

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON SEPTEMBER 23, 2014 AT 9:00 AM
IN THE COUNTY COMMISSIONERS' MEETING ROOM
ROOM 103, ADMINISTRATION BUILDING
ARCADIA, FLORIDA**

The Board of County Commissioners held a Public Meeting on September 23, 2014 with the following persons present:

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

CALL TO ORDER 3:00 PM

PRAYER- Pastor Matt Clayton/Arcadia First Baptist Church

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS

Sheriff Will Wise, Kathy Hill and Karen Whaley with Rep. Ben Albritton's office

SET/AMEND

A motion was made by Commissioner Mansfield. Seconded by Commissioner Selph

PUBLIC FORUM FOR NON-AGENDA ITEMS

None

CONSENT AGENDA-MOTION TO APPROVE

Chairman Langford pulled item #6 from the agenda and #4 & #5 will be voted on separately due to a conflict. He requested approval of #1, 2, 3, 7, 8, 9 & 10.

A motion was made by Commissioner Mansfield to approve Accounts and Warrants drawn according to schedule of bills payable; Minutes of August 28, 2104 BOCC Budget Meeting; August 28, 2014 BOCC Public Meeting; Minutes of September 8, 2014 BOCC Budget Meeting; Declaration of Surplus Property; Approval of FY 2014/2015 Annual Certified Mosquito Control Budget and Contractual Service Agreement with FDACS; Approval of the Core Contract with the State of Florida Department of Health in DeSoto County; Approval of the Department of Health in DeSoto County amended Fee Schedule for FY 2014/15 and Resolution Extending Tax Rolls and Excluding Tax Notices which are for \$5.00 or less. Seconded by Commissioner Quave. Motion carried unanimously.

A motion was made by Commissioner Quave to approve Resolution of the Florida Department of Transportation Section 5311 Grant and Approval of amendment to the agreement with Veolia Transportation Services, Inc. Seconded by Commissioner Selph. Motion carried 4-0 with Commissioner Mansfield abstaining.

PROCLAMATION

11. Proclamation

Mandy Hines read into record the Proclamation for Support Habitat, Build our Future Week. The idea of this Proclamation is to reflect on the state of our towns and cities and the basic right of all to adequate shelter. A motion was made by Commissioner Selph to proclaim October 5th-11th, 2014 as DeSoto County Support Habitat, Build Our Future Week. Seconded by Commissioner Miller. Commissioner Selph commented how impressed he is with Habitat homes and he recognized all that are involved. Commissioner Miller stated it is a very moving experience to present the keys to a new homeowner. This shows what dedication to a project can do. Commissioner Quave commended Jayne Breylinger for the time and effort she had dedicated to making this program work. Commissioner Mansfield thanked Ms. Breylinger on behalf of the Veterans that have received homes from Habitat for Humanity. Motion carried unanimously. Chairman Langford presented the Proclamation to Ms. Breylinger and staff. Ms. Breylinger introduced Tim Backer/Board of Directors Treasurer, Judy Neely/Board of Directors Vice President, Bob Samuwee/Board of Directors Secretary and Heather Smith/Community Outreach Representative. Habitat is celebrating the completion of 800,000 homes worldwide. DeSoto Habitat is celebrating the completion of 17 homes and 18 families that can keep their homes due to critical repairs being done. Ms. Breylinger thanked the Board for their support.

PRESENTATION

12. Presentation/Community Development Block Grant

Peggy Waters stated DeSoto County participates in the Community Development Block Grants through the Small Cities and she is required to do Fair Housing presentations quarterly. The Elected Officials and public are required to be educated regarding fair housing and equal opportunity rules and regulations. A brief film was shown. Ms. Waters further discussed discrimination. If someone feels their rights have been violated there are three ways to file a claim; the HUD website, a 1-800 number or correspondence. Another short film was shown regarding discrimination.

REGULAR BUSINESS

13. Reserves Accounts Reorganization

Linda Nipper stated staff is recommending redefining the Reserves Policy by eliminating 2 reserves categories (Legal and Technology) and verifying means of appropriations. The only reserve that would require a supermajority is the Required Reserve. A Contingency Reserve would come from Mandy or herself if there was money in that reserve. A motion was made by Commissioner Mansfield to approve reorganization of reserves. Seconded by Commissioner Quave. Motion carried 4-0 with Commissioner Selph absent for voting.

