

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON OCTOBER 24, 2017 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 24, 2017.

ROLL CALL

Attendee Name	Title	Status	Arrived
Juril "Buddy" Mansfield	County Commissioner, District 1	Present	
James Selph	County Commissioner, District 2	Present	
Judy Schaefer	County Commissioner, District 3	Present	
Elton Langford	Chairman, District 4	Present	
Terry Hill	County Commissioner, District 5	Present	
Mandy Hines	County Administrator	Present	
Donald Conn	County Attorney	Present	
Jill Kersey	Transcribing Secretary	Present	
Lauri Benson	Administration Office Manager	Present	
Thomas Moran	Emergency Management Director	Present	
Linda Waters	Library Director	Present	
Brian Wagner	Senior Accountant/Payroll Administrator	Present	
Eddie Miller	Utilities Director	Present	
Chad Jorgensen	Interim Public Safety Chief	Present	
Peggy Waters	Social Services Director	Present	
Latrinda Jones	Interim Human Resources Director	Present	
Henry Grimes	Environmental Services Director	Present	
Shawn Edwards	Road & Bridge Director	Present	
Earl Hahn	Development Director	Present	
Peter Danao	Interim Finance Director	Present	
Michael Giardullo	County Engineer	Present	
Jody Sullivan	Turner Center Director	Present	
Frank Emery	Facilities Director	Present	
Debra Goodson	Senior Staff Accountant	Present	

CALL TO ORDER

3:00 PM

TURN OFF OR SILENCE ALL CELL PHONES

PRAYER/PLEDGE OF ALLEGIANCE

Pastor Bill Tueng with First Presbyterian Church of Arcadia offered the invocation.

INTRODUCTION OF ELECTED OFFICIALS

Sheriff James Potter; David Williams, Property Appraiser and Karen Whaley with Representative Ben Albritton's Office.

SET/AMEND

A motion was made by Commissioner Buddy Mansfield to waive the Board's agenda policy. Seconded by Commissioner James Selph. Motion carried unanimously.

A motion was made by Commissioner Buddy Mansfield to add agenda items 7A Proclamation for Week of the Family and 8A Emergency Debris Removal Services, as well as move agenda item #13

to the 6:30pm quasi-judicial hearing. Seconded by Commissioner Judy Schaefer. Motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Juril "Buddy" Mansfield, County Commissioner, District 1
SECONDER:	Judy Schaefer, County Commissioner, District 3
AYES:	Mansfield, Selph, Schaefer, Langford, Hill

PUBLIC FORUM FOR NON-AGENDA ITEMS

None.

CONSENT AGENDA-MOTION TO APPROVE

A motion was made by Commissioner James Selph to approve the Consent Agenda. Seconded by Commissioner Buddy Mansfield. Motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Selph, County Commissioner, District 2
SECONDER:	Juril "Buddy" Mansfield, County Commissioner, District 1
AYES:	Mansfield, Selph, Schaefer, Langford, Hill

1. Accounts and Warrants Drawn Per Schedule of Bills Payable.
2. Emergency Pipe Repair to failed drainage pipe located on Kingsway Circle.
3. Approval of Agreement with Core & Main F/K/A HD Supply Waterworks, LTD for High Density Polyethylene Corrugated Water Tight Pipe.

PRESENTATIONS

4. Distinguished Citizen Award

Ms. Mandy Hines addressed the Board and read into record the Distinguished Citizen Award for Ms. Jane Powers. A motion was made by Commissioner James Selph to award Jane Powers with the Fourth Quarter Distinguished Citizen Award. Seconded by Commissioner Buddy Mansfield. Motion carried unanimously. Commissioner Terry Hill presented the award to Ms. Powers.

