

**DRAFT**

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

DECEMBER 8, 2009

The Board of County Commissioners convened in regular session on this Tuesday, December 8, 2009, at Bushnell, Sumter County, Florida, with the following members present to wit: Richard Hoffman, District No. 1; Doug Gilpin, Chairman, District No. 2; Don Burgess, Vice Chairman, District No. 3; Garry Breeden, District No. 4 and Randy Mask, 2nd Vice Chairman, District No. 5. The following individuals were also present and acting in their respective official capacities: Bradley Arnold, County Administrator; John Lege, Finance Director; Connie Webb, Deputy Clerk; and Derrill L. McAteer of The Hogan Law Firm, Attorneys for the Board. The meeting was called to order at 5:00 p.m. by Chairman Gilpin, with the invocation given by Commissioner Mask, followed by the flag salute which was led by Vice Chairman Burgess.

## **1. TIMED ITEMS AND PUBLIC HEARINGS**

### ***a. 5:00 PM - Public Hearing - Closing of CR 107***

Chairman Gilpin called for a public hearing to consider a petition to close a portion of CR 107 in the Oxford area. Proof of Publication, as advertised, filed herewith. The First Baptist Church of Oxford is petitioning to close the southerly 100 feet of CR 107, lying east of Lots 19 and 20 of Block 10, and lying west of Lots 13 and 14 of Block 11, Bogues Subdivision, according to the plat thereof, as recorded in Plat Book 1, Page 32, Public Records of Sumter County, Florida, subject to a utility easement over that portion of the roadway described above, hereby granted to all public and private utility companies, including cable television companies.

Derrill McAteer, County Attorney, explained a discrepancy in the legal description provided by the petitioner, which is what was noticed in the newspaper, and what is actually be proposed for closure. He advised that since all of the surrounding area is owned by the petitioner there should be no issues regarding the discrepancy.

Public - Rodney Rogers, Rogers Engineering, appeared on behalf of First Baptist Church of Oxford, the petitioner.

**Commissioner Breeden moved, with a second by Commissioner Hoffman, to approve the closure of the portion of CR 107 as presented and the related Resolution (2009-94). The motion carried unanimously 5 - 0.**

120809-1-a

### ***b. 5:00 p.m. - Public Hearing - Road and Fire Impact Fee Review Hearing for Florida Grande Motor Coach Resort, Inc.***

Chairman Gilpin called for a public hearing to determine the appropriate imposition and collection of road and fire impact fees for Florida Grande Motor Coach Resort.

Bradley Arnold, County Administrator, advised that it will not be necessary to conduct this hearing if the Board supports the staff recommended agreement with Florida Grande Motor Coach Resort, Inc. Derrill McAteer, County Attorney, advised that there were slight amendments to the agreement which he has reviewed and is in agreement with. The **consensus** of the Board was not to conduct the hearing.

**Vice Chairman Burgess moved, with a second by Commissioner Mask, to approve the Road and Fire Impact Fee Agreement with Florida Grande Motor Coach, Inc., as presented. The motion carried unanimously 5 - 0.**

120809-1-b

\* Quasi Judicial Hearing

## **2. REPORTS AND INPUT**

### *a. County Administrator*

Mr. Arnold advised that an updated agenda was provided which has been posted to the Board's website.

1. Purchase Orders (For Information Only)

120809-2-a-1

2. Significant Schedule Items (For Information Only)

Mr. Arnold advised that he will be present for the December 29, 2009 meeting.

120809-2-a-2

3. Road Projects Status Report (For Information Only)

120809-2-a-3

4. Facilities Development Projects Financial Status Report (For Information Only)

120809-2-a-4

5. Sumter County Right-of-way Litigation Status for CR 139/CR 462, CR 468, CR 466A and CR 616 (For Information Only)

120809-2-a-5

6. Request from Florida Fish and Wildlife Conservation Commission regarding use of Lake Okahumpka Park and Boat ramp for temporary staging for an Aquatic Habitat

Enhancement Project on Lake Okahumpka (For Direction)

The **consensus** of the Board is to work with the Florida Fish and Wildlife Conservation Commission as requested.

