

REGULAR MEETING BOARD OF COUNTY COMMISSIONERS FEBRUARY 9, 2010

The Board of County Commissioners convened in regular session on this Tuesday, February 9, 2010, at Bushnell, Sumter County, Florida with the following members present to wit: Richard Hoffman, District No. 1; Doug Gilpin, Chairman, District No. 2; Don Burgess, Vice Chairman, District No. 3; Garry Breeden, District No. 4 and Randy Mask, 2nd Vice Chairman, District No. 5. The following individuals were also present and acting in their respective official capacities: Sandra Howell, Assistant County Administrator; John Lege, Finance Director; Melissa Elliott, Deputy Clerk; and Derrill L. McAteer of The Hogan Law Firm, Attorneys for the Board. Bradley Arnold, County Administrator, was absent due to illness. The meeting was called to order at 5:00 p.m. by Chairman Gilpin, with the invocation given by 2nd Vice Chairman Mask, followed by the flag salute which was led by Vice Chairman Burgess.

1. TIMED ITEMS AND PUBLIC HEARINGS

a. 5:30 PM - Public Hearing - Zoning and Adjustment Recommendations

Chairman Gilpin called for a Public Hearing to consider the Zoning and Adjustment Board (ZAB) recommendations. Proof of Publication, as advertised, filed herewith. Chairman Gilpin advised that "If you plan to speak during any of the public hearings on the agenda that are marked with an asterisk, indicating they are quasi judicial in nature, please rise and be sworn." Those responding were sworn in by Melissa Elliott, Deputy Clerk. Chairman Gilpin reminded the audience that "only competent, substantial, fact based testimony or evidence will be considered by the Board in deciding the quasi judicial matters listed on today's agenda. Pure speculation or opinion, not based on competent facts, cannot be legally considered by the Board in weighing the appropriateness of the quasi judicial application. If you intend to speak on an item marked "quasi judicial," please keep this in mind. Finally, please state your name, address and whether or not you have been sworn when you approach the podium to speak on a quasi judicial matter."

1. SS2009-0007 - Lisa Pannell & James Lopez - Small Scale Land Use Amendment to Commercial - US 301/Wildwood

Brad Cornelius, Planning Manager, presented the following information. The applicant is requesting a small scale land use amendment on 1.98 acres MOL from Agricultural to Commercial. The Zoning and Adjustment Board held a public hearing on February 1, 2010 and recommended approval (11-0). Five notices were sent out and none were returned. There were no comments from the public.

<p>2nd Vice Chairman Mask moved, with a second by Commissioner Hoffman, to approve Case SS2009-0007, Small Scale Land Use Amendment to Commercial - US 301/Wildwood as requested by Lisa Pannell & James Lopez and the related ordinance. The motion carried unanimously 5 - 0.</p>
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020910-1-a-1

2. *R2009-0027 - Rezoning to CL (Light Commercial) - Lisa Pannell & James Lopez - US 301/Wildwood

The Chairman polled the Board Members for ex parte communications, either written or verbal, related to this case. Commissioner Hoffman - none; Commissioner Breeden - none; Vice Chairman Burgess - none; 2nd Vice Chairman Mask - none; and Chairman Gilpin - none.

Brad Cornelius, Planning Manager, presented the following information. The applicant is requesting a rezoning on 1.98 acres MOL from RR to CL (Light Commercial). The Zoning & Adjustment Board held a public hearing on February 1, 2010 and recommended approval (11-0). Five notices were sent out and none were returned. There were no comments from the public.

Vice Chairman Burgess moved, with a second by Commissioner Breeden, to approve Case R2009-0027 - Rezoning to CL (Light Commercial) as requested by Lisa Pannell & James Lopez - US 301/Wildwood and the related resolution. The motion carried unanimously 5 - 0.

020910-1-a-2

3. *R2009-0019 - Rezoning to IP (Planned Industrial) and PIE (Public/Institutional/Educational) - Sumter, LLC - SR 44/Wildwood

The Chairman polled the Board Members for ex parte communications, either written or verbal, related to this case. Commissioner Hoffman - none; Commissioner Breeden - none; Vice Chairman Burgess - none; 2nd Vice Chairman Mask - none; and Chairman Gilpin - none.

