

DRAFT

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

JANUARY 11, 2011

The Board of County Commissioners convened in regular session on this Tuesday, January 11, 2011, at Bushnell, Florida, with the following members present to wit: Richard Hoffman, District No. 1; Douglas Gilpin, 2nd Vice Chairman, District No. 2; Donald Burgess, Chairman, District No. 3; Garry Breeden, Vice Chairman, District No. 4; and Randy Mask, District No. 5. The following individuals were also present and acting in their respective official capacities: Bradley Arnold, County Administrator; Bill Kleinsorge, Finance Director; Melissa Elliott, Deputy Clerk; and Derrill McAteer and George Angeliadis of The Hogan Law Firm, Attorneys for the Board. Chairman Burgess called the meeting to order at 5:00 p.m. with the invocation given by Commissioner Mask followed by the flag salute led by Tyler Smith and Paxton Cline of Boy Scout Troop 439.

1. TIMED ITEMS AND PUBLIC HEARINGS

- a. *5:00 p.m. Public Hearing - Rehearing to Reconsider Approval of Vacation and Closing a Portion of Right-of-Way of CR 647N (Old Istachatta Green Settlement Road) (Staff recommends Option 1).*

Chairman Burgess called for a public hearing to rehear and reconsider the approval of the vacation and closing of a portion of right-of-way of CR 647N (Old Istachatta Green Settlement Road). Proof of Publication, as advertised, filed herewith. On October 26, 2010 this Board approved the petition of Danny and Joyce Clay to vacate and close a portion of CR 647N. On November 1, 2010, the County received a request for rehearing from Darryl Johnston, counsel for Mr. & Mrs. Richard Hough, according to Section 20-21, Sumter County Code of Ordinances. Chairman Burgess gave a short summary of the order in which the rehearing would proceed. Staff has provided two options: (1) maintain the decision by the Board on October 26, 2010 to vacate and close a portion of CR 647N; and (2) reverse the decision by the Board on October 26, 2010 to vacate and close a portion of CR 647N. Staff recommends Option 1.

Darryl Johnston, Counsel for Mr. & Mrs. Hough, presented information on behalf of the Houghs regarding the alleged misrepresentations and misunderstandings at the October 26, 2010 hearing.

Carol Hough presented additional information.

Frank Arenas, counsel for Danny and Joyce Clay and John and Lorena Marek, responded to Darryl Johnston's presentation and requested that the Board keep the decision of October 26, 2010 that the road be closed.

Darrell Johnston responded to Mr. Arenas' comments and requested that the Board reconsider their decision of October 26, 2010.

Board comments and discussion.

Bradley Arnold, County Administrator, advised the Board that should it be their decision to reverse the October 26, 2010 decision, he has directed Public Works to be prepared to make improvements on the road by putting limerock in the area so that the concerns about rutting and trucks moving in and out are immaterial to the use of the road. This would provide a more stabilized road system.

01-11-11-1-a

Vice Chairman Breeden moved, with a second by 2nd Vice Chairman Gilpin, to approve Option 2 and reverse the decision by the Board on October 26, 2010 to vacate and close a portion of CR 647N. The motion carried unanimously 5 - 0 .

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

Chairman Burgess called for a Public Hearing to consider the recommendations of the Zoning and Adjustment Board. Proof of Publication, as advertised, filed herewith. Chairman Burgess 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 Burgess 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."

The Chairman polled the Board Members for ex parte communications, either written or verbal, related to this case. Commissioner Hoffman-none; Vice Chairman Breeden advised he had a conversation with a gentleman on Case *R2010-0015; Commissioner Mask advised he had communication on Case *C2010-0001 with a gentleman from Coleman and conversation with Loyce David regarding Case *R2010-0015; 2nd Vice Chairman Gilpin-none; and Chairman Burgess-none.

1. *C2010-0001 - Conditional Use Permit to allow a compost facility - James & Barbara Shelley/Compost USA - C-48/Center Hill

01-11-11-1-b-1

Vice Chairman Breeden moved, with a second by Commissioner Hoffman, to table Case *C2010-0001, James David and Barbara Shelley/Compost USA, until the meeting scheduled for February 22, 2011.

The motion carried unanimously 5 - 0 .

