

DRAFT

REGULAR MEETING BOARD OF COUNTY COMMISSIONERS SEPTEMBER 29, 2009

The Board of County Commissioners convened in regular session on this Tuesday, September 29, 2009, at Bushnell, Sumter County, Florida, with the following members present to wit: Richard Hoffman, District No. 1; Douglas Gilpin, Vice Chairman, District No. 2; Don Burgess, District No. 3; Garry Breeden, Chairman, 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 L. McAteer of The Hogan Law Firm, Attorneys for the Board. The meeting was called to order at 5:00 p.m. by Chairman Breeden, with the invocation given by Commissioner Mask, followed by the flag salute which was led by Vice Chairman Gilpin.

1. TIMED ITEMS AND PUBLIC HEARINGS

a. 5:00 p.m. - Public Hearing - Ordinance to Amend Section 13-332(a)(5)(b), IP (Planned Industrial) Zoning District, Sumter County Land Development Code

Chairman Breeden called for a public hearing to consider an ordinance of the Board of County Commissioners of Sumter County, Florida amending Section 13-332(a)(5)(b), Sumter County Land Development Code, to amend the IP (Planned Industrial) Zoning District; providing for severability; providing for an effective date. Proof of Publication, as advertised, filed herewith.

Brad Cornelius, Planning Manager, presented the proposed ordinance. The purpose of the amendment is to allow greater flexibility within the IP (Planned Industrial) Zoning District of the Land Development Code. The amendment will allow commercial and office uses as a secondary use to the primary industrial uses authorized as part of the IP District. Currently, the IP District only allows for industrial uses. The proposed amendments to the ordinance are (1) add commercial and office uses as secondary uses to the primary industrial uses; (2) replace reference to ordinance with reference to resolution; (3) clarify IP can also be applied within mixed use future land use; and (4) provide for modification of development timing requirements through adoption of Development Agreement pursuant to Section 163.3220, Florida Statutes. If adopted, this will apply to all future rezoning requests for the IP District. The Zoning and Adjustment Board recommended approval by a vote of 10-0.

PUBLIC - There was no public input.

Vice Chairman Gilpin moved, with a second by Commissioner Hoffman, to approve the Ordinance to Amend Section 13-332(a)(5)(b), IP (Planned Industrial) Zoning District, Sumter County Land Development Code (Ordinance No. 2009-20) as presented. The motion carried unanimously 5 - 0.

092909-1-a

b. 5:00 p.m. - Public Hearing - Ordinance to Adopt Interlocal Service Boundary Agreement with the City of Webster

Chairman Breeden called for a public hearing to consider an ordinance of Sumter County, Florida; adopting the Interlocal Service Boundary and Joint Planning Agreement between the City of Webster and Sumter County; providing for conflict; and providing for an effective date. Proof of Publication, as advertised, filed herewith.

Bradley Arnold, County Administrator, presented the proposed ordinance and Interlocal Service Boundary and Joint Planning Agreement.

PUBLIC - There was no public input.

Commissioner Hoffman moved, with a second by Commissioner Mask, to approve the adoption of the Ordinance to Adopt Interlocal Service Boundary Agreement with the City of Webster (Ordinance No. 2009-21). The motion carried unanimously 5 - 0.

092909-1-b

Chairman Breeden 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 Breeden 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."

*c. *5:30 p.m. - OP 2009-0005 - Operating Permit Extension for Limerock Mine - Mid-Coast Aggregates - SR 50/Mabel*

Chairman Breeden called for a Public Hearing to consider Case No. OP 2009-0005, Mid-Coast Aggregates, LLC, for the renewal of the operating permit. Proof of Publication, as advertised, filed herewith.

The Chairman polled the Board Members for ex parte communications, either written or verbal, related to this case. Commissioner Burgess - none; Commissioner Hoffman - none; Vice Chairman Gilpin - none; Chairman Breeden - none; and Commissioner Mask advised that he received a phone call from Paul Mazak and they discussed the history of the mine and that he (Mr. Mazak) did not feel there would be any problems with the

extension.

