

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
HELD ON AUGUST 27, 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 August 27, 2013 with the following persons present:

Commissioner, Buddy Mansfield, Dist#1	Social Services Director, Peggy Waters
Chairman, James Selph, Dist#2	Interim Fire Chief, Larry Taylor
Commissioner, Gabriel Quave, Dist#3	Fire Chief, Glenn Prescott
Commissioner, Elton Langford, Dist#4	Office Manager, Lauri Jones
Commissioner, Bob Miller, Dist#5	Purchasing Dept., Jacque Daniels
County Administrator, C. Guy Maxcy	HR Director, Don Kesterson
County Attorney, Don Conn	Social Services Director, Peggy Waters
Facilities Director, Richard Metzger	County Coordinator, Mandy Hines
Environmental Svcs. Director, Henry Grimes	EM Director, Doug Christ
Transcribing Secretary, Jill Thompson	Library Director, Lorel Reinstrom
Road & Bridge Director, Shawn Edwards	Administrative Services, Peter Danao
Turner Center Director, Jody Sullivan	Administrative Services, Brian Wagner
Compliance Director, Jorge Hernandez	Planning Manager, Tom Cookingham

**CALL TO ORDER 3:00 PM**

**PRAYER-** John Stamey, Church of God Nocatee

**PLEDGE OF ALLEGIANCE**

**INTRODUCTION OF ELECTED OFFICIALS**

Sheriff Will Wise

**SET/AMEND-** A motion was made by Commissioner Quave to set the agenda. 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 Mansfield to approve the Accounts and Warrants drawn according to schedule of bills payable; Minutes of July 23, 2013 Public Meeting; Declaration of Surplus Property and SHIP Annual Report for State FY 2010-2011 through 2012-2013. Seconded by Commissioner Quave. Motion carried unanimously.

**DISCUSSION**

Mr. Maxcy made an announcement stating that the PUD (Motor Coach Resort) matter would be heard and voted on during the 6:30pm Public Hearing. The Charlotte Sun Newspaper advertised by mistake that the issue would be voted on at 3:00pm.

Shawn Edwards stated that he will close Arcadia Ave. due to a crossover pipe receding. Robert Hamrick discussed pricing and options for repair of the road. Mike Giardullo will conduct a hydraulic study before repairs begin. Mr. Edwards has completed proper notification of road closure. The road will be close for approximately 60-90 days.

Mr. Maxcy recognized Glen Prescott for his 29 years of service to the County. Mr. Prescott stated it has been an adventure as well as challenging. He has seen many changes and thanked the Board and his staff.

### **PRESENTATION**

Don Conn stated the presentation is on behalf of CSX regarding Hull Ave. improvements. The County entered into an MOU with CSX late last year regarding this project. Since then, the project has proceeded into the design phase. It is anticipated that in September, formal agreements as well as formal real estate documents, transfers/exchanges of right-of-ways and easements will be presented to the Board. Mr. Conn stated he feels it is appropriate to update the Board on the status of the project. CSX will fund all costs associated with this project. The project is being conducted under a Consent Order with the EPA due to pollution that was discovered and needs to be removed.

Leslie Herd with Arcadis gave a presentation regarding road realignment and a reconfiguration of utility, water and sewer lines in the area. CSX is required by the EPA to remediate properties they own known as the Nocatee Hull Creosote Site adjacent to Hull Ave. and to provide public water service to certain residents in the immediate vicinity of the remediation. In addition to realignment of Hull Ave., CSX will design, permit and construct new water facilities which will provide a looped water line system in the area and eliminate the need to flush portions of the County's water system along Hull Ave.

Commissioner Miller questioned the cost of the project. Ms. Herd stated approximately \$11,000,000.00 for construction.

No motion was required.

### **REGULAR BUSINESS**

#### **6. Resolution/Budget Amendments**

Guy Maxcy requested adoption of a Resolution amending the 2012/2013 Budget including attachments #2013-109, #2013-112, #2013-113 and #2013-114. A motion was made by Commissioner Mansfield to adopt a Resolution amending the 2012/2013 Budget including attachments. Seconded by Commissioner Quave. Motion carried unanimously.

#### **7. Contract/Clark Environmental**

Jacque Daniels presented a request for approval of a piggyback Contract with Clark Environmental utilizing Hendry County's Contract to provide Mosquito Control Services funded in part by the Department of Agricultural Services. The current Contract expires September 7, 2013. A motion was made by Commissioner Langford to award the Piggyback Contract for Mosquito Control Services and authorize the Chairman to execute the Contract. Seconded by Commissioner Miller. Motion carried unanimously.

#### **8. Bid Award-Agreement/Purvis Gray & Company, LLC**

Jacque Daniels presented a request to award a bid for Audit Services. On June 16, 2013, staff released a Request for Proposal for a Firm(s) to provide Audit Services for the BOCC and Elected Officials of DeSoto County. The Selection Committee ranked Purvis Gray & Company the highest. A motion was made by Commissioner Mansfield to award the bid for Audit Services to Purvis Gray & Company, LLC and authorize the Chairman to execute the Agreement. Seconded by Commissioner Langford. Motion carried unanimously.

