

DRAFT

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

AUGUST 24, 2010

The Board of County Commissioners convened in regular session on this Tuesday, August 24, 2010 at The Villages, Florida, with the following members present to wit: Richard Hoffman, District No. 1; Douglas Gilpin, Chairman, District No. 2; and Garry Breeden, District No. 4. Donald Burgess, Vice Chairman, District No. 3, and Randy Mask, 2nd Vice Chairman, District No. 5, were absent due to the election and their responsibilities on the Canvassing Board. The following individuals were also present and acting in their respective official capacities: Bradley Arnold, County Administrator; William Kleinsorge, Finance Director; Melissa Elliott, Deputy Clerk; Connie Webb, Deputy Clerk; and Derrill McAteer of The Hogan Law Firm, Attorneys for the Board. Chairman Gilpin called the meeting to order at 5:00 p.m. with the invocation given by Commissioner Hoffman followed by the flag salute led by Chairman Gilpin.

1. TIMED ITEMS AND PUBLIC HEARINGS

- a. 5:00 p.m. - Public Hearing - Consider Amendment and update of Chapters 2, 3, 13, 16 and 18 of the Sumter County Code, providing for codification, providing for severability, and providing for an effective date via Ordinance

Chairman Gilpin called for a public hearing to consider an Ordinance of Sumter County, Florida, providing for the amendment and update of Chapters 2, 3, 13, 16 and 18 of the Sumter County Code, providing for codification, providing for severability, and providing for an effective date. Proof of Publication, as advertised, filed herewith.

Derrill McAteer, County Attorney, explained that it has been determined that specific portions of the Sumter County Code need to be updated in order to ensure consistency with state and federal law or to increase practical enforcement. This ordinance shall be known as the 2010 Sumter County Code Update Ordinance and is intended to amend and update portions of Chapters 2, 3, 13, 16 and 18 of the Sumter County Code. Mr. McAteer advised that the effective date of the ordinance will be September 10, 2010 to allow ample time for recording with the Secretary of State.

PUBLIC - There was no public input.

08-24-10-1-a

Commissioner Breeden moved, with a second by Commissioner Hoffman, to approve the amendment and update of Chapters 2, 3, 13, 16 and 18 of the Sumter County Code, providing for codification, providing for severability, and providing for an effective date via Ordinance (Ord. No. 2010-13). The motion carried unanimously 3 - 0.

- b. 5:30 p.m. - Public Hearing - Resolution Re-Affirming the Adoption of the

Evaluation & Appraisal Report of the Sumter County Comprehensive Plan

Chairman Gilpin called for a public hearing to consider a Resolution of the Sumter County Board of County Commissioners re-affirming the adoption of the evaluation and appraisal report of the Sumter County Comprehensive Plan. Proof of Publication, as advertised, filed herewith.

Brad Cornelius, Planning Manager, gave a brief summary of the proposed resolution.

PUBLIC - There was no public input.

08-24-10-1-b

<p>Commissioner Hoffman moved, with a second by Commissioner Breeden, to approve a Resolution Re-Affirming the Adoption of the Evaluation & Appraisal Report of the Sumter County Comprehensive Plan (Res. No. 2010-34). The motion carried unanimously 3 - 0.</p>

- c. *5:30 p.m. - Public Hearing - *OP 2010-0003 Transfer of Vested Operating Permits for Limerock Mines MI-91-1 and MI-91-2 - Dixie Lime & Stone Company and Resource Holdings, LLC

Chairman Gilpin advised that "If you plan to speak during any of the public hearings listed under number 1 of the agenda which are marked with an asterisk, indicating they are quasi judicial in nature, please rise and be sworn." Those responding were sworn in by Melissa Elliott, Deputy Clerk. Chairman 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."

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

Chairman Gilpin called for a public hearing to consider OP 2010-0003, Transfer Vested Operating Permits for Limerock Mines MI-91-1 and MI-91-2, Dixie Lime & Stone Company and Resource Holdings, LLC. Proof of Publication, as advertised, filed herewith.