120809-2-a-6

7. Review completion of FY 08/09 goals, review of draft FY 09/10 goals, and provision of evaluation form (updated on 12/8/09 - For Direction)

120809-2-a-7

8. SAFER Grant (added to agenda on 12/8/09 - For Direction)

Mr. Arnold advised that the SAFER Grant is intended to provide "seed" money to enable fire rescue services to meet minimal national standards for staffing for emergency response personnel on a 24 hour basis. Sumter County Fire Rescue (SCFR) is an eligible applicant agency, and since they are a "Combination Fire Department" the SAFER funding could be used to initiate 24/7 staffing at certain "high-volume" stations (Wildwood, Lake Panasoffkee, and West Bushnell). The grant would provide funding for 100% of the personnel costs (including benefits, "cola" and retirement fund) for all new firefighter positions needed to provide 24/7 coverage for the first two years. SCFR would need to cover these costs for the third year and each year thereafter. The County would need to guarantee the third year of employment or be at risk of default for the first two years. Application is not a guarantee of funding and award announcement could take until January 2011. If selected as a grant recipient, the County would have the ability at that time to accept, refuse, or renegotiate for fewer positions if revenue sources and the economic climate do not indicate adequate funding for the third year. That third year of full cost impact is estimated to be FY 2012/13. After discussion by the Board members, Mr. Arnold advised that he would not be making application for this grant at this time. During further discussion on the grant application, Commissioner Hoffman suggested discussing the use of federal monies for funding purposes at a future workshop. The general **consensus** was not to pursue this.

120809-2-a-8

9. Stipulated Final Judgment for Administrator Ad Litem and Attorney Ad Litem Fees and Costs concerning Parcels 101 and 701 of the CR 616 Project (added to agenda on 12/8/09 - For Direction)

120809-2-a-9

**Commissioner Breeden moved, with a second by Commissioner Hoffman, to approve the payment of Administrator Ad Litem and Attorney Ad Litem Fees and Costs concerning Parcels 101 and 701 of the CR 616**

**Project. The motion carried unanimously 5 - 0.**

10. Mediated Settlement Agreement between Sumter County and Oxford Land Holdings, Inc. (added to agenda on 12/8/09 - For Direction)

This agreement is related to billboards (Parcels 100 and 101) owned by Oxford Land Holdings, Inc. d/b/a Oxford Outdoor Advertising in the CR 466A project.

120809-2-a-10

**Commissioner Breeden moved, with a second by Vice Chairman Burgess, to approve the Mediated Settlement Agreement between Sumter County and Oxford Land Holdings, Inc. related to Parcel 100 and Parcel 101 in the CR 466A Project. The motion carried unanimously 5 - 0.**

*b. County Attorney*

1. CR 139 Right-of-way Deeds (For Information Only)

Mr. McAteer advised that the following Right-of-Way Deeds were received from The Villages of Lake-Sumter, Inc. as part of the CR 139 project. The deeds are recorded in Official Records Book 2136, Page 406 (Parcel 117); Official Records Book 2136, Page 408 (Parcel 119); Official Records Book 2136, Page 410 (Parcel 129); and Official Records Book 2136, Page 413 (Parcel 129a), Public Records of Sumter County, Florida.

120809-2-b-1

2. Kisenwether Deed

Mr. McAteer advised that the Kisenwether deed has been recorded in Official Records Book 2138, Page 106, Public Records of Sumter County, Florida, whereby the County has relinquished any rights regarding the property described in said deed.

120809-2-b-2

*c. Clerk of Court - No report.*

*d. Board Members*

1. Commissioner Garry Breeden - No report.

2. Commissioner Dick Hoffman

Commissioner Hoffman discussed upcoming events in Sumter County. (1) On Saturday, December 12, the 4th Annual Wreaths Across America ceremony will be held at the Florida National Cemetery; and (2) beginning Saturday, December 12, there will be a 600+ mile bicycle ride in Florida, known as Florida Challenge in

which approximately 200 wounded veterans will be participating. They will be coming through Bushnell in front of the Bushnell Annex on Sunday and will be on CR 466A on Monday going to Lake County.

3. Commissioner Randy Mask - No report.
4. Vice Chairman Don Burgess - No report.
5. Chairman Doug Gilpin

Chairman Gilpin discussed changing the seating arrangements for the Board members. He would like for the Chairman to sit in the middle seat in front of the podium. He has discussed this with Mr. Arnold and the Clerk to be sure that it will not cause any problems for them. The **consensus** was to begin this at the next meeting.

