

The Board of Sumter County Commissioners (Board) convened in regular session on this Tuesday, January 8, 2013, at Bushnell, Florida, with the following members present to wit: Al Butler, Vice Chairman, District No. 1; Douglas Gilpin, Chairman, District No. 2; Donald Burgess, District No. 3; Garry Breeden, District No. 4; and Don Hahnfeldt, 2nd Vice Chairman, 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. Commissioner Gilpin called the meeting to order at 5:00 p.m. with the invocation given by Commissioner Breeden followed by the flag salute led by Commissioner Burgess.

1. TIMED ITEMS AND PUBLIC HEARINGS - * Quasi Judicial

- a. 5:30 PM - Public Hearing - Zoning and Adjustment Board recommendations and/or Development Review Committee recommendations

Commissioner Gilpin called for a public hearing to consider the recommendations of the Zoning and Adjustment Board (ZAB) and/or Development Review Committee (DRC). Proof of Publication, as advertised, filed herewith.

Randall Thornton, Attorney, appeared on behalf of Randy Rogers, who opposes the Request for the Major Special Use Permit to Allow for an Entertainment Park, Case No. S2012-0004. Mr. Thornton requested a continuance for four weeks on behalf of Mr. Rogers to allow for Mr. Rogers' expert witness to be present and provide testimony.

There was discussion amongst the Board, Mr. Thornton and the County Attorney regarding the request since it is very unusual for this type of request to come from someone opposing a land use matter.

Steve Gray, counsel for the applicant, advised that they are not in favor of the continuance.

Commissioner Hahnfeldt moved, with a second by Commissioner Butler, to deny the request for continuance of S2012-004 by Attorney Randall Thornton and proceed with the hearing as advertised. The motion carried 4 - 1 with Commissioner Burgess voting nay.

Commissioner Gilpin advised that "If you plan to speak during any of the public hearings on an item listed under number 1 of the agenda which is marked with an asterisk, indicating it is quasi judicial in nature, please rise and be sworn." Those responding were sworn in by Connie Webb, Deputy Clerk. Commissioner 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."

1. *S2012-0004 - Major Special Use Permit to allow an entertainment park - Otsego Holdings LLC - C-475/Wildwood

The Chairman polled the Board Members for ex parte communications, written or verbal, related to this case. (**CLERK'S NOTE:** E-mails referenced to by the Commissioners were forwarded by County Administration to the Clerk for inclusion in the permanent record.)

Commissioner Burgess advised that he met three (3) times in his office with Mr. Whitman and discussed the project that is planned; received countless mail, letters, and e-mails from property owners and residents of the area; received a letter from Attorney Randall Thornton; has driven through area and is familiar with the community.

Commissioner Hahnfeldt advised he has received numerous calls, e-mails, and letters from residents in the area of interest; reviewed documentation prepared by the County; gone to the area; met with Mr. Whitman; and received communications from Randall Thornton.

Commissioner Breeden advised that he received e-mails and letters received by County Administration; received a letter from Randall Thornton postmarked December 18, 2012; spoke with Mr. Thornton on December 21, 2012 and discussed the proposed project and potential impacts; received a letter from J. and Razia Pullen dated December 27 2012; met with Cliff Whitman on January 3, 2013 at 10:30 am at The Villages Sumter County Service Center where they discussed the proposed project including the layout and general operating plan including noise concerns, traffic, crowd control and other general concerns and discussed the fact that the Board's decision must be made of substantial, credible evidence presented at the public hearing; and he had Public Works provide him with an aerial photograph of the area which will be provided to the Clerk.

Commissioner Butler advised that he received numerous e-mails and letters; had conversation with Randall Thornton last week; and met with Mr. Whitman and reviewed the plans for the project,

Commissioner Gilpin advised that he has received the same communications previously mentioned by the other Commissioners; had conversations with Mr.

Thornton; had several conversations with Mr. Whitman regarding safety, security, the layout, general plans; received many phone calls; and been approached by many citizens at events expressing their thoughts on the proposed project.

Karl Holley, Development Services Director, gave a summary of the application being considered and staff's conclusions. The applicant, Otsego Holdings LLC, is requesting a major special use permit to allow an entertainment park on 1077.69 acres MOL. The property is located on the northwest corner of SR44 and C475 in unincorporated Sumter County. The property which is located in the Agricultural area of the Future Land Use Map (FLUM), is zoned RR1C, and is presently substantially vacant. The property, which is accessed by C475 is surrounded by agricultural and rural residential uses. The Major Special Use Permit being requested is for an outdoor sports and musical entertainment park (park). The proposed operation consists of the following: an open air stage providing for a music venue seating approximately 7,500 patrons; ATV and 4x4 riding trails and mud holes; 4x4 mud/sand tract area; 4x4 rock climb area; picnic/camping areas; adventure run mudwater course; tractor/truck pull area; grass parking area; security and first aid stations; airboat track; equipment barn; office trailer; security/safety lighting; bathrooms; handicap parking; helipad area; vendor area; ticket/booths; ATV/4x4 wash station; water volleyball/sand area; announcers booth; and playground. The park will be owned by Otsego Holdings, LLC and leased to Sumter County Outdoors, LLC.