2. *R2010-0015 - Rezoning to RR1C - Shelly Carter - NE 33rd Place/Coleman

Brad Cornelius, Planning and Development Director, advised that the applicant is requesting rezoning on five acres MOL from A5 to RR1C. This rezoning will allow the applicant to create a three acre parcel and a two acre parcel from the five acre parcel. The Future Land Use Map on this parcel is Low Density Residential which allows two dwelling units per acre. There were seven notices sent with four being returned in objection and one being returned in favor. The Zoning and Adjustment Board recommended approval by a vote of 11-0.

PUBLIC - Roger Reed, 2924 N.E. 33rd Place, Coleman, having been sworn, advised the property being considered for rezoning adjoins his property and he would like to see the trees on the property preserved.

01-11-11-1-b-2

2nd Vice Chairman Gilpin moved, with a second by Commissioner Hoffman, to approve Case *R2010-0015 request of Shelly Carter to rezone five acres MOL from A5 to RR1C and the related resolution (Res. No. 2011-01). The motion carried unanimously 5 - 0 .

*Quasi Judicial Hearing

2. REPORTS AND INPUT

a. County Administrator

Mr. Arnold commented on the public hearing regarding the road closing. He advised that from this time forward that in road closing cases, unless the road impacts a county-owned property, they will abstain from providing a staff recommendation in the matter. If the property does connect to a county-owned property, a staff recommendation will be provided for the Board's option.

1. Purchase Orders (For Information Only)

01-11-11-2-a-1

2. Encumbered Contract Purchase Orders (For Information Only)

01-11-11-2-a-2

3. Road Project Update Report (For Information Only)

01-11-11-2-a-3

4. Facilities Development Update Report (For Information Only)

01-11-11-2-a-4

5. Health Care Responsibility Act Claims - December 2010 (For Information Only)

01-11-11-2-a-5

6. DCA vs. Sumter County Docket No. 10-1-NOI-6001-(A)-(N)-Sumter County Amendment No. 10-1 (For Information Only)

Monarch Industrial Park - Mr. Arnold advised the Department of Community Affairs has determined this does not meet the requirements of Chapter 163, Part II, Florida Statutes (F.S.). Steps are being taken to resolve this.

01-11-11-2-a-6

7. Sumter County Comprehensive Plan Amendment DCA Number 10-CIE1 from the Department of Community Affairs (For Information Only)

Mr. Arnold advised that the Department of Community Affairs has determined this amendment meets the requirements of Chapter 163, Part II, Florida Statutes (F.S.).

01-11-11-2-a-7

8. Florida Department of Transportation - Notification of Proposed Work Program Amendment Number 2011-05-071 (For Information Only)

This project is the Joint Participation Agreement between Sumter County and FDOT for resurfacing on CR 673 at the US 301 intersection in Sumter County.

01-11-11-2-a-8

01-11-11-2-a-8

9. Florida Department of Transportation - Notification of Proposed Work Program Amendment Number 2011-05-072 (For Information Only)

This project is the Joint Participation Agreement between Sumter County and FDOT for resurfacing on CR 470 (C-470) from west of Interstate 75 to CSX right-of-way.

01-11-11-2-a-9

10. Cherry Lake Park - FRDAP Project No. F50297 (For Information Only)

Consensus is for Mr. Arnold to speak with the church that adjoins the park to see if they are interested in acquiring the property.

01-11-11-2-a-10

11. Major Revenue Collection Report through FY 2009/10 (For Information Only)

01-11-11-2-a-11

12. Solid Waste Exceptions to the "Residential Waste Only" rule (For Information Only)

01-11-11-2-a-12

13. Sumter County Policy on Environmental Due Diligence regarding Real Estate and Right of Way Transactions (For Information Only)

01-11-11-2-a-13

14. Time Extension Stimulus LAP Agreement - Project C-470 Resurfacing and Project C-476E Resurfacing (For Information Only)

01-11-11-2-a-14

15. Fiscal Year 2011/2012 Budget Calendar (For Direction)

Consensus is to move forward with calendar with two additions noted: (1) date when Mr. Arnold will receive proposed budget; and (2) tentative dates for fire assessment public hearings.

01-11-11-2-a-15

16. CR 215 Dead Tree Removal (For Direction)

Consensus for Mr. Arnold to have survey done to confirm who owns property before proceeding with removal of tree.