14. Resolution/Support-State Enterprise Zone Program

Mandy Hines commented the Enterprise Zone Program is authorized by Florida Statute that will sunset on December 31, 2015. This is a critical program for economic development efforts. The Resolution supports the extension of the program as a legislative request. A motion was made by Commissioner Quave to adopt the Resolution supporting the continuation of the Florida Enterprise Program. Seconded by Commissioner Selph. Motion carried unanimously.

15. State Legislative Priorities FY 2015

Mandy Hines stated this is not an adoption by Resolution but to just adopt the Legislative Priorities. It is essentially the same as last year. Basic Policy Statements, Opposition of Unfunded Mandates, Support State Aide to Libraries and Small County Libraries, Affordable Housing Act and SHIP Fund, Support for SCRAP and SCOP Programs, Statement on the Healthcare, Maintain Funding for the Health Departments as a provider of Primary Care in our areas. Regarding Medicaid, our

Legislative request will be that we do not like enrollment but we need budget certainty. An audit revealed that we were overbilled within the last 7 years and was credited over \$100,000. Ms. Hines requested to share information. She feels the 3% makes sense.

Commissioner Selph commented the reality of the 3% is that we are subsidizing other counties. Commissioner Miller stated as a member of FAC and Small County Coalition, there are fees they charge to members but Chris Doolan is a driver behind this and through his efforts SCC and FAC are working as a unit to try and make this happen.

Ms. Hines continued naming the legislative priorities. Commissioner Selph stated that regarding the support for UF-IFAS Research; he would like it to read UF-IFAS/Research Extension.

A motion was made by Commissioner Quave to adopt the Counties Legislative Priorities for State Year 2015 Legislative Session. Seconded by Commissioner Mansfield. Motion carried unanimously.

16. Agreement/Wild Kingdom Childcare Center

Eddie Miller requested approval of the Utility Service Agreement between DeSoto County and Wild Kingdom Childcare Center. A motion was made by Commissioner Mansfield to approve the Utility Service and Conveyance Agreement between DeSoto County and Wild Kingdom Childcare Center and authorize the Chairman to execute the Agreement. Seconded by Commissioner Selph. Motion carried unanimously.

17. Lien/Unpaid Utility Charges

Eddie Miller stated this particular customer has had problems in the past paying his bill. He was part of the CSX \$5,000 Reimbursement Program for the citizens in the Hull Road area. As of a few months ago, he is no longer on the program and since then he has been late each time. The technician turned the customer's meter off. A short time later a technician checked the meter and it was on again. The meter was locked and a follow up visit revealed the lock had been drilled out. At that Point, Mr. Conn suggested a notice should be sent via mail. After no response, papers were served to the customer which resulted in disparaging comments from the customer. Mr. Miller would like the Board's consideration of a lien process for this customer. Commissioner Selph would like the lien to include the cost of everything. Mr. Conn explained that this customer, exhausted his \$5,000 limit quicker than the other customers. Commissioner Miller suggested a Resolution or Ordinance specifying a penalty for tampering with meters. Guidelines need to be established along with consistency. Mr. Conn stated the lien will include all costs and will accrue interest. Florida Statute 153.067 authorizes liens to be placed on property for unpaid fees, rates and charges for utility services. Mr. Conn recommended that any lien that the Utility Departments feels necessary, it goes before the Board for approval. A motion was made by Commissioner Mansfield to approve recording of a lien for unpaid utility charges incurred by this customer including all associated fees. Seconded by Commissioner Selph. Motion carried unanimously.

18. Grant Program/E911 Rural County

Jordon Ahrens presented the request. This request is for \$700 to cover travel related expenses for the spring 2015 Conference. A motion was made by Commissioner Mansfield 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.

19. Grant Program/E911 Rural County

Jordon Ahrens presented a request for \$17,267.48 for renewal of the Maintenance Agreement with Century Link for hardware coverage on the 911 answer equipment. A motion was made by Commissioner Selph 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 Miller. Motion carried unanimously.

20. Outdoor Event Permit/Pumpkin Fest

Thomas Cookingham presented a request to allow a Pumpkin Fest at Veteran's Memorial Park on October 18-19, 2014 from 10:00 am to 6:00 pm. Staff has contacted the Sheriff and there will be two Deputies at the event. FDOT has been contacted regarding where to place the signs for the event. The applicant will provide six port-o-johns which one will be handicap accessible. There is a contract with the Parks Department that will cover any damages and clean up.