Brad Cornelius, Planning Manager, presented the following information. The applicant is requesting a rezoning on 180 acres MOL from A5 to IP (Planned Industrial) on 175 acres MOL and to PIE (Public/Institutional/Educational) on 5 acres MOL. Mr. Cornelius discussed the planned uses for the property, as well as the conditions for approval recommended by staff. The Zoning & Adjustment Board held a public hearing on February 1, 2010 and recommended approval with the conditions presented (11-0). The applicant does acknowledge the flood plain on the property. Seven notices were sent out and none were returned. There was no public input.

Commissioner Breeden moved, with a second by Vice Chairman Burgess, to approve Case R2009-0019 - Rezoning to IP (Planned Industrial) and PIE (Public/Institutional/Educational) - requested by

Sumter, LLC - SR 44/Wildwood, as presented, and the related resolution. The motion carried unanimously 5 - 0.

020910-1-a-3

b. 5:30 p.m. - Public Hearing - Adopt Local Government Development Agreement with Sumter, LLC for Sumter, LLC Industrial Park

Brad Cornelius, Planning Manager, presented the following information. Sumter, LLC applied for a rezoning IP (Planned Industrial) and PIE (Public/Educational/Institutional) on approximately 180 acres, located on SR 44 to the east of I-75. The proposed Sumter, LLC Industrial Park will contain a maximum of 1,240,800 square feet of industrial, 180,000 square feet of office and 160,000 square feet of commercial. Due to the significant scale of the project, a condition of approval of the rezoning for this project (R2009-0019) includes the execution of a Local Government Development Agreement, pursuant to Chapter 163, Florida Statutes, between the County and the Park's developer (Sumter, LLC). The Zoning and Adjustment Board held a public hearing for this matter on February 1, 2010 and recommended approval by a vote of 11-0. There were no comments from the public.

Vice Chairman Burgess moved, with a second by Commissioner Hoffman, to adopt the Local Government Development Agreement with Sumter, LLC for Sumter, LLC Industrial Park. The motion carried unanimously 5 - 0.

020910-1-b

c. 5:30 PM - Public Hearing - Population Allocation Agreement between Sumter County, City of Wildwood, and Florida Department of Community Affairs

Brad Cornelius, Planning Manager, presented the following information related to the City of Wildwood's efforts to resolve their comprehensive plan and compliance issues. The Zoning and Adjustment Board considered the agreement at their meeting on February 1, 2010 and recommended approval by a vote of 11-0 for the Board to adopt this agreement. Ms. Beverly Steele, 9060 CR 231, Wildwood, discussed concerns she had with the agreement.

Commissioner Breeden moved, with a second by Commissioner Hoffman, to approve the Population Allocation Agreement between Sumter County, City of Wildwood, and Florida Department of Community Affairs. The motion carried unanimously 5 - 0.

020910-1-c

2. REPORTS AND INPUT

a. County Administrator

Sandra Howell, Assistant County Administrator, presented the following items on behalf of Bradley Arnold, County Administrator.

1. Purchase Orders (For Information Only)

020910-2-a-1

2. Significant Schedule of Items (For Information Only)

020910-2-a-2

3. Road Project Update Report (For Information Only)

020910-2-a-3

4. Facilities Development Project Update (For Information Only)

020910-2-a-4

5. Department Surveys for January (For Information Only)

020910-2-a-5

6. January 2010 Personnel Report (For Information Only)

020910-2-a-6

7. Space Agreement with the US Census Bureau (For Information Only)

020910-2-a-7

8. Filing of Chapter 112.08 actuarial report for period ending 9/3/09 (For Information Only)

Ms. Howell advised that the date should be changed to 9/30/09.

