

**DRAFT**

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

APRIL 27, 2010

The Board of County Commissioners convened in regular session on this Tuesday, April 27, 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 Breedon, 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; 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 2nd Vice Chairman Mask followed by the flag salute led by Chairman Gilpin.

### **1. TIMED ITEMS AND PUBLIC HEARINGS**

a. 5:00 PM - Public Hearing - Rename CR 139 (from C-44A to C-466A) to Powell Road

Chairman Gilpin called for a public hearing to consider renaming that portion of County Road 139 between County Road 44A and County Road 466A to "Powell Road." Proof of publication as advertised, filed herewith.

Bradley Arnold, County Administrator, gave a summary of the request for the renaming of the road.

#### **PUBLIC**

Robert Smith, Wildwood City Manager, 100 North Main Street, Wildwood, spoke on behalf of the Wildwood City Commission. He provided a letter from the Wildwood Commission, which was read into the record, objecting to renaming the road Powell Road and expressing their desire to look at the history of the road and consider renaming it CR139/Pony Farm Road.

Mary Caruthers, 4725 CR 141, Wildwood; Randall Thornton, Lake Panasoffkee; Mayor Ed Wolf, City of Wildwood; and Jim Watson, 7228 CR 139 all spoke in favor of looking at the history of the road and renaming it CR 139/Pony Farm Road. Bill Ringwood, 2596/ Dudley Terrace, The Villages, suggested naming the road Powell/CR139/Pony Farm Road.

After Board discussion, a motion was made.

04-27-10-1-a

**Vice Chairman Burgess moved, with a second by 2nd Vice Chairman Mask, to approve the renaming of CR 139 (from C-44A to C-466A) to Powell Road. The motion carried 3 - 2 with Commissioner Hoffman, and**

**Commissioner Breeden voting nay.**

**Vice Chairman Burgess moved, with a second by 2nd Vice Chairman Mask, to approve the adoption of a resolution (2010-22) renaming CR 139 (from C-44A to C-466A) to Powell Road. The motion carried 4 - 1 with Commissioner Hoffman voting nay.**

- b. 5:00 PM - Public Hearing - Road and Fire Impact Fee Protest from Mr. Peter Baker, Lot 291 Florida Grande Motor Coach Resort (Staff recommends Option 1, uphold the imposition of the road impact fee \$346.56 and fire impact fee \$397.14)

Chairman Gilpin called for a hearing for a protest of road and fire impact fees by Peter Baker, Lot 291, Florida Grande Motor Coach Resort.

Bradley Arnold advised that this is a hearing between Peter Baker and the Board of County Commissioners and not a public hearing. Mr. Arnold advised that Mr. Baker had indicated he would not be present at the hearing but had requested that the hearing move forward. Mr. Baker is protesting the payment of Road and Fire Impact Fees at the Florida Grande Motor Coach Resort. Mr. Arnold presented a short history on the road and fire impact fees. Derrill McAteer, County Attorney, discussed the case law provided by Mr. Baker.

04-27-10-1-b

**Commissioner Breeden moved, with a second by 2nd Vice Chairman Mask, to approve staff's recommendation and uphold the imposition of the road impact fee \$346.56 and fire impact fee \$397.14. The motion carried unanimously 5 - 0.**

- c. 5:00 P.M. Public Hearing for Main Street (between Center Street (SW 43 Terrace) and Whitehead Street) Road Closing

Chairman Gilpin called for a public hearing to consider a resolution of the Board of County Commissioners of Sumter County, Florida, closing and vacating road right-of-way or easement upon the petition of the Linden Cemetery Association, Inc. Proof of Publication, as advertised, filed herewith.

Bradley Arnold gave a summary of the petition for the road closing.

PUBLIC - Randall Thornton, Lake Panasoffkee, spoke on behalf of the petitioner, the Linden Cemetery Association.

