

The Board of County Commissioners convened in regular session on this Tuesday, November 8, 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; Connie Webb, Deputy Clerk; 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 2nd Vice Chairman Gilpin.

## 1. TIMED ITEMS AND PUBLIC HEARINGS

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 Connie Webb, 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."

- a. 5:00 pm - \*First Public Hearing to Consider the Termination of the Site and Concurrency Development Agreement for Village Park Center PUD

Chairman Burgess called for a public hearing to consider the termination of the Site and Concurrency Development Agreement for Village Park Center PUD. Proof of Publication as advertised, filed herewith.

The Chairman polled the Board Members for ex parte communications, written or verbal, related to this case. Commissioner Hoffman-none; Commissioner Mask - none; 2nd Vice Chairman Gilpin - none; Vice Chairman Breeden-none; and Chairman Burgess-none.

Brad Cornelius, Director, Planning and Development, gave a summary of this matter. On December 29, 2009 the Board adopted a Site and Concurrency Development Agreement pursuant to Chapter 163, Florida Statutes (Agreement) for the Village Park Center PUD (Project). The Project is proposed as a mixed use development located on the north side of C466 between Buena Vista Boulevard and Morse Boulevard. The Agreement provides for specific

development entitlements for the Project as well as conditions that must be met for development to continue. On October 18, 2011 staff determined that the Project is in violation of the following conditions of the Agreement:

1. Section 12 requires a Property Owners Association ("POA"). According to records pulled from the Florida Department of State ("State") on October 18, 2011, the Village Park Center Property Owners Association was administratively dissolved on September 23, 2011 by the State and is no longer an active entity which is a violation of Section 12 of the Agreement. On October 21, 2011 the Florida Department of State reinstated the POA. This is the second time that the POA has been administratively dissolved and then reinstated by the State. It is staff's opinion that the multiple failures to maintain an appropriately maintained POA with the State are a gross violation of Section 12 of the Agreement.

2. Section 16 requires the Current Owners to file an Annual Report with the County each year during the first five (5) years of the term of the Project. The Agreement was adopted on December 29, 2009 and recorded on February 2, 2010. Based on the recording date of February 2, 2010 an Annual Report was due to the County with 45 days of February 2, 2011. As of October 18, 2011 no Annual Report has been filed with the County which is a violation of Section 16 of the Agreement. It is staff's opinion that the filing of the annual report beyond the 45-day grace period is not sufficient for compliance.

3. Section 10.6 requires the perpetual maintenance of the 30-foot landscape buffer along the eastern property line of the Project. Staff inspected the 30-foot landscape buffer on October 18, 2011 and found that it is not being properly maintained pursuant to Section 10.6 of the Agreement. Activity has started to correct the condition of the berm, however, the berm is still not in compliance. Mr. Cornelius provided an email regarding the maintenance issue of the berm and the fact that it is not something that has just come about. This email was provided to the Clerk and will be made part of the permanent record.

As a result of these violations of the Agreement staff recommends that this Development Agreement be terminated. The Board has set two (2) public hearings to consider the termination of the Agreement consistent with Section 17 of the Agreement. This is the first public hearing and the second is scheduled for 5:00 p.m., November 22, 2011 at Colony Cottage Recreation Center, 510 Colony Boulevard, The Villages, FL. No action is required at tonight's public hearing.

Mr. Cornelius presented a short video showing the condition of the property. A copy of the video was provided to the Clerk and will be made part of the permanent record.

#### PUBLIC INPUT

Jo Thacker, Broad & Cassel, 390 North Orange Avenue, Orlando, appeared on behalf of Gary Thomas. Ms. Thacker noted that they would like to see the issues

resolved. She advised that the POA has been reinstated. She filed the Annual Report with the Clerk along with a photo showing action being taken regarding the maintenance of the berm. They feel it is in everyone's best interest that proper development occur.

Jonathan Dean, Dean & Dean, The Villages, appeared on behalf of Nancy Steinmetz and L&N Investments. Mr. Dean gave a history of Ms. Steinmetz' involvement in the project. He, on behalf of Ms. Steinmetz, would like to request the Board to reconsider Staff's recommendation in this matter and allow the project to move forward.

