that property. There is a statutory process for the disposition of state lands. The Board's direction is needed as how to proceed. Chairman Selph feels this will be an opportunity to offer to potential businesses. Commissioner Mansfield feels this is a great opportunity. Commissioner Quave feels it is a great opportunity.

Ms. Hines reminded the Board that the goal is to pursue the property with limited restrictions.

Commissioner Miller feels that the Board may be taking on something that could potentially cost more money but wants to make a move. Commissioner Langford agrees with the Board that it is a great opportunity. Chairman Selph also commented that the property could be utilized by 4-H students for community service. It was consensus of the Board to move forward with acquiring the Deed to the DJJ property.

Representative Ben Albritton stated that Economic Development always has a risk but it provides a window of opportunity for job growth. Please feel free to contact him with ideas to move forward and create a diverse economy.

COUNTY ATTORNEY'S REPORT

Nothing to discuss at this time.

BOARD MEMBER COMMENTS

Commissioner Quave commented that he has presented most of the Directors and Sheriff Wise with difficult questions regarding the budget and thanked them for their patience and understanding. While attending FAC, good contacts are made along with the classes and education are worth the money.

Commissioner Langford had no comments.

Commissioner Mansfield thanked the staff for their effort, especially Linda Nipper. This has been the most difficult budget in the past 5 years. He feels that the GPW land is a great opportunity.

Commissioner Miller feels FAC is a very valuable time. He was asked to serve as co-Chairman on the Rural Caucus for the FAC. Commissioner Selph was also appointed to the Fertilizer Board.

Chairman Selph thanked staff for what they do. He also commented there was an excellent editorial in the paper regarding the BOCC. Chairman Selph stressed how important it is that the citizens understand that the Board takes everything to heart. He has not seen a worse time in regards to the budget.

RECESS UNTIL 6:30 PM PUBLIC HEARING

PUBLIC HEARING

14. Removed from Agenda

15. Ordinance/5 Cent Local Option Gas Tax

Mr. Conn presented the request. This is a tax that has been levied since 1997 and will expire December 31, 2013 unless extended. In order to do so, the Board must notify the Department of Revenue by October 1st. The proceeds of this tax are used for road projects, street lighting, traffic signs, traffic engineering, signalization and pavement markings. A motion was made by Commissioner Mansfield to adopt the Ordinance extending the current 5 Cent Local Option Gas Tax from January 1, 2014 thru December 31, 2023. Seconded by Commissioner Quave. Motion carried unanimously.

16. Resolution/Utility Rate Revision

Don Conn stated a rate study was undertaken over the past months. Reports have been received on the results of that study. The Resolution presented is based on one of the options in the rate study that would provide for a 5% increase in Water & Wastewater rates. This increase would occur annually through October 1, 2017. This option makes it clear that the Lake Suzy customers whose rates are higher than the current rates would not be affected for the first year. There would be an equalization that would occur in the second year. The Resolution provides that the County Administrator would be able to publish the current rates for the next twelve month period. The purpose of the increase is to provide funds for Utilities Capital Improvement Plan.

A motion was made by Commissioner Miller to schedule a workshop on the issue before making a decision. Motion died for lack of a second. Further discussion was had. Jonathan Barnes with Lighthouse Consulting spoke regarding the rate study. Mr. Barnes stated that if the County did not have the growth, rates would be higher. Commissioner Quave feels the rates will decrease. Eddie Miller commented that with a 3% increase, the County would take on more debt. Commissioner Langford does not want to see the rates so high that people do not want to hook up to County utilities and is content with 5% for now. A motion was made by Commissioner Langford to adopt the Resolution revising certain Utility rates and charges as reflected on Schedule A. Seconded by Commissioner Quave. Motion carried 4-1 with Commissioner Miller dissenting.

17. Resolution-Agreement/Special Assessment Collections

Debra Goodson requested adoption of the Resolution to extend the boundaries and to sign the Agreement with FPL to add additional lights to the Lake Suzy Lighting District. The residents on Doug Drive are making a request for five additional lights for safety. There will be no increase in the rates per lot. A motion was made by Commissioner Mansfield to adopt the Resolution extending the boundaries and sign the agreement with FPL to add the additional lights to the Lake Suzy Lighting District and authorize the Administrator to sign the agreement. Seconded by Commissioner Miller. Motion carried unanimously.

18. Resolution/Vacate Right of Way 2013-01

Tom Cookingham requested adoption of a Resolution to set a time and place for Public Hearing to abandon a portion of the right of way on Judy Avenue. A motion was made by Commissioner Miller to adopt the Resolution to set a time and place for Public Hearing to abandon a portion of the right of way on Judy Avenue. Seconded by Commissioner Quave. Motion carried unanimously.

QUASI-JUDICIAL HEARING

Don Conn read the opening statement regarding the Quasi-Judicial Public Hearing procedures and asked those wishing to testify regarding any of the items listed under the Public Hearing to please rise for the administration of the oath. Jill Thompson administered the oath to those standing. Forms are on file in the Administration Office regarding all Ex-Parte Communication.

