

DRAFT

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

MAY 11, 2010

The Board of County Commissioners convened in regular session on this Tuesday, May 11, 2010, at the Bushnell Government Annex, Bushnell, 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; 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 Commissioner Breeden.

1. TIMED ITEMS AND PUBLIC HEARINGS

a. 5:00 PM - Public Hearing for C 470 from I-75 to the Lake County Line Project Development and Environment Study

Chairman Gilpin called for a public hearing to discuss the Project Development & Environment (PD&E) Study for C-470 from I-75 to the Lake County Line. Proof of Publication, as advertised, filed herewith.

Bradley Arnold, County Administrator, advised that this is the third and final hearing to consider the possible re-alignment of C-470 from I-75 to the Lake County Line which would eliminate the jog that currently exists at the intersection with US 301 (SR 35). Ralph Bove, Jr., Dyer, Riddle, Mills & Precourt, Inc. (DRMP) gave a PowerPoint presentation summarizing their analysis regarding alternative alignments, accommodation of storm water runoff and typical sections. During the study process DRMP and Public Works have formulated an opinion of which option will best serve the future needs of the County as well as be the "best fit". It is recommended that the Board approve the Alternative 6 alignment which accomplishes the following: (1) Eliminates the existing jog/offset intersections at US 301. (2) Improves the intersection of SR 471, US 301, and C-470. (3) Minimizes impact to adjacent property and structures. (4) Increases the potential for both industrial and commercial development along this corridor. (5) Provides for a safe curvilinear roadway designed to current standards in proximity to I-75. (6) Requires the minimum amount of additional right-of-way to accommodate the projected 2035 traffic volumes. (7) Allows the flexibility to expand the number of through lanes from 4 to 6 lanes without additional right-of-way acquisition. (8) Provides a more direct connection between the Florida Turnpike and I-75. (9) Facilitates planned and future developments. (10) Allows for a varying typical section, which mitigates and further minimizes the impact to adjacent properties and structures.

PUBLIC

James Duncan, CEO and General Manager of Sumter Electric Cooperative, Inc. (SECO), addressed the Board and advised that the staff's recommendation is the worst conceivable alternative in regard to SECO's operation. He also advised that SECO had just received the information regarding the recommendation last week and would strongly request the Board to table the matter to consider other options and allow SECO time to engage engineering consultants and legal counsel to assist them in providing meaningful input and cost analysis.

Jim Spoonauer, Counsel for Dixie Lime and Stone, advised that they did not receive the proposed alternative until last week and it too will have serious adverse effects on Dixie Lime and Stone.

There was further discussion by the Board.

05-11-10-1-a

Commissioner Breeden moved, with a second by Commissioner Hoffman, to continue the Public Hearing for C 470 from I-75 to the Lake County Line Project Development and Environment Study until June 22, 2010 at 5:00 P.M. at Colony Cottage, The Villages, to allow additional time to review the alternatives including the new alternative 6. Clerk's Note: 2nd Vice Chairman Mask abstained from voting due to his employment by SECO. The motion carried unanimously 4 - 0.

b. 5:00 PM - Public Hearing - Ordinance to Amend Boundary of Village Community Development District No. 9

Chairman Gilpin called for a public hearing to consider an ordinance of the Board of County Commissioners of Sumter County, Florida, amending Ordinance 04-37 to amend the boundary of the Village Community Development District No. 9; providing for severability; and providing for an effective date. Proof of Publication, as advertised, filed herewith.

Brad Cornelius, Planning Manager, gave a summary of the proposed ordinance. The current District boundary encompasses approximately 995.4 acres. The proposed amendment to the District boundary reconfigures the existing boundary resulting in a net increase in the size of the District of approximately 222.56 acres resulting in a new total area of 1,217.96 acres for the District.

PUBLIC - There was no public input.

05-11-10-1-b

Vice Chairman Burgess moved, with a second by 2nd Vice Chairman Mask, to approve the proposed Ordinance to Amend Boundary of Village Community Development District No. 9 (2010-08) as presented. The motion carried unanimously 5 - 0.

c. 5:00 PM - Public Hearing - Ordinance to Amend Boundary of Village Community Development District No. 10

Chairman Gilpin called for a public hearing to consider an ordinance of the Board of County Commissioners of Sumter County, Florida, amending Ordinance 04-38 to amend the boundary of the Village Community Development District No. 10; providing for severability; and providing for an effective date. Proof of Publication, as advertised, filed herewith.

