

A SPECIAL MEETING OF THE BOARD OF COUNTY COMMISSIONERS

MAY 11, 2010

The Lake County Board of County Commissioners met in special workshop session on Tuesday, May 11, 2010 at 9:00 a.m., in the Board of County Commissioners' Meeting Room, Lake County Administration Building, Tavares, Florida. Commissioners present at the meeting were: Welton G. Cadwell, Chairman; Elaine Renick, Vice Chairman; Jennifer Hill; Jimmy Conner; and Linda Stewart. Others present were: Sanford A. "Sandy" Minkoff, Interim County Manager; Melanie Marsh, Acting County Attorney; Wendy Taylor, Executive Office Manager, County Manager's Office; and Susan Boyajan, Deputy Clerk.

AGENDA UPDATE

Commr. Cadwell stated that this workshop would be similar to the previous Comprehensive Plan workshops, and they would go through the staff report and set aside some time for public comment. He stated, however, that before the workshop began, he had a request to bring before the Board that the County participate with the Golden Triangle YMCA to launch a Get Moving Campaign for the summer.

Commr. Stewart noted that she had a request to allow students to ride free on the LakeXpress buses this summer, and she commented that it was very successful last summer.

On a motion by Commr. Renick, seconded by Commr. Hill and carried unanimously by a vote of 5-0, the Board moved to place those items on the agenda.

REPORTS – COMMISSIONER CADWELL – DISTRICT 5GOLDEN TRIANGLE GET MOVING CAMPAIGN

Commr. Cadwell stated that the Golden Triangle YMCA joined forces with Florida Waterman Hospital, the County, the School Board, and the Sheriff's Department to launch a "Get Moving Campaign" that will challenge residents to move 10,000 steps per day for the month of June and offer them a free pedometer to keep track of their progress. He explained that this fitness challenge will include a month long focus on improving the disconcerting health statistics of Lake County, and he mentioned that rally participants will receive a free YMCA month-long membership pass to take part in this campaign.

On a motion by Commr. Hill, seconded by Commr. Conner and carried unanimously by a vote of 5-0, the Board moved for the County to participate as a sponsor in the Golden Triangle YMCA Get Moving Campaign.

REPORTS – COMMISSIONER STEWART – DISTRICT 4STUDENTS RIDING LAKEEXPRESS FREE OVER SUMMER

Commr. Stewart reported that last summer 2,212 students rode the LakeXpress bus in June, that 3,664 students rode the bus in July, and that 2,538 students rode it in August of 2009 during the offer of free bus rides for students. She commented that this program was a great way to get those children used to riding buses rather than driving their cars.

Commr. Conner commented that he did not vote for this last year on the principle that they were teaching children the mentality that everything was free. However, he stated that he would support this program this year, because he felt there were some positive things about this in terms of increasing ridership.

On a motion by Commr. Stewart, seconded by Commr. Renick and carried unanimously by a vote of 5-0, the Board moved to allow students to ride the LakeXpress buses free again this summer.

DISCUSSION ITEMS – COMPREHENSIVE PLANINTRODUCTION

Commr. Renick commented that even though they have heard complaints from the public that the County staff was putting too much detail into the Comprehensive Plan, the letter back from DCA asked the County to add guidance and specificity, establish clear standards for density and intensity, and not to defer implementation to the Land Development Regulations. She also pointed out that Escambia and Charlotte Counties went through the same process and ended up with reports about the same size, and those counties did not have two huge environmentally sensitive areas to deal with as Lake County did. She commended the Growth Management staff and the LPA (Local Planning Agency) for their work on the Comp Plan.

Ms. Amye King, Director of Growth Management, noted that the LPA met 195 times and that the Board has had 11 workshops since November of 2009, and this gave countless opportunities for the 20-year plan for Lake County to be discussed publically. She opined that they have come to a consensus on a plan that was truly for the people of Lake County and that they were very proud of it. She stated that what they were hoping to accomplish today was to get final direction from the Board about what they were going to adopt on May 25. She commented that this would be a dramatically different plan than the plan they had in 1993. She reported that 45 days after the plan was adopted by the Board, the Notice of Intent from the Department of Community Affairs (DCA) would be issued which will confirm that DCA agrees with the plan and that they would be intending for the County to be complying with state law, at which time any effected party would have 21 days to come to both the County and the State of Florida with any type of grievance regarding the plan. She stated that once all of those issues have been addressed and any negotiations have occurred, the DCA or an administration commissioner will issue the final order and the effective date of the Comprehensive Plan; however, she pointed out that the adoption date and the effective date may not be the same.

COMMISSIONER ITEMS/CHANGES

Mr. Brian Sheahan, Director of Planning and Community Design, Department of Growth Management, stated that they would start off with some individual changes and concerns that the Board had with the maps, primarily the Future Land Use Map, so that staff could get clear direction on whether the Board feels it is appropriate to make those changes. He explained that when they brought back the map for adoption, the final map would show whatever changes they approve today. He started with a change from Commr. Hill's district at the intersection of CR 473 and CR 44 in Leesburg, noting that that was an existing business node which should have been caught in the mapping process, and staff became concerned because of the number of existing businesses at that intersection.

Commr. Hill added that there were also quite a few mobile home parks in that area, and she reiterated that it has primarily become a real business node, so the change to Regional Commercial land use category seemed to fit more than the Rural Transition designation.

There was consensus from the Board to make this change.

Mr. Sheahan stated that the next change in Commr. Hill's district encompassed about 1,500 acres in the rural enclave that is between the Villages and the Lady Lake-Fruitland Park area. He explained that it was currently designated on the future land use map as Rural at a density of 1 to 5, but the City of Fruitland Park and the Town of Lady Lake originally requested this area be designated a density of 4 to 1. He also noted that the area was mostly upland and is served by three major transportation corridors, two of which were slated for

improvements.

Commr. Hill commented that this would become a very high intensity area, and they just wanted to make it as smooth a transition into Sumter County as possible to help with the continuity in that area.

Commr. Cadwell commented that a portion of this was in his district, and he did not have a problem with this change, since they were both going to be inside cities when they develop.

Commr. Renick pointed out that the northern part of the area on the map was rural.

Commr. Hill noted that there was a park and recreational area in that region, as well as a north-south road that the County has just completed and another road slated for that area.

There was consensus for that change to the future land use map.

Mr. Sheahan related that the next set of changes they would discuss were from Commr. Renick's district, and the first one of those was from the East SR 50 Commercial Area, which was an area encompassing Headquarters Honda. He stated that given the type of development that has recently gone in there and what was anticipated in the near future, that area would be more appropriate as Regional Commercial rather than Regional Office.

There was consensus for that change.

Mr. Sheahan explained that the Avalon Groves area was a large, undeveloped area that was currently designated under the existing plan as Rural and Urban Expansion, but the Board changed it at the January transmittal hearing from the proposal of Rural/Rural Transitional and a little bit of Urban to primarily Urban with a density of 4 to 1, with the remaining Rural converted to a Rural Transition, which was a 1 to 1 category.

Commr. Renick commented that even though she voted against that change, she had not at that point actually looked at the property, but after seeing that property, she believed that there were areas close to the Orange County line that were more appropriate as industrial, although she had a problem with the property being used for residential. She opined that she did not think the land use they had on it right now was appropriate and that the Board should not have made the change at the January transmittal hearing. She emphasized that this area was not the Four Corners area and that she thought the Board should look at this piece all together.

Ms. King clarified that the area has an existing land use of Rural at this point in time, and across the Orange County line east of the property was both a Light and Heavy Industrial use, with no residential uses identified there. She added that Orange County did have other uses proposed in their master plan for that region, but currently a variety of types of industry exist there.