Brad Cornelius, Planning Manager, gave a brief summary of the requested action. In 1991 the Board approved vested operating permits for limerock mining for Dixie Lime & Stone Company (Dixie) and Bedrock Resources (Bedrock). The Dixie vested operating permit (MI-91-1) generally vested the property where the existing mining activity is

occurring in Dixie Mine on the north side of C-470 and also property located on the south side of C-470. The Bedrock vested operating permit (MI-91-2) vested 34 acres MOL on the north side of C-470 across from the Bedrock Mine on the south side of C-470. Dixie and Bedrock have requested to swap property under these vested operating permits. Bedrock will take ownership of the vested Dixie property south of C-470 and Dixie will take ownership of the vested Bedrock property north of C-470. This transfer of vested mining lands between Dixie and Bedrock does not expand or change the existing vested entitlements or conditions of the underlying operating permits. This action simply allows for the change of ownership of the land.

The proposed Transfer of Operating Permit contains a condition that cancels the operating permit transfer if the real estate transaction between Dixie and Bedrock does not occur. In addition, a condition is included that clarifies each mine operator is responsible for their own compliance with permit conditions and that a default of one party does not impact the other party. There were 19 notices sent out with none being returned.

PUBLIC - There was no public input.

08-24-10-1-c

<p>Commissioner Breeden moved, with a second by Commissioner Hoffman, to approve Case No. OP 2010-0003 for the Transfer of Vested Operating Permits for Limerock Mines MI-91-1 and MI-91-2 between Dixie Lime & Stone Company and Resource Holdings, LLC. The motion carried unanimously 3 - 0.</p>
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* Quasi Judicial Hearings

2. REPORTS AND INPUT

a. County Administrator

1. Introduction of Scott B. Cottrell, P.E. - Public Works Director
2. Purchase Orders (For Information Only)

08-24-10-2-a-2

3. Significant Schedule of Items (For Information Only)

08-24-10-2-a-3

4. BOCC Road Project Summary (For Information Only)

08-24-10-2-a-4

5. Facilities Development Project Update (For Information Only)

08-24-10-2-a-5

6. Department Surveys for July (For Information Only)

08-24-10-2-a-6

7. City of Bushnell ISBA and JPA Status (For Information Only)

Mr. Arnold advised that the City of Bushnell has completed their visioning process as well as their water/sewer master plan document. Mr. Arnold discussed a letter he has prepared to send to the Department of Community Affairs advising them that the County is re-engaging negotiations with the City of Bushnell regarding the ISBA and JPA. Mayor Joe Strickland and City Manager Vince Ruano, City of Bushnell, both expressed concerns to the Board regarding this letter. Mr. Ruano presented a letter from the City of Bushnell to the Board regarding these concerns.

08-24-10-2-a-7

Commissioner Hoffman moved, with a second by Commissioner Breeden, to approve the letter to Department of Community Affairs prepared by Mr. Arnold as presented. The motion carried unanimously 3 - 0.

8. City of Center Hill Ordinance 10-01 for Annexation of 28.63 acres located southeast of County Road 48 and North of County Road 702 (For Information Only)

08-24-10-2-a-8

9. City of Coleman ISBA and JPA Status (For Information Only)

08-24-10-2-a-9

10. CR 209 Status (For Information Only)

Mr. Arnold also discussed the acceptance of Powell Road into the County system.

08-24-10-2-a-10

11. Activities and Expenditures Report of Sumter County Health Department, Oct. 1, 2009 thru June 30, 2010 (For Information Only)

08-24-10-2-a-11

12. Lake-Sumter EMS Level of Service Agreement Status (For Information Only)

Mr. Arnold advised that negotiations are progressing.

08-24-10-2-a-12

13. Personnel Report - July 2010 (For Information Only)

08-24-10-2-a-13

14. Information from Department of Community Affairs regarding North Sumter County Utility Dependent District Established by Sumter County Ordinance 2010-10 (For Information Only)

08-24-10-2-a-14

15. State and Local Governments GAO Information (For Information Only)

08-24-10-2-a-15

16. Sumter County Health Department Complaint (For Information Only)

08-24-10-2-a-16

17. Sumter County Sponsored Seminar In Conjunction with "Building Officials Association of Florida, Inc." (For Information Only)

08-24-10-2-a-17

18. Sumter County's Federal Election Activities agreement along with a warrant in the amount of \$10,653.44 (For Information Only)

08-24-10-2-a-18

19. FDOT Additional Funding Opportunity (For Information Only)

Mr. Arnold advised that there is funding available that could be applied to road improvements in Sumter County without restrictions for use. The two priorities are: (1) C-466 from I-75 to CR 209 and (2) C-469 from C-48 to SR 50.