Commissioner Selph expressed his concern with an outside company taking away from our local charities or businesses. He would like to see a policy regarding the use of Veterans Park for these types of events. He feels this park belongs to the citizens of DeSoto County and it is not right for this person to come in and charge for his event.

Lazarus Hernandez, the applicant, commented that his foundation is a crutch to all local Florida Foundations. It is a 501C3 that supports other children's foundations in Florida. This event will bring people to the county to get the free tickets for the children. Mr. Hernandez commented he does like for people to donate but is not required. There is no charge for parking. In the past his foundation has raised money for All Children's Hospital, All Faith Food Bank, Boys and Girls Club or any organization that needs the money. After event expenses are paid, the remainder of the money raised will be held in a Trust and then go towards an organization in need. There are no administrative costs taken from the proceeds. Commissioner Quave questioned costs, applying for permits sooner and would like to see audits/CPA reports. Commissioner Selph does not like the lack of information. Chairman Langford feels this is ok this year but would like more information next year and believes it is an economic boost for the county. Commissioner Miller does not like anyone coming from outside the county to raise money and would like to see more documents.

George Lempenau spoke in support of this event and suggested the Board try things before declining.

A motion was made by Commissioner Mansfield to approve Outdoor Event Permit OE 2014-02 to allow a two day outdoor event on October 18-19, 2014 from 10:00 am to 6:00 pm (includes clean up) at DeSoto County Veteran's Memorial Park. Seconded by Commissioner Miller. Motion carried unanimously.

ADMINISTRATOR'S REPORT

Mandy Hines requested consensus of the Board to allow the Administrator to authorize the advertisement and filling of positions that are within the adopted budget. This is not a policy although the Administrator has the authority but a prior Board decided they wanted to be aware of any positions before they were filled. It was consensus of the Board to do so.

Ms. Hines stated that TRIM notices do not include non Ad-Valorem assessments. The Statute is very clear that the governing body, City and/or County can make a request to the Property Appraiser to include the non Ad-Valorem assessments on the TRIM notice. The Property Appraiser would need to agree to this request. It was Board consensus to make a formal request to the Property Appraiser.

County Commissioners are scheduled to be sworn in on November 18, 2014. Ms. Hines stated it is not required to convene as a Board but can do so if desired. It was consensus not to convene as a Board.

The State Delegation meeting has been rescheduled to December 10, 2014 at 1:30 pm.

AgFest Banquet will be held on November 14, 2014 and AgFest to be held on November 22, 2014.

Connie Bateman of Arcadia Main Street is organizing a Build a Scarecrow Event in Downtown Arcadia on October 4, 2014 and has extended an invitation to the Commissioners as a team to build

a scarecrow. Ms. Hines requested that the Board let her know as a whole or individually. Ms. Hines stated had on hand 2 attachments as follow ups from meeting regarding the Tipping Fee Comparison for the Landfill that includes out-of-county rates as well as the Cash Flow Analysis that has driven our Line of Credit issue and our Debt Payment. Ms. Hines finds that it is cost prohibitive to change the debt payments and will cost over \$300,000 to do so.

COUNTY ATTORNEY'S REPORT

Mr. Conn commented regarding the Gavriloff Case that we still have not received a decision from the hearing held on June 25, 2014. The rules do not allow Mr. Conn to contact the Judge individually.

The PIE Case had two counts and the County won on both at the Circuit Court level. The District Court of Appeal agreed with us on the inverse condemnation but sent it back; it is now currently pending before the Circuit Court locally on the Burt Harris Act. This Act is covered under PRM which will ultimately reduce legal costs on this matter.

BOARD MEMBER COMMENTS

Commissioner Quave commented he was not able to attend FAC. Enterprise Zone helps a lot and hopes it goes through. He would like Ms. Hines and Tara Anderson to obtain some information from Sarasota or Charlotte County so we can be more informed when a request like the Pumpkin Festival is presented in the future.

Ms. Hines commented we have begun to schedule meetings to discuss processes and when something happens in one department, how it impacts others.

Commissioner Mansfield commented regarding the Florida Legislative Conference and hopes our Legislators see how beneficial it is for small fiscally constrained counties. He hopes someone in Tallahassee will listen.