Commr. Renick suggested that they discuss this individually with staff members before the final hearing on May 25, since they are trying to secure as much land available as they could for economic development.

Commr. Renick moved to put the designation back to the way the LPA originally had it and to discuss this further with staff before May 25 to see if there was something yet that could be suggested for that area, which was seconded by Commr. Stewart.

Commr. Cadwell noted that this was a 20-year plan, and they needed to look at what Orange County would be doing in that area over the next 20 years, which would include retail and commercial.

Commr. Conner noted that the motion on the table was not to put more industrial there.

Commr. Cadwell clarified that it was to take it back to rural.

Commr. Conner stated that he could not support the motion on the floor the way it was, but he

Mr. Sheahan answered that he believed it has been fulfilled in a few different ways, primarily by processing a remedial amendment requiring that land was set aside for Lake County to utilize as affordable housing. He then related that the next issue that they would look into was the intersection of SR 44 and CR 437 in the Sorrento Village area, which was in Commr. Stewart's district, explaining that they had the vested development to the southwest which would not be impacted by this land use change. He noted that there was an existing Lil Champ Food Store and Circle K Store on the corners, and the property to the northeast is owned by the State. However, he felt that with these existing uses they needed to do something so that they did not create a nonconforming use at this location, so they were proposing to convert that to a rural support intersection which would allow those uses and keep them conforming.

There was consensus to make that proposed change.

Mr. Sheahan explained that the next property of concern that was in Commr. Stewart's district was the Renningers property, and this was clearly a mapping error. He specified that the property immediately to the east of the existing flea market was allocated as Urban Low Density on the future land use map, but he believed that it should be changed to Regional Commercial, which was more appropriate. He then went over the next issue, which concerned the area of Bates Avenue, Estes Road, and Lake Lincoln Lane in Eustis, and he stated that this one was a change from Rural Transition density to Urban Low density. He explained that the rationale for this change is because the city has utilities at that location, and there are preliminary plans for extending urban services out to that area. He commented that this was also likely a mapping error, and it was also subdivided and much more appropriate for urban uses and urban land use areas than rural. He stated that the next change was actually a text change that was brought to their attention at the transmittal hearing, and the proposed land use changes in the policies as written would render the existing marinas such as the Pier 44 in Wekiva on the St. Johns River nonconforming. He explained that the suggested change was to add marinas as a conditional use within the Rural and Rural Transition categories, which would allow the Board to set reasonable standards for the allowance of marinas in those locations.

Commr. Stewart stated that she was concerned about this, and she did think that there needed to be some protections, because it is in the Wekiva River Aquatic Preserve Management area. She said that she liked the suggestions given in the letter from Mr. Charles Lee of Audubon of Florida, and she noted that the existing marina would be grandfathered in so that they would not be required to apply for a conditional use permit.

Mr. Sheahan suggested to the Commission that they bring that letter back at the adoption hearing to allow the public to review that as well. He asked the Board for approval to make the change to the text and to bring back the policy to them.

Commr. Renick commented that she thought they should have some language to avoid this continually happening again in the future.

Ms. King stated that staff agreed with the language that was proposed and would recommend it to the Board. She suggested that they make that change and bring it forward at the adoption hearing as highlighted so that it was clear.

Mr. Sheahan next discussed the issue in Commr. Cadwell's district concerning Custer Trucking and Island Food Store located on the corner of CR 44 and Emerald Avenue. He explained that both of those businesses were immediately adjacent to the Durastress property immediately west. He noted that Custer Trucking has been there for quite some time and would be considered an industrial type use, and the Island

Food Store would be considered an accessory to that industrial area, so it would fall within the industrial category as well. He related that the suggested change there was to change it from Rural Transition to Industrial.

There was consensus to make that change.

Mr. Sheahan informed the Board that that completed the changes that had been brought forward.

Commr. Renick stated that she had someone contact her with concerns about an area called Goose Prairie not having enough protection, who also referred to a 1980 letter in which the County at one time had considered it environmentally sensitive enough to ask the state to buy it. She requested that the Board look into the background of this issue and whether they could expand the rural protection area there and then possibly discuss that on May 25. She commented that she thought this was an area that was of concern to a number of people.

Commr. Cadwell thought they should leave that as it is right now, but he asked Mr. Sheahan to educate the Board on the issues out there that he was aware of.

Ms. King informed the Board that the Goose Prairie area was near the Emerald Marsh Rural Protection Area as identified on the map.

DISCUSSIONS OF DCA OBJECTIONS, RECOMMENDATIONS, AND COMMENTS

Mr. Sheahan went through the recommended responses to the objections, recommendations and comments of the Department of Community Affairs (DCA), and he commented that they were quite diverse, including suggested policy changes or additions and data inventory and analysis, which is the backup document for the policies comprised of the best available data at the time the plan is adopted and which is continually updated as new information comes in and as the County does new studies. He added that the data inventory and analysis is done for each element of the Comprehensive Plan which includes background for the policy and why it is necessary, the environmental resources, how much housing is needed, and affordability of housing in the County. He noted that many of these objections had to do with transportation items, and he was grateful to the MPO for helping them to compile this. He explained that the first objection had to do with the adoption of Land Development Regulations (LDR), stating that DCA pointed out in the statutes where the County was mandated to adopt LDR's within 12 months, so they were recommending that they change all references to the adoption of LDR's to one year. He related that DCA Objection 2 was that the County did not use the BEBR (Bureau of Economic and Business Research) medium numbers, and he recommended that they utilize BEBR medium for the County population projections.

Commr. Renick commented that with the changes that have come about, the BEBR medium numbers now were close to what they thought BEBR low was before, and she was comfortable with using the BEBR medium.

Mr. Sheahan stated that Objection 3 noted that a roadway capacity analysis was not complete for the years provided, but they updated that information in their data inventory and analysis. He pointed out that Objection 4 was the only objection in which they were asking the Board to pick options to provide direction for staff. He related that this objection had to do with the open space requirement in the Wekiva, and DCA felt that 10 lots was too high a threshold to require common open space. He recapped that the Board had discussed this issue at length, and noted that the statute does not provide a specific threshold. He commented that since this change could potentially affect policies in the Emerald and the Wekiva-Ocala Rural Protection Areas, staff

would like direction on that, and he presented the three options from staff of revising the threshold to 5 lots, 3 lots, or leaving it as transmitted at 10 lots.

Commr. Cadwell commented that the Board was split on that issue, and the majority of the Board thought 3 was too stringent. He asked whether the Board wanted to change the threshold in that policy to 5 lots.

Commr. Renick stated that many members of DCA were looking at either 3 or 5 as the threshold, but they just did not want it at 10, and she thought that 5 was a good compromise.

Commr. Conner stated that he saw no reason to change the policy of ten as the threshold, because he felt that five acre lots provided open space and that ten was a very reasonable number.

Commr. Stewart referenced that DCA noted that a threshold of ten lots creates potential for less common open space, increased fragmentation of wildlife habitat corridors, and decreased protection of the aquifer. She also added that more surfaces would be required for more people, and she thought that 5 was a good middle ground that DCA and the Board could all be happy with.

Commr. Stewart made a motion that they change the policy to a five-acre threshold, which was seconded by Commr. Renick and failed by a vote of 3-2.

Comms. Hill, Conner, and Cadwell voted "no."

