

10/26/10
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REGULAR MEETING BOARD OF COUNTY COMMISSIONERS OCTOBER 12, 2010

The Board of County Commissioners convened in regular session on this Tuesday, October 12, 2010, at 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; and Randy Mask, 2nd Vice Chairman, District No. 5. Garry Breeden, District No. 4, was absent. 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 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 Vice Chairman Burgess.

1. TIMED ITEMS AND PUBLIC HEARINGS

a. 5:00 p.m. - Public Hearing to Vacate Portion of Right-of-Way of CR 647N (Old Istachatta Green Settlement Road) Request to Table to October 26, 2010

Chairman Gilpin called for a public hearing to consider the petition of Danny and Joyce Clay to vacate a portion of CR 647N (platted as Old Istachatta Green Settlement Road) that is adjacent to Lot 53, a portion of Lot 52 and Lot 78 of River Retreats Subdivision recorded in Plat Book 3, Page 42 Public Records of Sumter County, Florida. Proof of Publication, as advertised, filed herewith.

10-12-10-1-a

Vice Chairman Burgess moved, with a second by 2nd Vice Chairman Mask, to table the Public Hearing to Vacate Portion of Right-of-Way of CR 647N (Old Istachatta Green Settlement Road) to October 26, 2010 at 5:30 pm, Colony Cottage Recreation Center, Parlor Room, 510 Colony Boulevard, The Villages, FL 32162. The motion carried unanimously 4 - 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.

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 Connie Webb, 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."

Brad Cornelius, Planning Director, presented the following cases for consideration:

1. SS2010-0001 - Small Scale Future Land Use Amendment from Low Density Residential to Industrial - Harry Harmer - NE 37th Place/Wildwood (Request to Table to October 26, 2010).

The applicant is requesting to change the Future Land Use of 9.99 acres from Low Density Residential to Industrial. Due to an error in the public notices for this case, the Zoning and Adjustment Board (ZAB) tabled this case at their October 4, 2010 public hearing to October 18, 2010. As a result of the ZAB tabling, the Board is requested to table this case to October 26, 2010 at 5:30 pm at Colony Cottage Recreation Center in The Villages.

10-12-10-1-b-1

2. *R2010-0009 - Rezoning A10 to ID (Industrial) - Harry Harmer - NE 37th Place/Wildwood (Request to Table to October 26, 2010)

The applicant is requesting to change the zoning of 9.99 acres from A10 to ID (Industrial). This rezoning is related to SS2010-000. Due to an error in the public notices for this case, the Zoning and Adjustment Board (ZAB) tabled this case at their October 4, 2010 public hearing to October 18, 2010. As a result of the ZAB tabling, the Board is requested to table this case to October 26, 2010 at 5:30 pm at Colony Cottage Recreation Center in The Villages.

10-12-10-1-b-2

2nd Vice Chairman Mask moved, with a second by Commissioner Hoffman, to table R2010-0009, application of Harry Harmer to rezone 9.99 acres from A10 to ID (Industrial) and SS2010-0001, application of Harry Harmer for a Small Scale Future Land Use Amendment from Low Density Residential to Industrial on 9.99 acres until October 26, 2010 at 5:30 pm at Colony Cottage Recreation Center, Parlor Room, 510 Colony Boulevard, The Villages, FL. The motion carried unanimously 4 - 0.

3. *S2010-0013 - Major Special Use for Animal Rescue/Commercial Kennel - Humane Society of Inverness, Inc.- C-48/Bushnell

The Chairman polled the Board Members for ex parte communications, either written or verbal, related to this case. Commissioner Hoffman advised that he had spoken with Katherine Lovett on October 11, 2010 who expressed her concern regarding the structures

being placed on this property and the adverse conditions. 2nd Vice Chairman Mask advised that he had spoken with Bob Hunt and Ron Berry of the Zoning and Adjustment Board regarding their opinions on this matter. Vice Chairman Burgess advised that he has had no communication regarding this matter. Chairman Gilpin advised that he had spoken with Richard Cole of the Zoning and Adjustment Board regarding the general overview of the Zoning and Adjustment Board meeting regarding this matter.