Staff has deemed the requested application sufficient and in compliance with the minimum requirements of the Sumter County Land Development Code and Comprehensive Plan and recommends approval subject to the following conditions:

1. The special use is for an outdoor sports and musical entertainment park.
2. The traffic management plan shall be implemented as approved and the operator of the facility shall be liable for an additional off-site road or signal improvements that necessarily result from the operation of the proposed facility.
3. The facility shall be developed consistent with the layout and/or general development criteria provided as part of the application. Any significant change to the general layout or proposed development parameters layout shall require this special use to be amended.
4. The facility shall be operated to minimize noise impacts to surrounding properties. If it is determined the noise impacts are excessive based on Sumter County Code of Ordinance Noise Control Section 16, then the applicant shall apply appropriate methods to reduce noise impacts. The methods shall be approved by the County.

5. Concert events at the facility shall be limited to a maximum of one (1) event per month with the option to have up to five (5) one (1) day fund raising events during a twelve (12) month period.

6. Days and hours of operation shall be as follows:

Thursday - 12:00 pm for event staff only

Friday - 12:00 pm for event participants and operations; all entertainment related motorized vehicle operations shall cease at sunset; all other operations shall cease at 10:00 pm

Saturday - 9:30 am for event participants and spectators; all entertainment related motorized vehicle operations shall cease at sunset; all other operations shall cease at 10:00 pm

Sunday - 9:30 am to 5:00 pm except holiday weekends, excluding Christmas, which will follow Saturday schedules

Monday (holidays excluding Christmas) - 9:30 am to 5:00 pm

The park will not be open the following days: December 23rd - 26th.

Park hours of operation for fund raising weekend one day events will be from 7:00 am to 10:00 pm.

7. If it is determined by the County that the facility is operating in violation of these conditions or is resulting in negative impacts to public safety, health, or welfare, then this special use may be suspended or revoked by the County.

8. Traffic control will be directed by contracted law enforcement during events in accordance with the traffic management plan provided.

9. The outdoor sports and musical entertainment park shall comply with setback requirements of the RR1C zoning district.

10. Approval of the Special Use Permit is for the current property owners, Otsego Holdings, LLC and Penfield Holdings, LLC, leased to Sumter County Outdoors, LLC and shall expire with the sale or transfer of the subject property.

11. This Special Use Permit may be suspended, revoked, or amended for failure to adhere to the conditions, violation of other laws or ordinances, or when necessary to protect the public's health, safety, and welfare consistent with Section 13-144(e) of the Sumter County Land Development Code.

The proposed use meets the requirements of Section 13-362 of the Sumter County Land Development in that:

The proposed use is in harmony with the purpose and intent of the Sumter County Land Development Code by being designed so as not to cause unreasonable negative impact to the surrounding property owners and community.

The proposed use is compatible with the surrounding uses and existing and anticipated land use patterns in the area by virtue of the size of the proposed site accommodating wide separation of proposed uses from existing development.

The proposed use has sufficient area for adequate traffic circulation. With appropriate traffic management, it will not create hazardous vehicular or pedestrian traffic conditions, or parking congestion; therefore, the use will not adversely affect the public interest.

The subject property has adequate ingress and egress along with an adequate amount of area for off street parking, loading and unloading.

The proposed improvements for the use will have no more than a minimal adverse effect on the environment and public health, safety, and welfare.

The proposed structures meet the minimum setback requirements for the property's zoning classification and all other general code requirements and the requirements of the RR1C zoning district.

It is not anticipated that the use will create a detrimental impact to the neighborhood environment and infringe on the rights of property owners in the vicinity of the subject property.

The site is of adequate size to provide existing natural screening to surrounding properties and wide separation of event facilities from surrounding properties.

There were 39 notices sent with 56 being returned in objection and 0 in favor. The ZAB recommended approval by a vote of 3-2.

CLERK'S NOTE: There have been numerous letters and e-mails received regarding this proposed action which are part of the permanent record.

At the end of Mr. Holley's presentation, Commissioner Burgess and Commissioner Breeden requested clarification as to the total number of musical events to be presented each year. Later in the meeting the applicant advised that there would be no more than 12 musical events per year.

