

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
HELD ON MARCH 27, 2018 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 March 27, 2018.

**ROLL CALL**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Juril "Buddy" Mansfield	County Commissioner, District 1	Present	
James Selph	Chairman, District 2	Present	
Judy Schaefer	County Commissioner, District 3	Present	
Elton Langford	County Commissioner, 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	
Linda Nipper	Budget Coordinator	Present	
Henry Grimes	Environmental Services Director	Present	
Thomas Moran	Emergency Management Director	Present	
Chad Jorgensen	Public Safety Chief	Present	
Kristie Popa	4-H Extension Agent	Present	
Cindy Talamantez	Purchasing Director	Present	
Jody Sullivan	Turner Center Director	Present	
Brian Wagner	Budget Coordinator	Present	
Jacque Daniels	Purchasing Agent II	Present	
Shawn Edwards	Road & Bridge Director	Present	
Tara Poulton	Special Projects Coordinator	Present	
Jorge Hernandez	Compliance Director	Present	
Frank Emery	Facilities Director	Present	
Latrinda Jones	Interim Human Resources Director	Present	
Eddie Miller	Utilities Director	Present	
Earl Hahn	Development Director	Present	
Peter Danao	Interim Finance Director	Present	
Michael Giardullo	County Engineer	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 offered the invocation.

**INTRODUCTION OF ELECTED OFFICIALS**

Sheriff James Potter; Kathryn Hill, Tax Collector; Karen Whaley with Representative Ben Albritton's office and Honorable Judge Danielle Brewer.

**SET/AMEND**

A motion was made by Commissioner Elton Langford to pull item #10 from the agenda. Seconded by Commissioner Buddy Mansfield. Motion carried unanimously.

A motion was made by Commissioner Buddy Mansfield to approve the amended agenda striking item #10. Seconded by Commissioner Judy Schaefer. Motion carried unanimously.

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

**PUBLIC FORUM FOR NON-AGENDA ITEMS**

Honorable Judge Danielle Brewer reported there has been the first Drug Court graduate and thanked the Commissioners for their support with this program. Judge Brewer also stated she would appreciate the Board's support for the Veterans Court initiative. Veterans are 1% of the U.S. population but are 10% of our jail population nationwide. The program is designed to identify the veterans and get them back on track and provide help they need. Further discussion ensued.

**CONSENT AGENDA-MOTION TO APPROVE**

A motion was made by Commissioner Elton Langford to adopt the consent agenda as presented. Seconded by Commissioner Terry Hill. Motion carried unanimously.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Elton Langford, County Commissioner, District 4
<b>SECONDER:</b>	Terry Hill, County Commissioner, District 5
<b>AYES:</b>	Mansfield, Selph, Schaefer, Langford, Hill

1. Accounts and Warrants Drawn Per Schedule of Bills Payable.
2. Approve Minutes of February 27, 2018 BOCC Public Meeting.
3. Approval of renewal agreement with Wade Trim Incorporated for review of phosphate mining permit applications.
4. Approval of the Contract Amendment with D&D Mechanical Services of Florida dba Myakka Heating & Cooling.
5. Approval of lease renewal with Peace River Valley Citrus Growers Association.

**PRESENTATIONS**

**6. Proclamation/Child Abuse Prevention Month**

Ms. Mandy Hines read into record the Proclamation declaring the month of April as Child Abuse Prevention Month. The Proclamation was presented by Commissioner Terry Hill to Michelle McSwain and Ella Lewis with the Child Protection Center.

A motion was made by Commissioner Elton Langford to approve the Proclamation as presented. Seconded by Commissioner Judy Schaefer. Motion carried unanimously.

<b>RESULT:</b>	<b>PRESENTED</b>
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**7. Proclamation/Water Conservation Month**

Ms. Mandy Hines read into record the Proclamation declaring the month of April as Water Conservation Month. Commissioner Elton Langford accepted the Proclamation

A motion was made by Commissioner Mansfield to approve the Proclamation as presented. Seconded by Commissioner Elton Langford. Motion carried unanimously.

