

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
HELD ON NOVEMBER 24, 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 November 24, 2014 with the following persons present:

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

**CALL TO ORDER 3:00 PM**

**PRAYER-** Richard Metzger

**PLEDGE OF ALLEGIANCE**

**INTRODUCTION OF ELECTED OFFICIALS**

Sheriff Will Wise

**SET/AMEND**

A motion was made by Commissioner Mansfield. Seconded by Commissioner Quave. Motion carried unanimously.

**PUBLIC FORUM FOR NON-AGENDA ITEMS**

None

**CONSENT AGENDA-MOTION TO APPROVE**

Chairman Quave made a motion to approve Accounts and Warrants drawn according to schedule of bills payable; Minutes of October 28, 2104 BOCC Public Meeting; Contract with Air Mechanical and Service Corporation for repair services on the Turner Center Chiller System; Contract Amendment with William Szary for the Water and Gas Monitoring Services at the Landfill; Contract Amendment with Barclay Development and Consulting, LLC for the supply of Bank-Run Shell Material. Seconded by Commissioner Mansfield. Motion carried unanimously.

**REGULAR BUSINESS**

**6. Resolution/Budget Amendments**

Linda Nipper presented two amendments; #2015-06 and #2015-07. A motion was made by Commissioner Mansfield to adopt a Resolution amending the 2014/2015 Budget including attachments. Seconded by Commissioner Miller. Motion carried unanimously.

Chairman Langford commented that Commissioner Selph is absent today.

### **7. Resolution/Impact Fees Waiver**

Don Conn commented that both Resolutions may be amended or terminated by the Board before December 31, 2015. In regards to the School Board Impact Fee Resolution; in order for that moratorium to continue in effect, we do need the concurrence of the School Board. They will meet on December 9, 2014 to consider approval of the continued moratorium. The County can make the decision today regarding the County Impact Fees. A motion was made by Commissioner Quave to extend the waiver of the imposition and collection of County and School Board impact fees through December 31, 2015 unless sooner terminated by the School Board with a contingency that the School Board agreed to this. Seconded by Commissioner Mansfield. Motion carried unanimously.

### **8. Resolution/Delinquent Utility Accounts**

Eddie Miller presented a request to adopt the Resolution. A motion was made by Commissioner Mansfield to adopt the Resolution to write-off all uncollectable utility accounts during fiscal year 2013/2014. Seconded by Commissioner Quave. Further discussion ensued. Motion carried unanimously.

### **9. Agreement Amendment/Thornton Creek Motor Coach Resort**

Eddie Miller requested approval of an Amendment to the Utility Service and Conveyance Agreement with Thornton Creek to add an additional 3 ERUs due to the addition of a new clubhouse. Chairman Langford questioned if Thornton Creek is paying the Maintenance Fee Agreement on those? Mr. Miller commented they were free. Don Conn commented we have a separate agreement with the Thornton Creek Development and he will need to look into the matter. Ms. Hines commented she believes they were only waiting on the County to run the lines and we would not charge a reservation fee when they were ready to hook up. A motion was made by Commissioner Quave to approve the amendment to the Utility Service and Conveyance Agreement for Thornton Creek Motor Coach Resort to allocate an additional 3 ERUs for a total of 70 ERUs for Water and Wastewater. Seconded by Commissioner Miller. Motion carried 3-1 with Chairman Langford dissenting.

### **10. Change Order/Go Underground**

Cindy Talamantez requested a Change Order. It is a direct purchase reduction; the County purchased the materials to save the tax for that project. This is for the North Booster Station improvements and Big Tree RV Resort project. The total of the deduction would be \$158,344.42. Further discussion ensued. A motion was made by Commissioner Miller to approve Change Order #1 as a deduction for the direct purchase of construction materials. Seconded by Commissioner Mansfield. Motion carried unanimously.

### **11. Temporary Use Permit/Agricultural Education Opportunity**

Tom Cookingham presented a request for a Temporary Use Permit #2014-11 Ochoa. The site is located at 2337 SW Hillsborough Ave. and the zoning is RMFM. There is a Letter of Support from adjacent property owners. There will be two children involved in the project and the number of animals will be determined today by the Board.