APPLICANT'S PRESENTATION

Steve Gray, 125 NE 1st Avenue, Suite 1, Ocala, appeared on behalf of the applicant, Otsego Holdings, LLC, owner of the property. The property will be leased to and operated by Sumter County Outdoors, LLC. Mr. Gray confirmed for the record that the contents of the staff recommendation and the recommendation of the ZAB are now part of the formal record. Mr. Gray advised that the actual park will be approximately 420 acres of the total 1077.69 acres. He advised that in past meetings on this matter it seems that the two main concerns are noise and traffic impact and management. The applicant has not requested any waiver from the County regarding the County's noise ordinance.

Lisa Schott, 4521 Old Carriage Trail, Oviedo, FL 32765 (sworn), Acoustical Consultant from Quietly Making Noise, LLC, has approximately 22 years experience in this field. She was asked to review the project and assess what the noise impacts would be on the nearby community. She advised that she did visit the site and has personally tested a large number of noise sources similar to those that will be used during the various events at the proposed site. She discussed a computer-based acoustical model she prepared using the measurement data she acquired. This also includes data from live music concerts. The computer modeling considers levels of the noise sources that may occur, as well as distances to nearby properties. Based on this modeling she is able to predict sound levels at the adjacent properties. There will be earthen berms and acoustical barrier walls or a combination of the two to achieve noise reduction. The result of the study is that the facility is being designed to meet the 60 decibel sound limit that applies to residential properties in the Sumter County Noise Ordinance. **(CLERK'S NOTE:** Ms. Schott did not provide any type of written report, PowerPoint, CD/DVD, etc. for the record containing the information she provided.)

Jonathan Thigpen, Kimley-Horn and Associates, Inc., 1823 SE Fort King Street, Suite 200, Ocala (sworn), presented the Traffic Management Plan prepared for Sumter County Outdoors. They prepared their data using the concert event which would normally have the most attendees (7,500 attendees and approximately 250 employees). It is felt that the roads would be back to normal traffic conditions within 1.5 hours of the end of the event.

Mark Penfield, 18141 Knoll Road, Fort Myers (sworn), one of the property owners, responded to some of the earlier questions from the Commissioners. As to number of events per year, he advised that it is their intent to have seven (7) mud bogging events and five (5) one-day fund raising events for a total of twelve (12) events per year with each event including some sort of music event. He provided a handout - "Requested Clarification of Language to Staff Report" which clarifies the proposed hours of operation. He went on to advise that it is their intent to use local off-duty law enforcement and emergency personnel at these events.

Cliff Whitman, 715 Barwick Street, Wildwood (not previously sworn), clarified three-day events. He advised that on Friday there will be no actual event, it will be a day for set-up and people to check-in for general camping beginning at 12:00 p.m. Mud bog holes, ATV holes and ATV trails will be open with all operations ceasing at 10:00 p.m. On Saturday a full day of events will begin at 9:30 a.m. and end at 10:00 p.m. Sunday will be for general camping, check-out, and cleanup with the mud bog holes, ATV holes and ATV trails being open and all operations ceasing at 10:00 p.m. The main events will only be on Saturday, which includes concerts. Mr. Whitman clarified that originally it was requested to have one (1) regular event per calendar month with an additional five (5) fund raising events for a total of 17 events per year. He is modifying that to be seven (7) regular events plus five (5) fund raising events, for a total of 12 events per year.

Commissioner Gilpin noted for the record that the Board has accepted the Staff Report and Exhibits into the record noting the change in language in the Clarification Report provided by Mark Penfield that Permittee will be allowed one (1) event per calendar month, including up to five (5) fund raising events for a total of 12 events per year.

Commissioner Burgess inquired of Mr. Whitman his experience in this type of industry. Mr. Whitman advised that he has four (4) years of experience with concerts and music and he has visited many major events similar to the proposed events in this application.

PUBLIC INPUT

The following individuals addressed the Board from the audience. Commissioner Gilpin reminded the audience that only competent, substantial, fact based testimony or evidence would be considered in deciding the matter.

Anthony Tizzano, 5379 Ocean Boulevard, Sarasota (sworn), appeared on behalf of Robasota Real Estate, Ltd., the owner of Parcel C29A036 which is next to the proposed entrance to the entertainment park. They feel that this special permit will violate their property rights.

David Kanack, 1847 CR 243D, Wildwood (sworn), presented a YouTube video showing what the surrounding property owners will be experiencing. In response to questions by the County Attorney, Mr. Kanack advised that this is just an advertisement of events similar to those anticipated at the proposed entertainment park that was recorded at the Devils Garden Mud Club in South Florida. He recorded this from YouTube. Mr. Kanack also provided an aerial map of the location of the proposed site. He is opposed to the project.