Mr. Sheahan stated that Objection 5 indicated that DCA wanted a map showing wellhead protection areas, and staff generated that map and included it. He continued to explain that DCA Objection 6 was regarding a scrivener's-type issue changing the words "up to" contained in the open space column for three of the four Green Swamp Area of Critical Concern (ACSC) land use categories to "minimum." He stated that Objection 7 came from the Department of Environmental Protection (DEP) asking for an example of how the calculation of density and intensity worked and a definition of mixed use development, and staff provided that.

Commr. Renick commented that she shared DCA's concern about the elimination of the doubling of development potential.

Mr. Sheahan related that DCA Objection 8 asked for a revision of the language regarding the adverse impact of water quality in sensitive environments, and they also offered some language there in two other areas within the Wekiva and Green Swamp to clarify what industrial uses are prohibited.

The Board gave consensus for that change.

Mr. Sheahan explained that Objection 9 expressed concern about the term "civic use" and wanted to make sure it excluded K-12 future schools in the Green Swamp, which was a clear direction from the recommended document from the LPA about providing schools in the Green Swamp. He stated that Objection 10 was a comment stating that the policy regarding the Market Square District in Mt. Plymouth did not have a specific floor area ratio or impervious surface ratio and that DCA wanted that included in the community policies. He also noted that in the Green Swamp commercial floor area is limited to 5,000 square feet, and the DCA had discussed perhaps allowing an exemption to that if they retained the first three inches of storm water because of environmental sensitivity. He then reported that DCA Objection 11 was regarding the openness about sports and recreation clubs and requested a definition of those.

Commr. Stewart suggested adding "outdoor" in front of the word "sports."

Mr. Sheahan directed the Board's attention to the staff recommendation on the screen regarding sports references. He stated that Objection 12 asked for a higher standard of stormwater treatment for highly impervious Type A soils, and he noted that the language on the screen is what was recommended by staff. He

related that Objection 13 dealt with concerns about the way they were approaching protection of wetlands in regard to land use, and staff went through an analysis of all policies in the plan regarding wetlands. He commented that there was an unusual comment from DCA suggesting that the County change the land use on some of the wetlands to conservation, but staff has some concerns about property rights issues, so they provided an explanation to DCA of why they did not think it was a good idea to have those policies in there. He pointed out that they have changed the language for the assessment of wetland significance to defer to the state, since it was more appropriate that agency actually do the assessment, and they have provided some clarification language on how to evaluate the setback from the jurisdictional wetland line, clarification on what constitutes a water-dependent structure, and some clarification language to provide some flexibility for existing development. They were particularly concerned about some of the older subdivisions in Astor, and they wanted to make sure that they did not create any unbuildable lots that were already deemed buildable. He explained that Objection 14 was also in regards to wetlands and their impact on platted lots as well as touched on the septic tank issue, and DCA wanted the County to keep its current septic tank setback and to revise the policies in regard to habitat, rivers, and floodplains to keep them consistent with the principles that guided development. He noted that staff believed that there were already County policies that covered those concerns but that were missed by DCA. He stated that Objection 15 had to do with the floodplain study requirement which applies in the Green Swamp and referenced a more updated FEMA publication, and he noted that staff made changes declaring that subdivisions with septic tanks should be designed to provide an average of one acre of upland per septic system. He mentioned that DCA was very concerned about putting septic tanks on smaller properties because of concerns of flooding resulting in contamination of the stormwater. He reported that staff defined institutional uses as civic uses throughout all the land use categories, which took care of Objection 16. He stated that Objection 17 was a suggestion to update the five-year plan, since the MPO would adopt their 2035 plan in the next few months and was off sync with the County, and staff put in a policy that would tell the DCA when to expect that update. He related that Objection 18 requested that the County show DCA the policies regarding local practices guiding development, increase of capacity of public facilities, and use and timing of capital improvements; and staff pointed out how they would coordinate the municipalities to provide water and sewer services, deal with the connection requirements in relation to discouraging urban sprawl, how certain size developments would have to adhere to provisional neighborhood designs to cut down on trip generation, direct density to the urban centers, and prohibit the provision of sanitary sewer and water out in the rural areas. He pointed out that staff provided a definition of urban sprawl specifically from the adopted state rule.

Commr. Renick commented that she thought it was confusing and wanted the last phrase omitted stating “or large expansions of predominately low intensity, low density, and/or single use development.”

Mr. Sheahan commented that there was no requirement that their definition encompass the entire definition for the state. He added that DCA wanted an explicit time frame for the completion of joint planning areas, but they discussed with the DCA staff the fact that they could not force the cities to agree to a joint planning area (JPA), so the language states that they would seek to execute a JPA with the municipalities within 12 months.

Ms. King added that they also discussed with DCA the fact that JPA’s have somewhat become antiquated as opposed to the interlocal service boundary agreements that they have started to negotiate with the cities, and DCA has asked that the County actively seek cooperation and communication with the cities over the

next year, which staff had no problems with doing.

The Board gave consensus for that change.

Mr. Sheahan explained that Objection 19 related DCA's concerns regarding something the County had in the transmitted plan carryover from the existing plan called variable width buffer or average buffer, which allowed varying a line to provide more buffer in some areas and less in others, and staff suggested deleting the variable wetland buffer and establishing a flat 50-foot buffer, providing certain exceptions to that in order to provide some flexibility in the LDR's. He added that they also provided a policy authority stating that a more stringent provision than planned would take precedence above all others. He continued to explain that Objection 20 had to do with wetlands in the shoreline, and he noted that they provided identical language as the previous comment.

RECESS AND REASSEMBLY

The Chairman announced at 10:10 a.m. that there would be a ten-minute recess.

DISCUSSION OF DCA OBJECTIONS (CONT'D)

Mr. Sheahan announced to the Board that he was going to quickly discuss the remaining objections, and he noted that those materials are available under the agenda online. He explained that Objection 21 had to do with clarification about air strips; Objection 22 was regarding development of floodplains; and Objection 23 was a greenhouse gas comment. He stated that they had provided the map for Objection 24 regarding outstanding waters, and they pointed out the department where the policies were for Objection 25 about sensitive natural habitat. He clarified that staff had provided a definition of regional wastewater mentioned in Objection 26, and they provided the policy regarding transportation that was requested by DCA in Objection 27, as well as the long term transportation map requested in Objection 28. He also reported that they have provided the policy requested in Objection 29 having to do with the level of service for transit. He had provided the methodologies that were mentioned in Objection 30 for proportionate fair share, and they had made the appropriate corrections regarding classification of roads that were discussed in Objection 31. He provided the necessary policies regarding mobility goals for Objection 32, as well as the necessary information and data inventory and analysis regarding central water and sewer service areas for clarification about Objection 33.

Mr. Sheahan brought to the Board's attention that the County was still in negotiations with DCA on the policy in regard to Objection 34, and he explained that DCA wanted them to adopt level of service standards by utility service areas. He noted that he provided a recommendation, but they were still discussing that with DCA. He related that they made the requested modification asked for in Objection 35 concerning joint planning areas, and the original data inventory and analysis for housing analysis was provided to satisfy the request in Objection 36. A small change was made in the minimum flows and levels for Comment 37, and Comment 38 was a suggestion to add wildfire provisions to the LDR's. He also stated that a change was made for Objection 39 regarding water service availability to ensure that they had the facilities prior to new development.

Commr. Renick clarified that the last line was deleted on the bottom of page 48 regarding abandoning and sealing private wells upon connection to a public water supply because of the Water Management District suggestion.