Mr. Cornelius advised that the applicant is requesting a Special Use Permit (SUP) to allow an animal rescue shelter/commercial kennel. There were 7 notices sent with 11 being returned in objection (this includes objections from property owners outside of the 150 foot boundary) and 0 being returned in favor. The Development Review Committee reviewed the project on September 13, 2010 and recommended denial. The Zoning and Adjustment Board held a public hearing on October 4, 2010 and recommended denial by a vote of 6-4 for the following reason: The Inverness Humane Society, Inc. has a documented history of code and animal control violations (approximate 700 pages) with the previous location in Citrus County and several violations found with a recent inspection by Sumter County Animal Control and the Planning Department at the current facility in Sumter County. Staff recommends denial of the request. Mr. Cornelius provided a handout regarding an inspection of the property by Animal Control on October 7, 2010 and a handout of several e-mails received regarding the matter in the past few days.

Derrill McAteer, County Attorney, advised that he has been informed by Investigator Daniel Marshall of the State Attorney's Office that there is an open criminal investigation of this facility concerning the conditions, care, and number of animals at the facility.

The following individuals, having been sworn, spoke on behalf of the applicant.

Mike Springstead, Springstead Engineering, Leesburg, FL. Mr. Springstead advised that he assisted the applicant with the application for the special use permit. He discussed that the site needs work and cleanup but feels that the site can support animals as defined in the County Code.

Bob Peacock, Board of Directors, Humane Society of Inverness, Hernando County.

Cliff Marshall, Board Member, Humane Society of Inverness, 831 West Mays Path, Hernando County.

Margaret Nolan, President of Humane Society of Inverness, 7295 C-48, Bushnell.

PUBLIC INPUT - Elizabeth Stewart, 3327 SW 75 Drive, Bushnell, having been sworn, spoke on her concerns and is not in favor of approving the request for the special use permit.

APPLICANT REBUTTAL - The following individuals, having been sworn, spoke during this time, Bob Peacock and Margaret Nolan.

Board discussion.

10-12-10-1-b-3-a

10-12-10-1-b-3-e-mails

10-12-10-1-b-3-inspection

10-12-10-1-b-3-brochure

<p>Vice Chairman Burgess moved, with a second by 2nd Vice Chairman Mask, to approve the DENIAL of S2010-0013 - Application for Major Special Use for Animal Rescue/Commercial Kennel by the Humane Society of Inverness, Inc. The motion carried unanimously 4 - 0.</p>
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* Quasi Judicial Hearing

2. REPORTS AND INPUT

- a. Proclamation recognizing October 2010 as Head Start Awareness Month in Sumter County
Head Start Teachers in Sumter County:
Tammy Herring
Willie Mae Godfrey
Tina Thomas
Margorie Halmes
Oslita Dixon
Ruth Williams
Heloise Gibbons

Chairman Gilpin read the proclamation into the record and presented it to Gloria Sanders from the Head Start Program. There was a musical presentation by the children from the Head Start Program.

10-12-10-2-a

- b. Proclamation recognizing October 2010 as Long-Term Care Residents' Rights Month in Sumter County

Chairman Gilpin read the proclamation recognizing October 2010 as Long-Term Care Residents' Rights Month into the record.

10-12-10-2-b

- c. County Administrator

1. Purchase Orders (For Information Only)

10-12-10-2-c-1

2. Significant Schedule of Items (For Information Only)

10-12-10-2-c-2

3. BOCC Road Project Summary (For Information Only)

10-12-10-2-c-3

4. Facilities Development Project Update (For Information Only)

10-12-10-2-c-4

5. Reserve Firefighter Recruitment (For Information Only)

10-12-10-2-c-5

6. Fee refund from the Florida Department of Environmental Protection, Refund No. 18811 (For Information Only)

Mr. Arnold advised that this is related to the Okahumpka well issue where SWFWMD installed a well without a DEP permit because of it being on County property.

10-12-10-2-c-6

7. Meeting with Department of Environmental Protection Agency regarding Solid Waste operations (For Information Only)

This meeting was to update DEP on the transition of the Solid Waste operations. Formal notice has gone out to DEP regarding this.

10-12-10-2-c-7

8. Installation and Access Agreement between Bright House Networks and Sumter County (For Information Only)

Mr. Arnold advised that there were some minor changes made by the County Attorney regarding this Access Agreement for access to the Courthouse property.