Brad Cornelius, Planning Manager, presented the case. In 1998 and 1999 the Board approved a Conditional Use Permit (CUP 98-1) and associated Operating Permit (OP-99-2) for the Mid Coast Aggregates Limerock Mine (formerly known as the Mazak Mine). In 2006 the Board approved an amended Operating Permit to reflect Mid Coast Aggregates, LLC as the new mine operator (OP 2006-0001). This permit expired on September 14, 2009, ten years from the initial operating permit approval. The applicant applied for an extension of the operating permit on August 24, 2009, which was prior to the expiration of OP 2006-0001 and is appropriate for this application. The requested extension will maintain the same terms and conditions for the mine operation established in OP 2006-0001 with minor amendments to the transportation conditions to reflect SR 50 is under the jurisdiction of the Florida Department of Transportation. The requested term for extension is ten years. During this term there will be bi-annual inspections to assure compliance with the terms and conditions of the mine's operating permit. The Development Review Committee has reviewed the application and recommends approval. There were 30 notices sent to surrounding property owners with one being returned in favor.

PUBLIC - There was no public input.

Vice Chairman Gilpin moved, with a second by Commissioner Mask, to approve the Operating Permit Extension for Limerock Mine for Mid-Coast Aggregates, LLC, Case No. OP 2009-0005 for a period of ten years. The motion carried unanimously 5 - 0.

092909-1-c

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

Proof of Publication, as advertised, filed herewith.

1. *R2009-0016 - Rezoning to Planned Industrial (IP) - Lee Capital Limited Partnership - SR 44/Wildwood

The Chairman polled the Board Members for ex parte communications, either written or verbal, related to this case. Commissioner Burgess - none; Commissioner Hoffman - none; Commissioner Mask - none; Chairman Breeden - none; and Vice Chairman Gilpin advised he had spoken with Carlos Beruff of Sumter, LLC who expressed concern with not being able to contact one of the neighboring property owners.

Brad Cornelius, Planning Manager presented the case for consideration. The applicant is requesting rezoning on approximately 239 acres to IP (Planned Industrial) for the Lee Capital Limited Partnership Industrial Park. The proposed IP zoning will allow for approximately 2.2 million square feet of industrial uses and 300,000 square feet of commercial/office uses. Mr. Cornelius advised that the project had to meet

several criteria, one of which involves buffering of adjacent properties. The applicant has far exceeded the minimum requirements in this area. Staff finds the proposed rezoning to IP consistent with the requirements of the Sumter County Land Development Code and Comprehensive Plan and recommends approval subject to conditions contained in Exhibit B of the staff report. The Zoning and Adjustment Board recommended approval by a vote of 10-0 subject to staff's recommended conditions and the following amendments: (1) Prohibition of sexually oriented businesses; and (2) Only Permitted Uses in the Industrial (ID) and Commercial (CL, CH, CR) Zoning Districts are allowed by right. Special Uses or Conditional Uses within the Industrial (ID) and Commercial (CL, CH, CR) Zoning Districts shall only be allowed through the appropriate public hearing process.

The purpose of the amendments by the Zoning & Adjustment Board is to provide for more certainty in the uses that may develop within the proposed park and to provide for additional review of uses that are considered as Special or Conditional Uses due to their potential for adverse impacts to the surrounding community. The applicant did not object to staff's recommended conditions or the Zoning & Adjustment Board's amendments.

PUBLIC

Bo Medred, Genesis Planning and Development Inc., 5972 River Forest Circle, Bradenton, having been sworn, was present on behalf of the applicant and gave a review of the site plan. Mr. Medred advised that there is no fencing proposed for the property at this time. It is contemplated that the buildings on SR 44 will be commercial.

There was no other public input.

Commissioner Mask moved, with a second by Commissioner Hoffman, to approve Case No. R2009-0016, Rezoning to Planned Industrial (IP), Lee Capital Limited Partnership and the related Resolution (Resolution No. 2009-82) subject to conditions included in Exhibit A to said Resolution which reflects minor changes to the conditions in Exhibit B of the Staff Report. The motion carried unanimously 5 - 0.