Mr. Sheahan related that Comment 40 was just some clarification language about potable water services, and Comment 41 referenced the school's five-year facility plan regarding concurrency. He stated that Comment 42 was a statement indicating that the County would coordinate school facilities planning with the

School Board; Comment 43 contained some corrections about the military operations area policies; and Comment 44 was just a comment on format.

DISCUSSION OF ADDITIONAL CHANGES SUGGESTED BY STAKEHOLDERS

Mr. Sheahan mentioned to the Board that last week they distributed an addendum to them that contained some corrections and comments that were brought forward by some stakeholders, representing a diverse group of community leaders, and staff has brought them forward for the Board's consideration. He stated that the first one had to do with the issue of legal lot record, and they have added this language to the policy to ensure that it was consistently interpreted as it is used over the years. He recapped that at the transmittal hearing the Home Builders Association was concerned that the calculation of intensity could be applied to residential development, and he explained that a sentence was placed in the language to ensure that that was abundantly clear. He stated that Comment 3 had to do with protections of shorelines.

Commr. Renick commented that she believed they needed to add something more to the language, such as a reference to something in the LDR's, in terms of protections so that they did not have a proliferation of seawalls. She asked to give staff direction to work on that to make it clearer.

Commr. Cadwell stated that as long as they do not lose the word "discourage" in the language as opposed to just "not allowed", because in some instances that would be better.

Mr. Sheahan explained that there was a line that was deemed inappropriate in Comment 4 that just needed to be removed, and the changes made in Comment 5 just ensure that the development application is submitted for the utilities required to the County for review.

Commr. Cadwell directed that the stakeholders' recommendations that were brought forward be incorporated after getting consensus of the Board for incorporating those.

Mr. Sheahan pointed out that staff had one change to the Community Enhancement Areas Program, and he recapped that since at the February meeting the Board did away with the debt program but suggested that they leave it in the plan should they want to exercise it in the future, everything was changed from "shall" to "may."

There was consensus for that change.

Mr. Sheahan stated that it was suggested that they ensure that it was clear that offices which were an integral part of the industrial operation shall not be subject to the ten percent limitation of floor area, and there was clarification to the rule that utilities would not be extended out to new development. Other changes include deletion of the word "primary" in the rural support intersections policy, changing "limited mining" to "borrow pit" in the Public Facilities and Infrastructure category, and clarification to state "natural resource-based conservation" and "natural resource-based recreation" regarding incompatible land uses. There was also a change in the policy to make sure they were not doing energy audits that were not needed by specifying that the requirement was for buildings that were over 5,000 square feet. They wanted to remove all regulatory impediments to encourage people to do alternative electric power generation in the policy regarding provisions for electric utilities, and they made a minor change to the stormwater policy to make sure that very small properties could use alternative means and would not have to go through the same regulatory threshold that the larger properties did. There was clarification in regard to fair share costs, since not everything is a proportionate fair share agreement, and there are other legally binding agreements. He noted that a change was made to make sure the determination of capacity was consistent with the new concurrency ordinance, and staff

added language in the policy for monitoring septic tanks stating “unless exempted by the Board of County Commissioners,” because all instances could not be predicted. He suggested a last minute change regarding mandatory sewer connections on lots as small as ½ acre, because there are some instances where that would not work. He stated that they only wanted to focus on well field overlay zones that are required by state law, so that was added to that policy. He related that there was a request to add the word “impacting” in the Survey and Protection of Natural Upland Plant Communities policy, to clarify that they did not intend to require a full-blown environmental survey of all 40 acres if someone put a single-family home on a 40-acre lot,

Commr. Renick commented that they do not want someone who is building just one house on 40 acres to have to do a survey on the whole thing, but the term “development project” does not sound like just one home would be built. She asked staff to go back and look at changing that term.

Mr. Sheahan explained that the comment regarding the policy of coordination of sanitary sewer and land use was to clarify when those facilities would be provided and making those two policies consistent, and there was a comment clarifying that they would only require replacement of an existing wastewater system with a performance based system when required by DOH rules.

Commr. Renick commented that some other type of language needed to be added in the second paragraph of the policy regarding regulating and monitoring of septic tanks to clarify that they were just looking at rare exceptions.

Ms. Anita Greiner suggested adding the words “de minimus development may be exempted by the Board of County Commissioners.”

Commr. Cadwell entered a letter from Lowrie Brown that was sent May 6, 2010 into the record.

Commr. Stewart wanted to add the Wekiva River Protection Area and the Wekiva-Ocala Greenway to Policy III-3.3.2 on Page 7 of 8, since those were not mentioned in that policy.

PUBLIC INPUT

Mr. Robert Peraca, a resident of Clermont, stated that he has worked for many years with County officials, but he felt that this document was very hard to understand and follow and that it seemed to be written for planners and not the public. He had a concern with Section I-5 regarding the South Lake County rural protection area, which stated that protecting the integrity of this rural protection area is important to sustain the long-term rural character of Lake County. He commented that he did not move to Lake County to live in a rural area, and he thought it was up to the Commissioners and the taxpayers to decide the character of the County.

Mr. Kasey Kesselring, a resident of Montverde and South Lake Chamber Board of Directors and the Public Policy Chair, recapped that the Chamber has been before the Board several times to voice their concerns about the South Lake Rural Protection Area (RPA), and this RPA designation was over quite a bit of their property south of SR 27. He commented that they have found that this is an area that has been identified by multiple parties as a potential economic development area for them. He opined that the current zoning of Rural Agriculture is a 1 to 5 density and already has some protection, and adding the additional RPA overlay would be very restrictive. He stated that they are appealing to the County Commissioners to lift that RPA.

Mr. Charles Lee representing Audubon of Florida, commented on the common open space issue, stating that there were not many people that had ten children among which to divide their property, and he believed the need to preserve the opportunity to carve a piece of property up into ten lots without any common open space really was unreasonable. He thought it was important to recognize that while in a colloquial sense a five-acre

lot had open space since not all of that lot was built on, they were talking about the need to protect the habitat in the Wekiva Protection Area. He opined that DCA was well founded in their objection to having that number at ten, and they were going to continue to urge DCA to stand firm even to the point of finding that provision of the plan not in compliance if necessary, because they did think it was very important for the protection of the Wekiva. He requested that the Board reconsider that point, and he commented that he believed that five was a reasonable number. He pointed out that the issue of the South Lake County Rural Protection Area as a potential economic development area of importance did not take into consideration the topography of the land. He specified that even though that area did back up to land in Orange County planned for major mixed use type development, the Lake County portion of the topography contained a great deal of intricate interwoven wetland systems, which did not leave a lot of developable land south of the Conserve II property. He suggested that the Board have staff put up on the overhead some topography maps that would define for them which areas were buildable and which contained wetlands.

Mr. Bill Ray, President of Ray and Associates, representing land owners in South Lake County and the Green Swamp Area of Critical State Concern (ACSC), requested that the County change the designation of the 200-acre subject property that they have been discussing with the County from the current designation of rural conservation in the Green Swamp ACSC to Green Swamp rural, since it was above the 100-year flood plain, comprised of well-drained sandy soils, and contained no wetlands or sensitive habitats. He requested that the County let the underlying land form determine the land use and to direct development towards the lands that were clearly outside the 100-year flood plain and were easily identifiable. He opined that they needed to figure out a clear organized way to address this issue in the future.