10-12-10-2-c-8

9. Florida 911 Coordinators legislation (For Information Only)

10-12-10-2-c-9

10. Re-certification for the County's participation in the National Flood Insurance Program (NFIP) Community Rating System (CRS) approved (For Information Only)

10-12-10-2-c-10

11. Emergency Purchase order approved by County Administrator to Guardian Fueling Technologies (For Information Only)

Mr. Arnold advised that this was necessary due to a fuel spill of approximately 100 gallons at the fuel island at Public Works.

10-12-10-2-c-11

12. Florida Department of Law Enforcement Edward Byrne Memorial Justice Assistance Grant, Contract No. 2011-JAGC-SUMT-1-B2-125, subgrant application (For Information Only)

This is related to the Drug Task Force.

10-12-10-2-c-12

13. Utility lines provided by City of Wildwood to The Villages Sumter County Service Center completed under budget (For Information Only)

10-12-10-2-c-13

14. Sumter County Major Revenue Collection Report through FY 2009/10 (For Information Only)

10-12-10-2-c-14

15. CR 466A C&D Debris Disposal Recycling Facility Modification #172478-009-SO/MM to existing Operation Permit #172478-006-SO/22, Sumter County (For Information Only)

10-12-10-2-c-15

16. Request regarding location of digester at the Solid Waste Facility (For Direction)

After discussion, the consensus was to grant a six-month extension with a \$1,000 per month ground lease.

10-12-10-2-c-16

17. Letter of opposition regarding Certificate of Need Application No. 10095 by Haven Behavioral Healthcare Inc., to build a 30-bed psychiatric hospital in Lake County (For Direction)

After discussion, the consensus was for the Board not to take any action regarding this matter.

10-12-10-2-c-17

18. Mr. Arnold discussed the meeting at the City of Coleman held last evening regarding the Interlocal Service Boundary Agreement and Joint Planning Agreement.

10-12-10-2-c-18

d. County Attorney - No report.

e. Clerk of Court - No report.

f. Board Members

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

g. Public Forum - There was no public input.

3. NEW BUSINESS-ACTION REQUIRED

a. MINUTES

1. Minutes of Budget meeting held on September 27, 2010 (Staff recommends approval).

10-12-10-3-a-1

Commissioner Hoffman moved, with a second by Vice Chairman Burgess, to approve minutes of Budget Meeting held on September 27, 2010. The motion carried unanimously 4 - 0.

2. Minutes of Regular meeting held on September 28, 2010 (Staff recommends approval).

Attorney McAteer requested that the following verbiage be added to Agenda Item 3.e.1 regarding the proposed sale of the Solid Waste property on CR 529: "and disposed of through the bid process or by use of a licensed real estate broker as defined in the Code."

10-12-10-3-a-2

Vice Chairman Burgess moved, with a second by 2nd Vice Chairman Mask, to approve the minutes of Regular Meeting held on September 28, 2010 subject to the additional language requested by the County Attorney. The motion carried unanimously 4 - 0.

b. FUTURE PUBLIC HEARINGS OR MEETINGS

- 1. Cancel Workshop meeting scheduled on November 16, 2010 (Staff recommends approval).*

10-12-10-3-b-1

Commissioner Hoffman moved, with a second by 2nd Vice Chairman Mask, to approve the cancellation of the Workshop Meeting scheduled on November 16, 2010. The motion carried unanimously 4 - 0.

c. APPOINTMENTS

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

Chairman Gilpin advised that he will be presenting recommendations for these vacancies at the next regular meeting. There was no action taken.

10-12-10-3-c-1

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

Chairman Gilpin advised he has someone interested in the vacancy who is in the process of completing an application. There was no action taken.

10-12-10-3-c-2

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

Chairman Gilpin advised that he possibly has five individuals interested in these vacancies. There was discussion regarding Brad Cornelius serving on this committee as the Planning representative. There was no action taken.

10-12-10-3-c-3

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

There was no action taken.

10-12-10-3-c-4

d. *FINANCIAL*

1. Award of the Florida Department of Law Enforcement Edward Byrne Memorial Justice Assistance Grant (Staff recommends approval).

This grant for \$85,212.00 is for the project entitled, Sumter County Drug Task Force V. The funds will be utilized for the purpose of reducing crime and improving public safety.