092909-1-d

- e. *5:30 p.m. - Public Hearing - Local Government Development Agreement with Lee Capital Limited Partnership for Lee Capital Limited Industrial Park

Chairman Breeden called for a Public Hearing to consider a Local Government Development Agreement with Lee Capital Limited Partnership for Lee Capital Limited Industrial Park. Proof of Publication, as advertised, filed herewith.

The Chairman polled the Board Members for ex parte communications, either written or verbal, related to this item. All of the Commissioners received a letter from Gloria

Hayward regarding her concerns with the proposed project and Vice Chairman Gilpin noted that he had spoken with Carlos Beruff regarding Mr. Beruff's concern with not being able to speak with Ms. Hayward.

Brad Cornelius, Planning Manager, gave an overview of the proposed Agreement. This is related to the rezoning approved in Case No. R2009-0016. A condition of approval of the rezoning for the proposed project in Case No. R2009-0016 includes the execution of a Local Government Development Agreement, pursuant to Chapter 163, Florida Statutes, between the County and the Park's developer (Lee Capital Limited Partnership). The proposed Local Government Development Agreement for the Park provides: (1) A 20-year term of agreement; (2) establishment of a Property Owner's Association (OA) to maintain all project infrastructure; (3) limitation of the uses and intensities consistent with the rezoning approval (R2009-0016); (4) increased buffering standards; (5) requirement for full traffic study of full build-out of project and appropriate mitigation to maintain either adopted level of service or improve local roadways to meet appropriate design standards to accommodate traffic associated with the development; (6) requirement that all stormwater systems will be maintained by the developer or OA; (7) requirement to connect to City of Wildwood potable water and wastewater systems; (8) confirmation that project will be served by solid waste disposal and fire/emergency services; (9) requirement for an annual report to the County of the status of the project and compliance with conditions of the Development Agreement; and (10) termination provisions. The full traffic study and determination of mitigation will occur as part of the first site plan review for the Park. The Zoning and Adjustment Board held a public hearing on September 21, 2009, as the first required public hearing, and recommended approval by a vote of 10-0 with the following changes: (1) prohibition of sexually oriented businesses; and (2) only permitted uses in the Industrial (ID) and Commercial (CL, CH, CR) zoning districts are allowed by right. Special Uses or Conditional Uses within the Industrial (ID) and Commercial (CL, CH, CR) zoning districts shall only be allowed through the appropriate public hearing process. This hearing tonight is the second and final required public hearing.

PUBLIC: There was no public input.

Vice Chairman Gilpin moved, with a second by Commissioner Mask, to approve the Local Government Development Agreement with Lee Capital Limited Partnership for Lee Capital Limited Industrial Park as presented. The motion carried unanimously 5 - 0.

092909-1-e

*Quasi Judicial Hearing

2. REPORTS AND INPUT

a. County Administrator

Mr. Arnold advised that he has provided a revised County Administrator Report as well

as the Amended Certification for Non Ad Valorem Fire Tax received from the Tax Collector for consideration. There was a consensus to hear this item and take action.

1. Purchase Orders approved by County Administrator - for information only
2. Road Projects Status Report - for information only

092909-2-a-2

3. Request for Application Noticing Receipt of Water Use Permit Application ID 000132 - for information only
4. Sumter County Right-of-Way Litigation Status from de la Parte & Gilbert, P.A. - for information only

092909-2-a-4

5. Tourist Development Tax Financial Detail Report - for information only

092909-2-a-5

6. Budget Transfers T-456 through T-486 - for information only

092909-2-a-6

7. August 17, 2009 Zoning and Adjustment Board Minutes - for information only
8. Alternate evacuation route for CR 738 - for information only

The proposed alternate route will utilize License/Right of Entry for Emergency Vehicular Traffic with Rice Cattle Company as well as the Right of Entry for Emergency Vehicular Traffic with T.G. Lee Farms, Inc. There will be some minimal costs associated with the construction of some fencing as well as gates. The approximate cost of material and labor is \$2,836.71.

