

DRAFT

REGULAR MEETING BOARD OF COUNTY COMMISSIONERS FEB. 14, 2012

The Board of Sumter County Commissioners (Board) convened in regular session on this Tuesday, February 14, 2012, at Bushnell, Florida, with the following members present to wit: Richard Hoffman, District No. 1; Douglas Gilpin, Vice Chairman, District No. 2; Donald 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; Bill Kleinsorge, Finance Director; Connie Webb, Deputy Clerk; and George Angeliadis of The Hogan Law Firm, Attorneys for the Board. Chairman Breeden called the meeting to order at 5:00 p.m. with the invocation given by 2nd Vice Chairman Mask followed by the flag salute led by Vice Chairman Gilpin.

1. TIMED ITEMS AND PUBLIC HEARINGS

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

At 5:30 p.m. Chairman Breeden 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. Chairman Breeden advised that the hearings will be conducted as follows: (1) Staff presentation and recommendation; (2) the applicant will have the opportunity to provide a presentation; (3) public input; (4) the applicant will have the opportunity to provide rebuttal; and (5) Board discussion and decision. Once public comment is complete and the applicant's rebuttal is complete, there will be no further public comment unless the Board has a question. He also advised that "If you plan to speak during the public hearing 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. 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."

1. *S2012-0001- Major Special Use Permit to Allow an Assisted Living Facility on 36.67 Acres MOL - Brown/Harbor Chase Living Facility - NE 86th Dr./NE 136th Ave., Lady Lake

Sue Farnsworth, County Planner, presented the case. The applicant, Ronald B. Brown, is requesting a Major Special Use Permit on 36.67 acres MOL of which 5.0 acres MOL will be utilized to construct an assisted living facility comprised of 92 units, 109 beds, and 46 full-time equivalent employees. The property surrounding the parcel is a mixture of commercial and vacant land. There were seven (7) notices sent with none being returned. The ZAB recommended approval by a vote of 5-0.

The Chairman polled the Board Members for ex parte communications, written or verbal, related to this case. Commissioner Burgess - none; Vice Chairman Gilpin - none; Commissioner Hoffman advised that he met with the property owner, Ronald Brown, on January 23, 2012; 2nd Vice Chairman Mask - none; and Chairman Breeden advised that he met with Ronald Brown on January 20, 2012 and had a general discussion on the plans to develop the property and also spoke with Mr. Brown by telephone this morning where Mr. Brown inquired if Chairman Breeden had any questions or concerns regarding this matter to which Chairman Breeden responded no.

APPLICANT PRESENTATION - Bob Zahradnik, 303 Waterford Drive, Yalaha, FL 34797, being sworn, advised that they feel this project will be an asset for the citizens of Sumter County.

PUBLIC - There was no public input.

02-14-12-1-a-1

2nd Vice Chairman Mask moved, with a second by Vice Chairman Gilpin, to approve *S2012-0001- Application of Ronald B. Brown for a Major Special Use Permit to Allow an Assisted Living Facility (Harbor Chase Assisted Living Facility) on 36.67 Acres MOL. The motion carried unanimously 5 – 0.

2. *R2012-0001 - Rezoning on 2.0 Acres MOL From Non-Compliant A5 and Non-Compliant RR5 to RR1C - John B. Coleman and Jean Symonds - C44A, Wildwood

Sue Farnsworth, County Planner, presented the case. The applicants, John B. Coleman and Jean Symonds are requesting rezoning on 2.0 acres MOL from non-compliant A5 and non-compliant RR5 to RR1C to complete a lineal transfer. The applicants acquired approximately 3.5 acres on March 7, 2011 from their mother, who is now deceased. The deed was recorded in OR 2299, Page 227, Public Records of Sumter County on March 25, 2011. Although the deed does

not contain the lineal transfer verbiage and cannot be corrected due to the mother's passing, the property is considered a true lineal transfer. Mr. Coleman has acquired a portion of the original lineal transfer property and absorbed it into his property to the north leaving the 2-acre parcel which is the subject of this application. There were six (6) notices sent with one (1) being returned in favor. The ZAB recommended approval by a vote of 5-0.

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

APPLICANT PRESENTATION - Jean Symonds, 2476 CR 44A, Wildwood, was sworn at this time. Ms. Symonds did not provide any additional information.

PUBLIC - There was no public input.

02-14-12-1-a-2

Vice Chairman Gilpin moved, with a second by 2nd Vice Chairman Mask, to approve *R2012-0001 - Application of John B. Coleman and Jean Symonds to rezone 2.0 acres MOL from non-compliant A5 and non-compliant RR5 to RR1C along with the supporting resolution (Resolution No. 2012-03). The motion carried unanimously 5 – 0.

3. *R2012-0002 - Rezoning on 2.0 Acres MOL From A5 to RR1C to Complete a Lineal Transfer - Justin D. Simmons - CR577, Center Hill

Sue Farnsworth, County Planner, presented the case. The applicant, Justin D. Simmons, is requesting a rezoning on 2.0 acres MOL from A5 to RR1C to complete a lineal transfer. There were four (4) notices sent with one (1) being returned in favor. The ZAB recommended approval by a vote of 5-0.

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

APPLICANT PRESENTATION - None.

PUBLIC - There was no public input.