10-12-10-3-d-1

2. Change Order Request to Purchase Order No. 52607 (Staff recommends approval).

10-12-10-3-d-2

3. Budget Amendment A-115 (FY 09/10) General Fund (Staff recommends approval).

10-12-10-3-d-3

4. Budget Amendment A-116 (FY 09/10) General Fund (Staff recommends approval).

10-12-10-3-d-4

5. Budget Amendment A-117 (FY 09/10) General Fund (Staff recommends approval).

10-12-10-3-d-5

6. Budget Amendment A-1 (FY 10/11) General Fund - Transfer to Property Appraiser (Staff recommends approval).

10-12-10-3-d-6

7. Budget Amendment A-2 (FY 10/11) General Fund - Transfer to Clerk of Court (Staff recommends approval).

10-12-10-3-d-7

8. Budget Amendment A-3 (FY 10/11) Capital Outlay Reserve Fund (Staff recommends approval).

10-12-10-3-d-8

9. CR 528 Change Order #1 with Boykin Construction (Staff recommends approval).

10-12-10-3-d-9

Vice Chairman Burgess moved, with a second by Commissioner Hoffman, to approve Agenda Items 1 through 9 under Financial. The motion carried unanimously 4 - 0.

e. *CONTRACTS AND AGREEMENTS*

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

10-12-10-3-e-1

2. Escrow Agreement with Age Wave Solutions, Inc. (Staff recommends approval).

10-12-10-3-e-2

3. Notice of Funding for the Multi-Year Joint Participation Agreement between the State of Florida Department of Transportation and Sumter County Transit (Staff recommends approval).

10-12-10-3-e-3

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

10-12-10-3-e-4

5. Contract for West Bushnell and Coleman Fire Stations (Staff recommends approval).

Commissioner Hoffman advised that he is in agreement with the need for these two facilities, however, he is opposed to the use of Federal funds.

10-12-10-3-e-5

6. Award and enter into an Agreement with ATM of Orlando, LLC (Staff recommends approval).

10-12-10-3-e-6

7. Sumter Sanitation, LLC agreements regarding disposal of solid waste (Staff recommends approval).

Clerk's Note: Mr. Arnold advised that Attorney McAteer provided an updated version of this to the Clerk which references the effective date of October 12, 2010 and the commencement date of October 13, 2010 with an initial five-year term.

10-12-10-3-e-7

2nd Vice Chairman Mask moved, with a second by Vice Chairman Burgess, to approve Agenda Items 1 through 4 and 6 through 7 under Contracts and Agreements. The motion carried unanimously 4 - 0.

Commissioner Hoffman moved to deny Agenda Item 5 under Contracts and Agreements. The motion failed due to a lack of second.

Vice Chairman Burgess moved, with a second by 2nd Vice Chairman Mask, to approve Agenda Item 5 under Contracts and Agreements. The motion carried 3 - 1 with Commissioner Hoffman voting nay.

f. GENERAL ITEMS FOR CONSIDERATION

1. Request from Sumter Fair Association to allow alcohol at Quinceanera event being held at the Agriculture Center on October 23, 2010 (Board's Option).

10-12-10-3-f-1

2. Request from Sumter Fair Association to allow alcohol at wedding reception being held at the Agriculture Center on April 23, 2011 (Board's Option).

10-12-10-3-f-2

3. Request from Sumter Fair Association to allow alcohol at Annual Long Beards Banquet being held at the Agriculture Center on August 6, 2011(Board's Option).

10-12-10-3-f-3

4. Declare the Lake Panasoffkee Community Property and Building Surplus, approve the Quit Claim Deed transfer of same to Mid-Florida Community Services, Inc., and Terminate the parking area lease associated with the property (Staff recommends approval).

10-12-10-3-f-4

5. Inventory Transactions (Staff recommends approval).

10-12-10-3-f-5

Vice Chairman Burgess moved, with a second by Commissioner Hoffman, to approve Agenda Items 1 through 3 under General Items for Consideration. The motion carried 3 - 1 with 2nd Vice Chairman Mask voting nay.

Commissioner Hoffman moved, with a second by 2nd Vice Chairman Mask, to approve Agenda Items 4 through 5 under General Items for Consideration. The motion carried unanimously 4 - 0.

4. ADJOURN

The meeting was adjourned at 6:35 pm.