01-11-11-2-a-16

Mr. Arnold added the following two items which were received yesterday, January 10, 2011, to his agenda.

17. Request from Royal Library Association for Temporary Road Closing on January 17, 2011.

Mr. Arnold's recommendation, due to the lateness of this request, is to deny the request.

01-11-11-2-a-17

18. Request from Ebenezer AME Church in Royal for a Temporary Road Closing on January 29, 2011.

Mr. Arnold advised that he will present this on the January 25, 2011 agenda but will proceed with directing Public Works Director Cottrell to work with law enforcement to encourage the applicant to change the route from CR 462 due to its high traffic volume.

01-11-11-2-a-18

Vice Chairman Breeden moved, with a second by Commissioner Mask, deny the Temporary Road Closing Request of the Royal Library Association for January 17, 2011 and direct Scott Cottrell to work with the Ebenezer AME Church regarding the January 29, 2011 request for an alternate route. The motion carried unanimously 5 - 0 .

b. County Attorney

Derrill McAteer advised he will be leaving The Hogan Law Firm and moving to Volusia County. He thanked the Board for their support and thanked staff for their assistance during his time here. Mr. McAteer introduced George Angeliadis, The Hogan Law Firm, who will be his replacement. Chairman Burgess thanked Mr. McAteer for his service and wished him the best on behalf of the Board.

c. Clerk of Court - No report.

d. Board Members

1. Commissioner Hoffman - No report.
2. Commissioner Mask - No report.
3. 2nd Vice Chairman Gilpin

2nd Vice Chairman Gilpin thanked Mr. McAteer for his service. He also thanked staff for their efforts in finding replacements for positions as they become available.

4. Vice Chairman Breeden

Vice Chairman Breeden also thanked Mr. McAteer and staff and welcomed Mr. Angeliadis.

5. Chairman Burgess

Chairman Burgess advised he had attended the annual reenactment at Dade Battlefield on January 2, 2011. He provided a copy of the program which was given to the attendees noting the acknowledgment "This event has been funded in part by a Transit Development Tax Grant from the Sumter County Board of County Commissioners in conjunction with the Sumter County Tourist Development Council."

01-11-11-2-d-5

e. Public Forum

There was no public input.

Chairman Burgess recognized Howard Oxendine and his participation in the recent Pow Wow that was held in Webster. Mr. Arnold recognized Boy Scout Matthew Miller who, along with Tyler Smith and Paxton Cline, are working toward their "Citizenship in the Community" Eagle-required merit badge.

3. NEW BUSINESS-ACTION REQUIRED

a. MINUTES

1. Minutes of Regular meeting held on December 14, 2010 (Staff recommends approval).

01-11-11-3-a-1

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

b. FUTURE PUBLIC HEARINGS OR MEETINGS

1. Schedule Public Hearing to Amend Chapter 6, Article II, Division 3, Section 6-25 (c)(9) for Irrigation Sprinkler Contractors on February 8, 2011, at 5:00 p.m. located at Sumter County Government Annex in Bushnell, 910 N. Main Street, Room 142, Bushnell, FL (Staff recommends approval).

01-11-11-3-b-1

2nd Vice Chairman Gilpin moved, with a second by Vice Chairman Breeden, to approve to schedule a Public Hearing to Amend Chapter 6, Article II, Division 3, Section 6-25(c)(9) for Irrigation Sprinkler Contractors on February 8, 2011, at 5:00 p.m. located at Sumter County Government Annex in Bushnell, 910 N. Main Street, Room 142, Bushnell, FL. The motion carried unanimously 5 - 0 .

2. Schedule Public Hearing to consider an Ordinance requiring County Commissioners to give bond consistent with Chapter 137, Florida Statutes, on January 25, 2011, at 5:00 p.m. at the Colony Cottage Recreation Center, Parlor Room, 510 Colony Blvd., The Villages, FL 32162 (Staff recommends approval).

01-11-11-3-b-2

Commissioner Hoffman moved, with a second by Commissioner Mask, to approve to schedule a Public Hearing to consider an Ordinance requiring County Commissioners to give bond consistent with Chapter 137, Florida Statutes, on January 25, 2011, at 5:00 p.m. at the Colony Cottage Recreation Center, Parlor Room, 510 Colony Blvd., The Villages, FL 32162. The motion carried unanimously 5 - 0 .

c. APPOINTMENTS

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

There was no action taken.