02-14-12-1-a-3

Commissioner Burgess moved, with a second by Vice Chairman Gilpin, to approve *R2012-0002 - Application of Justin D. Simmons to rezone 2.0 acres MOL from A5 to RR1C to complete a lineal transfer along with the supporting resolution (Resolution No. 2012-04). The motion carried unanimously 5 – 0.

4. *R2012-0003 - Rezoning on 1.43 Acres MOL From Non-Compliant A5 to RR1 on a Vested Parcel of Record - Julia H. Stephens, et al. - CR241, Wildwood

Sue Farnsworth, County Planner, presented the case. The applicants, Julia H. Stephens, et al., are requesting a rezoning on 1.43 acres MOL from non-compliant A5 to RR1 on a vested parcel of record to bring the property into compliance with the Future Land Use Map. There were 10 notices sent with three (3) being returned in favor. The ZAB recommended approval by a vote of 5-0.

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

APPLICANT PRESENTATION - None.

PUBLIC - There was no public input.

02-14-12-1-a-4

Commissioner Hoffman moved, with a second by Commissioner Burgess, to approve *R2012-0003 - Application of Julia H. Stephens, et al., to rezone 1.43 acres MOL from non-compliant A5 to RR1 on a vested parcel of record to bring the property into compliance with the Future Land Use Map along with the supporting resolution (Resolution No. 2012-05). The motion carried unanimously 5 – 0.

5. *R2012-0005 - Rezoning on 9.99 Acres MOL From A10 to IP (Planned Industrial) - Harry Harmer - CR519, Wildwood

Sue Farnsworth, County Planner, presented the case. The applicant, Harry Harmer, is requesting a rezoning on 9.99 acres MOL from A10 to IP (Planned Industrial) to allow an industrial park with associated commercial and office space. The subject property will be an expansion of an existing industrial park (South Wildwood Industrial Park) which will be accessed by NE 37th Place. There were 24 notices sent with four (4) being returned in objection and one (1) being returned in favor. The objections expressed concerns regarding noise in the residential neighborhood, property values in the residential neighborhood, the

potential for mining on the property (Ms. Farnsworth noted that Planned Industrial does not allow mining), possibility of flooding, and possible water contamination. The ZAB recommended approval by a vote of 5-0.

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

APPLICANT PRESENTATION - None.

PUBLIC - Austin Daggett, 2817 CR 519-A, Wildwood, having been sworn, expressed his concerns regarding limerock mining taking place on the property and advised he is not in favor of this change.

APPLICANT REBUTTAL - William Keen, 7275 CR 219, Wildwood, having been sworn, spoke on behalf of the applicant. Mr. Keen advised that the "mining" is simply the removal of surface rocks. As far as the water contamination issue, they are on city water so that should not be an issue. There will be a retention area (pond) which should resolve the flooding concerns.

02-14-12-1-a-5

Vice Chairman Gilpin moved, with a second by 2nd Vice Chairman Mask, to approve *R2012-0005 - Application of Harry Harmer to rezone 9.99 acres MOL from A10 to IP (Planned Industrial) to allow an industrial park with associated commercial and office space along with the supporting resolution (Resolution No. 2012-06). The motion carried unanimously 5 – 0.

6. *R2012-0006 - Rezoning on 1.0 Acres MOL From a Non-Vested C2 to RR1 - Gale Horn - NE 99th Blvd., Oxford

Sue Farnsworth, County Planner, presented the case. The applicant, Gale Horn, is requesting a rezoning on 1.0 acres MOL from a non-vested C2 to RR1 which allows one (1) conventional or Class A or B mobile home dwelling unit per parcel. There were five (5) notices sent with one (1) being returned in favor. The ZAB recommended approval by a vote of 5-0.

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

APPLICANT PRESENTATION - None.

PUBLIC - There was no public input.

02-14-12-1-a-6

Commissioner Burgess moved, with a second by 2nd Vice Chairman Mask, to approve *R2012-0006 - Application of Gale Horn to rezone 1.0 acres MOL from a non-vested C2 to RR1 which allows one (1) conventional or Class A or B mobile home dwelling unit per parcel along with the supporting resolution (Resolution No. 2012-07). The motion carried unanimously 5 – 0.

7. *R2011-0040 - Rescind Approval and Rezone the River Springs Master Planned Development From MPD to A10C SR44/Rutland

Sue Farnsworth, County Planner, presented the case. This is the second and final public hearing for this application.

On December 11, 2007, the Board approved a rezoning on approximately 423.60 acres located in the Rutland area of unincorporated Sumter County to the southeast of the intersection of CR 251 and SR 44 (R2007-0067). The rezoning was to assign a zoning designation of Master Planned Development (MPD). The MPD included a master plan for the development of the proposed River Springs Master Planned Development (River Springs). The River Springs Project proposed the development of 80 single-family homes, open space, preservation areas, and infrastructure improvements.

The Board's approval of the MPD zoning for River Springs included a series of conditions. One of the conditions states in part: "River Springs shall develop in substantial compliance with the Master Plan, dated October 26, 2007." The River Springs Project has not developed in compliance with the approved Master Plan. In fact, no development has occurred on this property over the past four (4) years.

The developer (Withlacoochee Partners, LLC, et al.) began the site development approval process. However, they never received site development approval and the process was abandoned by the developer (DP2008-0012). No Development Agreement was ever executed between the developer and the County. In addition, no plat was ever approved or recorded for the Project.

