

DRAFT

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

APRIL 13, 2010

The Board of County Commissioners convened in regular session this Tuesday, April 13, 2010, at the Government Annex located in Bushnell, 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 (arrived at 5:07 p.m.). 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; Connie Webb, 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 Hoffman followed by the flag salute led by Commissioner Breeden.

1. TIMED ITEMS AND PUBLIC HEARINGS

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

Chairman Gilpin called for a public hearing to review the Evaluation and Appraisal Report of the Sumter County Comprehensive Plan. Proof of Publication, as advertised, filed herewith. This hearing is to review the topic of changes in land area of the County (i.e. annexation activity of the cities) and any changes needed to the County's Comprehensive Plan to address this topic. The final public hearing will be on April 27, 2010.

Brad Cornelius, Planning Manager, gave a short summary of the proposed changes in the land area of the County.

Public - There was no public input.

04-13-10-1-a

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

Chairman Gilpin called for a public hearing to consider Zoning and Adjustment Board recommendations. Proof of Publication, as advertised, filed herewith.

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

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.

The applicant is requesting to rezone 4 acres MOL from C2 to CH (Commercial Heavy). The Zoning and Adjustment Board recommended approval by a vote of 11-0.

Public - There was no public input.

04-13-10-1-b-1

Vice Chairman Burgess moved, with a second by 2nd Vice Chairman Mask, to approve Case No. R2010-0001 - Rezoning to CH (Heavy Commercial) - Shital, Inc. - SR 44/Wildwood and the related resolution (2010-14). The motion carried unanimously 5 - 0.

2. *R2010-0003 - Rezoning to CL (Light Commercial) - Vipul Patel - SR 44 & C-470/Lake Panasoffkee.

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.

The applicant is requesting to rezone 4.26 acres MOL from C1 to CL (Light Commercial). The Zoning and Adjustment Board recommended approval by a vote of 11-0.

Public - There was no public input.

04-13-10-1-b-2

Commissioner Breeden moved, with a second by Commissioner Hoffman, to approve Case No. R2010-0003 - Rezoning to CL (Light Commercial) - Vipul Patel - SR 44 & C-470/Lake Panasoffkee and the related resolution (2010-15). The motion carried unanimously 5 - 0.

* Quasi Judicial Hearing

2. REPORTS AND INPUT

a. County Administrator

1. Purchase Orders (For Information Only)

04-13-10-2-a-1

2. Significant Schedule of Items (For Information Only)

04-13-10-2-a-2

3. Road Project Update Report (For Information Only)

04-13-10-2-a-3

4. Facilities Development Project Update (For Information Only)

04-13-10-2-a-4

5. Independent Auditors Report on Recycling Center Closure and Long Term Maintenance Escrow Account Activity for Solid Waste FY 08/09 (For Information Only)

04-13-10-2-a-5

6. Hold Harmless Agreement with Joe Ciceri (For Information Only)

04-13-10-2-a-6

7. Hold Harmless Agreement with Albert Wooten's Well & Septic (For Information Only)

04-13-10-2-a-7

8. March 2010 Personnel Report (For Information Only)

04-13-10-2-a-8

9. Resignation letter from Dr. Girija Padmanabh, Director of Sumter County Health Department (For Information Only)

Mr. Arnold advised that Dr. Padmanabh will be leaving on June 30, 2010. Mr. Arnold related that a physician would be better for this position rather than an administrator.

04-13-10-2-a-9

10. CR 528/526A Schedule (For Information Only)

04-13-10-2-a-10

11. Letter to Industrial Development Authority regarding Meeting and Agenda Items (For Information Only)

04-13-10-2-a-11

12. Florida Department of Transportation Local Agency Program Supplemental Agreement for C-476 E (For Information Only)

04-13-10-2-a-12

13. Florida Department of Transportation Local Agency Program Supplemental Agreement for C-470 (For Information Only)

04-13-10-2-a-13

14. Addition to Animal Control Services Policies and Procedures Titled Animal Inventory Management (For Information Only)

04-13-10-2-a-14

15. Notice of Intent to Sell/Lease Surplus State Land, parcel N17D808 (For Direction)

04-13-10-2-a-15

The consensus was not to move forward regarding this surplus land.