<b>RESULT:</b>	<b>PRESENTED</b>
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**8. Presentation/Extension fair data**

Ms. Kristi Popa, DeSoto County 4-H Agent stated in 2018 the DeSoto County Fair welcomed youth to exhibit rabbits, poultry, goats, lambs, dairy, cattle and beef breeding stock, steers, swine and citrus trees. Ms. Popa also spoke regarding the financial impact and life skills learned through involvement in the 4-H program. Chairman James Selph thanked Ms. Popa.

**RESULT: PRESENTATION GIVEN**

**9. Retirement Recognition and Appreciation for Linda Nipper.**

Ms. Mandy Hines recognized Ms. Linda Nipper as she prepares to retire. Ms. Nipper was presented with a plaque from the Board.

**RESULT: PRESENTATION GIVEN**

**REGULAR BUSINESS**

**10. Resolution/Budget Amendment**

This item was pulled from the agenda at time of Board meeting.

**RESULT: PULLED**

**11. Disaster Assistance Local Match Waiver**

Linda Nipper presented a request for approval of an application for a waiver of Hurricane Irma local match funds. A motion was made by Commissioner Elton Langford to approve the request as presented. Seconded by Commissioner Judy Schaefer. Motion carried unanimously.

**RESULT: ADOPTED [UNANIMOUS]**  
**MOVER:** Elton Langford, County Commissioner, District 4  
**SECONDER:** Judy Schaefer, County Commissioner, District 3  
**AYES:** Mansfield, Selph, Schaefer, Langford, Hill

**12. Resolution/Park Task Force**

Tara Poulton presented a request to adopt a Resolution appointing five members to the Brownville Park Advisory Task Force. The newly created Task Force will review and make recommendations on current policies, fee schedules and operating practices. A motion was made by Commissioner Buddy Mansfield to adopt the Resolution as presented. Seconded by Commissioner Elton Langford. Motion carried unanimously.

**RESULT: ADOPTED [UNANIMOUS]**  
**MOVER:** Juril "Buddy" Mansfield, County Commissioner, District 1  
**SECONDER:** Elton Langford, County Commissioner, District 4  
**AYES:** Mansfield, Selph, Schaefer, Langford, Hill

**13. Declaration of Surplus Real Property/1985 SE Carlstrom Field Road**

Cindy Talamantez presented a request to declare the property and existing structures located at 1985 Carlstrom Field Road as surplus and authorize staff to conduct a public sale. Mandy Hines stated a previous appraisal valued the property \$600,000. Chairman James Selph feels the minimum price should be close to the appraised value. A motion was made by Commissioner Buddy Mansfield to declare the requested property as surplus and authorize staff to conduct a public sale to begin at \$600,000. 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

**14. Agreement/Tyler Technologies software services**

Jorge Hernandez presented a request to approve an agreement with Tyler Technologies, Inc. for Incode EnerGov software and related services. This software will promote the Development and Planning Departments that will allow online transactions. A motion was made by Commissioner Elton Langford to approve the agreement as presented. Seconded by Commissioner Terry Hill. Motion carried unanimously.

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Elton Langford, County Commissioner, District 4  
**SECONDER:** Terry Hill, County Commissioner, District 5  
**AYES:** Mansfield, Selph, Schaefer, Langford, Hill

**15. Bid Award-Contract/Excavation Point, Inc.**

Michael Giardullo presented a request to approve a contract with Excavation point for the Windy Pine and Magnolia Terrace project. Four bids were received with UPI being the lowest bidder. A motion was made by Commissioner Buddy Mansfield to approve the contract 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

**16. Agreement Change Order/T.Y. Lin**

Michael Giardullo presented a request to approve an Agreement change order with TY Lin for CR 661 improvements. It was found that the method of reconstructing the road would involve a reclamation of the existing base which is more cost effective. The additional money will be for testing. A motion was made by Commissioner Judy Schaefer to approve the TY Lin agreement change order as presented. Seconded by Commissioner Elton Langford. Motion carried unanimously.