However, the developer began to subdivide and sell one (1) acre properties and other properties not in compliance with the approved Master Plan and in violation of the County's Land Development Code. The subdivision of the one (1) acre properties without an approved site development plan or recorded plat for the project is a violation of the County's Land Development Code.

The Project is related to the Village Park Center Project. The principal of Withlacoochee Partners, LLC, which is now defunct, was Jeffrey Phillips. As the Board is aware, Mr. Phillips, along with numerous other individuals, pled guilty to bank fraud related to real estate transactions within River Springs and Village Park Center.

Several of the properties within River Springs were foreclosed on or are currently within the foreclosure process. Some of the foreclosed properties have been purchased by third parties. With the rezoning of the property from MPD to A10C, the result is that properties within the River Springs Project that are 10 acres or greater may be developed with one (1) single-family home subject to compliance with the minimum frontage requirements and legal access requirements (if not fronting on a county or state maintained road must have a 60 foot legal easement with 12 foot improved connecting to a county or state maintained road). Properties less than 10 acres in size are not developable. These less than 10 acre properties that were created are not in compliance with the County's Land Development Code.

Since this rezoning is being initiated by the County, Florida Statutes require a different process for the rezoning. The Board is required to hold two (2) public hearings, after 5:00 p.m., to approve the rezoning. The purpose is to take testimony from staff and the public regarding the rezoning. The first public hearing was held on January 24, 2012 at 5:30 p.m. Staff recommends approval of the rezoning from MPD to A10C.

There were 36 notices sent with two (2) being returned in objection. The ZAB recommended approval by a vote of 4-1.

The Chairman polled the Board Members for ex parte communications, written or verbal, related to this case. Commissioner Burgess - none; Vice Chairman Gilpin - none; Commissioner Hoffman - none; 2nd Vice Chairman Mask - none; and Chairman Breeden advised he had spoken with Ron Berry regarding this matter.

APPLICANT PRESENTATION - The County is the applicant in this matter.

PUBLIC - There was no public input.

02-14-12-1-a-7

2nd Vice Chairman Mask moved, with a second by Commissioner Burgess, to approve *R2011-0040 - Application of Sumter County to rescind the approval of the Master Planned Development and rezone the River Springs Master Planned Development from MPD To A10C along with the supporting resolution (Resolution No. 2012-08). The motion carried unanimously 5 – 0.

*Quasi Judicial Hearing

2. REPORTS AND INPUT

- a. Recognition of Dr. Joseph B. Novak, D.M.D. for Exceptional Dental Public Health Services

Chairman Breeden read into the record a letter to Dr. Joseph Novak in Recognition of Exceptional Dental Public Health Services for his participation, along with his staff, in the Give Kids a Smile Program. Dr. Novak and Dr. Sanford Zelnick, Director of the Sumter County Health Department, were present to accept the letter. Dr. Novak advised that the program is scheduled this year for February 25th.

02-14-12-2-a

- b. County Administrator
 1. Purchase Orders (For Information Only)

CLERK'S NOTE: Mr. Arnold advised that on PO #54828 the reference to "The Villages Sumter County Service Center" should be changed to "The Villages Annex."

02-14-12-2-b-1

2. Contract Purchase Orders (For Information Only)

02-14-12-2-b-2

3. Significant Schedule of Items (For Information Only)

02-14-12-2-b-3

4. Facilities Development Bi-Monthly Report February 14, 2012 (For Information Only)

02-14-12-2-b-4

5. Road Project Summary Report (For Information Only)

02-14-12-2-b-5

6. Facilities Maintenance 2011 Annual Survey Results (For Information Only)

02-14-12-2-b-6

7. HCRA Monthly BOCC Report January 2012 (For Information Only)

02-14-12-2-b-7

8. Information Regarding Homestead Exemption on Parcel No. F01=083 (For Information Only)

This is a letter from Ronnie Hawkins, Property Appraiser, to Clay Godwin regarding information presented to the Board during the Public Forum portion of the January 24, 2012 meeting.

02-14-12-2-b-8

9. Lake Sumter MPO 2012 Horizon Award "Keep Sumter Moving" for Pavement Management Program (For Information Only)

02-14-12-2-b-9

10. Notice Regarding Florida Supervisor of Elections Certification From the Florida Department of State (For Information Only)

02-14-12-2-b-10

11. Public Notice of Annexation/Ordinance No. 2012-01 From City of Bushnell (For Information Only)

02-14-12-2-b-11

12. Request From Joe Santoro to Withdraw His Jobs Incentive Program (For Information Only)

The Board requested that a thank you letter be sent to Mr. Santoro.

02-14-12-2-b-12

13. Misdemeanor Probation/PPS Report for January 2012 (For Information Only)

02-14-12-2-b-13

14. Animal Services Monthly Report - December 2011 (For Information Only)

02-14-12-2-b-14

15. The Villages Bike Club Charity Bike Ride "We Ride For Kids" (For Information Only)

02-14-12-2-b-15

16. Letter Regarding the Joint Future Between the Friends of the Panasoffkee Community Library, Inc. and the Lake Panasoffkee Branch Library (For Information Only)

Mr. Arnold advised that Barbara Shiflett is at a meeting this evening with the library and this will be discussed.

02-14-12-2-b-16

17. Letter to Chairman Garry Breeden From Workforce Central Florida Regarding Audit Committee (For Information Only)

It was **consensus** of the Board for Art Bisner, Support Services Division Director, to serve as Sumter County's representative on the Audit Committee for Workforce Central Florida.

