

DRAFT

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

MARCH 23, 2010

The Board of County Commissioners convened in regular session on this Tuesday, March 23, 2010, at Colony Cottage, The Villages, Florida, with the following members present to wit: Richard Hoffman, District No. 1; Douglas Gilpin, Chairman, District No. 2; Donald 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: Bradley Arnold, County Administrator; John Lege, Finance Director; Melissa Elliott, Deputy Clerk; and Derrill McAteer of The Hogan Law Firm, Attorneys for the Board. Chairman Gilpin called the meeting to order at 5:00 p.m. with the invocation given by Commissioner Mask followed by the flag salute led by Commissioner Breeden.

1. TIMED ITEMS AND PUBLIC HEARINGS

a. 5:00 PM - Public Hearing - Ordinance Related to Temporary Commercial and Non-Commercial Activities

Chairman Gilpin called for a public hearing to consider an Ordinance of Sumter County, Florida, clarifying and regulating the conditions for the allowance of temporary commercial and noncommercial activities, temporary uses, deleting ability for staff to arbitrarily classify a project as a major project, providing for severability, conflicts, repealing, and codification, and providing an effective date. Proof of Publication, as advertised, filed herewith.

Brad Cornelius, Planning Manager, presented the proposed ordinance. The proposed ordinance was developed in response to the following issues: (1) provide for consolidated and clear regulations for temporary commercial activities (i.e., transient merchants, street vendors, and peddlers); (2) provide for consolidated and clear regulations for special events; (3) provide for regulations to assure temporary use permits for a medical caregiver or care receiver are appropriately utilized; and (4) eliminate staff's ability to arbitrarily classify a project as "major". Generally, the proposed ordinance clarifies and codifies existing permitting procedures for temporary commercial and noncommercial activities and special events. The Zoning and Adjustment Board has recommended approval of the proposed ordinance with the following amendment: Generalize the reference to seasonal sales by Transient Vendors of Christmas trees and pumpkins to the term "Holiday Items" and "Fall Celebration Items", respectively.

There was discussion on special entertainment or religious events. A resolution was presented to exempt The Villages Development of Regional Impact from the proposed ordinance related to special entertainment or religious events.

PUBLIC - Donald Simpson, 1225 Carvello Drive, The Villages, discussed special events and necessity of Sheriff personnel for such events. He also expressed concerns regarding door-to-door vendors.

03-23-10-1-a

Vice Chairman Burgess moved, with a second by Commissioner Hoffman, to approve an Ordinance of Sumter County, Florida, clarifying and regulating the conditions for the allowance of temporary commercial and noncommercial activities, temporary uses, deleting ability for staff to arbitrarily classify a project as a major project, providing for severability, conflicts, repealing, and codification, and providing an effective date (Ord. No. 2010-04) along with a Resolution of the Board of County Commissioners of Sumter County, Florida, exempting The Villages Development of Regional Impact from the provisions of the ordinance governing special entertainment or religious events, and stating the grounds for such exemption (Res. No. 2010-13). The motion carried 4 - 1 with Commissioner Breeden voting nay.

- b. 5:00 PM - Public Hearing - Consider revision of the Utility Allowance Schedule forms used for all Section 8 Assisted Housing Units

Chairman Gilpin called for a public hearing to consider revision of the Utility Allowance Schedule forms used for all Section 8 Assisted Housing Units. Proof of Publication, as advertised filed herewith.

Bradley Arnold, County Administrator, gave a summary of the proposed revision.

Public - There was no public input.

03-23-10-1-b

Commissioner Breeden moved, with a second by 2nd Vice Chairman Mask, to approve the revision of the Utility Allowance Schedule forms used for all Section 8 Assisted Housing Units, as presented. The motion carried 4 - 1 with Chairman Gilpin voting nay.

- c. 5:00 p.m. - Public Hearing - Revised Ordinance regarding Sumter County Fire Rescue Advisory Board meeting schedule

Chairman Gilpin called for a public hearing to consider an Ordinance of Sumter County, Florida, providing for the amendment of Chapter 8, Article I of the Sumter County Code with the purpose of changing the meeting schedule for the Sumter County Fire Rescue Advisory Board, providing for severability; and providing for an effective date. Proof of Publication, as advertised, filed herewith.