Ms. Ochoa commented she wants to teach her two daughters how to take care of the birds. Commissioner Miller feels it is important to restrict the number of birds allowed. Ms. Ochoa commented she is satisfied with 6 birds per child for a total of 12 altogether. A motion was made by Commissioner Quave to approve TU 2014-11 Ochoa, Ag Ed Opportunity with a stipulation that there be 6 poultry per child. Seconded by Commissioner Miller. Motion carried unanimously.

## **12. Election/Chairman-Vice Chairman**

Ms. Hines handed out ballots for election of a new Chairman and the results will take effect tomorrow. Commissioner Quave is the new Chairman for 2015. Ms. Hines handed out ballots for election of a new Vice Chairman. Commissioner Mansfield is the new Vice Chairman for 2015.

### **ADMINISTRATOR'S REPORT**

Mandy Hines brought to the Board's attention an Agenda Management System. There has been an extensive review of three systems that can provide the type of system we are looking for to help with the agenda process; also to make it more user friendly for our constituents that view items on line. Accela is the product that we have found fits our needs the best. This was not a budgeted item; however we would pull funds from the Legal Department in place of purchasing Muni Code. There was consensus of the Board to purchase the program.

The Insurance Committee has voted to change the representation from the County Commission on a rotating basis. Ms. Hines recommended that Commissioner Quave serve this term. Commissioner Quave accepted the appointment as well as consensus of the Board.

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

Mr. Conn had nothing further to report.

### **BOARD MEMBER COMMENTS**

Commissioner Quave commented that he looks forward to serving as the Chairman. There were very insightful meetings and lively discussions at the Legislative Conference; there were very interesting discussions regarding internet sales tax. He wished everyone a Happy Thanksgiving.

Commissioner Mansfield commented that the Legislative Conference had some heated discussions and wished everyone a Happy Thanksgiving.

Commissioner Miller commented he has learned a lot while serving on the Insurance Committee and they felt like it would be a good opportunity for other Commissioners to help them gain more knowledge as well as see a different perspective on the matter. He urged everyone to try and volunteer some time to help ring bells for the Salvation Army.

Chairman Langford commented that AgFest continues to grow every year and was nice this year as well. He wished everyone a Happy Thanksgiving. There is a Public Hearing tonight at 6:30 p.m.

Commissioner Mansfield reminded everyone the Vietnam Wall will be here December 3, 2014.

Commissioner Miller commented the Vietnam Wall will be traveling Hwy. 17 south at around 11:30 a.m. and would like people to help line the road to welcome the Wall.

### **RECESS UNTIL 6:30 PM PUBLIC HEARING**

### **PUBLIC HEARING**

## **13. Resolution/Millage for 2014/15**

Linda Nipper presented Resolutions to re-adopt the millage rate due to an advertising error. It was necessary to re-advertise and re-hear the millage and budget in order to obtain certification for the year. Commissioner Miller commented that at the original hearing he was not in favor of this millage and his feelings remain the same. A motion was made by Commissioner Quave to approve the Resolutions setting the millage for DeSoto County. Seconded by Commissioner Mansfield. Chairman Langford read into record that this is the tax authority of the Board of County Commissioners Rollback Rate 8.7619; percentage of increase under the Rollback Rate 5.84%; millage to be levied 8.25 mills. Motion carried 3-1 with Commissioner Miller dissenting. Chairman Langford commented that Commissioner Selph is not present tonight due to family matters.

#### **14. Resolution/Millage Rate for 2014/2015**

Linda Nipper commented re-approval of the millage for the MSTU was required due to an advertising error. A motion was made by Commissioner Mansfield setting the millage for DeSoto County Commissioners Taxing Authority and the DeSoto County EMS-MSTU. Seconded by Commissioner Quave. Chairman Langford stated that for the record Taxing Authority EMS-MSTU Rollback Rate is .4671; percentage of increase over Rollback Rate is 95.42%; millage level to be levied is .9128 mills. Motion carried 3-1 with Commissioner Miller dissenting.

#### **15. Resolution/Budget for 2014/2015**

Linda Nipper requested re-approval of the Budget. A motion was made by Commissioner Mansfield to adopt a Resolution finalizing the Budget for 2014/2015 fiscal year. Seconded by Commissioner Quave. Chairman Langford stated for the record; to adopt the proposed 2014/15 Budget in the amount of \$63,913,152. Motion carried unanimously.