02-14-12-2-b-17

18. Sumter County Board of County Commissioners Major Revenue Collection Report Through Fiscal Year 2011/2012 (For Information Only)

02-14-12-2-b-18

19. Interim Revision to Sumter County Fire Prevention Ordinance Addressing Mobile Food Vendors (For Direction)

Mobile food vendors are required by the Florida Fire Prevention Code that if not currently in compliance, to provide an upgrade to their mobile concession stands regarding hood and fire prevention that is permanently in place as well as a secondary portable fire extinguisher system. Due to the costs associated with these upgrades, it is suggested that the vendors be given until October, 2013 to bring their units into compliance. In the interim the County's Fire Prevention Bureau intends to place stickers on the units that have been inspected and permitted that would show if they are in compliance or if not, the timeframe to bring the unit into compliance (October, 2013). Any vendor not in compliance will be required to immediately provide the secondary portable fire extinguisher. The Board is in consensus with this recommendation.

02-14-12-2-b-19

20. Request to Apply for Drug Court Grant (For Direction)

This is a request by the Fifth Judicial Circuit Administrative Office of the Courts (Courts) to apply for the U.S. Department of Justice FY 2012 Adult Court Discretionary Grant Program. Mr. Arnold advised that he had discussed this matter with Chief Administrative Judge Hallman and is comfortable with the Courts moving forward with this grant application. There are no cash match requirements for the County. Commissioner Hoffman advised that he is not in favor of approving this application to apply for federal funds.

02-14-12-2-b-20

Commissioner Burgess moved, with a second by 2nd Vice Chairman Mask, to approve the request by the Fifth Judicial Circuit Administrative Office of the Courts to apply for the U.S. Department of Justice FY 2012 Adult Court Discretionary Grant Program. The motion carried 4 – 1 with Commissioner Hoffman voting nay.

21. Notice From Florida Department of Law Enforcement, Medical Examiners Commission Regarding Gubernatorial Appointment Term of the District Medical Examiner in District 5 Which Will Expire on July 1, 2012 (For Direction)

The Board is in consensus in supporting the Recommendation of Reappointment of Dr. Barbara C. Wolf as the District 5 Medical Examiner.

02-14-12-2-b-21

- c. County Attorney - No report.
- d. Clerk of Court - No report.
- e. Board Members
 - 1. Commissioner Richard Hoffman - No report.
 - 2. 2nd Vice Chairman Randy Mask - No report.
 - 3. Commissioner Don Burgess

Commissioner Burgess discussed a brochure he provided to the Board on the "Helping Hands Outreach Mission".

02-14-12-2-e-Burgess

4. Vice Chairman Doug Gilpin

Vice Chairman Gilpin also commented on the positive work being done by the Helping Hands Outreach Mission.

5. Chairman Garry Breeden

Chairman Breeden commented on the upcoming workshop and the discussion on Fire Impact Fee Assessments.

f. Public Forum

Dick Lastowka - 1069 Soledad Way, The Villages, discussed lack of signage recognizing Sumter County on the Florida Turnpike at the CR 470 exit.

Cliff Hughes, 434 CR 226, Wildwood, inquired of the Board if there was any additional information needed regarding the Royal Homecoming Event. Mr. Arnold advised that things were moving forward as directed by the Board at the workshop meeting held on January 31, 2012.

Beverly Steele, 9060 CR 231, Wildwood, commented on the signage issue presented by Mr. Lastowka.

3. NEW BUSINESS - ACTION REQUIRED

a. MINUTES

1. Minutes Of Regular Meeting Held On January 24, 2012 (Staff Recommends Approval).

02-14-12-3-a-1

Commissioner Burgess moved, with a second by 2nd Vice Chairman Mask, to approve the minutes of the regular meeting held on January 24, 2012. The motion carried unanimously 5 – 0.

2. Minutes Of Workshop Meeting Held On January 31, 2012 (Staff Recommends Approval).

02-14-12-3-a-2

Vice Chairman Gilpin moved, with a second by Commissioner Burgess, to approve the minutes of the workshop meeting held on January 31, 2012. The motion carried unanimously 5 – 0.

b. FUTURE PUBLIC HEARINGS OR MEETINGS

1. Set Public Hearing for Ordinance to Establish the Emergency Management Department on February 28, 2012, at 5:00 P.M. at Colony Cottage Regional Recreation Center, 510 Colony Blvd., Parlor Room, The Villages, FL 32162 (Staff Recommends Approval).

The purpose of this proposed ordinance is to establish the Emergency Management Program and its organizations. The proposed ordinance provides for the following:

1. Establishing the Sumter County Department of Emergency Management
2. Establishing the Emergency Management Advisory Committee
3. Establishing the Emergency Management Working Group
4. Provides a provision for the process of declaring a local state of emergency
5. Establishing the Executive Policy Group
6. Provides a provision for Continuity of Government

02-14-12-3-b-1

Vice Chairman Gilpin moved, with a second by 2nd Vice Chairman Mask, to approve the setting of a Public Hearing for an Ordinance to Establish the Emergency Management Department on February 28, 2012, at 5:00 P.M. located at Colony Cottage Regional Recreation Center, 510 Colony Blvd., Parlor Room, The Villages, FL 32162. The motion carried unanimously 5 – 0.