Ms. Nadine Foley, a former member of the LPA, stated that she agreed with Mr. Lee about opting for five lots for the open space requirements for the Wekiva area, which would help with the habitat corridor connections in the long term. She also related that Goose Prairie was the first area that she knew about as being designated as environmentally sensitive, but she believed that was at a time before any kind of state program existed to protect environmentally sensitive lands. She also commented that she believed it was initiated as a grass roots effort by people who were active with the Lake County Conservation Council in the 1960's or 1970's or about the time that Durastress decided to put their plant essentially on the fringes of the Goose Prairie area, and she specified that it extended from Hwy 44 to the Durastress area. She noted that the property in the Green Swamp brought forward by Mr. Ray had come before the LPA on several occasions, and the LPA made its decision to not change any of those land uses then, but she thought it was something they could look into in the next year or so and not hold up the Comp Plan now.

Mr. Sean Parks, a resident of Montverde, stated that he was very concerned about the environmental issues such as the aquifer recharge and wetlands protection in the South Lake Rural Protection Area, but he thought the RPA designation should be removed because it was counterproductive and could result in a proliferation of five and one-acre lots in the future. He opined that the environmental concerns could be addressed through what was already in place such as the St. Johns River Water Management District recharge criteria as well as through setbacks and strict regulations in that area, which could be done without putting the additional layer of restrictions which would curtail economic development opportunities in the future.

Mr. Wayne Saunders, Clermont City Manager representing the Clermont City Council, requested that the Board look at the RPA area again, and he pointed out on a map on the monitor their city limits, SR 27,

Hartwood Marsh Road, and the current northern boundary of the RPA. He related that the City Council's specific request was to consider moving that northern boundary at least two section lines south. He commented that Clermont was landlocked as far as undeveloped land for the future, with Groveland on the west, Minneola on the north, and the Hwy 50 corridor limiting their options. He opined that the southeast direction is the future for Clermont, especially if they wanted to try to attract some major industry and job creation. He commented that they were anxious to plan that area with Lake and Orange Counties, and they believe that having the RPA designation on that area was detrimental to the future and would scare any potential major businesses away from developing in that area.

Commr. Cadwell directed Ms. King to include the Orange County portion on the map of the south part of the County.

Mr. Vance Jochim, a resident of Tavares who writes a blog about fiscal issues in the County, noted that he looked at the original plan as well as the documentation provided at this meeting, and he commented that he never hears any discussion of what this would cost the taxpayer. He pointed out that a consultant study was done which found that the County would have to hire about nine people to manage the additional regulations from this plan, and he believed that it would take double that many people. He requested that the Board keep that in mind and maybe find a mechanism to start sharing that information.

Council Member Ray Goodgame from Clermont related that a supermajority of the Clermont City Council wanted sections 24 through 26 and 34 through 36 included in the JPA area and left rural. He felt that it was important not only to their city, since they have no other areas designated for economic growth in the City or the County in that area, and he believed that the City and the County could work together on developing this property for future economic growth. He noted that the property located in sections 24 through 26 north of the boundary of Conserve II did not contain nearly as many wetlands as sections 34 through 36 did. He opined that the development of those lower southern three sections that they were asking to be put in the JPA would require a concentrated effort to maintain all the wetlands and lakes that would be there when they do develop that property.

Mr. Keith Schue, a former member of the LPA, suggested that Policies IX-2.2.8 and IX-3.3.7, which referenced the potable water and sanitary sewer policies and related to urban sprawl, be included in the transportation Policy VIII-1.9.2 for consistency. He commented that a tremendous amount of work has gone into the Comprehensive Plan by so many people, and they were at the point where they were trying to resolve issues and get to the point of consensus. He mentioned that he did not agree with having a rural support corridor in the Ocala National Forest that has twice the development potential of any other rural support corridor in the County, but overall he felt that this was a good plan. He concurred with Mr. Lee and Ms. Foley that a five-lot threshold would perhaps be the position that everyone could find consensus on for that issue. He opined that by providing for a common open space requirement for three categories in the Green Swamp, there was an implicit recognition that that was for the subdivision of land consisting of three lots or more. He stated that the five-lot threshold would bring the Wekiva policy closer to being consistent with the whole Comp Plan, and he encouraged the Board to consider the five lot threshold.

Mr. Jim Bible, Showcase Homes, related that Table 1-1.2.2 contained a new requirement for 25 percent open space for all development, and he believed this requirement should be eliminated, since it would immediately devalue land by 25 percent since it had to be set aside and not used for recreation or anything else.

He commented that the smaller the project, the more of a nuisance this area would be, and it would create a maintenance headache for the Homeowners Association to maintain and keep track of it. He was concerned about the standards contained in the policy regarding traditional neighborhood developments for any development over 100 acres, especially the very specific criteria for both commercial and residential developments over 200 acres. He opined that this would create a lifestyle that not many people could afford or want and was very selective and expensive. He suggested that this concept should not be applied to all land, and the design criteria that was very specific in the regulations should be put off to the land development code when they could get better input from the community as to where and how that should be designed. He also requested that the Board eliminate the requirements in Policy I-7.8.1 that would require a PUD on a straight zoning project for the addition of 50 more units, which he felt was a small threshold of development change. He summarized that the policies he mentioned would all affect the affordability and flexibility of design of projects in the County.

Ms. Bobbie NeSmith, a resident of Lisbon PUD, related that a letter sent to the Division of State Lands on June 11, 1980 and the website for State Library Archives of Florida indicate that there were proposals for acquisition of the Goose Prairie Protection Area along with the Green Swamp and other areas. She expressed concern about a change in her area from rural village, which allows two homes per acre, to rural transition, which would be one home per acre. She stated that there were mixed use, mobile homes, and on-site homes currently located there, and one to one density would not be within those guidelines. It concerned her that on the new Comprehensive Plan, changing the land near Durastress to rural would open up the door to allowing mining in that environmentally sensitive land that is right next to a recharge area. She suggested changing the land use for the Custer Trucking and Island Food Store area to regional commercial rather than industrial, since it is just basically a parking lot for semi-trucks; there was not a lot of industrial use there; and she did not think that they should open up Hwy 44 to more traffic. She added that there was also a residence on that property which would not conform to the industrial guidelines, but would conform to the ones for regional commercial.

Ms. Carol Saviak, a resident of Orlando representing the Coalition for Property Rights in Lake County, asked the Board to consider the punitive impact on a select set of property owners that are potentially to be designated in the rural protection area. She commented that the testimony of those who have spoken strongly requesting to be removed from this protection area is the final layer of defense against an overlay that would restrict and punitively impact the financial investment in their property. She pointed out that in some cases those property owners have had the rural agricultural designation on their land for decades, and what is being overlaid is the Board's and County's vision for the use of their land in the future. She requested that the Board grant the request of the property owners who want to just be left alone and have no punitive impact from this planning. She asked the Board to think of the citizens who were previously before them as well as those before them today, respect their rights as American citizens, and leave that door of opportunity open.

Mr. Don McGruder, a member of Citizens for Better Government, commented about Objection 36 dealing with affordable housing, pointing out that the study which the County presented as their evidence to support affordable housing appears to be from 2004 with data that goes back to 1995 and 2000, which did not show the huge regulations that have been placed upon housing through codes, huge impact fees, the housing bubble, the housing collapse, or the foreclosures. He commented that they have to recognize that people have to have an affordable place to live, and he did not think the plan satisfactorily addressed the affordable housing

issue, since it was based on outdated data. He stated that this was a microcosm of a lot of responses they have heard to the Comp Plan, and he thought there was a rush to judgment. He requested that the Board look at the plan closely to make sure it was right, because a lot was at stake. He opined that every major recession and downturn in the American economy has been a result of or affected by housing, and if they did not fix the housing situation in Lake County, they would remain in this situation, so it was vitally important that they get a housing policy in this plan that is right.