Chairman Langford stated that this portion of the County's business consists of public hearings regarding land use matters and the procedures we will follow will be described by the County Attorney at this time.

Mr. Conn commented regarding Quasi Judicial hearing proceedings. All parties present and planning on giving a statement were sworn in by the Clerk.

Roll for ex-parte communications was called. Commissioner Miller reported yes; Commissioner Mansfield reported none; Commissioner Quave reported yes and Chairman Langford reported yes.

Chairman Langford commented regarding conduct expected from the public.

#### **16. Resolution/Rezoning**

Tom Cookingham presented a Rezoning PUD #2014-03; Peace River Land Group is the applicant. Notifications and correspondence were completed properly. There was no correspondence received for or against the project. The purpose of the rezoning is to provide for flexible development, standards to allow for the construction of 258 mixed-residential units, active and passive recreational areas, 76 acres of preserve and open space; with private roads, sidewalks, pathways and other infrastructure for the development. Mr. Cookingham gave a brief history of the project. Further discussion and description of the request ensued. Staff recommends approval of the PUD.

Mr. Cookingham commented the following items are for the Board's consideration: rezoning, conditions, conceptual development plan; property development standards and schedule of uses.

Maurice Brown questioned the maximum density in the Comprehensive Plan. He commented to Mr. Cookingham that he cannot condition a rezone. Mr. Cookingham commented that tonight we are conditioning the project and not the rezoning itself.

James Hobbs questioned the dimensions and commented that wetlands and water sheet flows through the area being proposed.

Sharon Smith questioned the areas of high rise buildings.

Joanna Drinkwater expressed her concerns regarding notification given. Mr. Cookingham commented that he went out and looked at the sign placement; signs cannot be put in the right of way and have to be adjacent to the property.

James Hobbs commented regarding rezoning on the proposed entrance.

Mark Hanson commented the signage was very poor; he made his own sign and posted.

Lee Dunn commented the right of way is 8-12 feet and the signs should be put where they can be seen.

Maureen Stasi questioned the date when the signs were posted. Mr. Cookingham replied November 7, 2014.

Geri Waksler, representative for the applicant gave a presentation regarding the requested PUD. Reed Fellows with TR Transportation Consultants spoke regarding a traffic study conducted in conjunction with the requested PUD. Further discussion ensued.

Maureen Stasi commented that the residents are concerned with traffic; not growth and development. She suggested the option of the BOCC having all the developers secure a bond to take care of 769/Kings Highway.

Cathy Popaleo commented that DeSoto County is different than Charlotte County; they like it that way. Ms. Popaleo is concerned how this will affect everything and where will the people buying these houses be coming from. She also commented regarding the difference between an Inc. and LLC.

Chairman Langford reminded the public that if they have a question for the applicant; that is what is being addressed at this time.

Mo Brown questioned the order of procedure. He questioned the Chairman if the floor is open to question the applicant for the second time or if it is open for the last time for comments in opposition or in favor of the applicant. Chairman Langford commented the floor is open for questions specifically for Ms. Waksler and her staff.

Sharon Smith questioned the traffic study that was completed.

Bumper Hay commented that wetland impacts are less than 2 acres.

Geri Waksler answered further questions from the public.

James Hobbs questioned floodplains, water/sewer lines above or underground. He does not like the idea of plants as a buffer.

Chairman Langford commented there will be no mandatory hook ups for residents already there; only new developments.

Ann Ryan voiced her concerns with building height and limitations.

Ann Luther expressed her concerns regarding traffic.

Maureen Stasi commented that she was displeased that e-mails she sent to the Commissioners were not acknowledged. She feels what was done at this meeting was disrespectful and sneaky. She is also unhappy with the fact that impact fees were not re-implicated.

Al Hemingway commented he researched salaries on the FDLE website.

Judy Thompson questioned the Board if there was an endangered species study done on the property in question.

Ms. Waksler commented a study was done in 2007. Bumper Hay commented that study would need to be redone before any development.

George Wojtkiewicz commented regarding the increase in traffic with other proposed developments such as Sonoma & Peace River Land Group, as well as The Villages at Kings.