Bradley Arnold gave a summary of the proposed ordinance.

Public - There was no public input.

03-23-10-1-c

Commissioner Hoffman moved, with a second by 2nd Vice Chairman Mask, to approve an Ordinance of Sumter County, Florida, providing for the amendment of Chapter 8, Article I of the Sumter County Code with the purpose of changing the meeting schedule for the Sumter County Fire Rescue Advisory Board, providing for severability; and providing for an effective date (Ord. No. 2010-05). The motion carried unanimously 5 - 0.

d. 5:30 p.m. - Public Hearing - Evaluation and Appraisal Report of the Sumter County Comprehensive Plan

Brad Cornelius, Planning Manager, requested the Board table this public hearing until April 13, 2010 at Bushnell.

03-23-10-1-d

Vice Chairman Burgess moved, with a second by Commissioner Breeden, to table the Public Hearing on Evaluation and Appraisal Report of the Sumter County Comprehensive Plan until April 13, 2010 at 5:30 p.m. in Bushnell. The motion carried unanimously 5 - 0.

e. 5:30 p.m. - Public Hearing - Zoning and Adjustment Board recommendations

Chairman Gilpin advised that "If you plan to speak during any of the public hearings listed under number 1 of the agenda which 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. *R2010-0001 - Rezoning to CH (Heavy Commercial) - Shital, Inc. - SR 44/Wildwood Documents: R2010-0001.pdf

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; Commissioner Mask - none; and Chairman Gilpin - none.

03-23-10-1-e-1

Vice Chairman Burgess moved, with a second by Commissioner

Hoffman, to table R2010-0001 - Rezoning to CH (Heavy Commercial) - Shital, Inc. until April 13, 2010 at 5:30 p.m. in Bushnell. The motion carried unanimously 5 - 0.

2. *R2010-0002 - Rezoning to RR1C (Rural Residential) - Netishen Land Holdings, LLC - NE 92nd Rd/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; Commissioner Mask - none; and Chairman Gilpin - none.

Brad Cornelius advised that the applicant is requesting a rezoning on 2 acres MOL from non-compliant A5 to RR1C (Rural Residential). There were six notices sent with three being returned in objection. The Zoning and Adjustment Board recommended approval by a vote of 11-0.

Public -There was no public input.

03-23-10-1-e-2

Commissioner Breeden moved, with a second by 2nd Vice Chairman Mask, to approve R2010-0002 - Rezoning to RR1C (Rural Residential) - Netishen Land Holdings, LLC. and the related Resolution (Res. No. 2010-11). The motion carried unanimously 5 - 0.

2. REPORTS AND INPUT

a. County Administrator

1. Presentation to Gary Kuhl

Chairman Gilpin read the plaque into the record and Mr. Arnold presented the plaque to Gary Kuhl.

Gary Kuhl addressed the Board and thanked them for his time with the County.

2. Purchase Orders (For Information Only)

03-23-10-2-a-2

3. Road Project Update Report (For Information Only)

Mr. Arnold advised that there is an issue with the contractor on CR 528 and a stop work order has been issued until it is resolved.

03-23-10-2-a-3

4. Facilities Development Project Update (For Information Only)

03-23-10-2-a-4

5. Department Surveys for February (For Information Only)

03-23-10-2-a-5

6. Payment Bond Renewal for Waste Services, Inc. (For information only)

03-23-10-2-a-6

7. Lake Sumter Landing Bridge (For Information Only)

03-23-10-2-a-7

8. Interest Earnings Lost information (For Information Only)

03-23-10-2-a-8

9. Full Cost Accounting for Solid Waste (For Information Only)

03-23-10-2-a-9

10. Letter from Florida Department of Agriculture and Consumer Services including a check in the amount of \$38,800.65 for Sumter County's share of the fiscal year 2008-2009 Withlacoochee State Forest receipts in accordance with Section 589, Florida Statutes (For Information Only)

Mr. Arnold advised that this would probably be the last year these funds would be distributed.