2. Set Public Hearing to Consider Ordinance to Amend Section 13-362 and the Table of Uses Reflected in Table 13-362A, Contained Within Section 13-362(C)(1) on March 13, 2012, at 5:00 P.M. at Sumter County Government Offices, 910 North Main Street, Room 142, Bushnell, Florida (Staff Recommends Approval).

The purpose of this proposed ordinance is to allow the sale of horticultural products produced on site in an effort to allow a land use, which is consistent with the sale of produce produced on site. Currently, sales of horticultural products produced on site are allowed as a Special Use Permit on 5 acres and a permitted use on 10 acres or more.

02-14-12-3-b-2

Vice Chairman Gilpin moved, with a second by Commissioner Burgess, to approve the setting of a Set Public Hearing to Consider an Ordinance to Amend Section 13-362 and the Table of Uses Reflected in Table 13-362A, Contained Within Section 13-362(C)(1) on March 13, 2012, at 5:00 P.M. at Sumter County Government Offices, 910 North Main Street, Room 142, Bushnell, FL 33513. The motion carried unanimously 5 – 0.

c. APPOINTMENTS

1. Library Advisory Board Vacancies (Board's Option).

No action was taken.

02-14-12-3-c-1

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

No action was taken.

02-14-12-3-c-2

3. Sumter County Fire And Emergency Medical Services Advisory Board Vacancies (Board's Option).

02-14-12-3-c-3

Commissioner Burgess moved, with a second by Vice Chairman Gilpin, to approve the appointment of Clyde Long to the Sumter County Fire And Emergency Medical Services Advisory Board. The motion carried unanimously 5 – 0.

d. FINANCIAL

1. Purchase Order Approval (Staff Recommends Approval).

PO #54505 payable to Architecture Studio, Inc. in the amount of \$33,343.90 for Engineering Services for the Judicial Center Restoration; PO #54521 payable to CXT, Inc. in the amount of \$38,957.60 for Cortez Flush Building (restroom) at Rutland Boat Ramp; PO #54790 payable to Advance Environmental Technology, LLC for Public Works Fuel Pumps FDEP Required Follow-up on Remedial Action Plan (RAP) to Site Assessment Report Addendum (SARA).

02-14-12-3-d-1

2. Budget Amendment A-26 (FY 11/12) General Fund (Staff Recommends Approval).

The purpose of this budget amendment is to fund the following services for Planning: GIS Support for Hazard Vulnerability Analysis and Consultant Support for the Statewide Hurricane Exercise, Tornado Exercise, and Continuity of Operations Plan.

02-14-12-3-d-2

3. Budget Amendment A-27 (FY 11/12) Sumter Fire Impact Fee Fund (Staff Recommends Approval).

The purpose of this budget amendment is to fund the impact fees administrative services expense due from the Sumter Fire Impact Fees Fund to the Building Services Fund.

02-14-12-3-d-3

4. Budget Amendment A-28 (FY 11/12) General Fund (Staff Recommends Approval).

The purpose of this budget amendment is to cover all expenses, travel, and related costs for Tusa Consulting Services' extended support of the P-25 Digital Public Safety Radio Network Project.

02-14-12-3-d-4

5. Change Order Request To Purchase Order No. 9000282 (Staff Recommends Approval).

This change order for PO #9000282 (Tusa Consulting Services) requests an increase of \$15,579.20 to cover all expenses, travel, and related costs for Tusa Consulting Services' extended support of the P-25 Digital Public Safety Radio Network Project.

02-14-12-3-d-5

6. Change Order Request To Purchase Order No. 9000301 (Staff Recommends Approval).

This change order for PO #9000301 (The Villages of Lake-Sumter) requests an increase of \$566,819.00 to cover the final invoices on the US 301 Project.

02-14-12-3-d-6

7. State Housing Initiatives Partnership (SHIP) Program Payment Request (Staff Recommends Approval).

02-14-12-3-d-7

Vice Chairman Gilpin moved, with a second by 2nd Vice Chairman Mask, to approve Agenda Items 1 through 7 under Financial. The motion carried unanimously 5 – 0.

e. CONTRACTS AND AGREEMENTS

1. Agreement Between the Board Of County Commissioners and the Grand Masters Dragon Boat Club (Staff Recommends Approval).

CLERK'S NOTE: This agreement replaces the agreement approved by the Board on November 8, 2011. The Grand Masters Dragon Boat Club requested further changes to selected provisions of that agreement. After consultation with the County Attorney and County Administrator, staff concurred that the changes were acceptable.

02-14-12-3-e-1

2. Award and Enter Into Contract With Power Pro-Tech Services for RFP 038-0-2011/AT Sumter County Generator Maintenance Services (Staff Recommends Approval).

RFP 038-0-2011/AT - Sumter County Generator Maintenance Services was broadcast on 12-30-2011 with proposals being due on 2-1-2012 at 10:00 a.m. Eight proposals were received and opened at 10:05 a.m. in Room 208 of The Villages Sumter County Service Center. The Selection Committee met on 2-6-2012 to discuss the proposals and their scores: (1) Power Pro-Tech Services - 12.1; (2) Genset Services, Inc. - 10.045; (3) Tampa Armature Works, Inc. - 9.47; (4) CJ's Sales and Service - 8.83; (5) Ring Power Services, Inc. - 8.6; (6) EAU Gallie Electric, Inc. - 8.3; (7) ATS - 7.85; and (8) Peak Power Services, Inc. - 7.4. The Selection Committee recommended awarding and entering into contract with Power Pro-Tech Services.