Eric Halter, Planet Five Development, 822 North A1A, Ponte Vedra Beach, advised that his company has an interest in the property and are willing to step up and do whatever is necessary for the site to move forward as planned.

11-08-11-1-a; 11-08-11-1-a-email; 11-08-11-1-a-annual report; 11-08-11-1-a-photo

b. 5:00 pm - Public Hearing for Road Closing, CR 488

Chairman Burgess called for a public hearing to consider the petition of Lake Pan Holding Company, LLC (Turtleback RV Resort, Inc.) to vacate and close CR 488 and adopt the related resolution (Resolution No. 2011-56). Proof of Publication, as advertised, filed herewith. Public Works has found that vacating this road will neither deny nor deprive other persons of access. Coordination with other departments and divisions of the BOCC has revealed no requirement to maintain possession of the property.

Bradley Arnold, County Administrator, gave a summary of this petition by Lake Pan Holding Company to vacate and close CR 488.

PUBLIC - Geoff Goetz, Owner and Developer of Turtleback RV Resort, Inc., concurred with Staff's recommendation.

11-08-11-1-b

**Vice Chairman Breeden moved, with a second by Commissioner Mask, to approve the petition of Lake Pan Holding Company to vacate and close CR 488 and authorize the Chairman to execute the related Resolution (2011-56). The motion carried unanimously 5 – 0.**

c. 5:30 pm - Public Hearing - Zoning and Adjustment Board recommendations

At 5:30 p.m. Chairman Burgess called for a public hearing to consider the recommendations of the Zoning and Adjustment Board.

1. \*S2011-0002 - Major Special Use for Excavation - Tommy's Hauling Inc.  
- CR 526/Sumterville (Tabled from October 25, 2011)

The Chairman polled the Board Members for ex parte communications, written or verbal, related to this case. Commissioner Hoffman-none; Commissioner Mask advised he went to the site approximately one week ago and met with Danny Carneglia and discussed concerns that he had; 2nd Vice Chairman Gilpin - none; Vice Chairman Breeden advised he had met with Tommy Gough on November 1<sup>st</sup> at the site and discussed the general condition of the site and observed the work that was being done at the time; and Chairman Burgess-none.

Brad Cornelius, Director of Planning and Development, advised that this item was originally scheduled for September 26, 2011, tabled until October 25, 2011 and then gave a summary of the history of this item. The applicant is requesting after the fact approval of a Major Special Use for an excavation (sand pit) operation. It should be noted that there is an active code enforcement case (CE2011-0195) for the start of the excavation operation without the proper County approval. Mr. Cornelius advised that should the Board deny this Major Special Use Application, the matter will be forwarded to the County's Special Master for a compliance hearing on the Code Enforcement Case and if the Special Master finds the applicant not in compliance, then the Special Master may place conditions of compliance to assure there is not a public safety hazard or nuisance. Mr. Cornelius continued that the request is not consistent with the excavation requirements within Section 13-771, Sumter County Land Development Code. In addition, the information supplied by the applicant in support of the Major Special Use request is not only inconsistent with the Sumter County Land Development Code but is also not reflective of the existing unpermitted excavation operation. Because of this staff recommends denial of the Major Special Use. There were seven notices sent with one being returned in objection. The Zoning and Adjustment Board recommended denial of the Major Special Use by a vote of 4-1 at their meeting held on October 17, 2011. During a staff site visit on October 28, 2011, the applicant was observed constructing a berm around the perimeter of the subject property. Mr. Cornelius advised the Board that a neighboring unrelated sand pit to the West of the property involved in the current matter, was recently found in violation by the Special Master for the burying of garbage in the abandoned pit.