03-23-10-2-a-10

11. Press Release regarding Sumter County Library System closing on April 15th for renovations (For Information Only)

03-23-10-2-a-11

12. Insurance renewal for Property, Workers' Compensation and Liability (For Direction)

03-23-10-2-a-12

b. County Attorney

1. Florida Attorney General's Opinion on the use of Tourist Development Tax funds for stocking lakes with game fish (For Information Only)

Derrill McAteer gave a summary of the Attorney General Opinion. It was consensus of the Board to move forward with lake enhancements.

03-23-10-2-b

2. SECO Contract

Mr. McAteer explained minor changes to the SECO contract being considered under Agenda Item 3.d.10.

c. Clerk of Court - No report.

d. Board Members

Commissioner Hoffman

Commissioner Hoffman discussed an upcoming meeting of the Withlacoochee Regional Water Authority Board on April 21, 2010.

03-23-10-2-d-1

Commissioner Breeden

Commissioner Breeden discussed the comprehensive change regarding mining in Sumter County. After additional discussion by the Board, the consensus was to have Mr. Arnold research avenues for gathering information and report back at the next meeting.

Vice Chairman Burgess - No report.

2nd Vice Chairman Mask - No report.

Chairman Gilpin - No report.

e. Public Forum

Len Hathaway, 1568 Hartsville Trail, The Villages, approached the Board regarding a scam of Village residents by lightning protection system installers.

Ron Durham, 2065 Hartford Path, The Villages, discussed the digesters at Solid Waste and the downturn in production at the mines in Sumter County.

3. NEW BUSINESS-ACTION REQUIRED

a. MINUTES

1. Minutes of Joint Workshop with City of Coleman held on February 15, 2010 (Staff recommends approval).

Commissioner Hoffman moved, with a second by Vice Chairman Burgess, to approve Minutes of Joint Workshop with City of Coleman held on February 15, 2010. The motion carried unanimously 5 - 0.

2. Minutes of Workshop held on February 16, 2010 (Staff recommends approval).

Commissioner Breeden moved, with a second by 2nd Vice Chairman Mask, to approve Minutes of Workshop held on February 16, 2010. The motion carried unanimously 5 - 0.

3. Minutes of Regular Meeting held on February 23, 2010 (Staff recommends approval).

Vice Chairman Burgess moved, with a second by 2nd Vice Chairman Mask, to approve Minutes of Regular Meeting held on February 23, 2010. The motion carried unanimously 5 - 0.

4. Minutes of Regular Meeting held on March 9, 2010 (Staff recommends approval).

2nd Vice Chairman Mask moved, with a second by Commissioner Hoffman, to approve Minutes of Regular Meeting held on March 9, 2010 (Staff recommends approval). The motion carried unanimously 5 - 0.

b. FUTURE PUBLIC HEARINGS OR MEETINGS

1. Schedule a Public Hearing to rename CR 139 (from C-44A to C-466A) to Powell Road on April 27, 2010 at 5:00 PM, located at Colony Cottage Recreation Center, The Villages, FL 32162 (Board's Option).

03-23-10-3-b-1

Commissioner Breeden moved, with a second by 2nd Vice Chairman Mask, to approve to schedule a Public Hearing to rename CR 139 (from C-44A to C-466A) to Powell Road on April 27, 2010 at 5:00 PM, located at Colony Cottage Recreation Center, The Villages, FL 32162. The motion carried unanimously 5 - 0.

2. Schedule Public Hearing for C-470 Preliminary Design and Environmental Study Corridor Analysis between I-75 and the Lake County Line on May 11, 2010 at 5:00 PM, located at the Sumter County Government Offices, 910 North Main Street, Bushnell, FL 33513 (Staff recommends approval).

03-23-10-3-b-2

Vice Chairman Burgess moved, with a second by 2nd Vice Chairman Mask, to approve to schedule Public Hearing for C-470 Preliminary Design and Environmental Study corridor analysis between I-75 to the Lake County Line on May 11, 2010 at 5:00 PM, located at the Sumter County Government Offices, 910 North Main Street, Bushnell, FL 33513. The motion carried unanimously 5 - 0.

3. Schedule Public Hearing for Main Street (between Center Street (SW 43 Terrace) and Whitehead Street) Road Closing on April 27, 2010, at 5:00 PM, located at Colony Cottage Recreation Center, 510 Colony Boulevard, The Villages, FL 32162 (Staff Recommends Approval).