Commissioner Selph feels a number of things were accomplished regarding Small County Coalition. He commented that \$6,000 is required to towards promotional activities or education of the public regarding the Mosquito Control Program. He would like for this requirement to go away for the small and/or fiscally restrained counties. He urged everyone to join Farm Bureau.

Commissioner Miller commented that Enterprise Zone funds are important. FAC meetings always go smooth. Law Enforcement from Escambia County spoke regarding Amendment 2 and it was the first time he witnessed Commissioners in conflict with one another.

Commissioner Miller commented he was approached by many individuals to serve on the FACT Board but would like approval from his fellow Commissioners in the event that he is invited to serve on the FACT Board. He commented it will not cost the County any money.

Ms. Hines commented we did go out to RP for lobbying services this year. She requested a Commissioner volunteer to serve on the committee. Chairman Langford volunteered.

Chairman Langford thanked everyone for attending the meeting.

RECESS UNTIL 6:30 PM PUBLIC HEARING

PUBLIC HEARING

21. Resolution/Millage for 2014/15

Mandy Hines presented corrected Resolutions.

Donna Collins with Milestone gave a brief summary of the Proposed Budget and Millage Rate. The numbers in the budget have remained the same.

The General Fund Summary 2014/15 Budget Proposal:

Estimated Revenues \$26,261,525

Estimated Expenditures \$24,216,580

Estimated Reserves \$2,044,945

Significant Revenue Sources: Ad Valorem Taxes

Prior year millage rate was .4514

Roll back millage rate is .4671

Current year proposed millage is .9128

-Generates an additional \$534,660 in revenue over the prior year.

-Represents additional \$549,290 over proposed 2015 budget.

-Substantially eliminates the need for a transfer from the General Fund for EMS.

Analysis of Special Revenue Expenditures

Overview of Enterprise and Capital Project Funds

Analysis of Enterprise and Capital Project Funds

Overview of Agency Funds:

-Both the Law Enforcement Trust Fund and DC Volunteer Fund reflect an increase in fund balance carry forward that is then budgeted in reserves.

-Expenditures in both funds have been very minimal, allowing revenues to increase fund balance reserves.

Uncontrollable Cost Increases:

-Significant increases in required FRS contribution rates.

-Increase in health insurance costs of 2.1%.

Commissioner Selph questioned if the millage rate of 8.481 is adopted and adopt an MSTU of .4514, what are the reserves? Ms. Collins replied \$2,044,945. He feels a millage rate and MSTU should be adopted without an increase of the taxes to our citizens. Our budget is not growing except in areas we cannot control.

Commissioner Mansfield commented we no longer have a debt service reserve used to balance the budget. Funding has limited capital purchases in this county for the past 6 years. We need a new jail and fire station. Citizens are being inconvenienced because we do not have the money. Our roads are not being maintained properly and maintenance on buildings is lacking.

Commissioner Quave would like the millage rate to remain at 8.481 and the MSTU to remain at .4514, however if we can raise the MSTU and drop the millage one for one, he is in favor. This would create greater transparency to where the money is going so that the citizens may see on their tax bill where it all goes.

Commissioner Miller hopes the 3% that the Property Appraiser has set would generate more money. Further discussion ensued.

Chairman Langford suggested backing off 8.481 to possibly 8.25 because the Board increased the MSTU.

Commissioner Selph commented if we do this, it still does not make up for the whole problem. He is concerned with the reserve cushion and feels there needs to be more.

Commissioner Mansfield agrees with the rollback but wonders what will suffer next.

Commissioner Selph is ok with a millage rate increase of 8.25 to 9.1 and is ready to make a decision.

Chairman Langford read into record the Resolution adopting the final levying of Ad Valorem taxes

for DeSoto County EMS-MSTU for fiscal year 2014/15 adopting a final millage rate of 8.2500. The gross taxable value for operating purposes not exempt from taxation within DeSoto County EMS-MSTU has been certified by the Property Appraiser to the Board of County Commissioners as \$1,196,802,479. The 2014-15 operating millage rate is set at .9128 which is greater than the roll back rate of .4671 by 95.42%. The Resolution will take effect immediately upon its adoption. A motion was made by Commissioner Mansfield to accept. Seconded by Commissioner Quave. Motion carried 4-1 with Commissioner Miller dissenting.