092909-2-a-8

9. Scrammy Hunt request to extend culverts and widen the easement to his property - for information only

Mr. Arnold advised that the Board had approved the removal of the grates and a small extension of the culvert to accommodate access to the property provided it met with SWFWMD permitting criteria. The grates were removed, however there is a problem with the culvert extension. It is Mr. Arnold's suggestion to communicate to Mr. Hunt alternative solutions.

092909-2-a-9

10. Sumter County Economic Development Marketing Program Support Bid Update
- for information only
11. Sumter County Legislative Delegation Meeting scheduled on October 13, 2009
- for direction

Mr. Arnold was looking for items to be addressed at the Legislative Delegation Meeting on October 13, 2009. It was suggested to add items that were not addressed at the last Legislative Delegation Meeting. Chairman Breeden requested that the review of the Administrative Rule Process also be included in the list of items.

12. Establish change banks for Bushnell and Wildwood Libraries - for direction

Vice Chairman Gilpin moved, with a second by Commissioner Burgess, to approve to establish change banks in the amount of \$50 each for the Bushnell and Wildwood Libraries. The motion carried unanimously 5 - 0.

092909-2-a-12

13. Project Fire - revised letter of intent - for direction

Mr. Arnold advised that they had met with Project Fire who is interested in locating in Sumter County near the Solid Waste property. He has a revised Letter of Intent for consideration which culminates the majority of the information since the original letter of intent that was approved by this Board on August 25, 2009.

Commissioner Mask moved, with a second by Commissioner Hoffman, to approve the revised letter of intent to Project Fire and authorize the Chairman's signature. The motion carried unanimously 5 - 0.

092909-2-a-13

14. Cemetery relocation update - for information

Mr. Arnold discussed a memorandum from The Hogan Law Firm regarding the relocation of the Panasoffkee Cemetery. All of the graves have been identified. Contact has been made with the Veterans Service Office to provide an honor guard for the disinterment and reinterment process. Mr. Arnold advised that they have been in contact with the State and the State does not regulate this private cemetery.

092909-2-a-14

15. Amended Certification for Non Ad Valorem Assessment Roll - for direction

Commissioner Burgess moved, with a second by Commissioner Mask, to approve to approve Chairman's signature on the Amended Certification for Non Ad Valorem Assessment Roll for the Tax Collector's Office. The motion carried unanimously 5 - 0.

092909-2-a-15

b. County Attorney

Derrill McAteer provided a Joint Stipulation of Dismissal With Prejudice in the Kisenwether lawsuit as directed by the Board on September 22, 2009.

092909-2-b-1

Mr. McAteer also discussed the Assignment of Lease being presented in Agenda Item d11.

c. Clerk of Court - No report.

d. Board Members

1. Commissioner Don Burgess

Commissioner Burgess advised that he and Commissioner Mask had attended the annual banquet for SCARC. They were presented with a Certificate for the Sumter County Board of County Commissioners in Appreciation for Service and Support.

2. Commissioner Dick Hoffman - No report.
3. Commissioner Randy Mask - No report.
4. Vice Chairman Doug Gilpin

Vice Chairman Gilpin advised that he had met with the Economic Development Selection Committee this date to review the proposals that have been received regarding the Economic Development Marketing and Program Support. The Selection Committee was able to reach a decision for recommendation to the Board in the near future. The company that will be recommended is E5 Solutions.

5. Chairman Garry Breeden

Chairman Breeden thanked Mr. Arnold and his staff for their hard work in the budget process and the ultimate outcome.

e. Public Forum

Billy Ray, Lake Panasoffkee, spoke on behalf of the Sumter County Historical Society regarding their opposition to the relocation of the Panasoffkee Cemetery. Mr. Ray provided a handout to the Board and advised they were requesting a public hearing on this matter according to Florida Statutes, Chapter 120.