04-27-10-1-c

**Commissioner Breeden moved, with a second by Commissioner**

**Hoffman, to approve the petition for road closing of Main Street (between Center Street (SW 43 Terrace) and Whitehead Street) and the related resolution (2010-20). The motion carried unanimously 5 - 0.**

*d. 5:00 PM - Public Hearing - Ordinance to Amend Boundary of Village Community Development District No. 8*

Chairman Gilpin called for a public hearing to consider an ordinance of the Board of County Commissioners of Sumter County, Florida, amending Ordinance 04-36 to amend the boundary of the Village Community Development District No. 8; providing for severability; and providing for an effective date. Proof of Publication, as advertised, filed herewith.

PUBLIC - There was no public input.

Brad Cornelius, Planning Manager, gave a summary of the proposed ordinance amending the boundary of the Village Community Development District No. 8. This request is to enlarge the boundary by 28.5 acres. Staff recommends approval.

04-27-10-1-d

**Vice Chairman Burgess moved, with a second by Commissioner Hoffman, to approve the adoption of an Ordinance (2010-06) to Amend Boundary of Village Community Development District No. 8 The motion carried unanimously 5 - 0.**

*e. \*5:30 PM - Public Hearing - Operating Permit Renewal of Limerock Mine - Bedrock Resources*

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."

Chairman Gilpin called for a public hearing to consider the limerock mine operating permit renewal for Bedrock Resources. Proof of Publication, as advertised, file herewith.

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 gave a summary of the request for the renewal of the operating permit. The request is for a ten year extension. Mr. Cornelius advised that the applicants are agreeable to maintaining the current terms of the existing operating permit with the following amendments:

1. Modify condition B5(c): On-site storage of hazardous materials is prohibited. Allow for on-site storage of fuels and oils for daily vehicle operations. This was approved in FDEP's MSSW permit.

2. Removing condition B6: Blasting

In September 2006, an independent seismologist conducted a video taped inspection of all structures with 1/2 mile of the permitted boundaries of the south 100 acres of the property.

3. Remove condition B7(e): Conduct a traffic study to determine the need for a deceleration lane. The required turn lanes have been constructed.

There were 16 notices sent out with one being returned in objection. The Development Review Committee does recommend approval with the three revisions to the conditions.

PUBLIC - Dale Croft, 4370 CR 526, Sumterville, being sworn by Melissa Elliott, Deputy Clerk, advised that he lives on the south side of the mine. He is not in favor of the renewal of the operating permit.

04-27-10-1-e

**2nd Vice Chairman Mask moved, with a second by Vice Chairman Burgess, to approve Operating Permit Renewal of Limerock Mine for Bedrock Resources with the three amendments as presented. The motion carried unanimously 5 - 0.**

f. 5:30 PM - Public Hearing - Adoption of FY 2009/10 to FY 2013/14 Schedule of Capital Improvements - Sumter County Comprehensive Plan Capital Improvements Element.

Chairman Gilpin called for a public hearing to consider the adoption of FY 2009/10 to FY 2013/14 Schedule of Capital Improvements - Sumter County Comprehensive Plan Capital Improvements Element. Proof of Publication, as advertised, filed herewith.

Brad Cornelius gave a summary of the presentation. This is tied with the budgetary process of the County.

PUBLIC - There was no public input.

04-27-10-1-f

**Vice Chairman Burgess moved, with a second by Commissioner**

**Hoffman, to approve the adoption of FY 2009/10 to FY 2013/14 Schedule of Capital Improvements - Sumter County Comprehensive Plan Capital Improvements Element along with the related ordinance (2010-07). The motion carried unanimously 5 - 0.**

*g. 5:30 PM - Public Hearing - Resolution to Adopt Evaluation and Appraisal Report of the Sumter County Comprehensive Plan*

Chairman Gilpin called for a public hearing to consider a resolution of the Sumter County Board of County Commissioners of Sumter County, Florida, adopting the Evaluation and Appraisal Report of the Sumter County Comprehensive Plan. Proof of Publication, as advertised, filed herewith.

Brad Cornelius advised that this is the final hearing for the consideration of the adoption of the Evaluation and Appraisal Report (EAR) of the Sumter County Comprehensive Plan. He gave a summary of each of the sections of the EAR: (1) Consistency of Location of Development with Comprehensive Plan; (2) Vacant Land Analysis; (3) Financial Feasibility of Comprehensive Plan; (4) Review of Changes to State Law; and (5) Issues of Local Concern.