02-14-12-3-e-2; RFP 038-0-2011AT-PowerProTech

3. C468 Multi-Lane, Right-of-Way, Purchase and Sales Agreement Between Bobby E. Hunt and Carolyn P. Hunt and Sumter County and C468 Billboard Removal Agreement Between Gunter Advertising and Sumter County and Bobby E. Hunt and Carolyn P. Hunt (Staff Recommends Approval).

C468 from south of SR 44 to the Florida Turnpike is currently under design for expansion to a four-lane section with associated power line improvements. Additional right-of-way is required to allow Progress Energy Corporation to relocate their existing power lines from the north side of C468 to the south side of C468. The relocation is necessary to provide a utility clear area for the future Turnpike Interchange. Staff recommended the Purchase and Sale Agreement and the C468 Billboard Removal Agreement be approved and the Chairman authorized to sign same. It is also recommended that the funds necessary to complete this transaction be forwarded to The Hogan Law Firm's escrow account for the closing of this property which is scheduled on or before April 13, 2012.

02-14-12-3-e-3

4. Railroad Reimbursement Agreement and Supporting Resolution (2012-12) for Grade Crossing Traffic Control Devices with CSX and FDOT for CR102 (Staff Recommends Approval).

In December 2011 Public Works received a letter from FDOT regarding proposed safety improvements at the CSX Railroad crossing number 625103-D (CR102 - Oxford). Said improvements will include flashing lights and gates and three sets of sidelights and a cabinet. Installation costs will be borne by FDOT (\$240,000) with the annual maintenance cost being split between Sumter County and CSX Railroad. Sumter County's annual share will be \$1,701. Sumter County will also be required to install and maintain 2 x W10-5 Low Ground Clearance Advance Warning Signs, one on each approach to the crossing at a cost of approximately \$80-\$99. Upon execution of the Agreement and all signal improvements are placed in service, the 1982 Signal Service Agreement for this crossing will be terminated.

02-14-12-3-e-4

5. Contract for Design and Permitting of C462 by Kimley-Horn and Associates (KHA) (Staff Recommends Approval).

In December 2011 the Board approved the selection of KHA for RFQ #028-0-2011/AT and authorized Public Works to negotiate the design and permitting contract with KHA for widening of C462 from 2 to 3 lanes from US 301 to C466A. Public Works and KHA have agreed on an amount of \$598,000 which includes a lump sum for design, survey and mapping and geotech services, and a not to

exceed amount for public involvement, permitting and early right-of-way acquisition support activities. There will be an amendment to this contract to obtain appraisal, surveying, estimating, and design to cure impacted properties and complete the land acquisition after the 90% design level is reached and right-of-way requirements are established. This amendment will be negotiated separately and brought before the Board for approval. This contract also includes other optional services such as construction engineering and inspection if desired by the Board which will be negotiated separately if the service is required.

02-14-12-3-e-5

6. Interlocal Agreement for Fiscal Year 12/13 Pavement Management Support with Lake Sumter Metropolitan Planning Organization (MPO) (Staff Recommends Approval).

CLERK'S NOTE: Commissioner Burgess is Chairman of the MPO and therefore signed this agreement on their behalf. Per Mr. Arnold, there is no conflict of interest.

02-14-12-3-e-6

7. Utility Maintenance and Access Easement Agreement Between the Sumter County Board of County Commissioners and Dolores Mawson and Utility Maintenance and Access Easement Agreement Between the Sumter County Board of County Commissioners and Howard Joiner (Staff Recommends Approval).

These easement agreements are related to the Drainage Improvement Project along CR657 between CR647N and CR657.

02-14-12-3-e-7

8. Agreement With Central Florida Resort Property Management LLC for Rutland Restroom Utility Support (Staff Recommends Approval).

Central Florida Resort Property Management LLC is the owner of the Thousand Palms RV Park in Rutland which is immediately adjacent to the Rutland Boat Ramp. This Agreement is related to the connection by the County to the portable water and sanitary sewer systems at Thousand Palms to support the sinks and commodes in the new restroom at Rutland Boat Ramp. Central Florida Resort Property Management, LLC has agreed to provide the utility support necessary in exchange for \$60 per month. The Parks Department will be responsible for making the necessary connections.

02-14-12-3-e-8

9. ARAMARK Uniform Contract (Staff Recommends Approval).

This is related to Sumter County "piggybacking" on the Marion County ARAMARK contract for uniform services for Public Works.

02-14-12-3-e-9

10. C468 Multi-Lane, Right-of-Way and Drainage Pond, Purchase and Sales Agreement Between Daryl M. Carter, Trustee and Sumter County (Staff Recommends Approval).

C468 from south of SR 44 to the Florida Turnpike is currently under design for expansion to a four-lane section with associated power line improvements. Additional right-of-way is required to allow Progress Energy Corporation to relocate their existing power lines from the north side of C468 to the south side of C468. The relocation is necessary to provide a utility clear area for the future Turnpike Interchange. Two drainage ponds are required to accommodate the additional storm water runoff associated with the multi-laning of C468. Currently a SWFWMD permit is under review and should additional storage volume be required, the land contract provides provisions to purchase additional area at the same price per square foot. Staff recommended the Purchase and Sale Agreement be approved and the Chairman authorized to sign same. It is also recommended that the funds necessary to complete this transaction be forwarded to The Hogan Law Firm's escrow account for the closing of this property.