At the October 25, 2011 public hearing the Board requested staff prepare conditions of approval in the event the Board decides to approve the Major Special Use Request. These conditions of approval are as follows:

1. The applicant shall cease all excavation activities until the following conditions are met:
  - a. The applicant shall provide a survey of the subject property which includes the following information:
    - i. Property boundaries.
    - ii. Existing topography.
    - iii. Existing dimensions and deity of excavation activities on the subject property.
  - b. The applicant shall provide a geotechnical report, prepared by a Florida licensed geologist or professional engineer, indicating the deity of the limerock and seasonal high water table.
  - c. The applicant shall provide revised engineered excavation plans, prepared by a Florida licensed professional engineer, which includes the following information:
    - i. Engineering to show how the applicant will fill a portion of the excavation area to provide a minimum 50-foot setback from the property lines to the edge of the excavation. The area within the 50-foot setback, with the exception of any required berms, must be similar to the existing elevation of the properties adjacent to the subject property.
    - ii. Calculation of total area and volume already excavated and planned for future excavation.
    - iii. Engineering to verify the side slopes are not more than one (1) foot vertical to three (3) feet horizontal. If the side slopes do not meet this standard, then the applicant shall provide engineering to demonstrate how the appropriate side slope will be obtained.
    - iv. Screening to provide a visual barrier along the eastern, northern, and southern property lines. If a berm is used for screening, then the berm shall be engineered by a Florida licensed engineer to assure the berm will not cause a safety hazard for the adjacent properties. In addition, the outside toe of the berm shall be no closer than ten (10) feet from the subject property line. The berm shall be sodded to prevent erosion.

- v. Method for securing the excavation site from unauthorized access.
  - vi. Reclamation plan for the excavation site that provides for the use of the subject property consistent with the existing land use of the subject property and adjacent area.
  - vii. Planned additional areas proposed for excavation and the final depth of excavation.
- d. The applicant shall make all corrections to the subject property and the existing excavation area to be in compliance with the revised engineering plans and conditions of approval.
- e. The applicant shall provide a surety bond or other financial guarantee, approved by the County Attorney, to assure the completion of the activities required to meet the conditions contained herein. These activities include, but are not limited to, activities to bring the existing excavation area into compliance with the conditions (i.e. create 50-foot setback, berm, repair of side sloped [if required]) and to assure the completion of the reclamation activities. The value of the surety bond or other financial guarantee shall be determined based on an estimate prepared by the applicant's Florida licensed engineer. The applicant's engineer's estimate shall be reviewed for appropriateness by the County's consulting engineer. If the County's consulting engineer determines the estimated costs are not appropriate, then the applicant's engineer shall revise the estimated costs based on the comments provided by the County's consulting engineer. Once the County's consulting engineer approves the applicant's engineer's estimated costs, then the applicant shall provide the County a surety bond or other financial guarantee of 120% of the approved estimated costs.
2. The applicant shall remain in full compliance with any other State or Federal permit related to the excavation activities. Non-compliance with any other State or Federal permit shall result in the termination of this approval.
3. This Special Use approval applies only to Tommy's Hauling, Inc. as the operator of the excavation permit. Any other operator shall require approval by the County.
4. This approval is valid through November 8, 2012. The applicant must apply to the County to renew this approval beyond November 8, 2012.
5. The applicant shall not store or stockpile any material that is not excavated on site.

6. Hours of operation shall be limited to Monday through Friday from 8:00 a.m. to 6:00 p.m.
7. The applicant shall reimburse the County for any costs incurred by the County to enforce these conditions of approval.
8. In addition to these conditions, all requirements of Section 13-771, Sumter County Land Development Code, shall apply.

Mr. Cornelius showed a short video of the site and the current conditions. **(CLERK'S NOTE:** This video will be made a part of the permanent record which will be held in the Office of the Clerk of Courts.)

#### PUBLIC INPUT

Frank Arenas, Coleman, attorney for the applicant, addressed concerns listed in his response letter regarding the proposed conditions. They are willing to comply and Mr. Arenas explained the reasons for their concerns regarding the issues listed.

James T. Gough, Lake Panasoffkee, discussed the issue of unwanted fill.

Danny Carneglia, 2211 CR 526, Sumterville, advised his property adjoins the site in question. He is concerned with the two 20-foot berms behind his house.

Tom Nielson, 2219 C 526, Sumterville, owns property adjacent to Mr. Carneglia and he is also concerned with the current berms and would like to see things worked out so that the area is not such an eyesore.

Leonard Whitaker, Lake Panasoffkee, commented on the type of replacement fill to be used.

Danny Carneglia, 2211 CR 526, Sumterville, addressed the Board again and discussed concerns regarding the replacement fill to be used in the reclamation phase.