Brad Cornelius, Planning Manager, gave a summary of the proposed ordinance. The current District boundary encompasses approximately 998.8 acres. The proposed amendment to the District boundary reconfigures the existing boundary resulting in a net increase in the size of the District of approximately 399.01 acres resulting in a new total area of 1,397.81 acres for the District.

PUBLIC - There was no public input.

05-11-10-1-c

<p>Commissioner Breeden moved, with a second by Commissioner Hoffman, to approve the proposed Ordinance to Amend Boundary of Village Community Development District No. 10 (2010-09) as presented. The motion carried unanimously 5 - 0.</p>

d. 5:30 PM - First Public Hearing for Wildwood Warehouse Chapter 163 Development Agreement

Chairman Gilpin called for a public hearing to consider a Chapter 163 Development Agreement for Wildwood Warehouse. Proof of Publication, as advertised, filed herewith.

Brad Cornelius, Planning Manager, gave a summary of the proposed project and Chapter 163 Development Agreement. The proposed project is to construct two 250 square foot offices and two 9,750 square foot warehouses and associated infrastructure on 7.183 acres MOL on SR 44 1/10th of a mile east of CR 44A in Wildwood. Chapter 163, Florida Statutes, requires the County to hold two (2) public hearings to execute a Development Agreement. The second and final hearing is scheduled for May 25, 2010.

PUBLIC

Henry Font, 1614 Woodbay Court, Kissimmee, agent for the owner, was present to answer any questions.

Robert Bowser, 1773 CR 44A, Wildwood, owns property adjacent to the proposed warehouses and he was inquiring as to where the warehouses would be placed on the property. Mr. Cornelius showed him on the map and he said that would be acceptable.

05-11-10-1-d

2. REPORTS AND INPUT

a. County Administrator

1. Purchase Orders (For Information Only)

05-11-10-2-a-1

2. Significant Schedule of Items (For Information Only)

05-11-10-2-a-2

3. Road projects update report (For Information Only)

05-11-10-2-a-3

4. Facilities Development Project Update (For Information Only)

05-11-10-2-a-4

5. The Villages Sumter County Service Center Subcontractor list (For Information Only)

05-11-10-2-a-5

6. Personnel Activity Report - April 2010 (For Information Only)

05-11-10-2-a-6

7. Volunteers Performing Arts Alliance (For Information Only)

05-11-10-2-a-7

8. Local Agency Program/FDOT Right of Way Certification for resurfacing of CR 476B from I-75 ramps to CR 476 (For Information Only)

This is for R/W Item/Segment No. 428607-1; Construction Item/Segment No. 428607-1-58-01; F.A.P. No. (Construction) ARRA-659-B.

05-11-10-2-a-8

9. Executed Local Agency Program Supplemental Agreement regarding CR-476E Resurfacing Project (For Information Only)

This is for FPN: 428096-1-58-01, Contract No. APT46.

05-11-10-2-a-9

10. Executed Local Agency Program Supplemental Agreement regarding CR-470 Project (For Information Only)

This is for FPN:428095-1-58-01, Contract No. APT44.

05-11-10-2-a-10

11. CR 436A drainage issue (For Direction)

Mr. Arnold advised that he has had communication with Beverly Brooks regarding this drainage issue since July of 2007. After discussion it was consensus of the Board to take no further action in this matter.

05-11-10-2-a-11

12. Recruitment process for new Director of the Sumter County Health Department (For Direction)

Consensus of the Board is for Mr. Arnold to represent the Board on the interview panel for the new Director of the Sumter County Health Department.

05-11-10-2-a-12

13. Paving on 911 and unimproved county roads (For Direction)

Option 1: Improve connection from edge of pavement (EP) to the right-of-way line.
Option 2: Improve connection from edge of pavement (EP) to the swale flow line.
Option 3: Improve connection from edge of pavement (EP) to 4 foot from EP. Two ((2) foot paved shoulder plus 2 foot paved ramp for "C" roads and to (2) foot paved ramp on CR roads.

After discussion the consensus is for Mr. Arnold to run a cost analysis on the options and bring back at the next meeting along with a proposed policy.

05-11-10-2-a-13

14. Item 3.e.6 - Agreement with Supervisor of Elections and IT.

b. County Attorney

1. Final Judgment Recognizing Dismissal with Prejudice regarding Sumter County and NOVA Group Services (For Information Only)

05-11-10-2-b-1

2. Interlocal Agreement with VCCDD regarding Geotechnical Engineer (For Action)

Clerk's Note: This agreement replaces the agreement originally approved on April 13, 2010.