CLERK'S NOTE: The video link for this YouTube video is http://www.youtube.com/watch?v=AxIRLNkui_0. The Clerk is making the link available through the permanent minutes however has no input for the length of time this link will be accessible. Mr. Kanack did provide the Clerk a DVD of the video for the record.

The following individuals spoke against the proposed project - Harvey Lasky, 8819 NW 21 Street, Wildwood (sworn); Lee McBride, 839 CR 231, Wildwood (sworn); Ella Huff, 10558 N CR475, Oxford (sworn); Natalie Carroll, 2664 NW 102 Boulevard, Wildwood (sworn); John Hoffman, 2997 NW 81 Avenue, Wildwood (sworn); James Wright, 2655 NW 102 Boulevard, Wildwood (sworn); Harvey Yawn, 10808 NW 27 Drive, Wildwood (sworn); Marty Orr, 669 NW 111 Lane, Oxford (sworn); John Caldwell, 1959 CR 243A, Wildwood (sworn); Randall Thornton, Lake Panasoffkee, attorney appearing on behalf of some landowners; Cynthia Clark, 2215 CR 243B, Wildwood (had to be sworn); Charles Smith, 17734 SW 12 Street, Pembroke Pines (sworn); Mike Steepy, 9202 NW 26 Street, Wildwood (sworn); William Sajac, 2625 NW 87 Avenue, Wildwood (sworn).

The following individuals spoke in favor of the proposed project - Shane Farkus, 2009 CR 243, Wildwood (sworn); Troy Hayward, 619 Wolford (phonetic) Avenue, Wildwood (had to be sworn); Elaine Chin-Sue, 1681 NE 12 Avenue, Sumterville (sworn); Ronald Davis, 1814 CR 243D, Wildwood (sworn); Phillip Watts, 34785 _____, Sumterville (sworn), owner of B&S Auto Salvage; Danny Brown, 2149 St. Andrews Circle, Orlando (had to be sworn); Gregory Hurst, 6837 CR 148, Wildwood (sworn); David Fox, 4200 Dove Valley Lane, Leesburg (had to be sworn).

APPLICANT'S REBUTTAL

Mr. Gray responded to various comments made during the Public portion of this hearing.

BOARD DISCUSSION

There was discussion regarding the allegation that there is property included in the application that is not owned by the applicant. After review and discussion it was determined that the property is not part of the application and thus the allegation is a moot point and not relevant to tonight's decision. There was discussion regarding alcohol at the events. It is not the intent of the applicant to sell alcohol at the events. The public will be allowed to bring alcohol in and any negative issues will be dealt with by security and/or law enforcement. In discussion regarding water consumption the applicant advised that they will use existing wells on the property and will be required to obtain appropriate permits from SWFWMD and abide by those permits.

01-08-13-1-a-1; 01-08-13-1-a-1-Traffic; 01-08-13-1-a-1-public comments; Breeden Ex Parte; 01-08-13-1-a-1-Penfield; 01-08-13-1-a-1-Kanack; 01-08-13-1-a-1-Hoffman; 01-08-13-1-a-1-Chin-Sue; 01-08-13-1-a-1-Sajac

Commissioner Breeden moved, with a second by Commissioner Gilpin, to approve *S2012-0004 - Application by Otsego Holdings LLC for a Major Special Use Permit to allow an entertainment park in the area of SR44/C475 in Wildwood based on the testimony that has been presented tonight, all of the information provided, and the requirement that the Board's decision be made on substantial, fact-based testimony. The motion is based on the fact on the issue of noise, there was expert testimony provided by the applicant, on the issue of traffic, there was expert testimony provided by the applicant, on the issue of Code, there was expert testimony provided by County staff supporting staff's recommendation, on the issue of pollution, there are State and County regulations that will apply, and the fact that this is a Special Use Permit certainly provides ample control by the County that if the applicant does not comply it is very easy for the Board to revoke the Permit. The motion carried 4 – 1 with Commissioner Burgess voting nay.

2. *R2012-0049 - Rezoning on 3.35 acres MOL from RR1C to CN - Ronald, Rosa, and Billy Albair - C-470 N/Lake Panasoffkee

The Chairman polled the Board Members for ex parte communications, written or verbal, related to this case. Commissioner Burgess - none; Commissioner Hahnfeldt-none; Commissioner Breeden-none; Commissioner Butler - none; and Commissioner Gilpin-none.

Karl Holley, Development Services Director, advised that the applicants, Ronald Albair, Rosa Albair and Billy Albair, are requesting a rezoning on 3.53 acres MOL from RR1C to CN. There were six (6) notices sent with one (1) being returned in objection. The ZAB recommended approval by a vote of 5-0.

PUBLIC - There was no public input.

01-08-13-1-a-2

Commissioner Breeden moved, with a second by Commissioner Burgess, to approve *R2012-0049 - request of applicants, Ronald Albair, Rosa Albair and Billy Albair, to rezone 3.35 acres MOL from RR1C to CN. The motion carried unanimously 5 – 0.