In rebuttal, Mr. Arenas advised that the applicant would comply with the conditions regarding the berm issue.

There was lengthy Board discussion.

11-08-11-1-c

**Vice Chairman Breeden moved, with a second by 2nd Vice Chairman Gilpin, to approve \*S2011-000 - application for Major Special Use Permit for Excavation by Tommy's Hauling Inc. with the condition that Staff work with applicant's counsel to develop an agreement detailing special conditions of the permit. This agreement will be presented on the November 22, 2011 agenda for Board consideration. The motion carried unanimously 5 - 0.**

**\*QUASI JUDICIAL HEARING**

**2. REPORTS AND INPUT**

a. County Administrator

1. Purchase Orders (For Information Only)

11-08-11-2-a-1

2. Significant Schedule of Events (For Information Only)

11-08-11-2-a-2

3. Facilities Development Report (For Information Only)

11-08-11-2-a-3

4. Road Project Update Report (For Information Only)

11-08-11-2-a-4

5. September 2011 Animal Services Monthly Report (For Information Only)

11-08-11-2-a-5

6. Payroll Tax Savings from BENCOR Plans (For Information Only)

11-08-11-2-a-6

7. Sumter County Truth in Millage (TRIM) meets certification requirements (For Information Only)

This is a letter from James McAdams, Department of Revenue, advising that the millage certification documents submitted by Sumter County meet the certification requirements of subsections 200.065(1)-(4), (6)-(12), (14) and (15), Florida Statutes.

11-08-11-2-a-7

8. Florida Department of Revenue, Maximum Millage Levy Calculation Final Disclosure (For Information Only)

This is a letter from James McAdams, Department of Revenue, advising that our taxing authority is in compliance with the maximum total taxes levied requirements.

11-08-11-2-a-8

9. Analysis of Florida Statute 119.071 and Florida Statute 286.0113 as related to Competitive Solicitation Exemptions (For Information Only)

This is a memorandum from the County Attorney regarding the question "How are the exemptions to public records with regard to competitive bids affected as a result of the amendment of Florida Statute Section 119.071 and Florida Statute Section 286.0113?"

11-08-11-2-a-9

10. Judiciary's Formal Request to fund a User Support Analyst Position for the Fifth Judicial Circuit (For Information Only)

11-08-11-2-a-10

11. Florida Library Delivery Service Renewal (For Information Only)

This is for renewal with Florida Library Delivery (Tampa Bay Library Consortium, Inc.) for the period October 1, 2011 through September 30, 2012.

11-08-11-2-a-11

12. Bradley Arnold served on the United States Naval Academy Board Nominating Committee (For Information Only)

11-08-11-2-a-12

13. Letter from Mayor Bil Spaude, City of Bushnell, regarding the County's support and assistance at the 2011 Fall Festival (For Information Only)

Mr. Arnold advised that he has had discussion with Mayor Spaude regarding the temporary power poles at the Courthouse Complex that were used during Fall Festival and possible solutions of a more permanent power source. There was also discussion regarding future use of the Courthouse Complex for the event.

11-08-11-2-a-13

14. Florida Department of Environmental Protection modification of permit for A.C.M.S., Inc., Class I Landfill (For Information Only)

Modification #161263-007-SO/MM to Permit #161263-004-SO/01, Sumter County, WACS Id#85764, A.C.M.S., Inc. Mr. Arnold advised that this site is within the Bushnell City Limits and went through the hearing process before the Bushnell City Council.

11-08-11-2-a-14

15. Annual Report from the Division of Forestry containing the activities of the Sumter Forest Area (For Information Only)

This report is for the period July 1, 2010 through June 30, 2011.

11-08-11-2-a-15

16. Additional Items

Mr. Arnold provided a letter from a citizen regarding Kimley-Horn's Speed Limit Study in The Villages along with Kimley-Horn's response to be added to Agenda Item 3.f.5. Mr. Arnold also requested that the following items be added to the agenda: (a) Change Order to PO 9000071, Leopard Transport; (b) Change Order to PO 900063, Bowyer Singleton; and (c) PO #54391 to Agenda Item 3.e.2 (C.W. Roberts Contracting). CLERK'S NOTE: The two Change Orders are for Fiscal Year 2010-2011.