19. Resolution/Special Exception 2013-03

Tom Cookingham stated the request is to convert a single-family home into a Sunday School. Staff recommends approval of the special exception. The property has been purchased by the Church.

John McHargue stated he will meet all of the requirements set forth by the County. A motion was made by Commissioner Langford to close the Public Hearing. Seconded by Commissioner Mansfield. Motion carried unanimously. A motion was made by Commissioner Langford to adopt a Resolution granting SE 2013-03, a request to use an existing single-family dwelling as a Sunday School, based upon the Planning Commission's recommendation. Seconded by Commissioner

Mansfield. Motion carried unanimously.

20. Resolution/Special Exception 2013-04

Tom Cookingham stated he will make a presentation for three Special Exceptions that are all on the same property. The applicants Roger and Sheila Penner are requesting that the County allow Industrial Light use in Commercial General. Mr. Cookingham reviewed the uses that would be allowed with the request of 2013-04. Mr. Cookingham stated that 2013-05 is requesting Light Manufacturing Processing, Packaging and Fabricating in a completely enclosed building and excludes food processing. Special Exception 2013-06 is requesting to allow wholesale warehousing storage, distribution establishments and similar uses. There will be approximately 43,000 square feet of building. The ingress/egress is shown going directly onto Highway 17. Mr. Cookingham also stated there will be a future variance request for 2 ingress/egress pieces onto Hillcrest. Mr. Cookingham reviewed other issues/requirements regarding the special exception requests. There were questions and comments from the Board. Ed Johnson was present to speak on behalf of the applicants. Commissioner Langford questioned Mr. Johnson as to what did the applicants plan on not doing on said property. Mr. Johnson stated that the reason for the applicant's broad scope request was due to the amount of money he would be investing. Mr. Penner is a General Contractor but trying to keep his options open for the future. Further discussion was had.

Lucille Strickland spoke in opposition of the special exceptions stating that Hillcrest is not large enough for the anticipated traffic. She is concerned with the potential noise and if the owner decides to sell the property.

Ed Johnson commented that Mr. Penner is sensitive to the neighborhood.

Vicki Steiner spoke in opposition of the special exceptions stating that she is a friend of Ms. Strickland. She commented that she attended the Planning Commission meeting in which this matter was discussed. She stated that Mr. Penner used Tremron as an example of the type of business that may take place on the property in question and she does not consider that light industrial.

Mr. Cookingham addressed Ms. Steiner's concerns.

A motion was made by Commissioner Langford to close the Public Hearing for agenda items 20, 21 and 22. Seconded by Commissioner Quave. Motion carried unanimously.

Commissioner Mansfield does not agree with industrial light in a neighborhood.

Commissioner Langford commented he was surprised at the wide variety of uses and he is not in favor of the special exceptions.

Commissioner Miller feels it could bring revenue to the County but there are too many variables. He feels there is not adequate detail with the request.

A motion was made by Commissioner Langford to deny the Resolution for Special Exception 2013-04 due to the wide variety of uses, noise, visual and access of Industrial Light in a Commercial General zoning. Seconded by Commissioner Mansfield Motion carried 4-1 with Commissioner Quave dissenting.

A motion was made by Commissioner Langford to deny the Resolution for Special Exception 2013-05 due to wide variety of uses, noise, visual and access of Industrial Light in a Commercial General zoning. Seconded by Commissioner Quave. Motion carried 4-1 with Commissioner Quave dissenting.

A motion was made by Commissioner Langford to deny the Resolution for Special Exception 2013-06 due to the wide variety of uses, noise, visual and access of Industrial Light in a Commercial General zoning. Seconded by Commissioner Mansfield. Motion carried 4-1 with Commissioner Quave dissenting.

23. Resolution/Special Exception 2013-07

Tom Cookingham stated the Special Exception is to construct a boat lift and dock on a single-family lot. The property is vacant and there are no issues with access or utilities. The Planning Commission recommends approval of the request. This will be a private boat dock only. A motion was made by Commissioner Langford to close the Public Hearing. Seconded by Commissioner Mansfield. Motion carried unanimously. A motion was made by Commissioner Langford to adopt a Resolution granting Special Exception 2013-07 allowing a request for a private dock, boat lift and a well for boat washing on property zoned RSF-5 based upon the Planning Commission's recommendation. Seconded by Commissioner Mansfield. Motion carried unanimously.

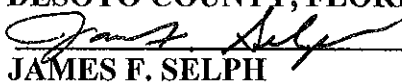
ADJOURNMENT

There being no further business, Chairman Selph adjourned the meeting at 8:33 PM.

ATTEST:



C. GUY MAXCY
COUNTY ADMINISTRATOR

BOARD OF COUNTY COMMISSION
DESOTO COUNTY, FLORIDA


JAMES F. SELPH
CHAIRMAN