

**DRAFT**

REGULAR MEETING BOARD OF COUNTY COMMISSIONERS SEPTEMBER 28, 2010

The Board of County Commissioners convened in regular session on this Tuesday, September 28, 2010, at The Villages, Sumter County, Florida, with the following members present to wit: Richard Hoffman, District No. 1; Douglas 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: Bradley Arnold, County Administrator; William Kleinsorge, Finance Director; Melissa Elliott, Deputy Clerk; Connie Webb, Deputy Clerk; and Derrill McAteer, The Hogan Law Firm, attorneys for the Board. 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 Commissioner Breeden.

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

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.

a. 5:00 p.m. - Public Hearing to Amend Chapter 7, Section 7-6 of the Sumter County Code, relating to funding of court innovations

Chairman Gilpin called for a public hearing to consider an ordinance of Sumter County, Florida amending Chapter 7, Section 7-6 of the Sumter County Code to bring it into compliance with recent amendments to Section 939.185, Florida Statutes. Proof of Publication, as advertised, filed herewith.

Bradley Arnold, County Administrator, gave a summary of the proposed ordinance. Additional court costs are established to fund legal aid, court innovations, law library and Teen Court. The Florida Statute authorizing this funding mechanism was revised effective July 1, 2010, adding a provision that provides for the Chief Judge to make the determination of which court innovations receive this funding. As a result of the statute change, it is necessary to amend Chapter 7, Section 7-6 of the Sumter County Code in order to obtain consistency with Section 939.185, Florida Statutes.

PUBLIC - There was no public input.

**Commissioner Breeden moved, with a second by 2nd Vice Chairman Mask, to approve an Ordinance (No. 2010-14) of Sumter County, Florida amending Chapter 7, Section 7-6 of the Sumter County Code to bring it into compliance with recent amendments to Section 939.185, Florida Statutes. The motion carried unanimously 5 - 0.**

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

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

1. SS2010-0002 - Small Scale Land Use Amendment to Commercial - Brian's Electric, Inc. - C-470/Sumterville

Brad Cornelius, Planning Manager, advised that the applicant is requesting a Small Scale Land Use Amendment on 1 acre MOL from Rural Residential to Commercial. The proposed amendment does not affect the Capital Improvements Program as outlined in the Sumter County Comprehensive Plan. Six notices were sent out with two being returned in favor and one in objection. The Zoning and Adjustment Board recommended approval by a vote of 11-0.

PUBLIC - There was no public input.

**Commissioner Hoffman moved, with a second by Commissioner Breeden, to approve SS2010-0002, Small Scale Land Use Amendment on 1 acre MOL from Rural Residential to Commercial for Brian's Electric, Inc. and the related ordinance (No. 2010-15). The motion carried unanimously 5 - 0.**

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."

2. \*R2010-0008 - Rezoning to CH - Brian's Electric, Inc. - C-470/Sumterville

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.

Mr. Cornelius advised that the applicant is requesting a rezoning on 1 acre MOL from R1A to CH (Heavy Commercial) to bring the property into compliance with the Future Land Use Map. This rezoning is related to Case No. SS2010-0002. Six notices were sent out with two being returned in favor and one in objection. The Zoning and Adjustment Board recommended approval by a vote of 11-0.

PUBLIC - There was no public input.

**Vice Chairman Burgess moved, with a second by 2nd Vice Chairman Mask, to approve R2010-0008, rezoning on 1 acre MOL from R1A to CH (Heavy Commercial) to bring the property into compliance with the Future Land Use Map for Brian's Electric, Inc. and the related resolution (No. 2010-43). The motion carried unanimously 5 - 0.**

3. \*R2010-0007 - Rezoning to RR1 to Complete a Lineal Transfer - Cecillia Vreeland - CR 543E/Bushnell

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.

Mr. Cornelius advised that the applicant is requesting a rezoning on 4.68 acres MOL from RR5 to RR1 to complete a lineal transfer from daughter to father. Seven notices were sent out with one being returned in favor and none in objection. The Zoning and Adjustment Board recommended approval by a vote of 11-0.

PUBLIC - There was no public input.