**2nd Vice Chairman Gilpin moved, with a second by Vice Chairman Breeden, to approve the addition of the two change orders and Purchase Order No. 54391 as requested by Bradley Arnold, County Administrator. The motion carried unanimously 5 – 0.**

b. County Attorney

1. The Villages of Lake-Sumter, Inc. and Village Center Community Development District Special Warranty Deed and Security Agreement with Pledge of Payments (For Information Only)

This is regarding the purchase by the VCCDD of Fire Station No. 7 in The Villages. For additional information on this matter see Agenda Item 09-27-11-3-e-4 from the September 27, 2011 BOCC meeting.

11-08-11-2-b

c. Clerk of Court

Bill Kleinsorge, Finance Director, provided for the record, copy of a letter to Governor Rick Scott from Southwest Florida Water Management District regarding the Draft Five-Year Water Resource Development Work Program.

11-08-11-2-c

d. Board Members

1. Commissioner Richard Hoffman

Commissioner Hoffman noted that the regular workshop scheduled for January 17, 2012 has been rescheduled for January 31, 2012. This is due to the reception being held on January 17th for Hillsdale College which all of the Commissioners and citizens are invited to.

2. Commissioner Randy Mask

Commissioner Mask advised that he had attended the Beef and Boogie event last weekend which was hosted by the Chamber of Commerce.

3. 2nd Vice Chairman Doug Gilpin

2nd Vice Chairman Gilpin discussed the matter of membership dues to the Florida Association of Counties. He feels they do not share the County's conservative values and would like to see this reviewed in the next budget cycle. He also discussed phone calls and a letter from Glenn and Valerie King concerning the Lake Panasoffkee Restoration Site.

11-08-11-2-d-3

4. Vice Chairman Garry Breeden - No report.

5. Chairman Don Burgess - No report.

e. Public Forum

Chairman Burgess advised that the Board of County Commissioners welcomes and encourages public input on all issues subject to the Board's jurisdiction which affect the residents of Sumter County. However, to preserve decorum in these proceedings, the Board respectfully requests that an individual wishing to address the Board during the public forum be mindful of the following provisions of Section 2-31 of the Sumter County Code, which have been in effect since 1982. "Each person shall limit his address to five (5) minutes unless granted additional time by majority vote of the Board of County Commissioners. All remarks shall be to the Board of County Commissioners as a body and not to any individual member. Additionally, any person making impertinent or slanderous remarks, or who becomes boisterous, shall be instructed to remain silent by the presiding officer until permission to continue is granted."

Tammy Gorby, 1211 CR 441, Lake Panasoffkee, approached the Board regarding Agenda Item 3.f.1 (Lake Panasoffkee Christmas Parade) and requested that the Board approve the full closure of C470 for the parade and not just one lane.

Leonard Whitaker, 686 CR 467, Lake Panasoffkee, discussed pictures he had sent to 2nd Vice Chairman Gilpin regarding sewage issues in Lake Panasoffkee and his concerns about the sewage. Mr. Arnold suggested Mr. Whitaker report any known sites of sewage being dumped into the Lake to the Health Department. There was also discussion regarding a future sewer system for the Lake Panasoffkee area.

Shannon Daniels McCormick, 5868 CR 569, Center Hill, addressed the Board regarding concerns with sexual predators living in Sumter County. Ms. McCormick advised that there are 136 sexual offenders in Sumter County, eight of which are sexual predators. There was discussion regarding the offenders living in the area of bus stops. The County Attorney was directed to look into the statutes on this matter and report back to the Board.

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

a. MINUTES

1. Minutes of Workshop Meeting held on October 18, 2011 (Staff recommends approval).

11-08-11-3-a-1

**Commissioner Mask moved, with a second by Vice Chairman Breeden, to approve the minutes of the Workshop Meeting held on October 18, 2011. The motion carried unanimously 5 – 0.**

2. Minutes of Regular Meeting held on October 25, 2011 (Staff recommends approval).

11-08-11-3-a-2

**Commissioner Hoffman moved, with a second by 2nd Vice Chairman Gilpin, to approve the minutes of Regular Meeting held on October 25, 2011. The motion carried unanimously 5 – 0.**

b. FUTURE PUBLIC HEARINGS OR MEETINGS

1. None

c. APPOINTMENTS

1. Bicycle Pedestrian Advisory Committee (BPAC) vacancy (Board's option).

No action was taken.