05-11-10-2-b-2

Vice Chairman Burgess moved, with a second by Commissioner Breeden, to approve the Interlocal Governmental Agreement between Village Center Community Development District and Sumter County Board of County Commissioners for Independent Geotechnical Engineering Services. The motion carried unanimously 5 - 0.

c. Clerk of Court - No report.

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 - No report.

e. Public Forum - There was no public input.

3. NEW BUSINESS-ACTION REQUIRED

a. MINUTES

1. Minutes of regular meeting held on April 27, 2010 (Staff recommends approval).

Commissioner Hoffman moved, with a second by 2nd Vice Chairman Mask, to approve the minutes of the regular meeting held on April 27, 2010. The motion carried unanimously 5 - 0.

b. FUTURE PUBLIC HEARINGS OR MEETINGS

1. Schedule Public Hearings to Consider Termination or Amendment of Site and Concurrency Development Agreement Pursuant to Chapter 163, Florida Statutes, for Village Park Center PUD on May 25, 2010, at 5:30 PM, located at the Colony Cottage Recreation Center, Parlor Room, 510 Colony Boulevard, The Villages, FL 32162 and June

8, 2010, at 5:30 PM, located at the Bushnell Government Complex, Room 142, 910 North Main Street, Bushnell, FL 33513 (Staff recommends approval).

05-11-10-3-b-1

Commissioner Breeden moved, with a second by 2nd Vice Chairman Mask, to approve to schedule Public Hearings to Consider Termination or Amendment of Site and Concurrency Development Agreement Pursuant to Chapter 163, Florida Statutes, for Village Park Center PUD on May 25, 2010, at 5:30 PM, located at the Colony Cottage Recreation Center, Parlor Room, 510 Colony Boulevard, The Villages, FL 32162 and June 8, 2010, at 5:30 PM, located at the Bushnell Government Complex, Room 142, 910 North Main Street, Bushnell, FL 33513. The motion carried unanimously 5 - 0.

2. Schedule Public Hearing to close a portion of CR 529 within the Solid Waste Transfer Facility on May 25, 2010 at 5:00 PM, located at the Colony Cottage Recreation Center, Parlor Room, 510 Colony Boulevard, The Villages, FL 32162 (Staff recommends approval).

05-11-10-3-b-2

Commissioner Hoffman moved, with a second by 2nd Vice Chairman Mask, to approve to schedule a Public Hearing to close a portion of CR 529 within the Solid Waste Transfer Facility on May 25, 2010 at 5:00 PM, located at the Colony Cottage Recreation Center, Parlor Room, 510 Colony Boulevard, The Villages, FL 32162. The motion carried unanimously 5 - 0.

3. Request to cancel May 18, 2010 Workshop (Staff recommends approval).

05-11-10-3-b-3

Vice Chairman Burgess moved, with a second by Commissioner Breeden, to approve the request to cancel the May 18, 2010 Workshop. 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.

05-11-10-3-c-1

d. FINANCIAL

1. Purchase Order Approval (Staff recommends approval).

05-11-10-3-d-1

2. 1st Amendment to Agreement with Bacon Group (Staff recommends approval).

05-11-10-3-d-2

3. Emmett Sapp Builders Change Orders (Staff recommends approval).

05-11-10-3-d-3

4. Stipulated Final Judgment concerning parcel 112, CR 139 (Staff recommends approval).

The respondents are Gynelle Rast, Ellen Kay Wilson and James David Rast.

05-11-10-3-d-4

5. Stipulated Final Judgment concerning parcels 108, 109 and 109A, CR 139 (Staff recommends approval).

The respondents are Timothy M. Watson, Trustee of The Timothy M. Watson Family Trust dated October 13, 2006 and Mary Lou Watson, Trustee of The Mary Lou Watson Family Trust dated October 13, 2006.

05-11-10-3-d-5

6. Budget Amendment A-70 (FY 09/10) Sumter County Road District Impact Fund (Staff recommends approval).

05-11-10-3-d-6

7. Budget Amendment A-76 (FY 09/10) Capital Outlay Reserve (Staff recommends approval).

05-11-10-3-d-7

8. Budget Amendment A-77 (FY 09/10) General Fund, Reserve for Contingencies to Housing (Staff recommends approval).

05-11-10-3-d-8

9. Budget Amendment A-78 (FY 09/10) General Fund - Library State Aid Grant (Staff recommends approval).

05-11-10-3-d-9

10. Budget Amendment A-79 (FY 09/10) Sumter County Road Construction Impact Fund (Staff recommends approval).

05-11-10-3-d-10

Commissioner Breeden moved, with a second by Vice Chairman Burgess, to approve Items 1 through 10 under Financial. The motion carried unanimously 5 - 0.

e. CONTRACTS AND AGREEMENTS

1. Approval of First Amendment to Agreement between Sumter County and Mid Florida Community Services Inc. for transportation services (Staff recommends approval).