092909-2-e-1

Sheri Evans, Bushnell; Howard Oxendine, 5904 CR 551A, Bushnell; Jim Veal, Lake Panasoffkee; and Hulon Nichols, Founding Director of Nichols Cemetery Association, Oxford, all spoke in opposition to the relocation of the cemetery.

3. NEW BUSINESS-ACTION REQUIRED

a. MINUTES

1. None

b. FUTURE PUBLIC HEARINGS OR MEETINGS

1. Set public hearing to consider revision to the Sumter County Fire Rescue Impact Fee Ordinance to provide payment of the impact fee for non-profit agencies to be paid by General Fund on October 13, 2009, at 5:00 p.m. at the Bushnell Government Office Building, Room 142, 910 North Florida Street, Bushnell, Florida 33513 (Board's Option).

Mr. Arnold advised that this public hearing and the two following are all related. He suggested that when the hearings are held the Board may wish to consider (1) the limiting of square footage of the non-profit improvement; (2) be certain that the underlying land is also owned by the same non-profit entity; and (3) a five-year clause to prevent the non-profit entity from flipping the property to a private source.

Commissioner Hoffman moved, with a second by Commissioner Burgess, to approve the setting of a public hearing to consider revision to the Sumter County Fire Rescue Impact Fee Ordinance to provide payment of the impact fee for non-profit agencies to be paid by General Fund on October 13, 2009, at 5:00 p.m. at the Bushnell Government Office Building, Room 142, 910 North Florida Street, Bushnell, Florida 33513. The motion carried unanimously 5 - 0.

092909-3-b-1

2. Set public hearing to consider revision to The Villages Fire Rescue Impact Fee Ordinance to provide payment of the impact fee for non-profit agencies to be paid by General Fund on October 13, 2009, at 5:00 p.m. at the Bushnell Government Office Building, Room 142, 910 North Florida Street, Bushnell, Florida 33513 (Board's Option).

Commissioner Burgess moved, with a second by Commissioner

Hoffman, to approve the setting of a public hearing to consider revision to The Villages Fire Rescue Impact Fee Ordinance to provide payment of the impact fee for non-profit agencies to be paid by General Fund on October 13, 2009, at 5:00 p.m. at the Bushnell Government Office Building, Room 142, 910 North Florida Street, Bushnell, Florida 33513. The motion carried unanimously 5 - 0.

092909-3-b-2

3. Set public hearing to consider revision to the Road Impact Fee Ordinance to provide payment of the impact fee for non-profit agencies to be paid by General Fund on October 13, 2009, at 5:00 p.m. at the Bushnell Government Office Building, Room 142, 910 North Florida Street, Bushnell, Florida 33513 (Board's Option).

Commissioner Hoffman moved, with a second by Commissioner Burgess, to approve the setting of a public hearing to consider revision to the Road Impact Fee Ordinance to provide payment of the impact fee for non-profit agencies to be paid by General Fund on October 13, 2009, at 5:00 p.m. at the Bushnell Government Office Building, Room 142, 910 North Florida Street, Bushnell, Florida 33513. The motion carried unanimously 5 - 0.

092909-3-b-3

c. APPOINTMENTS

1. Well Florida Council vacancy (Board's option).

No action taken.

092909-3-c-1

2. Industrial Development Authority vacancy (Board's option).

Commissioner Burgess moved, with a second by Vice Chairman Gilpin, to approve the appointment of Brett Hage to the District 3 vacancy on the Industrial Development Authority. The motion carried unanimously 5 - 0.

092909-3-c-2

d. CONTRACTS AND AGREEMENTS

1. Annual funding agreement with Mid Florida Community Services, Inc. (Staff recommends approval).

092909-3-d-1

2. Annual funding agreement with LifeStream (Staff recommends approval).

092909-3-d-2

3. Annual funding agreement with Sumter County Association for Retarded Citizens (Staff recommends approval).

092909-3-d-3

4. Annual funding agreement with Youth and Family Alternatives (Staff recommends approval).

092909-3-d-4

5. Agreement with Capitol Solutions, LLC, for legislative lobbying services (Staff recommends approval).

092909-3-d-5

6. Annual funding agreement with the Sumter County Chamber of Commerce (Staff recommends approval).

092909-3-d-6

7. Annual contract with the State of Florida Department of Health for the Sumter County Health Department (Staff recommends approval).