PUBLIC - There was no public input.

04-27-10-1-g

**Chairman Gilpin moved, with a second by 2nd Vice Chairman Mask, to approve the adoption of a Resolution to Adopt Evaluation and Appraisal Report of the Sumter County Comprehensive Plan (2010-17). The motion carried unanimously 5 - 0.**

*h. 5:30 p.m. - Public Hearing - Large Scale Comprehensive Plan Amendment Transmittal*

Chairman Gilpin called for a public hearing to consider the Large Scale Comprehensive Plan Amendment Transmittal for CP-A2010-0001 (George Sola, et al. - Monarach Ranch) and CP-A2010-0002 (Sumter County). Proof of Publication, as advertised, filed herewith.

Brad Cornelius presented the two cases being considered for transmittal this evening.

1. CP-A-2010-0001 (George Sola, et al. - Monarch Ranch): Change Future Land Use from Agriculture to Industrial and inclusion in the Urban Development Area on 2,866 acres MOL. Subject property is located south of the Florida Turnpike to the east of I-75 and west of the CSX Railroad and north of the City of Coleman. The proposed amendment also includes a new policy to the Future Land Use Element to limit development entitlements and amends a policy to clarify that Sector Plans are only required for a Development of Regional Impact that includes residential land uses.

PUBLIC - Heather Himes, counsel for the applicant, gave a short presentation.

04-27-10-1-h

04-27-10-1-h-1-a

04-27-10-1-h-1-b

04-27-10-1-h-1-c

04-27-10-1-h-1-d

**2nd Vice Chairman Mask moved, with a second by Commissioner Breeden, to approve the Large Scale Comprehensive Plan Amendment Transmittal of CP-A2010-0001 (George Sola, et al. - Monarach Ranch). The motion carried unanimously 5 - 0.**

2. CP-A2010-0002 (Sumter County): Add policies to the Intergovernmental Element reflecting the adopted Interlocal Service Boundary/Joint Planning Agreements with the Cities of Webster and Center Hill.

PUBLIC - There was no public input.

04-27-10-1-h-2

**Vice Chairman Burgess moved, with a second by Commissioner Hoffman, to approve Large Scale Comprehensive Plan Amendment Transmittal of CP-A-2010-0002 (Sumter County). The motion carried unanimously 5 - 0.**

\* Quasi Judicial Hearing

## **2. REPORTS AND INPUT**

### *a. County Administrator*

1. Purchase Orders (For Information Only)

04-27-10-2-a-1

2. Significant Schedule of Items (For Information Only)

04-27-10-2-a-2

3. Road Project Update Report (For Information Only)

04-27-10-2-a-3

4. Facilities Development Project Update (For Information Only)

04-27-10-2-a-4

5. Department Surveys for March (For Information Only)

04-27-10-2-a-5

6. Bushnell Community Building Wind Retrofit Phase 1 and Phase 2 (For Information Only). **Clerk's Note:** This is related to agenda item 3.d.9.

04-27-10-2-a-6

7. HCRA Report - March 2010 (For Information Only)

04-27-10-2-a-7

8. Personnel Report - March 2010 (For Information Only)

04-27-10-2-a-8

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

04-27-10-2-a-9

10. Recognition of Excellent Customer Service at Sumter County Transit (For Information Only)

04-27-10-2-a-10

11. Hold Harmless Agreement with Galaxy Home Solutions, Inc. (For Information Only)

04-27-10-2-a-11

*b. County Attorney*

Derrill McAteer provided a Notice of Pendency of Class Action regarding Tourist Development Tax dollars.

04-27-10-2-b-1

**Vice Chairman Burgess moved, with a second by Commissioner**

**Hoffman, to approve Sumter County's remaining a part of the class action suit as presented by Attorney McAteer. The motion carried 4 - 1 with Commissioner Breeden voting nay.**

*c. Clerk of Court*

1. Florida Statutes Assessment of Additional Court Costs Qtr Summary ( For Information Only)

04-27-10-2-c-1

*d. Board Members*

1. Commissioner Hoffman - No report.
2. Commissioner Breeden - No report.
3. 2nd Vice Chairman Mask - No report.
4. Vice Chairman Burgess - No report.
5. Chairman Gilpin

Chairman Gilpin noted that these are exciting times in Sumter County.