16. City of Wildwood dispatch cost (For Direction)

After discussion, the consensus was to move forward with direction for exchange for additional consolidation of services.

04-13-10-2-a-16

b. County Attorney - No report.

1. Mediated Settlement Agreement for Turkey Run 2, Parcel 112

04-13-10-2-b-1

c. Clerk of Court - No report.

d. Board Members

1. Commissioner Hoffman

Commissioner Hoffman invited the Board members to the WRWA workshop scheduled for April 21, 2010 at 1:00 p.m. in Ocala. He provided a handout of the agenda.

~~03-23-10-2-d-1~~

2. Commissioner Breeden - No report.

3. Vice Chairman Burgess

Vice Chairman Burgess advised that he had attended the Medical Director's Advisory Committee meeting and the proposed budget is basically the same as last year's.

4. 2nd Vice Chairman Mask

2nd Vice Chairman Mask discussed the preservation of large oak trees in future road projects.

5. Chairman Gilpin

Chairman Gilpin recommended that discussions on the Land Development Code issues involving mining be shelved and the Board will move on to the upcoming budget process. The Board Members agreed with Chairman Gilpin's recommendation.

e. Public Forum

Venus Bemls Mikolajek, 2547 CR 722, Webster, addressed the Board regarding an incident involving one of the County's Animal Control officers. She provided a handout for the Board.

~~04-13-10-2-e~~

Brad Shepard, 8191 E CR 476, Bushnell, thanked the Board for the trap and skeet facility.

Donna Lester, CR 673, Webster, discussed concerns with her home which is in the area of the St. Catherine mine.

John Strange, 9375 CR 614A , Webster, discussed concerns with the mines.

3. NEW BUSINESS-ACTION REQUIRED

a. *MINUTES*

1. Minutes of Workshop held on March 16, 2010 (Staff recommends approval).

Commissioner Breeden moved, with a second by Vice Chairman Burgess, to approve minutes of Workshop held on March 16, 2010. The motion carried unanimously 5 - 0.

2. Minutes of Regular Meeting held on March 23, 2010 (Staff recommends approval).

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

b. *FUTURE PUBLIC HEARINGS OR MEETINGS*

1. Request to cancel Board of County Commissioners April 20, 2010 Workshop (Staff recommends approval).

04-13-10-3-b-1

Commissioner Breeden moved, with a second by Commissioner Hoffman, to approve request to cancel Board of County Commissioners April 20, 2010 Workshop. The motion carried unanimously 5 - 0.

2. Schedule Public Hearing for Road and Fire Impact Fee Protest, Mr. Peter Baker, Lot 291 Florida Grande Motor Coach Resort on April 27, 2010 at 5:00 p.m., located at the Colony Cottage Recreation Center, Parlor Room, 510 Colony Boulevard, The Villages, FL 32162 (Staff recommends approval).

Mr. Arnold clarified that the hearing is a regular hearing and not a public hearing.

04-13-10-3-b-2

Vice Chairman Burgess moved, with a second by Commissioner Breeden, to approve to schedule a Hearing for Road and Fire Impact Fee Protest, Mr. Peter Baker, Lot 291 Florida Grande Motor Coach Resort on April 27, 2010 at 5:00 p.m., located at the Colony Cottage Recreation Center, Parlor Room, 510 Colony Boulevard, The Villages, FL 32162. The motion carried unanimously 5 - 0.

3. Schedule Public Hearing for Ordinance to Amend Boundary of Village Community Development District No. 8 on April 27, 2010 at 5:00 p.m., located at Colony Cottage Recreation Center, Parlor Room, 510 Colony Boulevard, The Villages, FL 32162

(Staff recommends approval).