Mr. Tim Green, President of Green Consulting Group and Chamber Alliance of Lake County, thanked the Board and staff for looking at some of the issues he had previously brought forward and fixing 16 out of the 24 sites that he pointed out were nonconforming. However, he noted that eight property owners were still unhappy about their properties being nonconforming and only being allowed to expand by ten percent, even though one of them has been there since 1955. He was concerned about the future commercial locational criteria, with limits in the plan for densities and intensities, sizes of the lots, and floor area ratios, as well as a limitation on the size of the individual building itself, which would result in a campus type plan for commercial entities, but he pointed out that the School Board has determined that one big building was much more efficient and energy efficient than the campus plan of building a lot of small buildings. He commented that there were other ways to limit how a larger building would look through architectural standards that could be put in the LDR's. He stated that they also had a discussion on Objection 13 about wetlands, and he thought that the BEBR numbers could not be reached if all those wetlands came off the map and transferred out at one unit per five acres rather than the overlay that is on some of them right now at 4 units per acre or higher, since they only had a five percent margin of getting to the BEBR medium, which only equates to 15,000 population difference, less than 6700 units, or 33,000 acres of wetlands on their map. He opined that although the way staff has addressed it perhaps would accommodate DCA, he thought that DCA really wanted to see how it would affect the population on the future land use map.

Ms. Cecilia Bonifay, Akerman Senterfitt, stated that she was pleased to see that some of the issues brought up in the correspondence that she had submitted at the transmittal hearing that involved nonconforming uses were being dealt with today and she would be interested in looking at that language, especially for marinas that have a 40-year history that she did not believe would be expanding. She pointed out that the Four Corners Center on Ridge down in the Green Swamp has already been developed mostly as commercial, and the Board did not want to take up any changes to that land use designation. However, she brought up the fact that every time they bring in a new user, they have to go back through the same vested rights process. She wanted the record to reflect that that was in fact a piece that has been used as commercial and should be vested for commercial, and if and when this Comp Plan is adopted, the owner of that property would not have to go back through the same laborious process. She mentioned that the change proposed for Clonts Groves from a current density of 4 to 1 down to rural transitional at 1 to 5 would result in a huge diminution in value for this property. She specified that the property has one lake in the middle and the rest was high and dry and in a JPA with two utility districts and 1000 feet of frontage on US 27. She suggested that one of the urban densities would be much more appropriate and that this would be a perfect piece for mixed use. She stated that some of the proposed changes for Loma Linda, which is another grove piece, may be indicative of what was forcing people into the municipalities at a fairly rapid rate. She noted that all three parcels making up Loma Linda have been in family ownership since the 1950's, and it has always been used as a grove. She illustrated on a map the

property's location in relation to major roadways and pointed out that it was surrounded on two sides by the City of Groveland and was in their utilities district. She opined that this was a designation that really needed to be looked at. She also commented that she thought that it was an aberration from a planning standpoint that the County wanted urban and neighborhood design criteria in the Sorrento Commons area, which was designated as rural.

Ms. Carol McAlpin, owner of the Four Corners Center, informed the Board that her family has owned the Four Corners Center since the early 1970's, and it was a 12-acre commercial piece originally vested around that time, with the vesting again confirmed in writing in the mid 1990's and the early 2000's. She related that in the last 12 years she and her brother divided that parcel into four commercial lots, selling three of those lots, which were each granted commercial Lake County building permits. However, she has had to employ Ms. Bonifay multiple times to remind the Growth Management staff about the vestment of the property, and she requested that the County designate the last parcel on the map as commercial, since it was expensive as a small property owner and business person to keep paying legal fees for the same reason.

Commr. Cadwell stated that the Board would try to figure out a way to fix that.

Mr. Steve Adams, LPG Environmental, commented that he was concerned about the future effect of staff's revision in response to DCA Objection 8 regarding Policy I-1.3.8 describing industrial land use categories. He suggested alternative language to that stating that "manufacturing uses that require permits for potential adverse impacts to natural resources," and he supplied a handout illustrating that change.

Commr. Cadwell directed that that change be put in.

Dr. Christine Harris, a resident of Mount Dora, commented that she was a stakeholder in the redevelopment process which has changed the face of the State of Florida, and she believed that they would be in compliance if they mark their Blueprint 2000 and show an update and that they would be at the utilization mode after ten years of review. She related that they enhanced a business that existed in Umatilla and made it a buildable, useable service for the people in Umatilla through annexation of a franchise. She asked the Board to look at how the existing buildings and services were being used, and she opined that mixed use should not eliminate any of the old uses, but highlight and enhance their capability.

Mr. Jimmy Roper, a resident of Windermere who owned approximately 700 acres, 400 of which were uplands which were above the 100-year floodplain, requested that his property be removed from the proposed Rural Protection Area, and he commented that he was adamantly opposed to the RPA designation.

ADOPTION SCHEDULE

Commr. Hill asked if they were going to readdress the RPA when this was brought back before they transmit the plan.

Commr. Conner stated that he did not know if they ever voted on that, but he was inclined to support the request that he has heard today, since he believed that the rural character of the area would be fairly well protected even without the overlay.

Commr. Cadwell directed staff to get the Board the maps regarding this particular issue by next week and stated that they would discuss the issue at next week's BCC meeting.

Ms. King clarified that he was requesting the topography maps, including those along the Orange County line, as well as Orange County's long range plan.

Commr. Hill emphasized that she wanted to make sure that they address that issue, because there were

many people concerned about it. She inquired whether the financial plan the Board submitted would be amended according to what was contained in the final adoption.

Ms. King explained that the plan was done by a consultant, so if the Board would like to look at that again, they would have to bring that forward to the Board along with the contract of the consultant that did it. However, her understanding was that the financial feasibility plan that has been put together so far has not been affected even by the changes that have been presented by the Board and the citizens, since the financial feasibility plan took into consideration a maximum of what would be necessary to implement the plan over the next 20 years.

ADJOURNMENT

There being no further business to be brought to the attention of the Board, the meeting was adjourned at 11:55 a.m.

WELTON G. CADWELL, CHAIRMAN

ATTEST:

NEIL KELLY, CLERK

A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS

MAY 18, 2010

The Lake County Board of County Commissioners met in regular session on Tuesday, May 18, 2010 at 9:00 a.m., in the Board of County Commissioners' Meeting Room, Lake County Administration Building, Tavares, Florida. Commissioners present at the meeting were: Welton G. Cadwell, Chairman; Elaine Renick, Vice Chairman; Jennifer Hill; Jimmy Conner; and Linda Stewart. Others present were: Sanford A. "Sandy" Minkoff, Interim County Manager; Melanie Marsh, Acting County Attorney; Wendy Taylor, Executive Office Manager, County Manager's Office; Neil Kelly, Clerk of Court; Barbara F. Lehman, Chief Deputy Clerk, County Finance; and Brenda Press, Deputy Clerk.

INVOCATION AND PLEDGE

Reverend Karen Burriss from the Morrison United Methodist Church gave the Invocation and led the Pledge of Allegiance.

AGENDA UPDATE

Mr. Minkoff reported that there is a carry over item from the last meeting, and that there was an additional application received for the Children's Services Council on Tab 25. He stated that he would like to add a discussion under his business regarding the rezoning ordinance that was scheduled to be heard at the Tavares City Council tomorrow.

On a motion by Commr. Conner, seconded by Commr. Stewart and carried unanimously by a vote of 5-0, the Board approved the addition of said item to the Agenda.