*e. Public Forum*

Cora Wareham, 4507 NE 47 Terrace, Adamsville, discussed a problem she is having regarding access to her property. Bradley Arnold advised that Ms. Wareham lives on a non-county maintained road and therefore this is a civil matter and the Board has no authority.

**3. NEW BUSINESS-ACTION REQUIRED**

*a. MINUTES*

1. Minutes of Regular meeting held on April 13, 2010 (Staff recommends approval).

**Commissioner Hoffman moved, with a second by 2nd Vice Chairman Mask, to approve the Minutes of Regular meeting held on April 13, 2010. The motion carried unanimously 5 - 0.**

*b. FUTURE PUBLIC HEARINGS OR MEETINGS*

1. Schedule Public Hearing for Ordinance to Amend Boundary of Village Community Development District No. 10 on May 11, 2010, at 5:00 p.m., located at the Sumter County Government Offices, Room 142, 910 North Main Street, Bushnell (Staff recommends approval).

04-27-10-3-b-1

**Commissioner Breeden moved, with a second by Vice Chairman Burgess, to approve to schedule a Public Hearing for an Ordinance to Amend Boundary of Village Community Development District No. 10 on May 11, 2010, at 5:00 p.m., located at the Sumter County Government Offices, Room 142, 910 North Main Street, Bushnell. The motion carried unanimously 5 - 0.**

2. Schedule Public Hearing for Ordinance to Amend Boundary of Village Community Development District No. 9 on May 11, 2010, at 5:00 p.m., located at the Sumter County Government Offices, Room 142, 910 North Main Street, Bushnell (Staff recommends approval).

04-27-10-3-b-2

**Vice Chairman Burgess moved, with a second by 2nd Vice Chairman Mask, to approve to schedule a Public Hearing for an Ordinance to Amend Boundary of Village Community Development District No. 9 on May 11, 2010, at 5:00 p.m., located at the Sumter County Government Offices, Room 142, 910 North Main Street, Bushnell. The motion carried unanimously 5 - 0.**

*c. APPOINTMENTS*

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

**Clerk's Note:** This appointment is associated with the vacancy in the Tourist Industry sector.

04-27-10-3-c-1

**Vice Chairman Burgess moved, with a second by Chairman Gilpin, to approve the appointment of Brett Hage to the Tourist Development Council. The motion carried unanimously 5 - 0.**

*d. CONTRACTS AND AGREEMENTS*

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

04-27-10-3-d-1

2. Memorandum of Understanding (MOU) between the Florida Department of Agriculture & Community Services, Division of Forestry and the Sumter County Board of

County Commissioners (Staff recommends approval).

04-27-10-3-d-2

3. FY 09/10 State Mosquito Control Contract Amendment (Staff recommends approval).

04-27-10-3-d-3

4. Request for time extension from C.W. Roberts Contracting, Inc., related to the C-48E Resurfacing Contract (Staff recommends approval of Option 2, the total contract time for C-48E is 120 calendar days and 150 calendar days for C-476E).

04-27-10-3-d-4

5. Massey Services Pest Control Contract Extension (Staff recommends approval).

04-27-10-3-d-5

6. Extension of Contract with CMK Construction for pressure washer services (Staff recommends approval).

04-27-10-3-d-6

7. Non-Profit Impact Fee Agreement for New Life Christian Church, Inc. (Staff recommends approval).

04-27-10-3-d-7

8. Advanced Life Support Interlocal MOU with The Villages Public Safety Department and Medical Director Agreement (Staff recommends approval)

04-27-10-3-d-8

9. Modification #1 to Subgrant Agreement with Florida Division of Emergency Management (FDEM) (Staff recommends approval).

This is for the Bushnell Community Center Wind Retrofit.

04-27-10-3-d-9

10. Award and enter into contract with Andy Easton & Associates for RFP 156-0-2010/AT CDBG Grant Administration of the Neighborhood Revitalization Grants - FY 2009 & 2010 Funding Cycles and reject all bids for the Grant Writing FY 2009 & 2010 portion of the RFP (Staff recommends approval).