#### **9. Grant Program/2013 Rural County**

Guy Maxcy presented the request on behalf of Jordan Ahrens. This program is an ongoing opportunity to apply for assistance with installation and maintenance of an enhanced 911 (E911) system and to provide seamless E911 throughout the State. A motion was made by Commissioner

Miller to approve the applications and subsequent award for the E911 Rural County Grant Program and authorize the Chairman to sign the Grant Application. Seconded by Commissioner Quave. Motion carried unanimously.

**10. Public Hearing/Community Development Block Grant**

Peggy Waters stated this Grant is administered by the Department of Economic Opportunity. Prior to applying for funds, the County must have two Public Hearings to discuss community needs and potential projects. The purpose of this hearing is to share general program information, allowable activities, categories and the amount of funds available. The hearing is also to advise the general public of opportunities for participation and elicit public comment relating to the use of the funds and ask questions. A motion was made by Commissioner Mansfield to continue with the application process with housing. Seconded by Commissioner Quave. Motion carried unanimously. Further discussion was had.

**11. Grant Application/Affordable Care Act New Access Point Grant**

Mary Kay Burns presented a request to submit a Grant Application for the purpose of maintaining and improving the DeSoto Primary Care Program. Ms. Burns stated that 51% of the county's population is underserved. If awarded, funding will begin February 2014 and will allow for additional staff. She also stated that the Health Department will be advertising on the DART bus.

Peggy Waters stated there were 1200 passengers last month on DART. A motion was made by Commissioner Mansfield to authorize the submission of a Grant Application in cooperation with the Health Department for the purpose of maintaining and improving the DeSoto Primary Care Program under the Federal Fiscal Year 2013 Cycle. Seconded by Commissioner Miller. Motion carried unanimously.

**ADMINISTRATOR'S REPORT**

Mr. Maxcy thanked Chief Prescott and stated he has enjoyed working with him.

**COUNTY ATTORNEY'S REPORT**

Mr. Conn stated that he will travel to Lakeland tomorrow morning regarding the PIE case. It is an appeal of the Board denial of an excavation permit many years ago.

Mr. Conn gave a report regarding a Special Master Hearing that addressed Fire Code violations. The Special Master issued five orders finding that in each case, there were violations. Through the efforts of the Fire Inspection Program, many of the violations had been corrected by the time the hearing was held. Repeat violations will return to the Special Master.

**BOARD MEMBER COMMENTS**

Commissioner Quave thanked Chief Prescott for his service to the County.

Commissioner Langford thanked Chief Prescott for his service to the County. He also commented on the condition of our Country. We cannot continue to go on like we are now. He believes people should put God first or our Country will continue to decline.

Commissioner Mansfield thanked Chief Prescott for his service to the County. He commented that budget time is difficult for the Board and it is not taken lightly and thanked staff for their efforts.

Commissioner Miller thanked Chief Prescott for his service to the County.

Commissioner Selph thanked Chief Prescott for his service to the County. He stated that he and Mandy Hines met with Florida Gas Utilities and they are interested in bringing their business to DeSoto County. Ms. Hines stated the meeting was productive and their business plan will be reviewed

**RECESSED AT 4:12 PM UNTIL 6:30 PM PUBLIC HEARING**

**PUBLIC HEARING 6:30 PM**

Chairman Selph stated that the next item on the agenda (#12) is not a quasi-judicial matter. He asked that the audience remember we are a civil society. Do not be repetitive with comments; address the Board and not staff with comments. Comments will be kept to five minutes per person. If speaking on behalf of more than one person, a maximum of 10 minutes will be given to speak.

**12. Resolution/Vacation of Right-of-Way**

Tom Cookingham requested extension of a Public Hearing to resume on September 24, 2013 at 6:30pm. A motion was made by Commissioner Langford to adopt a Resolution to extend the Public Hearing to September 24, 2013. Seconded by Commissioner Miller. Motion carried unanimously.

**Quasi-Judicial Proceedings**

Don Conn explained the process of quasi-judicial hearings. All parties planning to give testimony were placed under oath by Jill Thompson, Notary Public, State of Florida. All ex-parte communications were reported and appropriate paperwork filed.

**13. Resolution/Special Exception #2013-08**

Tom Cookingham stated that the purpose of the special exception is for construction of a House of Worship or Church, multi-purpose building and establishment of a cemetery. The Planning Commission submitted a unanimous recommendation of approval. Mr. Cookingham proceeded with details regarding the special exception.

Jerrod Summers stated he is the Chairman of the Building Committee and they are open to the idea of sealed vaults or sealed caskets.

Commissioner Miller questioned Mr. Summers if he would consider a buffer to conceal the cemetery from the road. Mr. Summers was in favor of the suggestion.

Angie Hill spoke in opposition of the special exception. She questioned whether the proper licensing has been applied for with the State of Florida.