2. REPORTS AND INPUT

a. County Administrator

1. Significant Schedule of Items (For Information Only)

01-08-13-2-a-1

2. Facilities Development Bi-Monthly Report January 8, 2013 (For Information Only)

01-08-13-2-a-2

3. Road Project Summary Report (For Information Only)

01-08-13-2-a-3

4. Annual Budget submitted to the Government Finance Officers Association for the Distinguished Budget Award (For Information Only)

This is for Fiscal Year 2012-2013.

01-08-13-2-a-4

5. Camping and Blueways at Sumter County Parks (For Information Only)

01-08-13-2-a-5

6. The Villages Community Development Districts approved minutes of Board Meetings held in November 2012 (For Information Only)

01-08-13-2-a-6

7. Legislative Delegation Letter

Mr. Arnold requested that this be added for Chairman's signature for presentation at the Legislative Delegation meeting scheduled for January 10, 2013. Consensus for Chairman to execute and for presentation at the January 10th meeting.

01-08-13-2-a-7

b. County Attorney

1. Sumter Purchase from Melissa Wilkes Parcel 14-466A (For Information Only)

This is for the purchase of Parcel G05=040 (Parcel 14-466A Project). The documents included are: original recorded right-of-way deed; original Owners Policy OXFL-08127989; copies of executed closing documents; and recorded Temporary Construction Easement.

01-08-13-2-b-1

c. Clerk of Circuit Court - No report.

d. Board Members

1. Commissioner Burgess - No report.
2. Commissioner Breeden - No report.
3. Commissioner Hahnfeldt

Commissioner Hahnfeldt announced that he and Commissioner Butler would be attending continuing education for new commissioners being presented by the Florida Association of County Commissioners in Gainesville later in the week.

4. Commissioner Butler

Commissioner Butler advised that he had attended the swearing in ceremony of the Constitutional Officers that morning.

5. Commissioner Gilpin

Commissioner Gilpin advised the Board that he has requested Mr. Arnold to research the Lake Sumter/MPO Joint Venture to see if it would be in Sumter County's best interest to move forward separately from Lake County in this venture. During Board discussion, it was recommended to further discuss this at a future workshop.

e. Public Forum

The Chairman noted that the Board welcomes and encourages public input on all issues subject to the Board's jurisdiction which affect the residents of Sumter County. In order to preserve decorum in these proceedings, the Board respectfully requests that anyone wishing to address the Board during 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. All remarks shall be to the Board as a body and not to any individual member. Additionally, any person making pertinent or slanderous remarks, or who becomes boisterous, shall be instructed to remain silent by the presiding officer until permission to continue is granted."

Cliff Hughes, 434 CR 226, Wildwood, addressed the Board as Chairman of the Community of Royal, Inc. (Community) requesting the Board consider turning over the Fire Station Building in Royal to the Community. He provided a letter to the Clerk describing their intentions should they be successful in obtaining the building. He also provided a letter with five (5) sheets of signatures of citizens opposing the demolition of this building. There was additional discussion between Mr. Hughes and the Board regarding this request and the workshop held on December 18, 2012 where this matter was discussed.

01-08-13-2-e-1

Ella Huff, 10558 N CR475, Oxford, addressed the Board on the Royal Fire Station matter and expressed her concerns on improving the Community of Royal for future generations.

3. NEW BUSINESS - ACTION REQUIRED

a. MINUTES

1. Minutes of Regular Meeting held on December 11, 2012 (Staff recommends approval).

01-08-13-3-a-1

Commissioner Burgess moved, with a second by Commissioner Butler, to approve the minutes of the regular meeting held on December 11, 2012. The motion carried unanimously 5 – 0.

2. Minutes of Regular Workshop Meeting held on December 18, 2012 (Staff recommends approval).

01-08-13-3-a-2

Commissioner Butler moved, with a second by Commissioner Gilpin, to approve the minutes of regular workshop meeting held on December 18, 2012. The motion carried unanimously 5 – 0.

b. FUTURE PUBLIC HEARINGS OR MEETINGS

1. Set a Public Hearing to consider Florida Department of Transportation Section 5310 Grant Application on January 22, 2013 at 5:00 p.m. at Colony Cottage Recreation Center, 510 Colony Blvd, Parlor Room, The Villages, FL 32162 (Staff recommends approval).