**2nd Vice Chairman Mask moved, with a second by Commissioner Breeden, to approve R2010-0007, rezoning of 4.68 acres MOL from RR5 to RR1 to complete a lineal transfer for Cecillia Vreeland and the related resolution (No. 2010-44). The motion carried unanimously 5 - 0.**

4. \*S2010-0008 - Special Use Permit to Allow an Assisted Living Facility and Wastewater Treatment Facility - Tri-County Professional Management - US 441/27/Lady Lake

The Chairman polled the Board Members for ex parte communications, either written or verbal, related to this case. Commissioner Hoffman advised that he received an e-mail from Mrs. Poss, President of the Oakland Hills Homeowners Association, which advised that the Homeowners Association Board is in favor of the action. He also received a telephone call from Mrs. Colburn advising that she and her husband are in favor of the action. Commissioner Breeden-none; Vice Chairman Burgess-none; 2nd Vice Chairman Mask-none; and Chairman Gilpin-none.

Mr. Cornelius gave a summary of the application. The applicant is requesting a Major Special Use Permit to allow a 120-bed assisted living facility with ancillary uses and a wastewater treatment facility. There were seven notices sent with none being returned. The Zoning and Adjustment Board recommended approval by a vote of 11-0 subject to the following conditions:

1. A driveway access permit is required from Sumter County Public Works for

connections to CR 109 and CR 109A. Safety improvements may be required to be made by the applicant as part of the connections to CR 109 and CR 109A.

2. With the construction of the Wastewater Treatment Facility (WWTF) the existing onsite sewage treatment and disposal system must be abandoned through the Florida Department of Environmental Health and a permit must be obtained from the Florida Department of Environmental Protection for the WWTF.

3. The use of the existing Oakland Hills stormwater pond for this project is subject to separate review and approval by the County. If the pond is used for the project then the applicant shall have full responsibility for the operation and maintenance of the pond.

4. The request for the deviation to the 5% standard to traffic impacts related to a Special Use is granted. However, at the time of preliminary/engineering plan review, a full traffic study shall be provided, consistent with the County's adopted methodology, to identify and mitigate any adverse impacts to roadways impacted by this project.

Andrea Jernigan Gwen, Civil Site Engineering, 815 Orienta Avenue, Altamonte Springs, FL, having been sworn, was present on behalf of the applicant.

PUBLIC - There was no public input.

**Commissioner Hoffman moved, with a second by Commissioner Breeden, to approve S2010-0008, Special Use Permit to Allow an Assisted Living Facility and Wastewater Treatment Facility for Tri-County Professional Management as presented with conditions recommended by the Zoning and Adjustment Board. The motion carried unanimously 5 - 0.**

\* Quasi Judicial Hearing

## **2. REPORTS AND INPUT**

*a. Proclamation declaring the week of October 3-9, 2010 as Fire Prevention Week*

Chairman Gilpin read the Proclamation declaring the week of October 3-9, 2010 as Fire Prevention Week into the record and presented a copy to Deputy Fire Chief Brad Burris.

*b. County Administrator*

1. Purchase Orders (For Information Only)
2. Significant Schedule of Items (For Information Only)
3. BOCC Road Project Summary (For Information Only)

4. Facilities Development Project Update (For Information Only)
5. Sumter County School District's FY 2010/11 to FY 2014/15 Facilities Work Program (For Information Only).
6. Florida Local Government Finance Commission pooled commercial paper loan program
7. Florida Scenic Highway (For Information Only)
8. 5316 Job Access and Reverse Commute (JARC) Grant through FDOT (For Information Only).
9. CR 747 Improvements, PDE, Design and Construction (For Direction)

The consensus of the Board is for Public Works to proceed with the following interim step to improve the safety conditions along CR 747 for approximately \$12,000: (1) add traffic advisory signs (i.e. Road Narrows); (2) add object markers at trees and other obstructions within Clear Zone Recovery Area; (3) restripe the roadway and add edge lines; (4) remove selected trees within Clear Zone Recovery Area; (5) CR 747/SR 722 cross intersection - replace existing stop signs, conduct warrant study to evaluate need for stop signs on CR 747 north and south approaches; (6) CR 747/CR 478 intersection - trim bushes on private property at NW corner to improve sight distance; (7) CR 747/CR 730 tee intersection has limited sight distance due to fence and high brush at NE corner - recommend contact owner to allow County to remove, purchase additional right-of-way to provide intersection sight distance in accordance with FDOT standards; (8) CR 747/CR730 cross intersection - conduct stop sign warrant study to determine need for stop signs along CR 747 at this intersection.