MINUTE APPROVAL

On a motion by Commr. Renick, seconded by Commr. Stewart, and carried unanimously by a vote of 5-0, the Board approved the Minutes of March 29, 2010 (Special Meeting) as presented, and the Minutes of the April 20, 2010 (Regular Meeting) as presented.

CLERK OF COURTS' CONSENT AGENDA

On a motion by Commr. Stewart, seconded by Commr. Hill and carried unanimously by a vote of 5-0, the Board approved the Clerk of Courts' Consent Agenda, Items 1 through 5, as follows:

List of Warrants

Request to acknowledge receipt of list of warrants paid prior to this meeting, pursuant to Chapter 136.06 (1) of the Florida Statutes, which shall be incorporated into the Minutes as attached Exhibit A and filed in the Board Support Division of the Clerk's Office.

Arlington Ridge Community Development District's Operating Budget for FY 2011

Request to acknowledge receipt of Arlington Ridge Community Development District's Proposed Operating Budget for Fiscal Year 2011, along with cover letter relating that the public hearing to adopt the proposed budget has been tentatively scheduled for August 17, 2010.

Sumter County Public Works

Request to acknowledge receipt of notice from Sumter County Public Works of a public hearing to be held on Tuesday, May 11, 2010 at 5:00 p.m. at the Sumter County Government Annex located at 910 Main Street, Bushnell, Florida 33513 regarding the County Road 470 Preliminary Engineering Study from Interstate 75 to the Lake County Line.

Cascades at Groveland Community Development District

Request to acknowledge receipt of proposed Fiscal Year 2010/2011 Budget for Cascades at Groveland

Community Development District.

City of Mascotte Public Meeting

Request to acknowledge receipt of notice from the City of Mascotte for Public Meeting for the County Road 33 Preliminary Engineering Study to be held on May 6, 2010 from 6:00 pm to 8:00 pm at the Tedder Thomas Memorial Civic Center, 121 Sunset Avenue, Mascotte, Florida.

COUNTY MANAGER'S CONSENT AGENDA

On a motion by Commr. Conner, seconded by Commr. Stewart and carried unanimously by a vote of 5-0, the Board approved the County Manager's Consent Agenda, Tabs 3 through 18, pulling Tabs 11 and 18 as follows:

Community Services

Request for approval of an Interlocal Agreement between Lake County Board of County Commissioners and the Lake-Sumter MPO for the Transit Development Plan annual update. Fiscal Impact: \$14,780.71

Request for approval of the Standard Coordinator Contracts with several transportation providers who transport our developmentally disabled citizens for the Agency for Persons with Disabilities. No fiscal impact.

Employee Services

Request for approval and authorization for the Chairman of the Board of County Commissioners to sign the Letter of Understanding Regarding the Lake County Board of County Commissioners Workers' Compensation Managed Care Arrangement with the State of Florida. Fiscal Impact: \$1,000.

Environmental Utilities

Request for reassignment of an operating lease from Nortrax Equipment Company-Southeast, L.P. to Deere Credit Inc. subject to County Attorney approval.

Request for approval and award of ITB# 10-0810 for up to 10,000 each, 18 gallon yellow curbside recycling containers at \$5.52 each, for a total amount of \$55,200.00 to Rehrig Pacific Company; and authorization for the Procurement Officer to execute confirming documentation.

Fiscal and Administrative Services

Request for declaration of the items on the submitted list(s) surplus to the County needs, authorization for the removal of all of the items on the submitted list(s) from the County's official fixed asset inventory system records, and authorization for the Procurement Services Director or designee to sign vehicle titles. No fiscal impact.

Report covering purchasing actions over \$25,000 completed within County Manager authority provided for information only. No fiscal impact.

Request for approval of Budget Change Request to transfer funds to Community Services Administration to cover the difference in allocation of lease costs for Buildings B and E. No fiscal impact.

Public Safety

Request for approval of the submitted contract and Resolution 2010-54 to accept grant funding from the Florida Department of Community Affairs, CDBG Disaster Recovery Grant Program, for the purpose of implementing a disaster recovery project as a result of Tropical Storm Fay, 2008. The project will install a generator and related infrastructure at Spring Creek Elementary School in Paisley to allow the facility to have electrical redundancy and make it a primary shelter during times of emergency. Fiscal Impact: \$290,487.

Public Works

Request to award to low bidder under Invitation to Bid (ITB) 10-0406 for upgrade of the existing storm water management infrastructure at the Sheriff's vehicle maintenance facility located in Eustis. Fiscal Impact: \$83,605.75.

Request for approval to award a contract with Boykin Construction, Inc., on a limited competition basis

for additional work under the Hooks Street Phase IV and Grand Highway project in the amount of \$41,153.80 to be expended from the Road Impact Fee Benefit District 5 fund. Commission District 2.

Request for approval to award under ITB# 10-0803 for the purpose of one (1) Tree Trimming Truck for a total amount of \$112,731.00 to Orlando Freightliner and authorize the Procurement Office to execute the confirming documentation.

Request for approval to award for the purchase of one (1) each Dump Truck, 64,000 GVW, 4 x 6, 12 CY, Tandem Axle to Atlantic Truck Center utilizing the Florida Sheriff's Association Contract for a total amount of \$87,947.00.

Request for approval to award for the purchase of one (1) each 52,000 lb GVWR, 4 x 6 Tandem Axle, Road Tractor to Atlantic Truck Center, utilizing the Florida Sheriff's Contract for a total amount of \$78,021.00 and authorize the Procurement Office to execute confirming documentation.

Commr. Renick commented that she was happy to see that the County received the grant funding on Tab 11. She asked if the Board would have the information from this work product before the committee finishes their decision making on Covanta.

Commr. Cadwell stated that the Board should have that information available prior to the committee's decision.

Mr. Minkoff stated that the first meeting of the task force was advertised for next week. He commented that the task force has been directed to review the current operations and to submit a proposal for the future. He noted that the task force is expected to be in session for an 18 to 24 month period, and anticipates the information being provided to them prior to their recommendation.

Commr. Renick commented that she wanted to ensure that the committee received the information resulting from the activity sheets, and noted that she was happy to point out the financial incentive program under activity four. She stated that regarding Tab 18, it was her understanding that the Board was limiting sidewalk projects to only those projects near a school.

Mr. Jim Stivender, Director of Public Works reported that Tab 18 is for two separate projects with one being associated with the curve on CR 48 where the County received calls from residents concerning the paved shoulder drop off, and the other project is related to the missing link of sidewalk in the Golden Triangle Office near the Tax Collector's Office and residential homes.

Commr. Renick commented that she thought these were good projects, but asked if the Board wanted to allot money to these projects when the goal has been to prioritize sidewalk projects near schools.

Mr. Stivender stated that some of the projects require millions to acquire right-of-way to install sidewalks, and noted that these two projects could be completed economically. He explained that there is a substantial amount of right-of-way needed to access Lost Lake Elementary, and opined that it is a matter of deciding to complete a few projects as clean up around the County versus not completing any projects.

On a motion by Commr. Renick, seconded by Commr. Conner and carried unanimously by a vote of 5-0, the Board approved the County Manager's Consent Agenda, Tabs 11 and 18, as follows:

Growth Management

Request for acceptance of Award and Special Terms and Conditions for Energy Efficiency and Conservation Block Grant, and approval of Resolution No. 2010-53 for unanticipated revenue. Fiscal Impact: \$2,807,500.

Public Works

Request for approval to advertise bids for CR-48 Bike Path Addition and #4858 Dillard Road Sidewalk

Project No. 2010-19 at an estimated cost of \$30,000.00 for CR-48 Bike Path Addition and \$62,000.00 for #4858 Dillard Road sidewalk from Renewal Sales Tax Capital Projects – Sidewalks. Commission Districts 3 and 4.