020910-2-a-8

9. Comparison of Taxes Levied in County and Municipal Governments for Fiscal Years 2008-09 and 2009-10 (For Information Only)

020910-2-a-9

10. Governor's Budget Recommendations for Fiscal Year 2010-11 and Current Year

Budget 2009-10 (For Information Only)

020910-2-a-10

11. Sumter County Business Summit on March 11, 2010 (For Information Only)

Commissioner Hoffman voiced concerns about more than one commissioner attending as it pertains to the "Sunshine Law". Derrill McAteer, County Attorney, advised as long as the commissioners were not in the same area at the same time there should not be any issues.

020910-2-a-11

12. Letter from Ronnie Hawkins regarding participation in the Sumter County Health Plan (For Information Only)

020910-2-a-12

13. Letter from Sheriff Farmer regarding participation in the Sumter County Health Plan (For Information Only)

020910-2-a-13

14. Letter from Mrs. Krauss regarding participation in the Sumter County Health Plan (For Information Only)

020910-2-a-14

15. Florida Model Jail Standard Annual Medical Inspection Report (For Information Only)

020910-2-a-15

16. Sumter County Chamber of Commerce 2010 Annual Meeting Program and 2009 Annual Report (For Information Only)

020910-2-a-16

17. Payroll Tax Savings from BENCOR Plans (For Information Only)

020910-2-a-17

18. Actuarial Services GASB 45 (For Information Only)

020910-2-a-18

19. Sumter County Health Department Quarterly Reports (For Information Only)

020910-2-a-19

20. H1N1 Flu Shot Totals (For Information Only)

020910-2-a-20

21. Croom-A-Coochee Community Yard Sale (For Direction)

Ms. Howell explained that for many years the Croom-A-Coochee Community has used the fire station and its associated property as the base for a community yard sale and gathering. They hold these events at least twice a year. The date requested is February 13, 2010, during daylight hours. It is a well attended community event and provides the public a chance to meet their firefighters and view the new fire apparatus and equipment.

Commissioner Breeden moved, with a second by Vice Chairman Burgess, to approve the use of the Croom-A-Coochee Fire Station and Property for a Community Yard Sale. The motion carried unanimously 5 - 0.

020910-2-a-21

22. Public Works local paved roadway sites for consideration in Fiscal Year 2009-2010 (For Direction)

Ms. Howell provided the Board with a list of local paved roadway sites for consideration in Fiscal Year 2009-2010 and the Board's capacity for funding.

Commissioner Breeden moved, with a second by 2nd Vice Chairman Mask, to approve the list presented by Public Works of local paved roadway sites for consideration in Fiscal Year 2009-2010. The motion carried unanimously 5 - 0.

020910-2-a-22

23. Lake County Trails Status (For Direction)

The Board agreed to reschedule this item for consideration on February 23, 2010 as requested by Bradley Arnold, County Administrator.

020910-2-a-23

Ms. Howell informed the Board, as a matter of record, that the Stipulated Final

Judgments in connection with E12 and E13 have been received and have been filed with the Clerk's Office.

Chairman Gilpin informed the public that the Commissioners' agenda books are now received electronically to allow all Commissioners the chance to view and study issues for upcoming meetings. He expressed his satisfaction with the efficiency of the new system.

b. County Attorney

1. Attorney General's Opinion (For Information Only)

Derrill McAteer, County Attorney, discussed the process of obtaining an Attorney General Opinion in regards to stocking local lakes with fish using Tourist Development Tax Revenue.

c. Clerk of Court - No report.

d. Board Members

1. Commissioner Dick Hoffman

Commissioner Hoffman noted that he received an application for the Zoning and Adjustment Board, however it was not received in time to be included on this agenda but will be addressed on the agenda for February 23, 2010.

2. Commissioner Garry Breeden

Commissioner Breeden advised that he had spoken to several employees about issues they had with the current health plan and requested Mr. Arnold include the County Health Plan on the agenda for discussion at the workshop on February 16, 2010.

3. 2nd Vice Chairman Randy Mask - No report.

4. Vice Chairman Don Burgess - No report.

5. Chairman Doug Gilpin - No report.

e. Public Forum

There were no comments from the public.

3. NEW BUSINESS-ACTION REQUIRED

a. MINUTES

1. Minutes of Regular Meeting held on December 29, 2009 (Staff recommends approval).

Commissioner Hoffman moved, with a second by 2nd Vice Chairman Mask, to approve the Minutes of the Regular Meeting held on December 29, 2009. The motion carried unanimously 5 - 0.