01-08-13-3-b-1

Commissioner Breeden moved, with a second by Commissioner Hahnfeldt, to approve setting a Public Hearing to consider Florida Department of Transportation Section 5310 Grant Application on January 22, 2013 at 5:00 p.m. at Colony Cottage Recreation Center, 510 Colony Blvd, Parlor Room, The Villages, FL 32162. The motion carried unanimously 5 – 0.

c. APPOINTMENTS

1. Affordable Housing Advisory Committee (Board's Option).

01-08-13-3-c-1

Commissioner Breeden moved, with a second by Commissioner Gilpin, to approve the appointment of Deputy Chief Stephen Kennedy to the Affordable Housing Advisory Committee. The motion carried unanimously 5 – 0.

2. Construction Industry Licensing Board (Board's Option).

01-08-13-3-c-2

Commissioner Gilpin moved, with a second by Commissioner Breeden, to approve the appointment of James Wright to the Construction Industry Licensing Board. The motion carried unanimously 5 – 0.

3. Fire Prevention Code - Board of Appeals (Board's Option).

01-08-13-3-c-3

Commissioner Gilpin moved, with a second by Commissioner Burgess, to approve the appointment of James Wright to the Fire Prevention Code Board of Appeals. The motion carried unanimously 5 – 0.

4. Enterprise Zone Development Agency Committee (Board's Option).

No action taken.

01-08-13-3-c-4

5. Fire and Emergency Medical Services (EMS) Advisory Board (Board's Option).

No action taken.

01-08-13-3-c-5

6. Industrial Development Authority (Board's Option).

No action taken.

01-08-13-3-c-6

7. Library Advisory Board (Board's Option).

No action taken.

01-08-13-3-c-7

8. Sumter County Tourist Development Council (Board's Option).

No action taken.

01-08-13-3-c-8

9. Zoning and Adjustment Board (Board's Option).

No action taken.

01-08-13-3-c-9

d. FINANCIAL

1. Purchase Order Approval (Staff recommends approval).

The following open purchase requisitions are being considered for approval:

#001104 (Rainey Asphalt, LLC - \$30,800);

#001103 (Brick America - \$30,800.25);

#001211 (Rispoli & Associates Architect - \$52,399.16);

#001235 (Dyer, Riddle, Mills & Precourt, Inc. - \$63,247.50); and
#000783 (Page Dixon Chandler Smith, LLC - \$262,500).

01-08-13-3-d-1

2. Contract Change Order #2 for 1988 Sumter County Jail Renovation Project with Emmett Sapp Builders for HVAC Corrective Actions (Staff recommends approval).

This change order for \$427,932.42 is related to HVAC problems from the 2009 Jail Project.

01-08-13-3-d-2

3. Authorize Chairman to execute the amended 2012 Tax Roll Certification for fire assessments (Staff recommends approval).

The parcel count for F-043, Sumter County Municipal Services needs to be amended from 1,256 to 1,254 and the parcel count for F-044, Sumter County Municipal Services needs to be amended from 16,918 to 16,916.

01-08-13-3-d-3

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

01-08-13-3-d-4

5. Budget Amendment A-22 (FY 12/13) Group Insurance Fund (Staff recommends approval).

The purpose of this budget amendment is to create a budget for the Humana Vision Plan, which is a voluntary employee benefit. There is no budget impact as the revenue collected from the employees is paid out to Humana Health for the insurance coverage.

01-08-13-3-d-5

6. Budget Amendment A-23 (FY 12/13) Capital Outlay Reserve Fund (Staff recommends approval).

The purpose of this budget amendment in the amount of \$35,952 is to reallocate funds for ITB 027-0-2012/AT - Motor Pool Extension for Public Works Division for Dibarco Building Corporation to complete the project.

01-08-13-3-d-6

7. Budget Amendment A-24 (FY12/13) General Fund (Staff recommends approval).

The original agreement term for Department of Homeland Security Grant Number 10-DS-39-05-70-01-314 was October 1, 2009 through April 30, 2012. At the beginning of 2012 Emergency Management requested and was approved for an extension of this grant until July 31, 2012. Emergency Management was not able to spend all monies allotted to Sumter County prior to July 31, 2012. In October the Florida Division of Emergency Management informed Emergency Management that they were granting Sumter County another extension to spend unused funds totaling \$13,821.19. On October 23, 2012 the Board approved the grant modification and it was returned to the State for signature. Emergency Management did not receive the fully-executed modification until December 3, 2012 and is therefore requesting these funds be moved from FY 2011-12 to FY 2012-13.

01-08-13-3-d-7

8. Budget Amendment A-25 (FY 12/13) Transit Fund (Staff recommends approval).

The purpose of this budget amendment in the amount of \$48,000 is to take in the funds for the Service Development Grant that was approved by the Board on June 14, 2011. The Joint Participation Agreement was signed on September 18, 2012. The grant provides for a 2-year project that will extend the hours of service on the existing Villages shuttle which went into effect on October 1, 2012.