Commissioner Breeden inquired about an update on the culvert issue on the Clyde "Scrammy" Hunt property. Mr. Arnold advised that it was being worked on and the documentation would be presented to the Board at the December 29th meeting.

e. Public Forum

Chairman Gilpin addressed the audience and advised them how important their questions and concerns are to the Board. The Board will continue to operate under Section 2-31 of the Sumter County Code and they will ask the public to limit their comments to five minutes.

120809-2-e

Clyde "Scrammy" Hunt, #12 Wilderness Drive, Lake Panasoffkee, addressed the Board regarding the issue of the culvert on his property.

Dave Starnes, 3725 CR 400, Lake Panasoffkee, discussed the problem of illegal dumping on County right-of-ways.

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

a. MINUTES

1. None

b. FUTURE PUBLIC HEARINGS OR MEETINGS

1. Request to Set Public Hearing to Amend Land Development Code and Code of Ordinances Clarifying And Regulating the Conditions for the Allowance of Temporary Commercial and Noncommercial Activities, Temporary Uses, the Regulation and Timing of Private Fairs and Carnivals, Deleting Ability for Staff to Arbitrarily Classify a Project as a Major Project on December 29, 2009, at 5:00 P.M. - Bushnell Government Offices 910

N. Main Street, Bushnell, FL, Room 142 (updated on 12/8/09 - Staff recommends not scheduling hearing at this time).

The proposed ordinance was developed in response to the following issues: (1) prohibit private fairs and carnivals from operating in conflict with the Sumter County Fair; (2) provide for consolidated and clear regulations for temporary commercial activities (i.e. transient merchangs, street vendors, and peddlers); (3) provide for consolidated and clear regulations for special events; (4) provide for regulations to assure temporary use permits for a medical caregiver or care receiver are appropriately utilized; and (5) elimiate staff's ability to arbitrarily classify a project as "major".

**Clerk's Note:** This item was pulled at the request of the County Administrator.

120809-3-b-1

2. Request to Set Public Hearing to Amend Land Development Code to Allow Platting of Recreational Vehicle Parks on December 29, 2009, at 5:00 P.M. - Bushnell Government Offices 910 N. Main Street, Bushnell, FL, Room 142 (Staff recommends approval).

120809-3-b-2

The proposed ordinance removes the prohibition on individual lot sales and platting for recreational vehicle parks and provides for the platting of recreational vehicle parks through the standard platting procedures of the County's Land Development Code and Florida Statutes.

**Vice Chairman Burgess moved, with a second by Commissioner Hoffman, to approve a Public Hearing to Amend Land Development Code to Allow Platting of Recreational Vehicle Parks on December 29, 2009, at 5:00 P.M., Bushnell Government Offices, 910 N. Main Street, Bushnell, FL, Room 142. The motion carried unanimously 5 - 0.**

*c. APPOINTMENTS*

1. Review of appointees and terms on the Tourist Development Council (Board's Option).

There was no action taken.

120809-3-c-1

*d. CONTRACTS AND AGREEMENTS*

1. Formal Renewal of Flexible Spending Account Service Agreement with Professional Benefit Administrators, Inc. (Staff Recommends Approval).

Professional Benefit Administrators, Inc. is the current administrator of the 2009 Flexible Spending Account for Medical Spending and DCAP (Dependent Care Assistance Program). We are presently paying a monthly administrator fee of \$4.12 per participating employee and a monthly debit card fee of \$2.06 per participating employee. The renewal for the 2010 plan year includes a 3% increase, as provided for in the current agreement, for both the monthly administrator fee (new rate \$4.24) and the monthly debit card fee (new rate \$2.12). With these fee increases and an anticipated increase in participant enrollment of 15% (from 109 to 125) the estimated annual expense for the 2010 calendar year will be \$9,450. These services will be put out for bid for the 2011 plan year. **Clerk's Note:** Mr. Arnold advised that an updated version of the Agreement has been provided to the Clerk. It contains minor changes which have been reviewed and approved by the County Attorney.

120809-3-d-1

2. Request for one year contract extension with ACKA Inc. and Fausnight Stripe and Line Inc., for pavement marking services (Staff recommends approval).

These contracts have renewal options for two one-year periods. Since both vendors have agreed to continue to honor the original unit prices, it is recommended that the contracts be extended until December 23, 2010.