Toby Webster spoke and stated that the cemetery could have a negative effect on surrounding property values. She also questioned the matter of a Trust Fund.

Mr. Conn stated that the land use would need to be approved and then the applicant would apply to the State who would then ensure the requirements are met.

Mr. Summers stated he was not aware of the State licensing requirement. Further discussion was had regarding State Statutes.

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

A motion was made by Commissioner Langford to adopt the Resolution granting Special Exception 2013-08 allowing the phase development of a House of Worship and a multi-purpose building on property zoned A5 based upon the Planning Commission recommendation and bring the cemetery portion of this special exception back before the Board at the next scheduled public hearing. Seconded by Commissioner Mansfield. Motion carried unanimously.

**14. Resolution/Rezone**

Tom Cookingham stated the purpose of the rezone is to construct an agricultural project. It is in compliance with the land use policy, traffic circulation rule, consistent with the Comprehensive Plan and does not create an isolated zone district. Staff recommends approval.

Chris Stevens, applicant stated he had nothing further to present and would answer any questions the Board may have.

A motion was made by Commissioner Langford to close the public hearing. Seconded by Commissioner Quave. Motion carried unanimously. A motion was made by Commissioner Quave to adopt the Resolution permitting the rezoning of 18.7 acres from Residential Single Family-4 with Planned Unit Development Overlay to Agriculture 5. Seconded by Commissioner Langford. Motion carried unanimously.

### **15. Resolution/Rezone**

Tom Cookingham stated that prior to tonight's presentation; there are revised conditions that were not included in the Board's packets. The revisions have been reviewed and approved by the applicant. Mr. Cookingham gave testimony regarding the requested rezone. The request is consistent with Comprehensive Plan.

Attorney Geri Waksler, representing the applicant, gave testimony regarding the requested rezone.

Todd Rebol with Banks Engineering spoke regarding SWFWMD and storm water management.

Ms. Waksler presented to the Board a similar property located in Marco Island, FL. She reviewed lots sold and surrounding property values.

Barry Pool, applicant, spoke regarding his experience and also owns two other motor coach resorts located in Virginia and North Carolina.

There were questions and comments from the Board regarding companion quarters, care and maintenance of the motor coach, maintenance of the property/lots. Further discussion was had.

### **Public Comment**

Glen Gavriloff spoke in opposition of the proposed rezone for the purpose of a motor coach resort.

Sheri Branstetter spoke in favor of the proposed rezone for the purpose of a motor coach resort.

Joyce Puls spoke in opposition of the proposed rezone for the purpose of a motor coach resort.

Robert Siegel spoke in favor of the proposed rezone for the purpose of a motor coach resort but also has concerns.

Cynthia Siegel spoke in opposition of the proposed rezone for the purpose of a motor coach resort.

Jason Story spoke in favor of the proposed rezone for the purpose of a motor coach resort.

Justin Sorrels spoke in favor of the proposed rezone for the purpose of a motor coach resort.

Ken Althouse spoke in favor of the proposed rezone for the purpose of a motor coach resort.

William Baker spoke in favor of the proposed rezone for the purpose of a motor coach resort.

Amy Kyre spoke in favor of the proposed rezone for the purpose of a motor coach resort.

Joanne DeBoer spoke in favor of the proposed rezone for the purpose of a motor coach resort.

Bobby Gross, Jr. spoke in favor of the proposed rezone for the purpose of a motor coach resort.

Ed Dickinson spoke in opposition of the proposed rezone for the purpose of a motor coach resort.

Charles Caldwell spoke in opposition of the proposed rezone for the purpose of a motor coach resort.

Mac Martin spoke in favor of the proposed rezone for the purpose of a motor coach resort.

Randy Branstetter spoke in favor of the proposed rezone for the purpose of a motor coach resort.

Sam Hogan spoke in opposition of the proposed rezone for the purpose of a motor coach resort.

Floyd & Mary Lee Collins spoke in favor of the proposed rezone for the purpose of a motor coach resort via home video conducted by a Notary Public.

Geri Waksler spoke regarding the concerns stated by the public.

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

Further discussion was had by the Board. A motion was made by Commissioner Quave, with four

conditions, to adopt the Resolution permitting the rezoning of 57.9 acres from Residential Single Family 3 to Planned Unit Development with the following conditions; no long term asphalt parking, nothing attached to the motor coach, no leasing or renting of companion cabins and all lots must have full electrical hook-up, including conditions set forth by Mr. Cookingham. Seconded by Commissioner Miller. Motion carried 4-1 with Commissioner Langford dissenting.


**ADJOURNMENT**

There being no further business, Chairman Selph adjourned the meeting at 10:00 PM.

**ATTEST:**

**BOARD OF COUNTY COMMISSION  
DESOTO COUNTY, FLORIDA**

  
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**C. GUY MAXCY  
COUNTY ADMINISTRATOR**

  
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**JAMES F. SELPH  
CHAIRMAN**