c. County Attorney - No report.

d. Clerk of Court - No report.

e. 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.

f. Public Forum

Howard Oxendine, 5904 CR 551A, Bushnell, FL, addressed the Board regarding the

Native Americans and requested assistance from the County in obtaining a building for use by the Sumter County Native American Tribe.

Carl Bell, 214 Montoya Drive, The Villages, FL, thanked the Board for their assistance in the placement of the traffic light at Rio Ponderosa Village. He also addressed the Board regarding the Buenos Aires Golf Cart issue and expressed his support for Option 4.

Cora Wareham, 4507 NE 47 Terrace, Wildwood, FL, approached the Board regarding a problem she is having with access to her property. Mr. Arnold advised the Board that this is a civil matter between Ms. Wareham and her neighbor and thus the Board has no authority in the civil matter.

### **3. NEW BUSINESS-ACTION REQUIRED**

#### ***a. MINUTES***

1. Minutes of First Budget Hearing held on September 13, 2010 (Staff recommends approval).

**Vice Chairman Burgess moved, with a second by Commissioner Breeden, to approve the minutes of the first Budget Hearing held on September 13, 2010. The motion carried unanimously 5 - 0.**

2. Minutes of Regular meeting held on September 14, 2010 (Staff recommends approval).

**Commissioner Hoffman moved, with a second by 2nd Vice Chairman Mask, to approve the minutes of regular meeting held on September 14, 2010. The motion carried unanimously 5 - 0.**

#### ***b. FUTURE PUBLIC HEARINGS OR MEETINGS***

1. Change in location for BOCC Workshops (Staff recommends approval).

This will change the location of the BOCC workshops which are held on the third Tuesday of the month to The Villages Sumter County Service Center, Room 1052, 7375 Powell Road, Wildwood, FL 34785.

**Vice Chairman Burgess moved, with a second by 2nd Vice Chairman Mask, to approve the change in location for BOCC Workshops to The Villages Sumter County Service Center. The motion carried unanimously 5 - 0.**

2. Schedule Public Hearing for Ordinance to Allow for a Revised Curb & Gutter Section as Part of the Roadway Design Standards in the Sumter County Land Development Code at 5:00 p.m., on October 26, 2010, at Colony Cottage Recreation

Center, Parlor Room, 510 Colony Blvd, The Villages, FL 32162 (Staff recommends approval).

**Commissioner Hoffman moved, with a second by Commissioner Breeden, to approve to schedule a Public Hearing to consider an Ordinance to Allow for a Revised Curb & Gutter Section as Part of the Roadway Design Standards in the Sumter County Land Development Code at 5:00 p.m., on October 26, 2010, at Colony Cottage Recreation Center, Parlor Room, 510 Colony Boulevard, The Villages, FL 32162. The motion carried unanimously 5 - 0.**

*c. APPOINTMENTS*

1. Citizens Advisory Task Force vacancies (Board's option).

No action taken.

2. Library Advisory Board vacancy (Board's option).

No action taken.

3. Enterprise Zone Development Agency vacancies (Board's option).

No action taken.

4. Sumter County Tourist Development Council vacancies (Board's option).

No action taken.