11-08-11-3-c-1

2. Sumter County Fire and Emergency Medical Services Advisory Board vacancy (Board's option).

No action was taken.

11-08-11-3-c-2

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

**2nd Vice Chairman Gilpin moved, with a second by Vice Chairman Breeden, to approve the appointment of Mayor Stephen Croft as the Resident of Local Area Member of the Enterprise Zone Development Agency. The motion carried unanimously 5 – 0.**

11-08-11-3-c-3

d. FINANCIAL

1. Purchase Order Approval (Staff recommends approval).

Purchase Order #54387 in the amount of \$30,000.00 payable to Southeast Traffic Technologies for WTLMB-S-LL Message Boards; Purchase Order #54484 in the amount of \$51,368.50 payable to Architecture Studio, Inc. for Professional Design Services for the proposed CDA Fee Collection and Animal Control Administration Building; Purchase Order #54496 in the amount of \$545,355.00 payable to URS Corporation for Contractor, Construction, and Warranty Phase Services for the 1988 Jail Renovation and Historic Courthouse Projects.

11-08-11-3-d-1

2. Budget Amendment A-95 (FY 10/11) General Fund (Staff recommends approval).

The purpose of this budget amendment is to adjust the budget for actual receipts and expenditures for the School Board Driver Education Program.

11-08-11-3-d-2

3. Budget Amendment A-11 (FY 11/12) Capital Outlay Reserve Fund (Staff recommends approval).

The purpose of this budget amendment is due to an increase in the scope of work for relocating two existing air conditioning units for the Sheriff's Department to accommodate the installation of the generator in the equipment area next to the existing generator. The increased scope of work shall include pouring a new concrete pad, relocating the panel which controls the mini split units, rewiring the air conditioning unit to code and to relocate the disconnect units. Dave Green, Engineer of Record, has provided evaluation of the change order request and determined it represents fair market value for the increase in scope of service. This is the Sheriff's Office and VoIP Generators Project.

11-08-11-3-d-3

4. Budget Amendment A-12 (FY 11/12) General Fund (Staff recommends approval).

The purpose of this budget amendment is to reduce the budgeted Transfer to Property Appraiser line item. Official notification of Finalized Salaries for County Constitutional Officers was received by the Property Appraiser on October 28, 2011. The Property Appraiser's Office has concurred with the adjustment to the budget.

11-08-11-3-d-4

5. Contract Change Order 1 with Mid-State Electric for the Sheriff's Office and VoIP Generators (Staff recommends approval).

This change order is for an increase in scope of work for relocating two existing air conditioning units for the Sheriff's Department to accommodate the installation of the generator in the equipment area next to the existing generator. The increased scope of work shall include pouring a new concrete pad, relocating the panel which controls the mini split units, rewiring the air conditioning unit to code and to relocate the disconnect units. Dave Green, Engineer of Record, has provided evaluation of the change order request and determined it represents fair market value for the increase in scope of service.

11-08-11-3-d-5

6. Contract Change Order 14 with Emmett Sapp Builders Inc for The Villages Sumter County Service Center (Staff recommends approval).

This change order is for an increase in scope of work for test and balance of the second floor HVAC for \$3,207.75 and to install new blinds for the small conference room next to the Building Department for \$287.60.

11-08-11-3-d-6

7. Contract Change Order 38 with Emmett Sapp Builders for South Wildwood Fire Station 33 (Staff recommends approval).

This change order is for an increase in scope of work to purchase four recliners as part of the FF&E package for \$2,184.37. CLERK'S NOTE: This item was pulled for a separate vote at the request of Commissioner Hoffman.

11-08-11-3-d-7

8. Change Order to PO 9000071 (Leopard Transport) for 2,100.

This item was added at the request of Mr. Arnold.

11-08-11-3-d-8

9. Change Order to PO 9000063 (Bowyer Singleton) in the amount of \$2,200.

This item was added at the request of Mr. Arnold.