01-08-13-3-d-8

9. Budget Amendment A-26 (FY 12/13) General Fund (Staff recommends approval).

The purpose of this budget amendment is to reallocate funds to pay an outstanding invoice for (Architecture Studio) Rispoli & Associates. On November 9, 2011 (Architecture Studio) Rispoli & Associates, as the on-call architect, submitted a proposal to provide engineering services on the standby generator for the Bushnell Health Department. Services were not budgeted in FY 12/13 but they have a remaining balance to bill of \$3,890 which this amendment will cover.

01-08-13-3-d-9

10. Budget Amendment A-27 (FY 12/13) General Fund (Staff recommends approval).

The purpose of this budget amendment in the amount of \$20,000 is to cover the Sumter County Fair Association's requested amount for expenses related to the Sumter County Fair. The funding will cover costs associated with obtaining a tent, bleachers, and A/C necessary due to the demolition of the Cow Palace prior to the fair dates.

01-08-13-3-d-10

11. Inventory Transactions (Staff recommends approval):

01-08-13-3-d-11

12. State Housing Initiatives Partnership (SHIP) Program approval and execution of Subordination of Mortgage Agreements (Staff recommends approval).

01-08-13-3-d-12

13. Request to alter project approach to BOCC approved (8/28/12) Tourist Development Tax (TDT) grant request to "Improve Aquatic Resources...at Lake Miona" by creating rock attractor(s) to build micro-habitat(s) and quickly improve fisheries (Staff recommends approval).

The Florida Fish and Wildlife Commission (FWC) has requested this change in the project approach for the following reason:

1. A test of the coir mat now under development by the University of Florida is planned for approximately 1/10 acre of lake bottom and will be installed in 2013 spring/summer. Coir mat provides a layer of sod on the bottom topped with a layer of organic material that is woven with an aquatic vegetation. The vegetation should grow and spread.

2. If the coir mat test is successful after a year, FWC will submit a grant in FY14 to install coir mat at several colonization sites on the bottom of Lake Miona in the summer of 2016, which will dramatically increase water quality in the lake. FWC is confident state grant funds will be available for this project if the test is a success.

3. Planting of bulrush, the original project proposed, may not be successful. This approach has been tried by FWC in the past and the plantings have perished.

01-08-13-3-d-13

Commissioner Breeden moved, with a second by Commissioner Butler, to approve Agenda Items 1 through 13 under Financial. The motion carried unanimously 5 – 0.

e. CONTRACTS AND AGREEMENTS

1. 2013 Flexible Spending Account amendment with Flexcorp (Staff recommends approval).

Effective January 1, 2013 the Patient Protection & Affordable Care Act caps the Flexible Spending Account limit at \$5,000 for dependent care and \$2,500 for medical.

01-08-13-3-e-1

2. Award and enter into contract with Dibarco Building Corporation for ITB 027-0-2012/AT Motor Pool Extension for Public Works Division and to authorize the County Administrator to execute the Notice to Proceed at a later date (Staff recommends approval).

ITB 027-0-2012/AT - Motor Pool Extension for Public Works Division was broadcast on 11-06-2012. Proposals were due on 12-07-2012 at 10:00 a.m. and opened at 10:05 a.m. at The Villages of Sumter County Service Center, Wildwood. Five proposals were received as follows:

1. Marbek Construction, Inc. - Base Bid-\$102,800, Alternate 1-\$2,547, and Alternate 2-\$960;
2. Dibarco Building Corp. - Base Bid-\$104,189, Alternate 1-\$2,100, and Alternate 2-\$1,500;
3. Daly & Zilch - Base Bid - \$119,890, Alternate 1-\$2,700, and Alternate 2-\$1,500;
4. Signature Enterprises - Base Bid-\$122,970, Alternate 1-\$1,847, and Alternate 2-\$1,214; and
5. Genesis - Base Bid-\$135,791, Alternate 1-\$1,847, and Alternate 2-\$1,200.

The Selection Committee met on 12-12-2012 to discuss the proposals. Section 301, Item V, of the Sumter County Purchasing Policies and Procedures Manual provides for a preference to Resident Bidders; therefore, the Selection Committee agreed to recommend the Board award and enter into contract with Dibarco Building Corporation with accepting the base bid, invoking/applying Alternate 1 and not applying Alternate 2 and to execute the Notice to Proceed at a later date.

01-08-13-3-e-2; 01-08-13-3-e-2-ITB; 01-08-13-3-e-2-Contract NOA; 01-08-13-3-e-2-Dibarco; 01-08-13-3-e-2-DalyZilch; 01-08-13-3-e-2-Genesis; 01-08-13-3-e-2-Marbek; 01-08-13-3-e-2-Signature

3. Award and enter into contract with W. Mills Construction Incorporated and The Alexander Group, LLC for RFP 026-0-2012/AT Sumter County On-Call General Contractor (Staff recommends approval).