08-24-10-2-a-19

20. Fiscal Year 2010/2011 Proposed Sumter County Capital Improvement Plan Secondary Trust (ST) and County Transportation Trust (CTT) (For Information Only)

08-24-10-2-a-20

21. Phase I and/or Phase II Environmental Review for Future Right-of-way Acquisitions (For Information Only)

Mr. Arnold advised that in the past the County has not performed Phase I and/or Phase II Environmental Assessments for property intended to be acquired for right-of-way. With the potential for contamination in the areas of US 301 and C-466A per the preliminary development and environmental study, it is advisable that the County require an assessment for the 4-laning of C-466A from Powell Road to US 301. Mr. Arnold will prepare a policy for presentation at a later time for right-of-way acquisition that will require these assessments prior to initiating the offer process to the property owners.

08-24-10-2-a-21

22. Summary of Risk Management Services (For Information Only)

This information is provided in response to direction by the Board on July 16, 2010 to review the option of privatization of Risk Management.

08-24-10-2-a-22

23. Tourist Development Tax Council Grant Management Change (For Information Only)

08-24-10-2-a-23

24. Multi-Model Trail Reconstruction Project - Saddlebrook Construction Entrance (For Information Only)

08-24-10-2-a-24

25. Solid Waste Fund Options To Date (For Direction)

This item concerns the possible reduction in services at Solid Waste due to the significant decrease in daily tonnage received. The primary entity that would be affected by this is the City of Bushnell. As we do not have an interlocal service boundary agreement with them that requires this location be a disposal location, they could redirect their waste elsewhere. Vince Ruano, City Manager, City of Bushnell, presented a letter to the Board regarding concerns on this matter. During Board discussion, Mr. Arnold was directed to bring this item back for further discussion on September 14.

08-24-10-2-a-25

- b. County Attorney - No report.
- c. Clerk of Court - No report.
- d. Board Members
 - 1. Commissioner Hoffman - No report.
 - 2. Commissioner Breeden - No report.
 - 3. Chairman Gilpin - No report.
- e. Public Forum

There was no public input.

3. NEW BUSINESS-ACTION REQUIRED

a. MINUTES

- 1. Minutes of Workshop Meeting held on July 20, 2010 (Staff recommends approval).

08-24-10-3-a-1

Commissioner Breeden moved, with a second by Commissioner Hoffman, to approve the minutes of the workshop meeting held on July 20, 2010. The motion carried unanimously 3 - 0.

- 2. Minutes of Regular Meeting held on August 10, 2010 (Staff recommends approval).

08-24-10-3-a-2

Commissioner Hoffman moved, with a second by Commissioner Breeden, to approve the minutes of the regular meeting held on August 10, 2010. The motion carried unanimously 3 - 0.

b. FUTURE PUBLIC HEARINGS OR MEETINGS

- 1. Schedule Hearing for Appeal to Staff Vesting Determination Filed by James Wade for Rocking G, Inc. Proposed Limerock Mine on September 14, 2010, at 5:00 p.m. located at Bushnell Government Offices, Room 142, 910 N. Main Street, Bushnell, FL (Staff recommends approval).

08-24-10-3-b-1

Commissioner Breeden moved, with a second by Commissioner

Hoffman, to approve to schedule a Hearing for Appeal to Staff Vesting Determination Filed by James Wade for Rocking G, Inc. Proposed Limerock Mine on September 14, 2010, at 5:00 p.m. located at Bushnell Government Offices, Room 142, 910 N. Main Street, Bushnell, FL. The motion carried unanimously 3 - 0.

2. Schedule Public Hearing to Vacate Portion of Right-of-Way of CR 647N (Old Istachatta Green Settlement Road) on October 12, 2010 at 5:00 p.m. located at Bushnell Government Offices, Room 142, 910 N. Main Street, Bushnell, FL 33513 (Staff recommends approval).