RESULT:	PRESENTATION GIVEN [UNANIMOUS]
MOVER:	James Selph, County Commissioner, District 2
SECONDER:	Juril "Buddy" Mansfield, County Commissioner, District 1
AYES:	Mansfield, Selph, Schaefer, Langford, Hill

5. Presentation/Fair Housing Community Development Block Grant

Peggy Waters addressed the Board and gave a brief presentation on the Fair Housing Community Development Block Grant (CDBG). Ms. Waters also discussed the laws, discrimination and ways to make a complaint.

RESULT:	PRESENTATION GIVEN
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6. Return of Premium

Eddie Hansen with the Florida League of Cities presented a Return of Premium for property in the amount of \$38,127. Chairman Langford thanked Mr. Hansen. Ms. Mandy Hines stated FACT/FMIT has been a good move for the County with a great relationship, training opportunities and service.

RESULT:	PRESENTATION GIVEN
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7. Presentation/First Annual FPLS Performance Contract update

Rob Risley with FPL gave a presentation/update on the FPLS Program implemented several years ago. Water, lighting and air conditioning replacements were made and the savings for this program are guaranteed by FPLS to occur. The benefits of the program to the County are to reduce operating costs sufficient enough to pay for the costs of the improvements. Commissioner Selph requested the results from Brewer Park. Further discussion ensued.

RESULT: PRESENTATION GIVEN

8. 7A. 2234 : Proclamation/Week of the Family

Ms. Mandy Hines addressed the Board and read the Proclamation into record. A motion was made by Commissioner Mansfield to proclaim the week of November 4-11 as DeSoto County Week of the Family. Seconded by Commissioner Judy Schaefer. Motion carried unanimously. Commissioner Judy Schaefer presented the Proclamation to Ms. Siegel who thanked the Board.

RESULT: PRESENTED

REGULAR BUSINESS

9. 8A. 2232 : Amendment #2- CrowderGulf Joint Venture, Inc.

Ms. Mandy Hines addressed the Board and requested approval of the second amendment to the Crowder Gulf Contract. There were four specific landfills pre-approved with tonage rates and this amendment provides additional final disposal site flexibility in our contract. A motion was made by Commissioner Buddy Mansfield to approve the amendment as presented. Seconded by Commissioner Judy Schaefer. Motion carried unanimously.

RESULT: APPROVED [UNANIMOUS]
MOVER: Juril "Buddy" Mansfield, County Commissioner, District 1
SECONDER: Judy Schaefer, County Commissioner, District 3
AYES: Mansfield, Selph, Schaefer, Langford, Hill

10. Resolution/Budget Amendments 2016/2017

Brian Wagner addressed the Board and presented a request to adopt a Resolution approving Budget amendments #2017-189, 2017-190 and 2017-191. A motion was made by Commissioner Buddy Mansfield. Seconded by Commissioner James Selph. Motion carried unanimously.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Juril "Buddy" Mansfield, County Commissioner, District 1
SECONDER: James Selph, County Commissioner, District 2
AYES: Mansfield, Selph, Schaefer, Langford, Hill

11. Resolution/Budget Amendments 2017/18

Brian Wagner addressed the Board and presented a request to adopt a Resolution approving Budget amendments #2018-01, 2018-02 and 2018-03 and 2018-06. A motion was made by Commissioner James Selph to adopt the Resolution as presented. Seconded by Commissioner Judy Schaefer. Motion carried unanimously.

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Selph, County Commissioner, District 2
SECONDER: Judy Schaefer, County Commissioner, District 3
AYES: Mansfield, Selph, Schaefer, Langford, Hill

12. Agreement / C & S Turner Revocable Trust.

Eddie Miller addressed the Board and presented a request to approve the Utility Service and Conveyance Agreement for C & S Turner Revocable Trust who is requesting 2 ERUs. A motion was made by Commissioner Buddy Mansfield to approve the request as presented. Seconded by Commissioner James Selph. Motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Juril "Buddy" Mansfield, County Commissioner, District 1
SECONDER:	James Selph, County Commissioner, District 2
AYES:	Mansfield, Selph, Schaefer, Langford, Hill