*d. FINANCIAL*

1. Purchase Order Approval (Staff recommends approval).

2. Budget Amendment A-112 (FY 09/10) Hazard Mitigation Grant Funds (Staff recommends approval).

3. Budget Amendment A-113 (FY 09/10) Sumter County Road Construction District Impact Fund (Staff recommends approval).

4. Budget Amendment A-114 (FY 09/10) Sumter County Road District Impact Fund (Staff recommends approval).

5. State Housing Initiatives Partnership (SHIP) Program Bid Approvals and Payment Requests (Staff recommends approval).

6. Change Order Request to Purchase Order No. 53384 (Staff recommends approval).

7. 2010-2011 Classification and Compensation Schedule and revised job descriptions (Staff recommends approval).
8. Compensation Market Study recommendation and funding (Staff recommends approval).
9. List of Errors, Insolvencies, Double Assessments and Discounts on the Assessment Roll for the 2009 tax year submitted by the Sumter County Tax Collector (Staff recommends approval).
10. Establishment of Sumter County Dishonored Check Policy (Staff recommends approval).
11. Tourist Development Council - Tourism Grant Guidelines & Grant Application / Evaluation Packet (Staff recommends approval).

**Commissioner Breeden moved, with a second by 2nd Vice Chairman Mask, to approve Agenda Item 7 to move forward with the aspects of the Classification and Compensation Schedule and revised job descriptions that are related to organizational changes and the COLA increase. Those items related to Agenda Item 8 (Compensation Market Salary Study Recommendations) will be addressed in the October workshop. The motion carried unanimously 5 - 0.**

**Vice Chairman Burgess moved, with a second by Commissioner Hoffman, to approve Agenda Items 1 through 6 and 9 through 11 under Financial. The motion carried unanimously 5 - 0.**

*e. CONTRACTS AND AGREEMENTS*

1. Contract to sell portions of the Solid Waste property on CR 529 including the closed landfill (Staff recommends approval).

Mr. Arnold provided a summary of the letter of intent received from Peninsula Copost Group, LLC. Mr. McAteer advised the Board that should they pursue the sale of this property, under Section 2-183 of the Sumter County Code the property would have to be declared as surplus.

**Commissioner Breeden moved, with a second by Vice Chairman Burgess, to approve for the County Administrator and County Attorney to begin the formal process to pursue the sale of portions of the Solid Waste property on CR 529 including the closed landfill. The motion carried unanimously 5 - 0.**

2. Annual contract with the State of Florida Department of Health for the operation

of the Sumter County Health Department (Staff recommends approval).

**Vice Chairman Burgess moved, with a second by 2nd Vice Chairman Mask, to approve 2. Annual contract with the State of Florida Department of Health for the operation of the Sumter County Health Department (Staff recommends approval). The motion carried unanimously 5 - 0.**

3. Sumter County Economic Development Contract (Staff recommends approval).
4. Escrow agreement with Air Force 1 Air Conditioning & Heat (Staff recommends approval).
5. Second Amendment to Transportation Agreement with Mid Florida Community Services Inc. (Staff recommends approval).
6. Contract with Page Dixon Chandler Smith of Florida, for Building Services Plan Review and Inspection Services (Staff recommends approval).
7. Housing and Urban Development (HUD) Section 8 Voucher Program Contracts (Staff recommends approval).
8. Amendment No. 1 to Architectural Studio 1988 Jail Renovation Contract (Staff recommends approval).
9. Annual funding agreement with Mid Florida Community Services, Inc (Staff recommends approval).
10. Annual funding agreement with Sumter County Association for Retarded Citizens (Staff recommends approval).
11. Annual funding contract for court-related technology for the Office of State Attorney (Staff recommends approval).
12. Annual funding agreement with LifeStream (Staff recommends approval).
13. Memorandum of Agreement (MOA) between Sumter County and Nahas/York/Clark reviewed at the September 27, 2010 DRC meeting (Staff recommends approval).
14. Renewal of BeneWise License Agreement with Infinity Software Solutions, Inc (Staff recommends approval).
15. FY 2010/2011 District V Medical Examiner Contract (Staff recommends approval).

16. Public Defender Information Technology Agreement (Staff recommends approval).
17. Approve Contract Renewal of the Sheriff's Janitorial Contract Memorandum of Agreement (Staff recommends approval).
18. Coleman Fire Station Potable Water Service Agreement (Staff recommends approval).
19. Industrial Development Authority Bond Fee Allocation Agreement (Staff recommends approval).
20. Firehouse Software Service Agreement (Staff recommends approval).
21. Renewal, Addendum and Amendment to Horizon Behaviorals Services EAP Agreement (Staff recommends approval).
22. ACMS Class I Landfill Memorandum of Agreement (Staff recommends approval).
23. Contract with Capitol Solutions, LLC, for legislative lobbying services (Staff recommends approval).