08-24-10-3-b-2

Commissioner Breeden moved, with a second by Commissioner Hoffman, to approve to schedule a Public Hearing to Vacate Portion of Right-of-Way of CR 647N (Old Istachatta Green Settlement Road) on October 12, 2010 at 5:00 p.m. located at Bushnell Government Offices, Room 142, 910 N. Main Street, Bushnell, FL 33513. The motion carried unanimously 3 - 0.

c. APPOINTMENTS

1. Citizens Advisory Task Force vacancies (Board's option).

No action taken.

08-24-10-3-c-1

2. Construction Industry Licensing Board vacancy (Board's option).

08-24-10-3-c-2

Chairman Gilpin moved, with a second by Commissioner Breeden, to approve the appointment of James T. Wright to the Construction Industry Licensing Board. The motion carried unanimously 3 - 0.

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

No action taken.

08-24-10-3-c-3

4. Library Advisory Board vacancy (Board's option).

No action taken.

08-24-10-3-c-4

d. FINANCIAL

1. Purchase Order Approval (Staff recommends approval).

08-24-10-3-d-1

2. Budget Amendment A-103 (FY 09/10) Sumter County Road Impact Fund (Staff recommends approval).

08-24-10-3-d-2

3. Budget Amendment A-104 (FY 09/10) Court Improvement Fund and Capital Outlay Reserve Fund (Staff recommends approval).

08-24-10-3-d-3

4. Budget Amendment A-105 (FY 09/10) Sumter Fire District Fund (Staff recommends approval).

08-24-10-3-d-4

5. FY 10/11 Annual Certified Budget for Mosquito Control (Staff recommends approval).

08-24-10-3-d-5

6. State Housing Initiatives Partnership (SHIP) program payment requests (Staff recommends approval).

08-24-10-3-d-6

7. Stipulated Final Judgment for Expert Fees and Costs Concerning Parcel 131 (Staff recommends approval).

08-24-10-3-d-7

8. Stipulated Final Judgment for Expert Fees and Costs Concerning Parcel 132 (Staff recommends approval).

08-24-10-3-d-8

9. Request to discontinue any further payments to the Secondary Trust Fund from Impact Fee Fund on the C-48 from I75 to CR 616 project (Staff recommends approval).

08-24-10-3-d-9

10. BB&T Commercial Loan Agreement and Resolution (Staff recommends approval).

This is to refinance a loan with the Florida Association of Counties used to finance fire equipment including fire engines and tankers. The new loan will be with BB&T at a cost savings to the County of approximately \$106,192 over the term of the loan (5 years). (Resolution No. 2010-35)

08-24-10-3-d-10

11. Change Orders with DSM for Purchase Orders 53005 and 53006 (Staff recommends approval).

08-24-10-3-d-11

12. Capital Improvements Policy Amendment (Staff recommends approval).

08-24-10-3-d-12

Commissioner Hoffman moved, with a second by Commissioner Breeden, to approve Items 1 through 12 under Financial. The motion carried unanimously 3 - 0.

e. CONTRACTS AND AGREEMENTS

1. Housing and Urban Development (HUD) Section 8 Voucher Program contracts (Staff recommends approval).

08-24-10-3-e-1

2. MethodFactory GovMax v5 Ad-Hoc Reporting Agreement (Staff recommends approval).

08-24-10-3-e-2

3. Ratify County Administrator's signature on Change Order No. 2 with CW Roberts (Staff recommends approval).

08-24-10-3-e-3

4. Wildwood Office Lease (Staff recommends approval).

This First Amendment to Lease Agreement with Wildwood Shopping Center, LLC is to extend the lease agreement for the Wildwood Government Annex approved on

September 13, 2005 which expires on August 31, 2010. The lease will be extended on a month by month basis through November 30, 2010 at the monthly rate of \$3,232.00.

08-24-10-3-e-4

5. Addendum No. 3 to the Circle C Landscape Services Contract (Staff recommends approval).

This addendum will extend services to The Villages Sumter County Service Center.

08-24-10-3-e-5

6. Addendum No. 3 Power Pro-Tech Services Contract (Staff recommends approval).

This addendum will add the generator for The Villages Sumter County Service Center to the original contract.