2nd Vice Chairman Mask moved, with a second by Commissioner Breeden, to approve to schedule Public Hearing for Main Street (between Center Street (SW 43 Terrace) and Whitehead Street) Road Closing on April 27, 2010, at 5:00 PM, located at Colony Cottage Recreation Center, 510 Colony Boulevard, The Villages, FL 32162. The motion carried unanimously 5 - 0.

03-23-10-3-b-3

c. APPOINTMENTS

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

No action taken.

03-23-10-3-c-1

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

No action taken.

03-23-10-3-c-2

d. CONTRACTS AND AGREEMENTS

1. Escrow Agreement with Abshier Construction (Staff recommends approval).

03-23-10-3-d-1

2. FY2009/2010 Contract for the Agency for Health Care Administration Match for Langley Medical Center (Staff recommends approval).

03-23-10-3-d-2

3. Award and enter into contract negotiations with Architecture Studio, Inc. for RFQ 145-0-2010/AT Architectural / Engineering Design Services for Sumter County Renovation of the Sumter County 1988 Main Jail (Staff recommends approval).

03-23-10-3-d-3

03-23-10-3-d-3-a

03-23-10-3-d-3-b

03-23-10-3-d-3-c

4. General IT Support Services Agreement with The Villages Technology Solutions Group (Staff recommends approval).

03-23-10-3-d-4

5. Award and enter into contract with Powerscreen of Florida, Inc. for ITB 147-0-2010/AT Trommel Screen Rental for Solid Waste (Staff recommends approval).

03-23-10-3-d-5

6. Extension of Kessler Consulting, Inc. agreement for FORCE activities only (Staff recommends approval).

03-23-10-3-d-6

7. Vital Care Systems Support Agreement with Stancil Solutions for annual maintenance and support for the Sumter County 9-1-1 System (Staff recommends approval).

03-23-10-3-d-7

8. Amendment to Lease Purchase Agreement with City of Webster (Staff recommends approval).

03-23-10-3-d-8

9. Utility Maintenance and Access Easement Agreement with the City of Center Hill (Staff recommends approval).

03-23-10-3-d-9

10. Sumter Electric Cooperative, Inc (SECO) Agreement for The Villages Sumter County Service Center (Staff recommends approval).

2nd Vice Chairman Mask abstained from voting on this item as he is an employee of SECO.

Commissioner Breeden moved, with a second by Commissioner Hoffman, to approve Sumter Electric Cooperative, Inc (SECO) Agreement for The Villages Sumter County Service Center with changes recommended by Derrill McAteer. The motion carried unanimously 4 - 0.

03-23-10-3-d-10

11. Agreement with The Colinas Group for groundwater testing and landfill gas migration reports for the closed landfill at Solid Waste (Staff recommends approval).

03-23-10-3-d-11

12. Janitorial Contract Renewal with ABC Clean All (Staff recommends approval).

03-23-10-3-d-12

13. Change Order #1 with Greg Construction, for the Security Vestibule project (Staff recommends approval).

03-23-10-3-d-13

Vice Chairman Burgess moved, with a second by Commissioner Breeden, to approve Agenda Items 1 through 9 and 11 through 13 under Contracts and Agreements. The motion carried unanimously 5 - 0.

e. FINANCIAL

1. Budget Amendment A-65 (FY 09/10) Sumter County Road Construction Impact Fund (Staff recommends approval).

03-23-10-3-e-1

2. Stipulated Final Judgment for expert fees and costs concerning parcels 100 and 101, related to C-466 A (Staff recommends approval).

03-23-10-3-e-2

3. Stipulated Final Judgment for expert fees and costs concerning parcel 110, related to CR 139 (Staff recommends approval).

03-23-10-3-e-3

4. Stipulated Final Judgment for expert fees and costs concerning parcel 113, related to CR 139 (Staff recommends approval).

03-23-10-3-e-4

5. Stipulated Final Judgment for expert fees and costs concerning parcel 123, related to CR 139 (Staff recommends approval).