13. Contract-Change Order #4 / Fowler Construction- Fire Station 1

Michael Giardullo presented a request to approve Contract Change Order #4 with Fowler Construction due to unforeseen underground conditions located at Fire Station 1 construction site. A motion was made by Commissioner Buddy Mansfield to approve the request as presented. Seconded by Commissioner James Selph. Motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Juril "Buddy" Mansfield, County Commissioner, District 1
SECONDER:	James Selph, County Commissioner, District 2
AYES:	Mansfield, Selph, Schaefer, Langford, Hill

14. Grant Agreement/Florida Department of Economic Opportunity

Earl Hahn addressed the Board and presented a request for approval of an agreement with the Florida Department of Economic Opportunity to prepare an Economic Development element for the amount of \$35,000. A motion was made by Commissioner James Selph to approve the agreement as presented. Seconded by Commissioner Schaefer. Motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James Selph, County Commissioner, District 2
SECONDER:	Judy Schaefer, County Commissioner, District 3
AYES:	Mansfield, Selph, Schaefer, Langford, Hill

ADMINISTRATOR'S REPORT

Ms. Mandy Hines addressed the Board and stated she has signed off on a 2.2 million dollar purchase order for debris removal. We continue to work with Crowder Gulf for debris removal and Landfall Strategies which is our state monitor. Debris removal from non-county maintained roads are considered private by state and federal agencies which creates an eligibility problem for pick-up of that debris. Ms. Hines would like to request that DeSoto County receives authorization to pick-up those non-county maintained areas based on life, safety and health factors. Ms. Hines further requested the Board to allow the Chairman to execute this document or any other document that may arise as a result of that request. The first pass for debris removal countywide is complete and the second pass will begin tomorrow for construction debris for one week. All debris must be on the roadside by Sunday, October 29th.

Ms. Hines stated the expiration for Water and Wastewater ERUs will mature on October 25, 2017. There are one or more interested parties in making reservations against that pool and requested a 60 day extension until December 23, 2017. A motion was made by Commissioner James Selph to approve the extension. Seconded by Commissioner Buddy Mansfield. Motion carried unanimously.

COUNTY ATTORNEY'S REPORT

Mr. Don Conn reported the oral argument in PIE case was held last Tuesday. A decision may be reached possibly by the beginning of the next year.

BOARD MEMBER COMMENTS

Commissioner Buddy Mansfield stated this past weekend was the last PRCA Rodeo to be held in the old arena. Commissioner Mansfield also thanked Mandy Hines for her efforts on debris removal.

Commissioner Judy Schaefer stated the county looks good with debris removed.

Commissioner James Selph stated he appreciated the prayer today and encouraged the public to participate in the Veteran's Day events on November 13th. Commissioner Selph thanked Mandy Hines for her help with all things related to Hurricane Irma as well as staff.

Commissioner Terry Hill thanked staff for a job well done. He attended a Career Source Meeting and DeSoto County is doing extremely well for job performance. The Chamber of Commerce Banquet will be held Thursday, November 2nd.

Chairman Elton Langford commented the Cattleman's Banquet is Thursday at 7:00pm and thanked staff for everything they do. Chairman Langford urged the public to pray for people in powerful positions that affect the lives of others.

RECESS UNTIL 6:30 PM PUBLIC HEARING

PUBLIC HEARING

15. Resolution/Carson lot split of 25 acres at 2269 SW Rodgers Avenue

Earl Hahn addressed the Board and requested adoption of a Resolution splitting a 25 acre lot at 2269 SW Rodgers Ave. A motion was made by Commissioner Buddy Mansfield to adopt the Resolution as presented. Seconded by Commissioner Judy Schaefer. Motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Juril "Buddy" Mansfield, County Commissioner, District 1
SECONDER:	Judy Schaefer, County Commissioner, District 3
AYES:	Mansfield, Selph, Schaefer, Langford, Hill