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Judy Schaefer, County Commissioner, District 3  
**SECONDER:** Elton Langford, County Commissioner, District 4  
**AYES:** Mansfield, Selph, Schaefer, Langford, Hill

**17. Resolution/Minor Subdivision creating two 10-acre parcels from 45.47-acre tract off of NW Pearce Street**

Mr. Earl Hahn presented a request to adopt a Resolution approving a minor subdivision creating two 10 acre parcels. Staff recommends approval subject to conditions. A motion was made by Commissioner Elton Langford to adopt the Resolution as presented. Seconded by Commissioner Buddy Mansfield. Motion carried unanimously.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Elton Langford, County Commissioner, District 4  
**SECONDER:** Juril "Buddy" Mansfield, County Commissioner, District 1  
**AYES:** Mansfield, Selph, Schaefer, Langford, Hill

**18. Resolution/Minor Subdivision creating 3 parcels from 13.87-acre tract near CR 760-A/SW Bragdon Avenue**

Mr. Earl Hahn presented a request to adopt a Resolution approving a minor subdivision creating three parcels from a 13.87 acre tract. Staff recommended approval without conditions. A motion was made by Commissioner Judy Schaefer to adopt the Resolution as presented. Seconded by Commissioner Elton Langford. Motion carried unanimously.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Judy Schaefer, County Commissioner, District 3  
**SECONDER:** Elton Langford, County Commissioner, District 4  
**AYES:** Mansfield, Selph, Schaefer, Langford, Hill

**19. Transfer and Assumption Agreement**

Mr. Don Conn presented a request to approve the Transfer and Assumption Agreement with DeSoto Ranch, LLC which has taken over ownership of the property and project from Kings Ranch IV. All reservation fees have been currently paid by DeSoto Ranch, LLC. A motion was made by Commissioner Elton Langford to approve the agreement as presented. Seconded by Commissioner Buddy Mansfield. Motion carried unanimously.

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Elton Langford, County Commissioner, District 4  
**SECONDER:** Juril "Buddy" Mansfield, County Commissioner, District 1  
**AYES:** Mansfield, Selph, Schaefer, Langford, Hill

**20. Peace River Airboat and Sportsman Association Request**

Ms. Mandy Hines presented a request to approve the waiver of Landfill tipping fees for disposal of waste collected by the Peace River Airboat & Sportsman Association on June 2, 2018 for the purpose of the 2nd Annual Peace River Clean- up Day. This is a not for profit group which the members volunteer time and money to dispose of waste collected along the Peace River. A motion was made by Commissioner Buddy Mansfield to approve the request 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

**ADMINISTRATOR'S REPORT**

Ms. Mandy Hines stated federal law had changed the corporate income tax rate from 35% to 21% which impacted two loan agreements for the County. Each institution has agreed to maintain the current interest rate which may result in the refund of one loan that will save taxpayers \$139,078 in interest fees between now and the year 2022.

Ms. Hines congratulated Tara Poulton for receiving an out of cycle funding request for our south county district drainage study.

Ms. Hines also reported positive feedback on employee Lauri Benson and the Road & Bridge Department .

Eddie Miller was recognized as a valued employee and will be leaving after 5 years of employment with the County. Debbie Merkin, Animal Control Supervisor was recognized by Modern Woodman as a Hometown Hero and made a donation as well to Animal Control Services.

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

Mr. Don Conn reported on the Michael and Amy Snow lawsuit stating there have been developments with regards to our communications with the insurer, Florida Association of Counties Trust. Mr. Conn feels the County has good defenses against the claim of negligence and recommends a claim be made to the Board of Trustees. Mr. Conn requested that the Board authorize the Chairman to sign a letter directed to the FACT Board of Trustees asking to reverse the decision of the claims committee. A motion was made by Commissioner Elton Langford to approve the request. Seconded by Commissioner Buddy Mansfield. Motion carried unanimously.