08-24-10-3-e-6

7. Addendum No. 4 for ABC Clean All Contract (Staff recommends approval).

This addendum will add the following to the current contract: (1) daily cleaning of the Security Vestibule; (2) daily cleaning of The Villages Sumter County Service Center; and (3) updated fee schedule to include the Animal Control Old F.O.R.C.E. trailer.

08-24-10-3-e-7

8. Award and enter into contract with Ace Relocation Systems, Inc. for ITB 171-0-2010/AT Moving Services for Various Offices moving to The Villages Sumter County Service Center (Staff recommends approval).

08-24-10-3-e-8

9. Renewal of the Interlocal Agreement for the Disposal of large animals with the Citrus County Landfill (Staff recommends approval).

08-24-10-3-e-9

10. First Amendment to School Resource Officer Agreement with The Villages Charter School, Inc. and the Sumter County Sheriff's Department (Staff recommends approval).

08-24-10-3-e-10

11. Award and enter into contract for ITB 168-0-2010/AT Sumter County Fire

Services Light Vehicle Service, Maintenance and Repair to Wildwood Auto Repair & Wrecker Service, Inc. (Staff recommends approval).

08-24-10-3-e-11

12. Agreement with Villages of Lake-Sumter, Inc., for Dark Fiber (Staff recommends approval).

08-24-10-3-e-12

13. Change Order No. 1 to local resurfacing contract with CW Roberts to include CR 416S, 416N, and CR 555 (Staff recommends approval).

08-24-10-3-e-13

Commissioner Breeden moved, with a second by Commissioner Hoffman, to approve Items 1 through 13 under Contracts and Agreements. The motion carried unanimously 3 - 0.

f. GENERAL ITEMS FOR CONSIDERATION

1. Award and enter into contract negotiations with Kimley-Horn & Associates, Inc. for RSQ 161-0-2010/AT C-466A Four Lining Between SR 35 (US 301) and Powell Road (formerly CR 139) / C-462 (Staff recommends approval).

08-24-10-3-f-1

2. Request from Front Running Sports to close a portion of CR 103 from corner of Bellwether Lane to CR 103G from 7:30 a.m. through 9:30 a.m. on Saturday, November 20, 2010 for the Dash for Dads, 5K run/walk (Staff recommends approval).

08-24-10-3-f-2

3. Preliminary Plans for Murphy Express reviewed at the August 9, 2010, Development Review Committee (DRC) meeting (Staff recommends approval).

08-24-10-3-f-3

4. Proposal from Auto Liability and Auto Physical Damage Insurance Coverage policies with Preferred Governmental Insurance Trust (Staff recommends approval).

CLERK'S NOTE: Mr. Arnold verified that Preferred Governmental Insurance Trust is going to provide training at no cost.

08-24-10-3-f-4

5. Request from Sumter Fair Association to allow alcohol at a wedding reception being held at the Agriculture Center on October 5, 2010 (Board's Option).

08-24-10-3-f-5

6. Request from Sumter Fair Association to allow alcohol at a wedding reception being held at the Agriculture Center on May 14, 2011 (Board's Option).

08-24-10-3-f-6

7. State Housing Initiatives Partnership (SHIP) program approval of annual closeout report and execution of Certification and Regulatory Reform Activities Certification (Staff recommends approval).

08-24-10-3-f-7

8. Villages of Sumter, Edgewater Bungalows, Final Plat Approval (Staff recommends approval). **CLERK'S NOTE:** This item has been removed at the request of the engineer, Farner Barley.

08-24-10-3-f-8

9. Workers Compensation Insurance Coverage Proposals (Staff recommends approval).

08-24-10-3-f-9

10. Inventory Transactions (Staff recommends approval).

08-24-10-3-f-10

11. Establish change bank for City of Wildwood City Hall (Staff recommends approval).

08-24-10-3-f-11

Commissioner Hoffman moved, with a second by Commissioner Breeden, to approve Items 1 through 7 and 9 through 11 under General Items for Consideration. The motion carried unanimously 3 - 0.

4. *ADJOURN*

The meeting was adjourned at 6:10 p.m.