**Vice Chairman Burgess moved, with a second by Chairman Gilpin, to table this item until the October workshop. The motion carried unanimously 5 - 0.**

24. Annual funding agreement with the Sumter County Chamber of Commerce (Staff recommends approval).
25. Amended and Restated Memorandum of Agreement (MOA) for VOS - Flagler Financial Center reviewed at the September 13, 2010, Development Review Committee (DRC) meeting (Staff recommends approval).
26. Tourism Plan Development Contract with E-5 Solutions, Inc. (Staff recommends approval).

**Vice Chairman Burgess moved, with a second by 2nd Vice Chairman Mask, to approve Agenda Items 2 through 22 and Items 24 through 26 under Contracts and Agreements. The motion carried unanimously 5 - 0.**

*f. GENERAL ITEMS FOR CONSIDERATION*

1. Buenos Aires Boulevard Golf Cart Access (Board's option).

**CLERK'S NOTE:** After lengthy discussion by the Board it was the **consensus** to

explore Option 4 in more detail and contact the developer and developer's engineer for their input and readdress the item at the October 26, 2010 meeting.

2. Vision, Mission and Values of the Sumter County Board of County Commissioners (Board's option). **CLERK'S NOTE:** At the request of Commissioner Breeden, this item was tabled until the October workshop.

3. Thomas E. Langley Request for Support (Board's option).

Vice Chairman Burgess advised that he serves on the Langley Foundation Board. Mr. McAteer advised he has researched the issue and does not feel there is any conflict of interest.

**Commissioner Breeden moved, with a second by Commissioner Hoffman, to approve Option 2 with a default to Option 3 should the FDOT not take action. The motion carried unanimously 5 - 0.**

4. Lake Panasoffkee Community Building Transfer Options (Staff recommends option 1-3, in order of acceptance by the listed entity for receipt of the quit-claim deed).

**Vice Chairman Burgess moved, with a second by Commissioner Breeden, to approve Options 1 through 3 for the transfer of the Lake Panasoffkee Community Building in the order presented. The motion carried unanimously 5 - 0.**

5. The Villages Community Development District Recreation 5K Race (Board's option).

**Commissioner Breeden moved, with a second by 2nd Vice Chairman Mask, to approve the new route as presented for The Villages Community Development District Recreation 5K Race. The motion carried 4 - 1 with Chairman Gilpin voting nay.**

6. Designation of Sumter Sanitation, LLC as the Solid Waste Disposal site for Sumter County via contract and pursuant to Section 403.706, Florida Statutes (Staff recommends approval). **Clerk's Note:** Mr. Arnold requested to postpone the action on the contract until October 12, 2010 and only consider the designation of Sumter Sanitation, LLC this evening.

7. Solid Waste Department Restructure Plan (Staff recommends approval).

8. Reduction in Force Plan and Severance Package for the Solid Waste Department effective November 1, 2010 (Staff recommends approval).

9. Update Building Services Fee Schedule to Reflect Changes in State of Florida

Madatory Surcharge Fees and Minor Clarifications to the Commercial Permit Fee Section (Staff recommends approval).

10. Release of Lien Request for Marie Norton/Lorenzo Green (Staff recommends approval).

11. Acceptance of ROW and maintenance of Burnsed Boulevard and Sarasota Street (Staff recommends approval).

12. Inventory Transactions (Staff recommends approval). Documents: Executive Summary Inventory Transactions 9-28-10.pdf

13. Renewal rates from Florida Combined Life for Group Term Life, Accidental Death and Dismemberment and Voluntary Term Life (Staff recomends approval).

14. VOS- Edgewater Bungalows - Major Development - Final Plat (Staff recommends approval).

**Vice Chairman Burgess moved, with a second by 2nd Vice Chairman Mask, to approve Agenda Items 6 through 14 under General Items for Consideration noting that the contract under Item 6 will be presented on October 12, 2010. The motion carried unanimously 5 - 0.**

#### **4. ADJOURN**

The meeting was adjourned at 6:35 p.m.