

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON OCTOBER 22, 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 October 22, 2013 with the following persons present:

Commissioner, Buddy Mansfield, Dist#1
Chairman, James Selph, Dist#2
Commissioner, Gabriel Quave, Dist#3
Commissioner, Elton Langford, Dist#4
Commissioner, Bob Miller, Dist#5
County Administrator, C. Guy Maxcy
County Attorney, Don Conn
County Coordinator, Mandy Hines
Administrative Services Director, Linda Nipper
Purchasing Director, Cindy Talamantez
HR Director, Don Kesterson
County Engineer, Mike Giardullo

Road & Bridge Director, Shawn Edwards
Transcribing Secretary, Jill Thompson
Office Manager, Lauri Jones
Facilities Director, Richard Metzger
Interim Fire Chief, Larry Taylor
Building Official, Lester Hornbake
Utilities Director, Eddie Miller
Compliance Director, Jorge Hernandez
Turner Center Director, Jody Sullivan
Environ. Services. Director, Henry Grimes
Planning Manager, Tom Cookingham

CALL TO ORDER 3:00 PM

PRAYER- Commissioner Elton Langford

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS

Sheriff Will Wise

SET/AMEND- Mr. Maxcy requested the addition of item #7A Proposal-Operating Line of Credit. A motion was made by Commissioner Langford to set the agenda with the addition of item #7A. 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 September 24, 2013 Public Meeting; Minutes of September 24, 2013 Insurance Workshop; Minutes of October 8, 2013 Public Meeting; Declaration of Surplus Property; Contract with Florida Department of Agriculture and Consumer Services for Mosquito Control. Seconded by Commissioner Langford. Motion carried unanimously.

PROCLAMATIONS

5. Proclamation/National Long-Term Care Resident's Rights Month

Guy Maxcy read into record the Proclamation for Nation Long-Term Care Resident's Right Month. This is an event celebrated annually during the month of October to honor residents living in all long-term care facilities, including nursing homes, assisted living facilities and adult family care homes. It is a time to focus on and promote the dignity, respect and the value of each individual resident. The theme for Resident's Rights Month 2013 is "Speak Out Against Elder Abuse". The goal is to educate and encourage residents and others to speak out against all types of abuse. A

motion was made by Commissioner Langford to proclaim the month of October 2013 as National Long-Term Care Resident's Rights month. Seconded by Commissioner Miller. Motion carried unanimously. Commissioner Mansfield presented the Proclamation to Barbara Pohl and Mary Kennedy. Ms. Pohl thanked the Board for their support.

6. Proclamation/Week of the Family

Guy Maxcy read into record the Proclamation for Week of the Family. This event is dedicated to strengthening and encouraging family relationships through education, wholesome activities, fitness and community service. The theme for 2013 is "Family that Walks together Talks Together". A motion was made by Commissioner Quave to proclaim the week of October 26 through November 2, 2013 as DeSoto County Week of the Family. Seconded by Commissioner Miller. Motion carried unanimously. Commissioner Quave presented the proclamation to Cynthia Siegel. Ms. Siegel thanked the Board for their support and also informed everyone of the upcoming Fun Fair.

REGULAR BUSINESS

7. Agreement/Cooperative Services of Florida

Interim Fire Chief, Larry Taylor stated the agreement is to purchase medical supplies and equipment for DeSoto County. CSF was created as a joint venture by Lee Memorial Health System and Sarasota Memorial Health Care System. They are a not for profit company that contracts directly with manufacturers for the lowest possible pricing. They also provide disposal of expired supplies free of charge. The agreement does not require the County to purchase all supplies from CSF, only the lowest priced items. The agreement shall be for a term of one year. It will not require items to be purchased in bulk and will cater to the County's specific needs. A motion was made by Commissioner Mansfield to initiate a participation agreement with Cooperative Services of Florida (CSF) to purchase medical supplies and equipment for DeSoto County. Seconded by Commissioner Langford. Motion carried unanimously.

7A. Resolution/Proposal-Operating Line of Credit

Linda Nipper requested approval of a Resolution and Line of Credit Agreement with Seacoast National Bank. Ms. Nipper stated that as available cash has diminished over the last few years, it is imperative that the County has an available revenue resource should it be needed in the first few months of the fiscal year. While the yearly revenue is adequate and the total amount of revenue is budgeted accurately, the months of October and November are not only months of very low revenue resources; they are also months of very high debt payments. The line of credit will terminate in one year but may be extended in one year terms. Dan Navarro with Seacoast Bank commented that when the default amount is repaid, the pledge will go away. Ms. Nipper stated this could be viewed as an insurance policy. A motion was made by Commissioner Langford to approve the Resolution and Line of Credit Agreement from Seacoast National Bank and authorize the Chairman to proceed with the loan closing and execution of necessary documents. Seconded by Commissioner Mansfield. Motion carried unanimously. Commissioner Miller commented that this will cost the County \$9,000.00 whether we use the line of credit or not and would have liked more time to study the information. Commissioner Quave expressed his concern over the cost for the line of credit. Further discussion was had.