Chairman Langford read into record the Resolution adopting the final levying of Ad Valorem taxes for DeSoto County for fiscal year 2014/2015. The gross taxable value for operating purposes, not exempt from taxation within DeSoto County has been certified by the County Property Appraiser to the Board of County Commissioners as \$1,356,167,477. The 2014/15 operating millage rate is 8.2500 mills which is less than the rollback rate of 8.7619 by 5.84%. This Resolution will take effect immediately upon its adoption. A motion was made by Commissioner Mansfield to approve. Seconded by Commissioner Quave. Motion carried unanimously

22. Resolution/Budget

Chairman Langford read into record the Resolution finalizing the budget for fiscal year 2014/2015. The Board of County Commissioners in DeSoto County, FL set forth in appropriations in revenue estimate for the 2014/15 budget in the amount of \$63,913,152. The Resolution will take effect immediately upon its adoption. A motion was made by Commissioner Mansfield to adopt a Resolution finalizing the budget for the 2014/2015 fiscal year. Seconded by Commissioner Quave. Motion carried unanimously.

23. Land Development Regulations

Don Conn gave a brief background/history. The LDRs address permissible uses within zoning districts, subdivision procedures, concurrency determinations, resource protection, development design and improvement standards, accessory uses, temporary uses, nonconformities, sign standards, boards and agencies, administration and enforcement, definitions and supplementary requirements. The Board can make further changes to the attached draft during each Public Hearing prior to final adoption.

Section 1: Incorporation of Existing Ordinances

Section 2: Interpretation

Section 3: Notice

Section 4: Minor Special Exceptions

Section 5: Quasi-Judicial Hearings

Section 6: Industrial Heavy

Section 7: Industrial Light

Section 8: Commercial General

Section 9: Agricultural 10 Districts

Section 10: Agricultural 5 Districts

Section 11: E Zoning District- Removed

Section 12: Use & Location of Buffers

Section 13: Fences & Walls

Section 14: Buffering of Off-street Parking Areas

Section 15: Parking & Storage of Commercial Vehicles in Residential Districts

Section 16: Parking & Storage of Motor Vehicles, Recreational Vehicles and Trailers

Section 17: Stormwater Management
Section 18: Submerged Land
Section 19: Floodplain Regulations
Section 20: Nonconforming Structures & Uses of Structures
Section 21: Nonconformities Resulting from Government Action
Section 22: Driveway Construction Requirements
Section 23: Driveway Maintenance
Section 24: Access Points
Section 25: Public Nuisance
Section 26: Procedure for Obtaining Development Permits
Section 27: Development with Code Violations Prohibited
Section 28: Definition of Residentially Designed Manufactured Home
Section 29: Definition of House of Worship
Section 30: Definition of Place of Worship
Section 31: Definition of Parking & Storage
Section 32: Agricultural Buildings
Section 33: Conforming Certain Definitions to Section 320.01, Florida Statutes
Section 34: Minor Plats
Section 35: Uses & Structures

Further discussion ensued. Don Conn stated changes could be made in this draft tonight or at the second public hearing.

Kathleen Papaleo commented that people realize this is an agricultural area and the people make a living by driving large trucks. She feels the taxpayer needs to be considered first.

Further discussion ensued regarding commercial vehicles in residential zoning.

Joanna Drinkwater commented regarding notifications for major developments. She feels the applicant should pay for the signs, mailers, all expenses by the County and inspections. It should not be put on the taxpayers. Further discussion ensued regarding notifications.

Bill Spiegel commented the proposed LDRs are acceptable and feels the Board is going in the right direction.

Tom Pafford commented there is a serious R.V. conflict and he is pleased with the solution in the proposed LDRs.

David T. Hall lives in Wimauma, Florida and has had an R.V. on his property in DeSoto County for 11 years and has never had a problem until recently. He was told by the Real Estate Agent when he bought the property that R.V. use was allowed.

Frank Davis commented he worked hard for his property; it is not visible from the main road and would like to enjoy his property.

George Lempenau commented that he is liaison between 2 R.V. Boards and the issue of where an R.V. should be parked is never agreed upon

ADJOURNMENT

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

ATTEST:

Mandy Hines

MANDY HINES
COUNTY ADMINISTRATOR

BOARD OF COUNTY COMMISSION
DESOTO COUNTY, FLORIDA
Elton A. Langford

ELTON A. LANGFORD
CHAIRMAN