02-14-12-3-e-10

11. Southern Oaks DRI, Proportionate Share Agreement And Road Impact Fee Credit Agreement (Staff Recommends Approval).

02-14-12-3-e-11

2nd Vice Chairman Mask moved, with a second by Commissioner Hoffman, to approve Agenda Items 1 through 11 under Contracts and Agreements. The motion carried unanimously 5 – 0.

f. GENERAL ITEMS FOR CONSIDERATION

1. Private Road Naming at TurtleBack RV Park to South Shore Drive (Board's Option).

A request was received from Geoff Goetz, the new owner of TurtleBack RV Park, to name the road formerly known as CR488, which is located in the park, as South Shore Drive. The recommended options for the Board are: Option 1 -

Name the private road as South Shore Drive; and Option 2 - Name the private road as NW 4th Drive.

02-14-12-3-f-1

Commissioner Burgess moved, with a second by Vice Chairman Gilpin, to approve Option 2 - "name the private road as NW 4th Drive" and allow the property owner to place under the official road sign a secondary sign with the name South Shore Drive. The motion carried unanimously 5 – 0.

2. Approve and Execute Resolution (2012-09) and Updated Hartford 457(b) Plan Documents (Staff Recommends Approval).

On September 19, 2000, the Board entered into an Administrative Services Agreement with The Hartford Financial Services Group, Inc. and its subsidiaries to administer a 475(b) Deferred Compensation Plan. There have been several changes to this plan since that time which the Board has approved. In order for the plan to continue to be in compliance with Internal Revenue Code Section 457(b) and applicable regulations, a governmental 457(b) plan must adopt a Pension Protection Act (PPA) compliant document along with a supporting resolution.

02-14-12-3-f-2

3. Approve the Revision to the Employee Manual Section 8.015 - Dress Code and Uniform Policy - to Clearly Define the Appropriate Wear of County Issued Uniforms; Section 7.030 - Insurance Benefits - to Define the Eligibility Requirements for Insurance Benefits; Section 9.030 - Lay-Off - to Utilize the Appropriate Terminology; and Section 11 - Definitions - to Revise the Definitions for Full-time and Part-Time Employees (Staff Recommends Approval).

02-14-12-3-f-3

4. Approve Updates to the Sumter County Transit Hazard Safety and Security Program Plan (Staff Recommends Approval).

The last update to this Plan was in October 2008. Current updates reflect accurate contact information needed during an event.

02-14-12-3-f-4; 02-14-12-3-f-4-redline

5. Approve Updates to the Sumter County Transit Maintenance Manual (Staff Recommends Approval).

This document has been approved by the Florida Department of Transportation and it is required to be approved by the County's authorizing board.

02-14-12-3-f-5

6. Approve Villages of Sumter (VOS) - Marianna Villas, Unit 222 and Unit 231 Reviewed at the January 23, 2012 DRC Meeting (Staff Recommends Approval).

1. VOS - Marianna Villas - Proposed development of a 66-lot subdivision and related infrastructure on 9.72 acres MOL in The Villages.

2. VOS - Unit 222 - Proposed development of a 152-lot subdivision and related infrastructure on 35.86 acres MOL in The Villages.

3. VOS - 231 - Proposed development of a 46-lot subdivision and related infrastructure on 11.95 acres MOL in The Villages.

02-14-12-3-f-6

7. Villages of Sumter - Unit 206 - Final Plat Approval (Staff Recommends Approval).

Proposed development of a 219-unit subdivision and related infrastructure on 46.51 acres MOL in The Villages.

02-14-12-3-f-7

8. Roadway Acceptance - Unit 168 (Staff Recommends Approval).

The acceptance of Unit 168 will increase Sumter County's current roadway infrastructure by 2.68 miles.

02-14-12-3-f-8

9. Award and Enter Into Contract Negotiations With Motorola Solutions, Inc. for RFP 036-0-2011/AT P-25 Digital Public Safety Radio Network (Staff Recommends Approval).

RFP 036-9-2011/AT Sumter County - P-25 Digital Public Safety Radio Network was broadcast on 12-16-2011 with proposals being due on 1-17-2012 at 4:00 p.m. The following two (2) proposals were opened at 4:05 p.m. in Room 208 at

The Villages Sumter County Service Center: (1) Motorola Solutions, Inc. (Motorola) and (2) Communications International (Ci). The Selection Committee is recommending awarding and entering into contract negotiations with Motorola. (CLERK'S NOTE: The full proposals for both parties are available by contacting the Clerk's Office. Due to the size of the files, we were not able to attach them to this document.)

02-14-12-3-f-9; RFP 036-0-2011AT-Motorola Pricing Response; RFP 036-0-2011AT-Ci Pricing Response

10. Authorize Chairman to Execute the Amended 2011 Tax Roll Certifications for Fire Assessments (Staff Recommends Approval).

Each year the Financial Services Department provides a parcel count to the Tax Collector's Office for the three (3) Fire MSBU Districts. The parcel count for F-044, Sumter County Municipal Services, requires an amendment. This will take the total parcel count from 17,198 to 17,197.