2. Minutes of the Workshop meeting held on January 19, 2010 (Staff recommends approval).

Vice Chairman Burgess moved, with a second by Commissioner Breeden, to approve Minutes of Workshop meeting held on January 19, 2010. The motion carried unanimously 5 - 0.

3. Minutes of Regular Meeting held on January 26, 2010 (Staff recommends approval).

Commissioner Hoffman moved, with a second by Vice Chairman Burgess, to approve Minutes of the Regular Meeting held on January 26, 2010. The motion carried unanimously 5 - 0.

b. FUTURE PUBLIC HEARINGS OR MEETINGS

1. Schedule a Joint Workshop with the City of Coleman on February 15, 2010 at 5:00 PM to discuss Interlocal Service Boundary Agreements, located at the City Hall in Coleman (Staff recommends approval).

Vice Chairman Burgess moved, with a second by Commissioner Breeden, to approve Scheduling a Joint Workshop with the City of Coleman on February 15, 2010 at 5:00 PM to discuss Interlocal Service Boundary Agreements, located at the City Hall in Coleman. The motion carried unanimously 5 - 0.

020910-3-b-1

2. Schedule Public Hearings for Adoption of Evaluation and Appraisal Report of the Sumter County Comprehensive Plan on February 23, 2010, March 9, 2010, and March 23, 2010 at 5:30 p.m. (Staff recommends approval).

2nd Vice Chairman Mask moved, with a second by Commissioner Hoffman, to approve Scheduling Public Hearings for Adoption of the Evaluation and Appraisal Report of the Sumter County Comprehensive Plan on February 23, 2010, March 9, 2010, and March 23, 2010 at 5:30 p.m. The motion carried unanimously 5 - 0.

020910-3-b-2

c. APPOINTMENTS

1. Zoning and Adjustment Board vacancy (Board's option).

Commissioner Hoffman has a nomination to be announced at the Board meeting on February 23, 2010.

020910-3-c-1

2. Well Florida Council vacancy (Board's option).

No action was taken.

020910-3-c-2

3. Review of appointees and terms on the Tourist Development Council (Board's Option).

No action was taken.

020910-3-c-3

d. CONTRACTS AND AGREEMENTS

1. Adopt-A-Highway Litter Removal Agreement with Susan Vartanian (Staff recommends approval).

020910-3-d-1

2. Adopt-A-Highway Litter Removal Agreement with Triple Gate Ranch (Staff recommends approval).

020910-3-d-2

3. Amendment No. 2 to Stormwater Management Project Grant LP6785 for Sumter County Big Prairie Gant Lake (Staff recommends approval).

020910-3-d-3

4. Application and Credit Agreement with HD Supply (Staff recommends approval).

020910-3-d-4

5. Application and Credit Agreement with Mills and Nebraska Architectural Doors & Hardware (Staff recommends approval).

020910-3-d-5

6. Award and enter into contract with Boykin Construction, Inc. for ITB 144-0-2009/AT CR 528 East of CR 526A Road Improvement Project (Staff recommends approval).

020910-3-d-6

7. Amendment to Short Term Disability Agreement with Florida Combined Life for Claims Runoff (Staff recommends approval).

020910-3-d-7

8. Execute the Senior Community Service Employment Program Host Agency Agreement (Staff recommends approval.)

020910-3-d-8

9. Non-Profit Impact Fee Agreement for First Baptist Church of Belleview, Inc./Village of Faith Baptist Church, Inc. (Staff recommends approval).

020910-3-d-9

Commissioner Hoffman moved, with a second by Commissioner Breeden, to approve Items 1-9 under Contracts and Agreements. The motion carried unanimously 5 - 0.

e. FINANCIAL

1. Morse Boulevard Phase 1 1A and 2 Roadway Improvement Closeout (Board's option).

Ms. Howell clarified the reasons for changes in the contract. Bradley Neal, representing C.W. Roberts, also spoke about the contract.