16. Resolution/Vacate Alley

Earl Hahn addressed the Board and requested adoption of a Resolution vacating the remainder of an alley located between SW Highway 17 and SW Norton Avenue. A motion was made by Commissioner James Selph to adopt the Resolution as presented. Seconded by Commissioner Judy Schaefer

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Juril "Buddy" Mansfield, County Commissioner, District 1
SECONDER:	Judy Schaefer, County Commissioner, District 3
AYES:	Mansfield, Selph, Schaefer, Langford, Hill

17. Resolution/Denying Development Plan

Earl Hahn addressed the Board and requested adoption of a Resolution denying the construction of a billboard at 4758 SW Hwy 17. Staff generally processes this type of request but in this case there was a Comprehensive Plan provision that states within the Nocatee Mixed Use District, there is protection against sensory intrusion and Mr. Hahn recommended denial based on that language. Mr. Donald Conn stated that in the staff report, the applicant meets all criteria in the LDRs for the location but the zoning district does not appear to be consistent with the comprehensive plan designation in this area. Mr. Conn also stated staff is simply informing the Board of the difference. Mr. Hahn stated the billboard is not lighted but if they choose to do so in the future, the request will be brought before the

Board. Further discussion ensued. A motion was made by Commissioner James Selph to approve Daniel Cugini owner of Billboards USA, LLC DP 2017-06 for a billboard sign within the Commercial General zoning district located at 4758 S.W. Highway 17 including conditions of the lighting and the single pole. Seconded by Commissioner Buddy Mansfield. Motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Selph, County Commissioner, District 2
SECONDER:	Juril "Buddy" Mansfield, County Commissioner, District 1
AYES:	Mansfield, Selph, Schaefer, Langford, Hill

18. Ordinance/Banquet and rental halls allowed in some zoning districts

Earl Hahn addressed the Board and requested approval of first reading allowing banquet and rental halls in certain zoning districts and adding definitions dealing with agri-tourism. Mr. Hahn proposed amending the LDRs that would allow banquet halls and rental halls to be a special exception. A motion was made by Commissioner Terry Hill to approve the first reading of the Ordinance as presented. Motion died for lack of a second. Further discussion ensued. A motion was made by Commissioner James Selph to table this item. Seconded by Commissioner Judy Schaefer. Motion carried unanimously. There was no discussion of when to bring this item back to the Board.

RESULT:	TABLED [UNANIMOUS]
MOVER:	James Selph, County Commissioner, District 2
SECONDER:	Judy Schaefer, County Commissioner, District 3
AYES:	Mansfield, Selph, Schaefer, Langford, Hill

19. Ordinance/Amending LDR Section 20-900

Earl Hahn addressed the Board and requested approval of first reading on signs in commercial and industrial zoning districts. Barkman Honey, LLC is in the process of opening a new facility in Arcadia and has a trademark ground sign that is used at their other locations but conflicts with DeSoto County sign requirements. Mr. Hahn requested adoption of an Ordinance that will allow the Development Director to waive the 20 percent standard under certain circumstances. Ms. Mandy Hines stated she has worked with this company through the Economic Development process and they are a great new business to the area. Ms. Hines also stated our sign Ordinance needs to be updated on a much larger scale. A motion was made by Commissioner Buddy Mansfield to approve on first reading the Ordinance as presented and to expand the flexibility beyond 20 percent. Seconded by Commissioner James Selph. Motion carried unanimously.