11-08-11-3-d-9

**2nd Vice Chairman Gilpin moved, with a second by Commissioner Mask, to approve Agenda Items 1 through 6 and 8 through 9 (which were added earlier in the meeting) under Financial. The motion carried unanimously 5 – 0.**

**Vice Chairman Breeden moved, with a second by 2nd Vice Chairman Gilpin, to approve Agenda Item 7 under Financial. The motion carried 4 – 1 with Commissioner Hoffman voting nay.**

e. CONTRACTS AND AGREEMENTS

1. Agreement with 674 Property, LLC to pay for turn lane improvements along CR 673 (Staff recommends approval).

11-08-11-3-e-1

2. Award and enter into contract with C.W. Roberts Contracting, Inc. for ITB 021-0-2011/AT Sumter County CR 673 Widening & Resurfacing (Staff recommends approval).

There were two bids received: (1) C.W. Roberts Contracting, Inc. - base bid amount of \$541,363.00 with added alternate amount of \$72,700 for work referenced in previous agenda item; and (2) D.A.B. Constructors, Inc. - base bid amount of \$789,000.00 with added alternate amount of \$112,000.00 for work referenced in previous agenda item.

The Selection Committee recommends entering into contract with C.W. Roberts Contracting, Inc. If approved, Public Works will hold a pre-construction meeting with C.W. Roberts Contracting, Inc. to determine construction dates. Once construction dates are set the Notice to Proceed can be executed by the Chairman.

Purchase Order No. 54391 in the amount of \$604,063.00 was added to this item at the request of Mr. Arnold earlier in the meeting.

11-08-11-3-e-2; 11-08-11-3-e-2-PO

3. Extension to the Independent Contractor Agreement with Waste Services of Florida, Inc. for Transportation and Disposal of Large Tires (Staff recommends approval).

This will extend the initial agreement until December 13, 2012.

11-08-11-3-e-3

4. C466A III Amendment #2 for ROW Appraisal, Support Services and Time Extension (Staff recommends approval).

On October 26, 2010 the Board approved the initial agreement with Kimley-Horn and Associates to design and permit the widening of C466A from US301 to Powell Road, from two to three lanes with a completion date of December 1, 2011. On November 9, 2010 the Board approved Amendment #1 to the initial agreement for Right-of-Way (ROW) Negotiations and Acquisition Support to be provided by Ed Barfield as a sub consultant to Kimley-Horn. Amendment #2 will add NTE \$344,600 to the contract for appraisal and appraisal support services and extend the agreement until December 31, 2012.

11-08-11-3-e-4

5. Memorandum of Agreement between Sumter County BOCC and James Weber & Melodee Weber (Staff recommends approval).

This Memorandum of Agreement is regarding a property split pursuant to Section 13-551(b)(2)(ii) of the Sumter County Land Development Code.

11-08-11-3-e-5

6. Non-Profit Impact Fee Agreement for Fairway Christian Church, Inc. (Staff recommends approval).

The Church has supplied documentation verifying its non-profit status with the State of Florida and the Internal Revenue Service. Staff finds the exemption of the Sumter Fire and Road Impact Fees meets the requirements of Ordinance No. 2009-23 and Ordinance No. 2009-24.

11-08-11-3-e-6

7. Agreement between Grand Masters Dragon Boat Club of The Villages, Inc. (GMDBC) and the Sumter County BOCC to store GMDBC boat at Lake Miona Park (Staff recommends approval).

The agreement will allow the GMDBC to store one boat at this time alongside the access dock at Lake Miona Park. The Club will be responsible for maintaining insurance that meets Sumter County's policies and will not hold Sumter County responsible for any vandalism to or theft of the boat.

11-08-11-3-e-7

**Vice Chairman Breeden moved, with a second by Commissioner Mask, to approve Agenda Items 1 through 7 with the addition of Purchase Order No. 54391 to Item 2 under Contracts and Agreements. The motion carried unanimously 5 – 0.**

f. GENERAL ITEMS FOR CONSIDERATION

1. Lake Panasoffkee Christmas Parade December 10, 2011 (Staff recommends Option 2).

The three options suggested for this item are:

1. Assist with man power, trucks, barricades, full road closure, and detour signs at an estimated cost of \$1,500 (majority of cost associated with overtime pay).
2. Provide assistance for option 1, but with a one-lane closure at an estimated cost of \$1,500.
3. Provide no assistance for the event.