Commissioner Breeden moved, with a second by Commissioner Hoffman, to approve final payment in the amount of \$1,045,510.32 without liquidated damages for Morse Boulevard Phase 1 1A and 2 Roadway Improvement. The motion carried unanimously 5 - 0.

020910-3-e-1

2. Purchase Order Approval (Staff recommends approval).

020910-3-e-2

3. Budget Amendment A-48 (FY 09/10) for Section 8 Housing (Staff recommends approval).

020910-3-e-3

4. Budget Amendment A-49 (FY 09/10) for Budgeted Cash Balance Forward Account Adjustments (Staff recommends approval).

020910-3-e-4

5. Budget Amendment A-50 (FY 09/10) for Library Program Donations (Staff recommends approval).

020910-3-e-5

6. Budget Amendment A-51 (FY 09/10) for the County Transportation Trust Fund (Staff recommends approval).

020910-3-e-6

7. Budget Amendment A-52 (FY 09/10) for the County Transportation Trust Fund (Staff recommends approval).

020910-3-e-7

8. Budget Amendment A-53 (FY 09/10) for the Secondary Trust Fund (Staff recommends approval).

020910-3-e-8

9. Budget Amendment A-54 (FY 09/10) for the Sumter County Road Construction District Impact Fund (Staff recommends approval).

020910-3-e-9

10. Budget Amendment A-55 (FY 09/10) for the County Transportation Trust Fund (Staff recommends approval).

020910-3-e-10

11. Inventory Transactions (Staff recommends approval).

020910-3-e-11

12. Mediated Settlement Agreement for parcel 125, related to CR 139 (Staff recommends approval).

020910-3-e-12

13. Mediated Settlement Agreement for parcel 126, related to CR 139 (Staff recommends approval).

020910-3-e-13

14. C-476B from I-75 to C-476 Future Federal "Stimulus" Funded Project - Design Work Order 17 (Staff recommends approval).

020910-3-e-14

15. C-476B Florida National Cemetery Ingress Improvement, Future Federal Funding Veterans Administration Project Design Work Order 18 (Staff recommends approval).

020910-3-e-15

16. Local Resurfacing Contract Number 1 FY 09/10, Design and Construction Inspection Work Order 19 (Staff recommends approval).

020910-3-e-16

Commissioner Breeden moved, with a second by Vice Chairman Burgess, to approve Items 8 and 14 under Financial. The motion carried 4 - 1 with Commissioner Hoffman voting nay.

2nd Vice Chairman Mask moved, with a second by Vice Chairman Burgess, to approve Items 2 through 7, 9 through 13, and Items 15 and 16 under Financial. The motion carried unanimously 5 - 0.

f. GENERAL ITEMS FOR CONSIDERATION

1. Release of Lien for Tobi See (Staff recommends approval).

020910-3-f-1

2. Traffic Pattern Change on CR 528 between SR 35 (US 301) and CR 526A during the roadway improvement project (Staff recommends approval).

Commissioner Breeden requested that the Board approve this item with the stipulation that at the end of construction they revisit maintaining the detour.

020910-3-f-2

3. Designate County owned parcel E09=002 (E09002) as surplus property and authorize sale via County's bid process (Staff recommends approval).

020910-3-f-3

4. Consider setting the Board's mileage reimbursement rate to conform to the IRS standard mileage rate annually (staff recommends approval)

020910-3-f-4

5. Approve and execute the amended and updated BENCOR Plan Documents. (Staff recommends approval.)

020910-3-f-5

6. Villages of Sumter, Unit 162, Final Plat Approval (Staff recommends approval).

020910-3-f-6

7. Villages of Sumter, Unit 164, Final Plat Approval (Staff recommends approval).

020910-3-f-7

Commissioner Breeden moved, with a second by Vice Chairman Burgess, to approve Items 1 - 7 under General Items for Consideration, including the stipulation on item 2 requested by Commissioner Breeden. The motion carried unanimously 5 - 0.

4. ADJOURN

Commissioner Hoffman moved, with a second by Vice Chairman Burgess, to adjourn the meeting at 6:07 p.m. The motion carried unanimously 5 - 0.