02-14-12-3-f-10

11. Drainage Canal Cross-Over Status Assessment (Staff Recommends Approval).

AMEC-BCI Engineers & Scientists, Inc. (AMEC) is preparing the Stormwater Management Protection Development which includes developing a channel maintenance program. The assessment and then repair or replacement of these cross-overs will be an integral part of that program. AMEC-BCI was tasked to develop the scope, cost and schedule to assess and make recommendations for up to 24 of these small cross-overs at \$1,950 per bridge.

02-14-12-3-f-11

12. Powell Road fka CR139 Road Closure and Roundabout Modification (Staff Recommends Approval).

The temporary road closure of Powell Road fka CR139 from SR44 to SR44-A will be for approximately 45 days for construction of a proposed roundabout. There will be no cost for Sumter County for this intersection modification; however it will result in additional right-of-way area being dedicated to the County.

02-14-12-3-f-12

13. State Housing Initiatives Partnership (SHIP) Program Emergency Repair Bid (Staff Recommends Approval).

02-14-12-3-f-13

14. Florida Department of Environmental Protection Agency Required Follow-Up Remedial Action Plan (RAP) for the Public Works Division (PWD) Fuel Pumps To The Site Assessment Report Addendum (SARA) (Staff Recommends Approval).

This is related to the September 28, 2010 fuel discharge at PWD. Advanced Environmental Technologies, LLC (AET) was involved with the groundwater testing and assessment of corrective actions regarding the discharge. AET conducted all Florida Department of Environmental Protection (DEP) and Department of Health (DOH) testing and reporting, culminating with the Site Assessment Report (SAR) which was submitted to DEP in June, 2011 as required by the Florida Administrative Code (FAC). After review, DEP required supplemental actions in the form of an SAR addendum which included installing three (3) new monitoring wells. DEP has now declared we have met contamination assessment requirements and tasked PWD to submit a remedial action plan (RAP) for the final removal/remediation of residual groundwater and soil contamination. The County's goal is to get below the National Attenuation Default Contamination (NADC) levels thru the air sparge and vapor extraction (AS/VE) method proposed by AET and tentatively accepted by DEP.

Due to the nature of this effort and AET's familiarity with the situation and site, PWD contacted AET for a proposal to prepare and implement an RAP using an aggressive AS/VE pilot test (4 days versus the normal 8 hours). It is possible that this RAP can bring the residual groundwater and soil contamination levels below the NADC and thus conclude the cleanup of the fuel discharge at the PWD fuel pumps. It is recommended that the Board approve a sole source contract and Purchase Order (#54790) with AET for the development and implementation of the RAP using the AS/VE technique which includes the report preparation for DEP.

02-14-12-3-f-14

15. Transferring Ownership of Fremont Street, Hickory Street, Pine Street, Lemon Street, all that Portion Lying East of Vine Street and the Entire Limits of Lime Street. (Plat Book 1, Page 20, Public Records of Sumter County) (Staff Recommends Approval).

This deed will transfer to Sumter Electric (SECO) the property described in the road/right-of-way closure and /or vacation approved by the Board on January 24, 2012. **CLERK'S NOTE:** 2nd Vice Chairman Mask filed a Form 8B - Memorandum of Voting Conflict for this item as SECO is his employer.

02-14-12-3-f-15

16. To Clarify Library Advisory Board (LAB) Resolution (2011-04) and Bylaws to Ensure Staggered Terms of Two Years Duration (Staff Recommends Approval).

The LAB was reestablished on February 8, 2011 by Sumter County Resolution 2011-04 and Bylaws were established. An explanation of staggered terms was not included in Resolution 2011-04. The proposed resolution (Resolution 2012-10) simply clarifies the need for staggered terms to maintain LAB continuity. The proposed Bylaws revision is hereby submitted to further clarify the staggered terms and adds the length of each term as two years.

02-14-12-3-f-16

17. Amend the 2011/2012 Classification and Compensation Schedule to Reflect the Reclassification of Part-Time Positions to Full-Time Positions and the Revision to Benefit Eligibility Requirements (Staff Recommends Approval).

02-14-12-3-f-17

18. Small County Road Assistance Program and Small County Outreach Program Agreement with FDOT for C48 (FM 431897-1-58-01) and Resolution (2012-11) (Staff Recommends Approval).

The State's Small County Outreach Program (SCOP) and Small County Assistance Program (SCRAP) have funds available for Sumter County to make improvements to C48. The estimated cost to design and resurface and reconstruct C48 from SR471 to approximately one (1) mile west is \$580,000. The County must pay the cost upfront, but will then be reimbursed by FDOT for actual costs up to \$500,000.

02-14-12-3-f-18

Vice Chairman Gilpin moved, with a second by 2nd Vice Chairman Mask, to approve Agenda Items 2 through 14 and 16 through 18 under General Items for Consideration. The motion carried unanimously 5 – 0.

Commissioner Hoffman moved, with a second by Commissioner Burgess, to approve Transferring Ownership of Fremont Street, Hickory Street, Pine Street, Lemon Street, All That Portion Lying East of Vine Street and the Entire Limits of Lime Street (Plat Book 1, Page 20, Public Records of Sumter County). CLERK'S NOTE: 2nd Vice Chairman Mask filed a Form 8B - Memorandum of Voting Conflict for this item as SECO is his employer. He therefore abstained from voting. The motion carried unanimously 4 – 0.

4. ADJOURN

The meeting was adjourned at 6:30 p.m.