Lee Dunn commented there are a lot of desirable locations and urged the Board to take a better look at the request.

Mark Hanson questioned the Board if they even care about what the people in the area want.

Maureen Stasi is concerned with the traffic; can there be a third party review?

Commissioner Miller commented that 761 has been an issue for a long time. We need and want growth but need to do it the right way. He feels it is in the best interest of the county to move forward with the PUD to have more control.

Maurice Brown commented the Board needs to follow the criteria set forth and do their job. He feels the Board needs to look at the Comprehensive Plan and follow it; use better judgment.

Geri Waksler gave her closing statement.

A motion was made by Commissioner Mansfield to close the public hearing. Seconded by Commissioner Miller. Motion carried 4-0

Commissioner Mansfield commented that the Board has to go on evidence and not emotion. The stop lights are up to FDOT, not the County.

Commissioner Quave commented the BOCC has a unique and difficult job. He does not like 769 but the County does not have the funds to make it into four lanes. PUD gives more control.

Commissioner Miller commented he has been advised that this is all legal. Traffic will eventually be a concern; approving the PUD will allow more input.

Chairman Langford commented there is no way to make everyone happy. The underlying zoning is there. Lake Suzy is a gem and that is why developers want this area. The zoning is there and gives the BOCC more control; therefore he is in favor of this PUD project. Growth has to be around the water and sewer lines.

A motion was made by Commissioner Quave to adopt a Resolution permitting the rezoning of 303± acres from Residential Single-Family-5 and Residential Multi-Family-6 to Planned Unit Development. Seconded by Commissioner Miller. Motion carried 4-0.

#### **5 Minute Recess**

#### **17. Resolution/Special Exception**

Tom Cookingham presented SE 2014-09 Daughtrey Airport Facilities to allow the future expansion/intensification of an existing airport facility on 157+ acres in the A-10 zone district. There was proper notification to adjacent land owner as well as advertising. The Planning Commission voted to deny the request. The site plan is no different than what currently exists at this time. Staff recommends approval.

Larry Hilton commented that he concurs with the staff report. The motion of denial from the Planning Commission did not state a reason why.

Commissioner Quave asked Mr. Hilton for more information on why he is here tonight and what he or the owner is going to do with the property. Mr. Hilton replied that the owner wants the ability to expand his business and is not sure beyond that at this point. Further discussion ensued.

Commissioner Mansfield commented that at this point he is not sure what expand and intensify means.

Edward Dyal spoke in opposition of the request. He is concerned that the owner will do something with the property that is not allowed.

Ted Ivanssek commented that the Planning Commission denied recommendation of the request due to vagueness and noise. Almost all the residents that live on Navajo and Apache Drive are against the expansion. He feels this will only benefit one person at the expense of many others' peace and quiet.

Robin Ivanssek commented she does not trust the property owner and it doesn't make a difference if they are told not to do something; they do it anyway.

A motion was made by Commissioner Quave to close the public hearing. Seconded by Commissioner Mansfield. Motion carried 4-0.

Commissioner Miller commented the request is very vague.

Commissioner Quave is not in favor of the request due to noise and compatibility.

Commissioner Mansfield commented he cannot approve something without having some idea of

what the plans are.

Chairman Langford is not in favor of voting on something that he doesn't know what he is voting on.

A motion was made by Commissioner Mansfield to deny the Special Exception to allow the expansion and intensification of an existing airport facility on 157 acres and agricultural 10 zoned district. Seconded by Commissioner Miller. Motion carried 4-0


Mr. Conn made a suggestion that the motion include the reason being for the motion is that the Board finds it not to be in the public interest due to the potential for noise, neighborhood incompatibility, detrimental intrusion into surrounding areas and the uncertainty of uses that might result if this approval is to be given. This was included in the motion

**ADJOURNMENT**

There being no further business, Chairman Langford adjourned the meeting at 11:25 PM.

ATTEST:

  
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MANDY HINES  
COUNTY ADMINISTRATOR

BOARD OF COUNTY COMMISSION  
DESOLO COUNTY, FLORIDA  
  
\_\_\_\_\_  
GABRIEL QUAVE  
CHAIRMAN