03-23-10-3-e-5

6. Stipulated Final Judgment for expert fees and costs concerning parcel 125, related to CR 139 (Staff recommends approval).

03-23-10-3-e-6

7. Stipulated Final Judgment regarding the supplemental attorneys fees and costs for parcel 126, related to CR 139 (Staff recommends approval).

03-23-10-3-e-7

8. State Mosquito Control Budget Amendment #2 for Fiscal Year 2009/2010 (Staff recommends approval).

03-23-10-3-e-8

9. Credit Account Application with Wingfoot Commercial Tire Systems for the Sumter County Public Works Division (Staff recommends approval).

03-23-10-3-e-9

10. Change Order Number 2 with Emmett Sapp Builder, due to owner direct purchasing for the Villages Sumter County Service Center Project (Staff recommends approval).

03-23-10-3-e-10

11. Purchase Order Approval (Staff recommends approval).

03-23-10-3-e-11

12. Revisions to the Sumter County Health Department Contract Funding (Staff recommends approval).

03-23-10-3-e-12

2nd Vice Chairman Mask moved, with a second by Commissioner Hoffman, to approve Agenda Items 1 through 12 under Financial. The motion carried unanimously 5 - 0.

f. GENERAL ITEMS FOR CONSIDERATION

1. County Road Naming Policy (Board's Option). **CLERK'S NOTE:** This item was tabled until the April workshop.

03-23-10-3-f-1

2. Request from City of Bushnell for County assistance with the Bushnell Fall Festival (Staff recommends option 1-Assist with man power, trucks, barricades, road closures, and detour signs. Estimated cost \$3,188.00).

03-23-10-3-f-2

3. Letter of Engagement with Davis Monk & Company for auditing services (Staff recommends approval).

03-23-10-3-f-3

4. Villages of Sumter - Biscayne Villas - Final Plat Approval (Staff recommends approval).

03-23-10-3-f-4

5. Villages of Sumter - Southwood Villas - Final Plat Approval (Staff recommends approval).

03-23-10-3-f-5

6. Inventory Transactions (Staff recommends approval).

03-23-10-3-f-6

7. Award and enter into contract negotiations with Milliman for RFP 150-0-2010/AT Sumter County Actuarial Services (Staff recommends approval).

03-23-10-3-f-7

8. State Housing Initiatives Partnership (SHIP) Program Approval and Execution of Satisfaction of Mortgage (Staff recommends approval).

03-23-10-3-f-8

9. The Villages Community Development Districts' Recreation Department 5K Race (Staff recommends approval).

03-23-10-3-f-9

10. Amendment of Public Service Polices relating to Patron Registration (Staff Recommends Approval).

03-23-10-3-f-10

11. Time extension for removal of surplus bid items and request for sale on one un-bid item (Staff recommends approval).

FDS Disposal is requesting a 60-day extension to remove CC-176-LF, the Recyclable Material Recovery System, and a 120-day extension to remove CC-182-LF, Digester #2. FDS is also requesting to purchase CC-166-LF, Digester #1, in the amount of \$3,000. This would be removed at the same time as Digester #2.

03-23-10-3-f-11

12. Request for sale for two un-bid surplus items (Staff recommends approval).

Graham Trucking Lines, Inc. has requested to purchase CC-50-R/3, a 1995 Mack truck, in the amount of \$2,500 and CC-158-SUR, a 1994 truck, in the amount of \$2,000.

03-23-10-3-f-12

13. Revision to the Employee Manual to incorporate the exceptions to the policy for Fire Rescue Shift employees (Staff recommends approval).

03-23-10-3-f-13

14. Weight restrictions on CR 209 (Res. No. 2010-12) (Staff recommends approval).

03-23-10-3-f-14

15. Variance to the Sumter County Purchasing Policy for duration of advertising due to a Community Development Block Grant Opportunity (Staff recommends

approval).

03-23-10-3-f-15

Commissioner Breeden moved, with a second by Vice Chairman Burgess, to approve Agenda Items 2 through 15 under General Items for Consideration. The motion carried unanimously 5 - 0.

4. *ADJOURN*

Commissioner Breeden moved, with a second by 2nd Vice Chairman Mask, to adjourn at 6:40 PM. The motion carried unanimously 5 - 0.