01-11-11-3-c-1

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

There was no action taken.

01-11-11-3-c-2

d. FINANCIAL

1. Purchase Order Approval (Staff recommends approval).

01-11-11-3-d-1

2. Budget Amendment A-19 (FY 10/11) General Fund (Staff recommends approval).

The purpose of this amendment is to establish a budget for Detention Center Expenditures for the State Criminal Alien Assistance Revenue received in December.

01-11-11-3-d-2

3. Budget Amendment A-20 (FY 10/11) Secondary Trust Fund / Sumter County Road Construction Impact Fund (Staff recommends approval).

The purpose of this amendment is to move the C-468 PD&E Project from the County Transportation Trust Fund (103) to the Sumter County Road Construction

Impact Fund (153). This project should be funded from impact fees.

01-11-11-3-d-3

4. Budget Amendment A-21 (FY 10/11) General Fund and SHIP Program Funds (Staff recommends approval).

The purpose of this amendment is to adjust the FY2010/11 Affordable Housing and SHIP Program budgets to reflect actual Cash Balance Forward balances as of the close of FY2009/10.

01-11-11-3-d-4

5. Budget Amendment A-22 (FY 10/11) Florida Arts License Plate Program Fund (Staff recommends approval).

The purpose of this amendment is to increase the Florida Arts License Program budget to the amount of funds approved for payment by the Board on 12/14/2010. Funds are available to carry forward from FY2009/10.

01-11-11-3-d-5

6. Budget Amendment A-23 (FY 10-11) General Fund (Staff recommends approval).

The purpose of this amendment is to cover network improvements needed to support the VoIP project and conversion to the Thin Client Platform.

01-11-11-3-d-6

7. Change order to Guardian Contract (PO) to Repair Fuel Sumps and Pumps (Staff recommends approval).

01-11-11-3-d-7

8. Change Order Request to Purchase Order No. 54543 (Staff recommends approval).

This is related to the increase request by Guardian Fueling Technologies of \$24,775.22.

01-11-11-3-d-8

9. Change Order Request to Purchase Order No. 9000020 (Staff recommends approval).

This is an increase request of \$100,000 for payment of current and future invoices for outsourced building inspections to Page Dixon Chandler Smith.

01-11-11-3-d-9

10. Establish change bank for Self-Service Copier at The Villages Public Library at Pinellas Plaza (Staff recommends approval).

01-11-11-3-d-10

11. Solid Waste Revised FY10/11 Budget and Budget Amendment (Staff recommends approval).

01-11-11-3-d-11

12. State Housing Initiatives Partnership (SHIP) and Affordable Housing (AH) Programs New Construction Bids (Staff recommends approval).

01-11-11-3-d-12

13. State Housing Initiatives Partnership (SHIP) Program Emergency Repair Bids and Payment Requests (Staff recommends approval).

01-11-11-3-d-13

2nd Vice Chairman Gilpin moved, with a second by Vice Chairman Breeden, to approve Agenda Items 1 through 13 under Financial. The motion carried unanimously 5 - 0 .

e. CONTRACTS AND AGREEMENTS

1. Assignment and Consent Agreement between the Board of County Commissioner and Boyle Engineering Corporation (dba AECOM USA, Inc) professional engineering firm (Staff recommends approval).

Boyle Engineering is one of eight continuing engineering contracts entered into with Sumter County. AECOM USA, Inc. merged with Boyle Engineering in February, 2009 and is now providing professional services to Sumter County. AECOM USA, Inc. is assigning the contract with Boyle Engineering Corporation, dated March 25, 2008, to its parent company, AECOM Technical Services, Inc.

01-11-11-3-e-1

2. Cancellation of Maintenance Contracts with Embarq/CenturyLink for contract #M09PLBN7NPPJE (Staff recommends approval).

This cancellation is effective March 1, 2011. It is for the agreement with Embarq for maintenance of the Private Branch Exchange (PBX) telephone equipment located at the Historic Courthouse that was approved on February 10, 2008.

01-11-11-3-e-2

3. Cancellation of Maintenance Contracts with Embarq/CenturyLink for contract #M09PLBN7NQS9Z (Staff recommends approval).