RFP 026-0-2012/AT - Sumter County On-Call General Contractor was broadcast on 11-06-2012. Proposals were due on 12-06-2012 at 10:00 a.m. and opened at 10:05 a.m. at The Villages Sumter County Service Center, Wildwood. Four proposals were received as follows:

1. W. Mills Construction, Incorporated - Item 1 Hourly Rate = \$739.00, Item 2 Materials = 8%;
2. Signatures Enterprises, Incorporated - Item 1 Hourly Rate = \$855.63, Item 2 Materials = 10%;
3. The Alexander Group, LLC - Item 1 Hourly Rate = \$648.00, Item 2 Materials = 15%;
4. Dibarco Building Corporation - Item 1 Hourly Rate = \$1,489.50, Item 2 Materials = 20%.

The Selection Committee met on 12-11-2012 and agreed to recommend the Board enter into contract with W. Mills Construction, Incorporated and The Alexander Group, LLC. Two quotes will be required from both vendors for all projects. Once the quotes are received and reviewed, the vendor with the lowest quote will be awarded that specific project.

01-08-13-3-e-3; 01-08-13-3-e-3-RFP; 01-08-13-3-e-3-Alexander Contract; 01-08-13-3-e-3-Alexander Proposal; 01-08-13-3-e-3-Mills Contract; 01-08-13-3-e-3-Mills Proposal; 01-08-13-3-e-3-Dibarco Proposal; 01-08-13-3-e-3-Signature Proposal

4. Award and enter into contract with Marbek Construction Company for RFP 028-0-2012/AT Sumter County Cow Palace Demolition and authorize County Administrator to execute the Notice to Proceed at a later date (Staff recommends approval).

RFP 028-0-2012/AT - Sumter County Cow Palace Demolition was broadcast on 11-30-2012. Proposals were due on 12-20-2012 at 10:00 a.m. and opened at 10:05 a.m. at The Villages of Sumter County Service Center, Wildwood. Two proposals were received as follows:

1. Marbek Construction Company - Base Bid + Additional Alternate No. 1 = \$179,800 and Alternate Base Bid + Additional Alternate No. 1 = \$172,000; and

2. QBT Industrial Fabrications, Inc. - The proposal did not include proposal form and only listed one total project price of \$106,937. QBT Industrial Fabrications, Inc. did not acknowledge the four (4) addendums to the proposal document or include an electronic copy of the proposal.

The Selection Committee met on 12-21-2012 and agreed to recommend to the Board to award and enter into contract with Marbek Construction Company for \$179,800 (Base Bid + Add Alternate No. 1) and authorize the County Administrator to sign the Notice to Proceed.

01-08-13-3-e-4; 01-08-13-3-e-4-RFP; 01-08-13-3-e-4-Bid Book; 01-08-13-3-e-4-Plans; 01-08-13-3-e-4-contract NOA; 01-08-13-3-e-4-Marbek Proposal; 01-08-13-3-E-4-QBT Proposal

5. Escrow Agreement with Lifetime Metal Roofing, Inc (Staff recommends approval).

01-08-13-3-e-5

6. Second Amendment to the Agreement between the Southwest Florida Water Management District and Sumter County for Big Prairie and Gant Lake Watershed Management Plans (L787) (Staff recommends approval).

The amendment extends the cooperative funding for the Big Prairie and Gant Lake Watershed Management Plans through October 31, 2014.

01-08-13-3-e-6

Commissioner Burgess moved, with a second by Commissioner Hahnfeldt, to approve Agenda Items 1 through 6 under Contracts and Agreements. The motion carried unanimously 5 – 0.

f. GENERAL ITEMS FOR CONSIDERATION

1. Approve the revision to the Employee Manual, Section 4.020 - Hiring - to clarify the structure of the interview committee and Section 8.030 - Outside Employment and Conflicts of Interest - to clarify the policy and require an annual re-evaluation of the outside employment request (Staff recommends approval).

01-08-13-3-f-1

2. Plat - Villages of Sumter - Unit 230

CLERK'S NOTE: There was consensus for this item to be added to the agenda as requested by Mr. Arnold.

This is the proposed development of a 119 lot subdivision and related infrastructure on 29.39 acres MOL in The Villages.

01-08-13-3-f-2

Commissioner Butler moved, with a second by Commissioner Burgess, to approve Agenda Items 1 and 2 under General Items for Consideration. The motion carried unanimously 5 – 0.

4. ADJOURN

The meeting was adjourned at 8:40 p.m.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SUMTER COUNTY, FLORIDA

By _____
GLORIA R. HAYWARD
CLERK & AUDITOR

By _____
DOUG GILPIN
CHAIRMAN