04-13-10-3-b-3

2nd Vice Chairman Mask moved, with a second by Commissioner Hoffman, to approve to schedule a Public Hearing for Ordinance to Amend Boundary of Village Community Development District No. 8 on April 27, 2010 at 5:00 p.m., located at Colony Cottage Recreation Center, Parlor Room, 510 Colony Boulevard, The Villages, FL 32162. The motion carried unanimously 5 - 0.

c. APPOINTMENTS

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

There was no action taken.

04-13-10-3-c-1

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

04-13-10-3-c-2

Commissioner Breeden moved, with a second by Commissioner Hoffman, to approve the appointment of Deborah Brazill to serve on the Well Florida Council. The motion carried unanimously 5 - 0.

d. CONTRACTS AND AGREEMENTS

1. Escrow agreement with Sky Tec Home Services, LLC (Staff recommends approval).

04-13-10-3-d-1

2. Escrow agreement with Holland Pools (Staff recommends approval).

04-13-10-3-d-2

3. Contract with Milliman, Inc. for Actuarial Services (Staff recommends approval).
Initiate 60-day termination notice of Letter of Engagement with Gabriel, Roeder, Smith & Company (Staff recommends approval)

04-13-10-3-d-3

04-13-10-3-d-3-a

4. Housing and Urban Development (HUD) Section 8 Voucher Program contracts (Staff recommends approval).

04-13-10-3-d-4

5. American Recovery and Reinvestment Act (ARRA) C-476B from I-75 to C-476 Roadway Improvement Project (Staff recommends approval).

04-13-10-3-d-5

6. C-468E from SR 35 (US 301) to East Side of the Bridge over the Florida Turnpike Preliminary Development and Environment (PD&E) Study Proposal from Volkert and Associates, Incorporated (Staff recommends approval).

04-13-10-3-d-6

7. Interlocal Governmental Agreement between The Village Center Community Development District and Sumter County Board of County Commissioners for Independent Geotechnical Engineering Services (Staff recommends approval).

04-13-10-3-d-7

8. Request from Croft Contracting for a time extension related to the C-470N Sidewalk Contract (Staff recommends approval).

04-13-10-3-d-8

9. Assignment and Amendment of Consulting Agreement with de la Parte & Gilbert, P.A. with acceptance and consent of referenced experts and projects (Staff recommends approval).

04-13-10-3-d-9

04-13-10-3-d-9-1

04-13-10-3-d-9-2

04-13-10-3-d-9-3

04-13-10-3-d-9-4

04-13-10-3-d-9-5

04-13-10-3-d-9-6

04-13-10-3-d-9-7

04-13-10-3-d-9-8

04-13-10-3-d-9-9

10. Award and enter into contract with C.W. Roberts Contracting, Inc. for ITB 149-0-2010/AT Resurfacing of C-476E - US 301/35 to SR 471 (Staff recommends approval).

The following seven bids were received: (1) C.W. Roberts Contracting, Inc., \$860,380.00; (2) D.A.B. Constructors, Inc., \$942,222.22; (3) Lane Construction, \$1,064,659.08; (4) Ranger Construction, Inc., \$1,172,503.10; (5) Professional Dirt Services, \$1,223,971.50; (6) Russell Engineering, Inc., \$1,225,232.61; and (7) Middlesex Corporation, \$1,234,429.50.

04-13-10-3-d-10

11. Award and enter into contract with C.W. Roberts Contracting, Inc. for ITB 148-0-2010/AT C-470 Resurfacing Lake Panasoffkee Outfall Canal to SR 44 (Staff recommends approval).

The following six bids were received: (1) C.W. Roberts Contracting, Inc., \$1,131,760.00; (2) D.A.B. Constructors, Inc., \$1,188,888.88; (3) Pave Rite Incorporated, \$1,312,000.00; (4) Middlesex Corporation, \$1,509,50.25; (5) Russell Engineering Incorporated, \$1,562,932.90; and (6) Professional Dirt Services, Inc., \$1,580,200.75.