RESULT:	FIRST READING [UNANIMOUS]
MOVER:	Juril "Buddy" Mansfield, County Commissioner, District 1
SECONDER:	James Selph, County Commissioner, District 2
AYES:	Mansfield, Selph, Schaefer, Langford, Hill

20. Ordinance/revising quasi-judicial hearing procedures

Mr. Don Conn addressed the Board and presented the first reading for a proposed revision of quasi-judicial hearing procedures. Mr. Conn also stated the purpose of this proposed Ordinance is to provide a greater opportunity for the public as well as organizations who want to support or oppose an application to participate in the quasi-judicial process. The Ordinance requires anyone that wishes to present evidence at a quasi-judicial hearing to identify themselves atleast 10 days prior to the hearing and make exhibits and witnesses known to the Development Department and other participants. This would not change the way members of the public are currently heard. If a member

of the public would like to speak as an expert, they will have to identify that fact 10 days prior to the hearing. A motion was made by Commissioner Buddy Mansfield to approve the first read of the Ordinance as presented. Seconded by Commissioner Judy Schaefer. Motion carried unanimously.

RESULT:	FIRST READING [UNANIMOUS]	Next: 11/28/2017 6:30 PM
MOVER:	Juril "Buddy" Mansfield, County Commissioner, District 1	
SECONDER:	Judy Schaefer, County Commissioner, District 3	
AYES:	Mansfield, Selph, Schaefer, Langford, Hill	

QUASI-JUDICIAL PUBLIC HEARING

The Oath was administered and all ex-parte communications were reported.

21. Resolution/Special Exception

Earl Hahn addressed the Board and presented a request to adopt a Resolution approving with conditions a pool hall and bar at 5990 NE Cubitis Ave. There will be no hard liquor served, only beer and wine with intermittent live music. The requested location is within the Commercial zoning district which allows this type of facility. Jeanette Behnke stated she initially looked at property inside the City limits but there were issues that prevented the purchase. Commissioner James Selph expressed his concerns regarding certified security personnel present during evening hours. Discussion ensued regarding bouncers with law enforcement background. Further discussion ensued. Lois Augustat expressed her concern of the noise and confusion filtering into RV Park.

Roberta Adams expressed her concern regarding traffic noise and parking.

Monita Clark spoke in opposition of the request.

James O'Leary spoke in favor the request.

Earl Hahn stated the closest residence is more than 300 feet from the requested building. Further discussion ensued.

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

Chairman Elton Langford expressed his feelings on the request and is unsure at this point.

Commissioner Buddy Mansfield feels the building should be used and wishes the business success.

Commissioner James Selph feels the owner has a good history for this establishment.

A motion was made by Commissioner Buddy Mansfield to adopt a Resolution with conditions. Seconded by Commissioner James Selph. Motion carried 4-1 with Commissioner Terry Hill dissenting.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Juril "Buddy" Mansfield, County Commissioner, District 1
SECONDER:	James Selph, County Commissioner, District 2
AYES:	Mansfield, Selph, Schaefer, Langford
NAYS:	Hill

22. Ordinance/Rezoning

Earl Hahn addressed the Board and requested adoption of an Ordinance to rezoning an 11.54 acre site from RSF-1 to A-10. The current owners would like to place cattle on the property.

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

A motion was made by Commissioner Buddy Mansfield to adopt the Ordinance as presented. Seconded by Commissioner Judy Schaefer. Motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Juril "Buddy" Mansfield, County Commissioner, District 1
SECONDER:	Judy Schaefer, County Commissioner, District 3
AYES:	Mansfield, Selph, Schaefer, Langford, Hill

23. Ordinance/Rezone

Earl Hahn addressed the Board and requested adoption of an Ordinance rezoning five acres from A-5 to CG. The Planning Commission recommended approval. Geri Waksler spoke on behalf of the owners.

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

A motion was made by Commissioner James Selph to adopt the Ordinance as presented. Seconded by Commissioner Judy Schaefer. Motion carried unanimously

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Selph, County Commissioner, District 2
SECONDER:	Judy Schaefer, County Commissioner, District 3
AYES:	Mansfield, Selph, Schaefer, Langford, Hill

ADJOURNMENT

There being no further business, Chairman Langford adjourned the meeting at 8:15pm.

ATTEST:

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

**MANDY HINES
COUNTY ADMINISTRATOR**

**ELTON A. LANGFORD
CHAIRMAN**