Sumter County Transit has provided transportation for Mid Florida Community Services Inc.'s senior clientele for a number of years. The intent of this amendment is solely to clarify in Section A-2 the type of service and to more accurately describe the passenger loading of the vehicles used for transport. The cost of the service and all other terms of the original agreement remain the same.

05-11-10-3-e-1

2. Award J.A. Floyd, Inc. RFP 154-0-2010/AT Division 17 Security Vestibule Re-Bid and approve the Change Order to Greg Construction's contract (Staff recommends approval).

Clerk's Note: J.A. Floyd, Inc. will be covered under Greg Construction's contract.

05-11-10-3-e-2

3. Disaster Debris Hauling Service Contract Renewal with Wood Recovery Resources and Grubbs (Staff recommends approval).

05-11-10-3-e-3

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

05-11-10-3-e-4

5. First Addendum to Memorandum of Agreement (MOA) for Free Flight Airport (Staff recommends approval).

Clerk's Note: The parties to the amendment are Sumter County and SDC Services II, Inc.

05-11-10-3-e-5

6. Information Technology Memorandum of Agreement with Supervisor of Elections (Staff recommends approval).

05-11-10-3-e-6

Vice Chairman Burgess moved, with a second by 2nd Vice Chairman Mask, to approve Items 1 through 6 under Contracts and Agreements. The motion carried unanimously 5 - 0.

f. GENERAL ITEMS FOR CONSIDERATION

1. State Attorney's Office Yard Sale Request (Staff recommends approval).

05-11-10-3-f-1

2. Request from The Villages Amateur Radio Club to use property adjacent to the Sheriff's Office at CR 466 and Morse Boulevard for National Field Day on June 26, 2010 and June 27, 2010 (Staff recommends approval).

05-11-10-3-f-2

3. Award and enter into contract with Evergreen Solutions, LLC for RFP 153-0-2010/AT Sumter County Comprehensive Study (Staff recommends approval).

A total of nine proposals were received on time and one proposal from PRM Consulting was not on time and was rejected. The other proposals are listed as follows: Evergreen Solutions, LLC, \$14,000.00; Cody & Associates, Inc., \$16,500.00; Fox, Lawson & Associates, \$33,000.00; Springstead, \$37,500.00; The Waters Consulting Group, \$49,000.00; The Segal Company, \$50,000.00; CPS Human Resources, Inc., \$50,220.00; Crowe Horwath, \$71,750.00; and Milliman \$102,800.00.

05-11-10-3-f-3

4. State Housing Initiatives Partnership (SHIP) Program Affordable Housing Advisory Committee (AHAC) approve and execute resolution (Staff recommends approval).

05-11-10-3-f-4

5. Release of Lien for Luis and Zolla Acosta (Staff recommends approval with condition of new owner satisfying compliance requirements).

The property is in the process of being bought back by Bank of America via "deed in lieu of foreclosure" in which the bank plans to correct the violations when they receive clear title to the property. The bank has requested the County remove the code enforcement lien in order for the attorneys involved to proceed with the "deed in lieu of foreclosure" process.

05-11-10-3-f-5

6. Release of Lien for Katherine E. Marquis/Federal Loan Home Mortgage Corporation (Staff recommends approval).

05-11-10-3-f-6

The code enforcement lien for this property was filed on 6/29/09. The property was brought into compliance on 11/30/09. The staff costs were paid in full on 4/22/10. Federal Loan Home Mortgage Corporation has foreclosed on the property and is requesting the fines be waived and the lien be released.

7. Temporary Road Closures of C-44A to facilitate roadway construction (Staff recommends approval).

05-11-10-3-f-7

8. Villages of Sumter - Unit 156 - Final Plat (Staff recommends approval).

05-11-10-3-f-8

Commissioner Breeden moved, with a second by 2nd Vice Chairman Mask, to approve Items 1 through 8 under General Items for Consideration with the noted condition on Item 5. The motion carried unanimously 5 - 0.

4. ADJOURN

Vice Chairman Burgess moved, with a second by Commissioner Breeden, to adjourn at 6:30 p.m. The motion carried unanimously 5 - 0.