092909-3-d-7

8. Workforce Central Florida Re-employment Connection Worksite Agreement (Staff recommends approval).

092909-3-d-8

9. Amendment No. 2, with A.D. Morgan Inc. to replace electrical and mechanical building systems in the 1988 Main Jail (Staff recommends approval).

092909-3-d-9

10. Annual contract with the Sumter County Chamber of Commerce for administrative services related to the Tourist Development Tax program (Staff recommends approval).

092909-3-d-10

11. Assign Lease Agreement with Joe and Lillian Wigglesworth for parcel located at Lake Deaton Park to the City of Wildwood effective October 1, 2009 (Staff recommends approval).

092909-3-d-11

12. Renewal of FACT General Liability, Auto Liability and Physical Damage and new contract with VFIS for Fire Vehicles Only (staff recommends approval).

092909-3-d-12

Vice Chairman Gilpin moved, with a second by Commissioner Burgess, to approve Items 1 through 12 under Contracts and Agreements. The motion carried unanimously 5 - 0.

e. FINANCIAL

1. Payment schedule 2472-002 for SunTrust Loan for 911 Equipment and relocation (Staff recommends approval).

092909-3-e-1

2. Budget Amendment A-150 for Construction of the Animal Control Building (Staff Recommends Approval).

092909-3-e-2

3. Change Order Request to Purchase Order No. 53024 (Staff recommends approval).

092909-3-e-3

4. MWI Veterinary Supply Account Application (Staff recommends approval).

092909-3-e-4

Commissioner Burgess moved, with a second by Vice Chairman Gilpin, to approve Items 1 through 4 under Financial. The motion carried unanimously 5 - 0.

f. GENERAL ITEMS FOR CONSIDERATION

1. Consideration of the request of the City of Wildwood to include Wildwood in the name of The Villages Public Library at Pinellas Plaza (Board's Option).

Commissioner Hoffman moved, with a second by Commissioner Mask, to rescind the previous action taken regarding the naming of The Villages Public Library at Pinellas Plaza. The motion failed.

092909-3-f-1

There was no further action taken.

2. Fiscal Year 2009-2010 Classification and Compensation Schedule and revised job descriptions. (Staff recommends approval.).

092909-3-f-2

3. Sumter County Jail Diversion of the Mentally Ill, Florida Criminal Justice, Mental Health and Substance Abuse Reinvestment Act Strategic Plan (Staff recommends approval).

092909-3-f-3

4. Inventory Transactions (Staff Recommends Approval).

092909-3-f-4

5. Award the Security Vestibule Entrance bid to Greg Construction less the Division 17 Communications and Technology portion, to be assigned at a later date (Staff recommends approval).

092909-3-f-5

6. Extension of Tax Roll requested by Tax Collector, Tom Swain (Staff recommends approval).

092909-3-f-6

Vice Chairman Gilpin moved, with a second by Commissioner Hoffman, to approve Items 2 through 6 under General Items for Consideration. The motion carried unanimously 5 - 0.

Derrill McAteer, County Attorney, noted that he provided the Clerk with a copy of the memorandum from The Hogan Law Firm regarding the relocation of the Panasoffkee Cemetery. Chairman Breeden requested that Mr. Arnold and Mr McAteer make certain that the County is following the appropriate procedures in this matter. It is the County's intent that the relocation of this cemetery be done properly. Mr. Arnold advised that the property where the cemetery is located is zoned Industrial and there is a need for this relocation to a more appropriate location. Mr. McAteer will review the information provided by Mr. Ray

earlier in the meeting to determine if there are any additional steps the County needs to take. It is estimated that the relocation will occur within the next 30-60 days.

4. ADJOURN

Commissioner Burgess moved, with a second by Commissioner Hoffman, to adjourn at 6:40 p.m. The motion carried unanimously 5 - 0.