This cancellation is effective March 1, 2011. It is for the agreement with Embarq for maintenance of the Private Branch Exchange (PBX) telephone equipment located at the Bushnell Government Annex that was approved on February 10, 2008.

01-11-11-3-e-3

4. Collection of Recyclable Material Agreement with FDS Disposal, Inc. (Staff recommends approval).

This is for placement of labeled recycling containers at the Citizens Dropoff Area at the Solid Waste Facility.

01-11-11-3-e-4

5. Escrow agreement with Slack Construction, Inc. (Staff recommends approval).

01-11-11-3-e-5

6. FEMA Map Modernization Project for Sumter County - Community Partner Memorandum of Agreement (Staff recommends approval).

This agreement is part of the coordination process for the updating of the National Flood Insurance Rate Maps (FIRM) that cover Sumter County.

01-11-11-3-e-6

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

01-11-11-3-e-7

8. Non-Profit Fire Impact Agreement with Wildwood Church of Christ (Staff recommends approval).

01-11-11-3-e-8

9. Products and Services Agreements for Contract No. 10KLI8AU3XT with

CenturyLink for the 911 Circuits (Staff recommends approval).

01-11-11-3-e-9

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

01-11-11-3-e-10

Commissioner Hoffman moved, with a second by Commissioner Mask, to approve Agenda Items 1 through 10 under Contracts and Agreements. The motion carried unanimously 5 - 0 .

f. GENERAL ITEMS FOR CONSIDERATION

1. Approve VOS - Charter School Early Childhood Development Center Preliminary Plans reviewed at the January 3, 2011, Development Review Committee (DRC) meeting (Staff recommends approval).

01-11-11-3-f-1

2. Authorize Bradley Arnold, County Administrator, to execute documents associated with claiming gifts bequeathed by Mildred Wala to the Bushnell and Webster Public Libraries (Staff recommends approval).

There was consensus for Mr. Arnold to provide a thank you to the family of Ms. Wala for the donation.

01-11-11-3-f-2

3. FY2012 Florida-Friendly Landscaping Program Grant Application (Staff Recommends Approval).

01-11-11-3-f-3

4. Inventory Transactions (Staff recommends approval).

01-11-11-3-f-4

5. Approve staff to enter into contract negotiations with TUSA Consulting Services or RCC Consultants, Inc. for RFSQ 177-0-2010/AT 800 MHz Radio (Staff recommends approval).

There were eight packages received and opened: (1) RCC Consultants, Inc.; (2) Advance Concepts; (3) ACD Telecom LLC; (4) Geo Comm; (5) Mission Critical Partners; (6) Concepts to Operations, Inc.; (7) L.R. Kimball; and (8) TUSA Consulting Services.

The Selection Committee met on 1-3-2011 to discuss and review the qualification packages that were submitted. After discussion the Selection Committee makes the following recommendation to the BOCC: to enter into contract negotiations with TUSA Consulting Services as their number one selection and if an agreement cannot be reached during negotiations to enter into negotiations with RCC Consultants, Inc. Entering into negotiations with RCC Consultants, Inc. will only happen if an agreement cannot be reached with TUSA Consulting Services.

01-11-11-3-f-5

2nd Vice Chairman Gilpin moved, with a second by Vice Chairman Breeden, to approve Agenda Items 1 through 5 under General Items for Consideration. The motion carried unanimously 5 - 0 .

6. Request from Sumter Fair Association to allow alcohol at event being held at the Agriculture Center on January 22, 2011 (Staff recommends approval).

There was discussion regarding future Items of this type. In the past they have been presented on the agenda as "Board's Option." In the future they will appear as "Staff recommends approval" unless there are circumstances that warrant further discussion.

01-11-11-3-f-6

2nd Vice Chairman Gilpin moved, with a second by Vice Chairman Breeden, to approve the request from Sumter Fair Association to allow alcohol at an event being held at the Agriculture Center on January 22, 2011. The motion carried 4 - 1 with Commissioner Mask voting nay.

4. ADJOURN

2nd Vice Chairman Gilpin moved, with a second by Vice Chairman Breeden, to adjourn at 6:35 p.m. The motion carried unanimously 5 - 0 .