8. LDR/Review

Don Conn stated that when the LDR revision process was completed last year, it was indicated that further revisions would be brought before the Board at a later date. He would like to begin the revision process in November through December and meet with staff, Board members as well as others to gather ideas regarding revisions to be made. Mr. Conn recommended a workshop in

January with the Board and Economic Development Advisory Committee. He would like to present the revisions to EDAC since the LDRs have an impact economic development. Mr. Conn hopes to conclude the process in March 2014. This is not intended to be a comprehensive review, only housekeeping and addressing issues that were missed previously. There will be at least one workshop, possibly more. There are no deadlines for completion regarding this matter.

Ed Johnson encouraged the Board to accept comments now from the public and/or people that are impacted. Mr. Johnson gave suggestions on how to start the process of informing the public.

George Lempenau suggested just dealing with the points that people have a problem with.

Chairman Selph requested that when someone has suggestions regarding the LDRs, be specific with their comments.

Commissioner Mansfield feels that it is critical to correct some of the terminology in the LDRs. This is a living document and can be modified.

Don Conn commented that public input is essential and feels that can be done through an ad as well as the County website. It was consensus of the Board to begin the process of seeking public input through the newspaper, County website, Realtor's Association, the Chamber of Commerce as well as other organizations.

ADMINISTRATOR'S REPORT

Mr. Maxcy commented on a report given to the Board regarding Fire Station 1 (Carlstrom Field Rd). The modular is continuing to decline. A wall has been compromised with water. Mold has been discovered in the air ducts. The company that owns the modulares has performed an indoor air quality test and are awaiting the results. Mr. Maxcy has received complaints from employees concerning the conditions of the modular. Mr. Maxcy requested direction from the Board as to what action to take on the matter. Mr. Maxcy suggested a new fire station or a new modular.

Commissioner Miller stated he considers this an emergency and something needs to be done immediately.

Cindy Talamantez commented that the modular is quickly reaching the point of being beyond repair. Chairman Selph feels the modular should be replaced.

Ms. Talamantez stated the concerns with replacing the modular. There will be a cost for removing and replacing the modular as well as an increase in the monthly rental price.

Commissioner Langford questioned Interim Chief Taylor if he had any suggestions on what could be done regarding staff temporarily. Interim Chief Taylor stated he has no place to temporarily house his employees or the equipment.

Richard Metzger suggested installing air scrubbers but they are large and loud.

George Lempenau also suggested air scrubbers as well and offered his assistance with short-term housing.

Commissioner Quave feels that the air scrubbers should be brought in immediately and follow with the modular being replaced.

Further discussion was had.

Don Conn suggested a workshop to discuss the matter on November 12, 2013.

Mr. Maxcy requested approval from the Board that the election of the new Chairman and Vice Chairman held on November 12, 2013 become effective at 12:01am on November 13, 2013. It was consensus of the Board to do so.

COUNTY ATTORNEY'S REPORT

Mr. Conn commented on a new case involving an eminent domain action filed by FDOT involving property along Hwy 17. The property that FDOT is seeking to require has County Code Enforcement liens. The County is submitting a claim in hopes of recovering the lien on the property.

BOARD MEMBER COMMENTS

Commissioner Quave thanked the Board for allowing him to present the Proclamation for the Week of the Family. In order to have a great workforce, people with a solid educational base are needed and it starts with the family.

Commissioner Langford commented on rules and regulations that hinder a man trying to earn a living in this Country, County and State. He encouraged anyone to make suggestions regarding the LDRs. He also feels rules are hindering people in our community and we need to take these concerns to Tallahassee.

Commissioner Mansfield agrees with Commissioner Langford regarding rules and regulations. He feels there should not be so many requirements to start a business.

Commissioner Miller stated he wants to do things right as the reason for requesting input from the public.

Chairman Selph commented that Senator Wilton Simpson sponsored some bills with the goal of diminishing fire codes that do not make sense.

Jody Sullivan stated that the Turner Center will be giving out candy for Halloween from 6pm to 8pm on October 31, 2013.