04-13-10-3-d-11

12. Panacoochee Retreats Subdivision Drainage Improvement Proposal from Springstead Engineering, Incorporated (Staff recommends approval).

04-13-10-3-d-12

13. ASI Contract Extension Addendum for Architectural Engineer On-Call Architect (Staff recommends approval).

The contract extension is with Architecture Studio, Inc.

04-13-10-3-d-13

14. Contract with Architecture Studio, Inc. for RFQ 145-0-2010/AT for Architectural Services at the 1988 Jail Renovation (Staff recommends approval).

04-13-10-3-d-14

15. Amendment No. 1 with K.P. Studio Architect, P.A. regarding the Villages Sumter County Service Center project (Staff recommends approval).

04-13-10-3-d-15

16. Amend contract with Pet Angel Memorial Center to extend animal cremation services for one year (Staff recommends approval).

04-13-10-3-d-16

Commissioner Breeden moved, with a second by Vice Chairman Burgess, to approve Items 5, 8, 10 and 11 under Contracts and Agreements. The motion carried 4 - 1 with Commissioner Hoffman voting nay.

Commissioner Hoffman advised that he is not opposed to the contractors being recommended, he is opposed to the use of federal tax dollars for these projects.

Vice Chairman Burgess moved, with a second by 2nd Vice Chairman Mask, to approve Items 1 through 4, 6, 7, 9, and 12 through 16 with changes noted earlier under Contracts and Agreements. The motion carried unanimously 5 - 0.

e. *FINANCIAL*

1. Purchase Order Approval (Staff recommends approval).

04-13-10-3-e-1

2. Nortrax, Inc. Credit Account Application (Staff recommends approval).

04-13-10-3-e-2

3. Tom Barrow Co., Inc. Credit Application (Staff recommends approval).

04-13-10-3-e-3

4. Florida Air Conditioning Distributors Credit Application (Staff recommends approval).

04-13-10-3-e-4

5. Credit Application with AAON, Inc. (Staff recommends approval).

04-13-10-3-e-5

6. Budget Amendment A-66 (FY 09/10) Sumter County Road Construction Impact

Fund (Staff recommends approval).

04-13-10-3-e-6

7. Budget Amendment A-67 (FY 09-10) for Solid Waste (Staff recommends approval).

04-13-10-3-e-7

8. Budget Amendment A-68 (FY 09-10) for EMS County Grant (Staff recommends approval).

04-13-10-3-e-8

9. Budget Amendment A-69 (FY 09/10) County Agent (Staff recommends approval).

04-13-10-3-e-9

<p>Vice Chairman Burgess moved, with a second by Commissioner Breeden, to approve Items 1 through 9 under Financial. The motion carried unanimously 5 - 0.</p>

f. GENERAL ITEMS FOR CONSIDERATION

1. Inventory Transactions (Staff recommends approval).

04-13-10-3-f-1

2. Revised job description for Information Technology Systems Coordinator and Senior Programmer Analyst Coordinator (Staff recommends approval).

04-13-10-3-f-2

3. Revised job descriptions for Animal Control Services and elimination of Kennel Technician position (Staff recommends approval).

04-13-10-3-f-3

4. State Housing Initiatives Partnership (SHIP) program emergency repair and replacement lowest bids (Staff recommends approval).

04-13-10-3-f-4

5. Revisions to the Employee Manual to incorporate the changes to the Family and Medical Leave Act (FMLA) and to conform to the Fair Labor Standards Act (FLSA)

regulations and to maintain consistency in leave time (Staff recommends approval).

04-13-10-3-f-5

6. County Road Naming Policy (Staff recommends approval).

04-13-10-3-f-6

Commissioner Hoffman moved, with a second by 2nd Vice Chairman Mask, to approve Items 1 through 6 under General Items for Consideration. The motion carried unanimously 5 - 0.

4. ADJOURN

Commissioner Breeden moved, with a second by Vice Chairman Burgess, to adjourn at 5:52 p.m. The motion carried unanimously 5 - 0.