120809-3-d-2

3. Award and approve the contract with Emmett Sapp Builders, Inc. for RFP 142-0-2009/AT New Construction for The Villages Sumter County Service Center (Staff recommends approval).

There were 17 bids received: (1) Genesis and Construction Management, Inc. - \$5,290,290.00; (2) Emmett Sapp Builders, Inc. - \$5,389,945.00; (3) McCorkle - \$5,498,645.00; (4) Roger B. Kennedy - \$5,606,904.00; (5) Clancy & Theys Construction Company - \$5,626,000.00; (6) Diaz Fritz Isabel - \$5,659,714.00; (7) Edwards Construction Services, Inc. - \$5,672,628.00; (8) J. Kokdakis Contracting, Inc. - \$5,688,000.00; (9) Bollenbach Builders, Inc. - \$5,711,128.00; (10) Creative Contractors, Inc. - \$5,760,000.00; (11) A.D. Morgan Company - \$5,770,026.00; (12) BBL Florida - \$5,904,447.00; (13) SIKON Construction Company - \$5,964,757.00; (14) Jimerico Construction - \$6,226,337.00; (15) Boran Craig Barber Engel Construction - \$6,291,158.00; (16) Feasterco Construction, Inc. - \$6,338,591.00; and (17) Frierson Contractor, Inc. - \$6,370,000.00.

120809-3-d-3

**Commissioner Mask moved, with a second by Commissioner Breeden, to approve Items 1 through 3 with the noted changes in Item 1 under Contracts and Agreements. The motion carried unanimously 5 - 0.**

e. *FINANCIAL*

1. Purchase Order Approval (Staff recommends approval).

120809-3-e-1

2. State Housing Initiatives Partnership (SHIP) Program payment request (Staff recommends approval).

120809-3-e-2

3. Acceptance of the Edward Byrne Memorial Justice Grant (2010-JAGC-SUMT-1-4X-096) in the amount of \$82,602 for the Sumter County Drug Task Force IV Project (Staff recommends approval).

120809-3-e-3

4. Budget Amendment A-30 (FY 09/10) Sumter Fire District Budgeted Cash Balance Forward Adjustment (Staff recommends approval).

The purpose of this budget amendment is to adjust the Sumter Fire District Budgeted Cash Balance Forward to the FY 2008/09 actual balance of \$486,313.

120809-3-e-4

<p><b>Commissioner Hoffman moved, with a second by Commissioner Mask, to approve Items 1 through 4 under Financial. The motion carried unanimously 5 - 0.</b></p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------

f. *GENERAL ITEMS FOR CONSIDERATION*

1. The Oaks @ 138th Preliminary Plans and revised Memorandum of Agreement (MOA) reviewed at the November 23, 2009, Development Review Committee (DRC) meeting (Staff recommends approval).

This is a commercial subdivision on 10.27 acres MOL. The First Addendum to the Memorandum of Agreement is to modify the setback along NE 86th Terrace from 25' to 15'. The plans were reviewed by the Development Review Committee and found to be in compliance with the Land Development Code with only minor changes required.

120809-3-f-1

2. Inventory Transactions (Staff recommends approval).

120809-3-f-2

3. CR 115 and CR 115A (Osteen Property) Lake Miona Park Drainage Improvement (Staff recommends approval).

120809-3-f-3

120809-3-f-3

**Commissioner Mask moved, with a second by Commissioner Breeden, to approve Items 1 through 3 under General Items for Consideration. The motion carried unanimously 5 - 0.**

4. Resolution authorizing the signing and submission of grant applications and supporting documents and assurances to the Florida Department of Transportation for Federal Program under U.S.C. Sections 5310, 5311, 5316, and 5217 (Staff recommends approval).

120809-3-f-4

**Commissioner Breeden moved, with a second by Commissioner Mask, to approve Resolution (2009-95) authorizing the signing and submission of grant applications and supporting documents and assurances to the Florida Department of Transportation for Federal Program under U.S.C. Sections 5310, 5311, 5316, and 5217 (Staff recommends approval). The motion carried 4 - 1 with Commissioner Hoffman voting nay.**

#### **4. ADJOURN**

**Vice Chairman Burgess moved, with a second by Commissioner Mask, to adjourn at 6:00 p.m. The motion carried unanimously 5 - 0.**