Chairman Selph encouraged staff to research LED lights for County ball fields and parks in order to save power. He also informed the Board that he has appointed himself to the Juvenile Justice Advisory Committee and Mike Provau as the citizen member.

Commissioner Langford reminded everyone that October is Breast Cancer Awareness month.

Commissioner Miller commented that the Veteran's Day Parade is on November 11, 2013 at 9am.

Jody Sullivan informed the Board that DeSoto County will host the Traveling Veteran's Memorial Wall in December 2014. The committee has received contributions from local businesses. Everyone has shown great support for the event. There will be festivities, a ceremony and all 50 US flags will be displayed along with the wall.

RECESSED AT 5:00 PM

PUBLIC HEARING 6:30 PM

Mr. Conn stated there is an item that was properly noticed that involves vacation of a right-of-way on SW Judy Ave VR#2013-01. The Board dealt with this issue previously but there was a need to correct the vacation. This item was not included on tonight's published agenda. Mr. Conn requested that the Board allow the item to be added to the agenda. A motion was made by Commissioner Langford to add agenda item 8A regarding VR#2013-01, vacation of a portion of right-of-way of SW Judy Ave. Seconded by Commissioner Miller. Motion carried 4-0, Commissioner Quave was absent.

8A. Resolution/Vacation of Right-of-Way VR#2013-01

Tom Cookingham stated that previously only half of the right-of-way was vacated and now the remaining portion needs to be vacated. The property is located NE of County Road 761 and W of Dropline Dr. A motion was made by Commissioner Langford to vacate VR#2013-01. Seconded by Commissioner Mansfield. Motion carried unanimously.

9. Ordinance/Floodplain Management

Tom Cookingham stated this Ordinance is being requested of all jurisdictions within the U.S. This particular Ordinance was modeled to fit the circumstances in Florida. The purpose is to have the residents able to qualify for the National Flood Insurance Program and other disaster assistance. The County has certain responsibilities as part of this program. One reason is to assist FEMA and State consultants in delineation of mapping of the flood hazard areas, notify FEMA if there are any jurisdictional boundary changes, to appoint an official or an agency to maintain the floodplain documentation and administer the local laws that are consistent with the national flood insurance program. Maps have been approved and will go into effect on November 6, 2013. There is an appeal process if anyone feels the maps are not correct. Mr. Cookingham stated that staff recommends approval of the proposed Flood Plain Ordinance. Further discussion was had.

Ed Johnson expressed his concern over what is considered a floodway in the county. Mr. Johnson also gave suggestions for changes in the proposed Resolution which is agenda item #10. Mr. Conn stated that changes could be made to the Resolution but not the ordinance.

A motion was made by Commissioner Mansfield to approve the ordinance adopting the regulations that establish administrative and technical requirements consistent with the National Flood Insurance Program and Florida Building Code that apply to all development and special flood hazard areas. Seconded by Commissioner Quave. Motion carried unanimously.

10. Resolution/Floodplain Management Policy Determination

Mr. Cookingham stated this Resolution is to determine how the County will administer and interpret certain sections of the model ordinance. The resolution would provide an understanding of the intent and purpose of the Floodplain Management Ordinance of DeSoto County where it relates to permit requirements for bonafide agricultural operations, and authorize the Floodplain Administrator to render interpretations to the ordinance as it applies to bonafide agricultural lands. Mr. Cookingham stated that the higher a rating, the lower the insurance. A motion was made by Commissioner Langford to approve the Resolution establishing a policy that sets forth a procedure authorizing the Floodplain Administrator to render interpretations of the Floodplain Management Ordinance as it applies to bonafide agricultural lands with the addition on page 3, paragraph 3, under general, second sentence; the Floodplain Administrator shall have the authority to render (add "written") interpretations of this chapter consistent with intent and purpose of this provision. Seconded by Commissioner Miller. Motion carried unanimously.

11. Ordinance/Pain Clinics

Don Conn requested extension of the moratorium on pain clinics or pill mills for an additional one year. This ordinance has been effective in DeSoto County in preventing development of pill mills in the county. A motion was made by Commissioner Quave to approve the Ordinance extending the moratorium on pain clinics and pill mills for an additional one year. Seconded by Commissioner Mansfield. Motion carried unanimously.

ADJOURNMENT

There being no further business, Chairman Selph adjourned the meeting at 7:17 PM.

ATTEST:

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



**C. GUY MAXCY
COUNTY ADMINISTRATOR**



**JAMES F. SELPH
CHAIRMAN**