### **BOARD MEMBER COMMENTS**

Commissioner Elton Langford wished the best of luck to Linda Nipper and Eddie Miller. He also asked that everyone pray for our country.

Commissioner Judy Schaefer wished the best of luck to Linda Nipper and Eddie Miller. She commented it is nice to hear praise for county employees and please pray for our country.

Commissioner Terry Hill thanked everyone for sympathy on the loss of his mother. He congratulated Linda Nipper on her retirement and wished Eddie Miller the best of luck on his new journey.

Commissioner Buddy Mansfield wished the best of luck to Eddie Miller and Linda Nipper. He also thanked staff for all they do.

Chairman James Selph stated he enjoyed Judge Danielle Brewer's presentation and thanked Sheriff Potter for his involvement in the program. He feels DeSoto County should have a Veterans clinic and believes federal legislators could help with achieving that goal. Commissioner Selph questioned the placement of a cornerstone on the new fire station and feels any building of significant size and cost should have one. Ms. Mandy Hines stated a cornerstone would be ordered.

Commissioner Buddy Mansfield commented on a new treatment for opioid addiction.

Commissioner Judy Schaefer commented there is a program called Good Hands located in Oneco, Florida to treat drug addiction.

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

### **QUASI-JUDICIAL PUBLIC HEARING**

Chairman James Selph called the meeting to order.

Don Conn explained the procedures of a Quasi-Judicial Hearing. There were no ex-parte communications reported.

### **21. Ordinance/First reading rezoning 448.87-acres from Agricultural 10 to Public/Institutional**

Earl Hahn presented a request to approve on first reading an Ordinance re-zoning 448.87 acres from A-10 to Public/ Institutional.

A motion was made by Commissioner Elton Langford to close the public hearing. Seconded by Commissioner Buddy Mansfield. Motion carried unanimously. A motion was made by Commissioner Elton Langford to approve first reading of the Ordinance as presented. Seconded by Commissioner Buddy Mansfield. Motion carried unanimously.

<b>RESULT:</b>	<b>FIRST READ [UNANIMOUS]</b>
<b>MOVER:</b>	Elton Langford, County Commissioner, District 4
<b>SECONDER:</b>	Juril "Buddy" Mansfield, County Commissioner, District 1
<b>AYES:</b>	Mansfield, Selph, Schaefer, Langford, Hill

**22. Ordinance/Rezoning 6.89-acres from Commercial Neighborhood to Industrial Heavy**

Earl Hahn presented a request to adopt an Ordinance rezoning 6.89 acres from Commercial Neighborhood (CN) to Industrial Heavy (IH). On January 24, 2018 Code Enforcement issued a Notice to Correct. In order to correct the violation, A+ Environmental has filed an Official Zoning Atlas amendment application with the Planning Commission unanimously recommending that the Board adopt the Ordinance.

JC Deriso, owner of A+ Environmental gave a brief background of his company and a presentation regarding the request made and why it should be approved without conditions. He requested the Fire Inspector conduct an inspection of the property to ensure access in case of an emergency.

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

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Juril "Buddy" Mansfield, County Commissioner, District 1
<b>SECONDER:</b>	Elton Langford, County Commissioner, District 4
<b>AYES:</b>	Mansfield, Selph, Schaefer, Langford, Hill

**23. Ordinance/Rezoning 4.59-acres from Commercial General (CG) to Industrial Light (IL)**

Earl Hahn presented a request to adopt an Ordinance rezoning 4.59 acres from Commercial General (CG) to Industrial Light (IL). Sun Bulb Corporation leases the property and would like to operate a Medical Marijuana Treatment Center.