04-27-10-3-d-10

04-27-10-3-d-10-a

**Commissioner Breeden moved, with a second by 2nd Vice Chairman Mask, to approve Items 1 through 10, with Staff's recommendation of Option 2 under Item 4, under Contracts and Agreements. The motion carried unanimously 5 - 0.**

e. FINANCIAL

1. Purchase Order Approval (Staff recommends approval).

04-27-10-3-e-1

2. Budget Amendment A-71 (FY 09/10) Secondary Trust Fund (Staff recommends approval).

04-27-10-3-e-2

3. Budget Amendment A-72 (FY 09/10) General Fund Mosquito Control Transfer (Staff recommends approval).

04-27-10-3-e-3

4. Budget Amendment A-73 (FY 09/10) Capital Outlay Reserve (Staff recommends approval).

04-27-10-3-e-4

5. Budget Amendment A-74 (FY 09/10) Court Improvement Fund (Staff recommends approval).

04-27-10-3-e-5

6. Stipulated Final Judgment concerning parcel 128, CR 139 (Staff recommends approval).

04-27-10-3-e-6

**Vice Chairman Burgess moved, with a second by Commissioner Hoffman, to approve Items 1 through 6 under Financial. The motion carried unanimously 5 - 0.**

*f. GENERAL ITEMS FOR CONSIDERATION*

1. Employee Manual revisions to clarify the Payment Upon Separation Policy and revisions to the Discipline policy (Staff Recommends Approval).

04-27-10-3-f-1

2. Employee Manual revisions to section 3.020 Hours of Work and Overtime, to incorporate alternate work schedules and payment of leave time (Staff recommends approval).

04-27-10-3-f-2

3. Reject all bids received for ITB 151-0-2010/AT Lake Miona and Cherry Lake Park Maintenance and re-bid at a later date (Staff recommends approval).

04-27-10-3-f-3

4. Award and enter into contract negotiations with Blue Cross and Blue Shield of FL, Inc. (BCBS) for ASO Self Funded Services for RFP 152-0-2010/AT Group Medical Administrative Services and/or Group Medical Fully Funded (Staff recommends approval).

04-27-10-3-f-4

04-27-10-3-f-4-a

04-27-10-3-f-4-b

5. State Housing Initiatives Partnership (SHIP) Program Approval of Local Housing Assistance Plan (LHAP) for SFY 2010 through 2013 and execution of plan certification and resolution (Staff recommends approval).

04-27-10-3-f-5

6. Inventory Transaction (Staff recommends approval).

04-27-10-3-f-6

7. Approval on Release of Lien for Willie C. Perry (Staff recommends approval).

04-27-10-3-f-7

8. Authorizing Resolution to apply for the FY 2010/2011 Trip and Equipment Grant through the Commission for the Transportation Disadvantaged Trust Fund (Staff recommends approval).

04-27-10-3-f-8

9. Preliminary Plans for VOS, Morse Blvd. Phase 5, reviewed at the April 5, 2010, Development Review Committee (DRC) meeting (Staff recommends approval).

04-27-10-3-f-9

10. C-462 from CR 209 to C-466A Preliminary Development and Environment (PD&E) Study Proposal from Kimley Horn and Associates, Incorporated (Staff recommends approval).

04-27-10-3-f-10

11. C-466W from C 475 to US 301 (SR 35) Preliminary Development and Environment (PD&E) Study Proposal from Kimley Horn and Associates, Incorporated (Staff recommends approval).

04-27-10-3-f-11

12. Request from First Baptist Church of Bushnell to use Historic Courthouse Grounds for National Day of Prayer on May 6, 2010 (Staff recommends approval).

04-27-10-3-f-12

13. Adopting a resolution for a new fine and fee scheule for Animal Control Services pursuant to Chapter 4 of the Sumter County Code as amended (Staff recommends approval).

04-27-10-3-f-13

**Commissioner Breeden moved, with a second by 2nd Vice Chairman Mask, to approve Items 1 through 13 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 7:06 p.m. The motion carried unanimously 5 - 0.**