**CLERK'S NOTE:** Per instructions by the Board, Chief Greek and Chris Wert (in Mr. Cottrell's absence) reviewed the parade route on November 9, 2011 and concur that Option 1 (full road closure) is acceptable.

11-08-11-3-f-1

2. Inventory Transactions (Staff recommends approval).

11-08-11-3-f-2

3. Request for Road Closure to allow golf carts access through the intersection of Buena Vista and Southern Trace for The Villages Christmas celebration on December 10, 2011 between 9 am to 1pm (Staff recommends approval).

11-08-11-3-f-3

4. C466W Preliminary Engineering Study (PES) from C475 to US 301 provided by Kimley-Horn and Associates (Staff recommends approval).

**CLERK'S NOTE:** See meeting file from September 20, 2011 for complete copy of this study.

On September 20, 2011 the Board received a briefing on this PES and the alternatives with Alternative 1 being recommended. Alternative 1 has two sections:

1. West of CR209 the road will be milled and resurfaced with travel lanes widened to 12' and 2' paved shoulders added; it will remain a typical rural section with open drainage.
2. East of CR209 the road will be a typical urban section with 3 lanes (one 12' lane in each direction with a center 12' turn lane) and bicycle lanes.

The section west of CR209 has already been designed and will be reconstructed in FY 2011-2012 using an FDOT CIGP grant for \$1.625M which the Board has already approved. The section east of CR209 will be designed and permitted in FY 2011-2012 using impact fees, with the RFP being posted in the near future and ROW and construction planned for the out years.

11-08-11-3-f-4

5. The Villages 20 mph Speed Limit Study provided by Kimley-Horn and Associates (Staff recommends approval).

11-08-11-3-f-5

6. VOS, Lauren Villas and Amber Villas, Major Development, Final Plat Approval (Staff recommends approval).

VOS-Amber Villas is a proposed 60-unit subdivision and related infrastructure on 8.36 acres in The Villages. VOS-Lauren Villas is a proposed 82-unit subdivision and related infrastructure on 11.05 acres MOL in The Villages.

11-08-11-3-f-6

7. Approve Chase Bank at The Villages Financial Center Preliminary Plans, Villages of Sumter (VOS), Unit 214 Preliminary Plans, VOS, Unit 224 Preliminary Plans, and VOS, Big Cypress Villages Recreation Center Preliminary Plans reviewed at the September 19, 2011, October 3, 2011, October 17, 2011, and October 24, 2011, DRC Meetings (Staff recommends approval).

1. Chase Bank - C466 - Proposed construction of a 4,450 sq. ft. bank with four (4) drive thru lanes and related infrastructure on 1.56 acres MOL in The Villages.
2. VOS - Unit 214 - Proposed development of a 147-unit subdivision and related infrastructure on 36.89 acres MOL in The Villages.
3. VOS - Unit 224 - Proposed development of a 197-lot subdivision on 47.36 acres MOL in The Villages.
4. VOS - Big Cypress Villages Recreation Center - Proposed construction of a village recreation center and related infrastructure on 6.19 acres MOL in The Villages.

11-08-11-3-f-7

8. Sumter County Board of County Commissioners organizational changes related to the addition of an Economic Development Position, the addition of a Support Services Division Director Position, the elimination of the Assistant Development Services Division Director Position, modifications of the Development Services Division Director Position, Planner Position, and Development Coordinator Position, and the ensuing budget amendment and policy changes that follow the change (Staff recommends approval).

11-08-11-3-f-8

**Vice Chairman Breeden moved, with a second by 2nd Vice Chairman Gilpin, to approve Agenda Item 1 under General Items for Consideration with the instructions for Chief Leland Greek and Public Works Director Scott Cottrell to review the parade route and alternate route for traffic to determine if Option 1 (full road closure) is acceptable. The motion carried unanimously 5 – 0.**

**2nd Vice Chairman Gilpin moved, with a second by Vice Chairman Breeden, to approve Agenda Items 2 through 8 under General Items for Consideration. The motion carried unanimously 5 – 0.**

#### **4. ADJOURN**

The meeting was adjourned at 7:15 p.m.