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

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Elton Langford, County Commissioner, District 4
<b>SECONDER:</b>	Juril "Buddy" Mansfield, County Commissioner, District 1
<b>AYES:</b>	Mansfield, Selph, Schaefer, Langford, Hill

**PUBLIC HEARING**

**24. Ordinance/FLUM Amendment from Preservation to Commercial**

Earl Hahn presented a request to adopt an Ordinance amending the Future Land Use Map (FLUM) by changing 2.129 acres from Preservation to Commercial.

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

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Juril "Buddy" Mansfield, County Commissioner, District 1  
**SECONDER:** Terry Hill, County Commissioner, District 5  
**AYES:** Mansfield, Selph, Schaefer, Langford, Hill

**25. Ordinance/Remove 177.317-acres of annexed areas from FLUM**

Earl Hahn presented a request to adopt an Ordinance amending the Interim 2040 Future Land Use Map (FLUM) by removing 18 parcels totaling 177.317 acres that have been annexed into the City of Arcadia.

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

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Elton Langford, County Commissioner, District 4  
**SECONDER:** Judy Schaefer, County Commissioner, District 3  
**AYES:** Mansfield, Selph, Schaefer, Langford, Hill

**26. Resolution/Submittal of Comprehensive Plan amendment package LS 2017-01**

Earl Hahn presented a request to adopt a Resolution authorizing submittal of Comprehensive Plan amendment package LS 2017-01.

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

**27. Resolution/DP 2018-01 for heavy industrial use off SW Hull Ave**

Earl Hahn presented a request to adopt a Resolution approving Development Plan 2018-01 with conditions to A+ Environmental for a contractor storage yard with heavy equipment. Mr. Hahn expressed his concerns on the access way, minimum setbacks, secondary access to the property, off-street parking and compatibility. Commissioner Buddy Mansfield verified that surrounding properties are zoned Industrial Heavy which would make this request compatible. Mr. Deriso stated there have been no changes to the property except tile flooring, painting, bathroom fixtures and a water tank. Mandy Hines stated that Mr. Deriso was very willing to cooperate with the conditions set forth by the Board which was approving the development plan striking all conditions with the exception of complying with fire code and #2.

A motion was made by Commissioner Elton Langford to adopt the Resolution approving with only condition #2 and subject to inspection of the well and septic tank by the Health Department. Seconded by Commissioner Buddy Mansfield. Motion carried unanimously.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Elton Langford, County Commissioner, District 4  
**SECONDER:** Juril "Buddy" Mansfield, County Commissioner, District 1  
**AYES:** Mansfield, Selph, Schaefer, Langford, Hill

**28. Ordinance/Agri-tourism related development amendments**

Earl Hahn presented a request to adopt an Ordinance amending the Land Development pertaining to Agri-tourism.



Anna Thompson, property owner stated she plans to hold weddings on the property as a supplement to their income.

A motion was made by Commissioner Terry Hill to adopt the Ordinance as presented. Seconded by Commissioner Elton Langford. Motion carried unanimously.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Terry Hill, County Commissioner, District 5
<b>SECONDER:</b>	Elton Langford, County Commissioner, District 4
<b>AYES:</b>	Mansfield, Selph, Schaefer, Langford, Hill

**29. Second Reading of Ordinance Amending Land Development Regulations**

Don Conn presented a request to adopt an Ordinance amending Land Development Regulations. Edits requested at the first reading have been included in the revised Ordinance. The changes include revisions to regulations concerning minor subdivisions, sign standards, related definitions, development plan approval and zoning of funeral homes and refrigeration facilities. A motion was made by Commissioner Buddy Mansfield to adopt the Ordinance as presented. Seconded by Commissioner Judy Schaefer. Motion carried unanimously.

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

**ADJOURNMENT**

There being no further business, Chairman James Selph adjourned the meeting at 7:27pm

**ATTEST:**

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

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**MANDY HINES  
COUNTY ADMINISTRATOR**

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**JAMES F. SELPH  
CHAIRMAN**