COUNTY ATTORNEY'S CONSENT AGENDA

On a motion by Commr. Renick, seconded by Commr. Stewart, and carried unanimously by a vote of 5-0, the Board approved the County Attorney's Consent Agenda, Tabs 19 through 22, as follows:

Approval to cancel the Mortgage and release the Note executed by Rodney Barnett on August 1, 2001, and recorded at O.R. Book 1984, Pages 1945 through 1952, upon receipt of the \$750.00 payment.

Approval to have a Closed Session of the Board of County Commissioners.

Authorize the Chairman to sign and file a Proof of Claim form with the Federal Deposit Insurance Corporation (FDIC) as it pertains to the Retreat at Silver Creek Development. No fiscal impact.

Approval of Termination of Shopping Center Lease between Clermont Center, Ltd. And Lake County. Fiscal Impact: \$3,360 est. savings.

COMPREHENSIVE PLAN

Ms. Amye King, Growth Management Director, stated that the Commission asked staff to prepare a series of maps of the south Lake County area that would depict both Horizons West and the proposed South Lake Rural Protection Area (RPA). She presented the requested map, and outlined the boundaries of the RPA and other developments.

Commr. Cadwell commented that the map presented is the one that he wanted to see, and noted that the comparison chart of the RPA requirements to the rural land requirements was also helpful.

Commr. Conner stated that the second map that staff provided outlines the South Lake RPA and the sections that Clermont is requesting which are labeled 25, 26 and 27.

Commr. Cadwell noted that Clermont is also requesting sections 34, 35 and 36.

Commr. Conner commented that it was his understanding that the original compromise did not include sections 25, 26 and 27.

Commr. Renick clarified that the compromise included lifting the RPA from 4,700 acres.

Commr. Conner commented that the topography of sections 25, 26 and 27 are significantly different than sections 34, 35 and 36, and opined that he could understand the logic of treating the sections differently based on topography.

Commr. Cadwell asked how many acres are in each section.

Mr. Brian Sheahan, Planning and Community Design Director responded that each section consists of 640 acres.

Commr. Renick opined that the Board already made a huge compromise when it lifted the RPA from the 4,700 acres. She commented that although she does not usually respond publicly, she wanted to address an email she received that stated that she does not care about the farming community, and noted that there is not anything she is more proud of than being a farmer's daughter. She stated that her family farmed for generations and that she understands the pressures of farming. She commented that it is unreasonable to not protect an area that is known to be environmentally sensitive. She stated that she did not foresee Clermont outgrowing the area of the already lifted 4,700 acres anytime in the immediate future. She explained that this is the County's Comp Plan which should outline where the County foresees growth. She commented that the City of Clermont is only

9,300 acres and opined that the additional land is sprawl. She stated that there have been comments that the RPA changes the land use process, and explained that the land use change process is not affected by the RPA.

Commr. Stewart asked staff to display the comparison chart of the area with the RPA requirements versus the current rural land use requirements, and noted that the only difference is that the RPA restricts the building of any roads over two lanes. She stated that there were comments that the TIPS Strategy suggested the south Lake area, and clarified that the TIPS Strategy promoted sites for mixed use office development especially in close proximity to downtown areas in southern Lake County sites with infrastructure near Orlando. She pointed out that there is not any infrastructure in that area. She commented that the TIPS Strategy also directed that once a short list of suitable sites was created, property owners should be encouraged to create conceptual site plans that focus commercial development in a concentrated location without requiring more than 50 to 100 acres. She reported that she attended the South Lake Chamber of Commerce luncheon a few weeks ago and listened to the guest speaker, Mr. Rasesh Thakker from the Tavistock Group that developed the Lake Nona Medical Center, who commented that large amounts of land are not a requirement for successful economic development. She commented that the TIPS Strategy recognized the importance of protecting the rural areas in an effort to attract good corporations to the County. She stated that the RPA should remain in tact, especially since there is not an immediate need or specific plans for the land. She opined that the City of Clermont could present this issue to the Board at a later date when there was a need for the additional land.

Commr. Stewart asked why the additional acreage is being requested.

Commr. Renick explained that the topography of the area is important because it is part of the water recharge. She opined that the Board has already made a huge compromise, and relayed a past situation in Clermont where a hill was cut down and years later there was a request for another cut in the hill because people had forgotten how big the hill was originally so it appeared to be a good compromise. She commented that the Board should remember where the boundaries began compared to the current boundaries, and asked the Board to leave the RPA as it is.

Commr. Stewart reiterated that the RPA does not affect Clermont's economic development.

Commr. Hill commented that it was her understanding at the beginning of this process that the RPA applied to public owned land in an effort to protect the area regardless of geographic location. She stated that the RPA requirements and the rural land use requirements do not encourage planning, and noted that if the overlay was removed it would encourage planning for that area. She reported that there is a smart scorecard document for development projects that should be completed by all of the project partners, and recommended removing the overlay and preparing the scorecard to plan the entire area. She commented that development is happening in five or ten acre tracts creating rural sprawl rather than a planned development, and opined that there should be certain measures and standards for the development of this area.

Commr. Renick stated that the Comp Plan includes measures and standards to discourage the five acre development and rural sprawl. She commented that the density is one dwelling per five acres, and explained that the development could be clustered when appropriate. She opined that the rural protection area designation sends a clear message that the development measures and standards should be strictly adhered to in this area.

Commr. Hill remarked that there is not any planning for commerce within the RPA, and opined that commercial strip malls are being promoted with the current standards.

Commr. Stewart commented that it cannot be ignored that the County and staff has spent years on the Comp Plan which was developed based on hundreds of public meetings with citizens who gave the Board direction for the Comp Plan. She stated that this is not going to hurt economic development, and the only difference is that a four lane road cannot be built.

Commr. Hill expressed concern that the area allows for non-residential commercial, religious organizations, and schools which do not generate ad valorem tax revenue.

Commr. Stewart noted that the RPA does not affect the allowable land uses mentioned by Commr. Hill.

Commr. Hill commented that she would like to remove the RPA and require planning with standards and measures with agreement from the community.

Commr. Stewart opined that the community has elected to protect the rural areas, and stated that the County can have economic growth while protecting the rural areas. She reported that the TIPS Strategy emphasized protecting the rural areas to attract business to this county.

Commr. Renick stated that she first saw a presentation on the RPA at an LPA meeting before she was a commissioner, noting that this discussion has been ongoing for years. She explained that by designating this area as a rural protection area it clearly defines the area to potential developers that this is a special area that requires caution in developing.

Commr. Conner stated that the Board can give direction today and change their mind next week at the final hearing.

Commr. Renick commented that she thought that the public would be able to have input at this meeting.

Commr. Cadwell explained that public input was allowed at the end of the workshop, and that the discussion today is to finalize this issue from last week's workshop.

Commr. Conner commented that there is one other difference between the RPA and rural land designation which allows the land owners to sell their development rights to someone else under the RPA. He opined that the area is going to be protected with or without the RPA, and recommended removing the overlay from sections 25, 26 and 27.

Commr. Stewart agreed with Commr. Conner, and stated that is how she felt when Clermont made the first request which the Board compromised and voted to accommodate them. She commented that no one has been able to explain how the removal of the RPA will help Clermont's economic development.

Commr. Conner stated that he received an email noting that businesses that may be considering locating in Lake County may perceive this as an issue.

Commr. Stewart commented that Clermont has been granted 5,000 acres, and encouraged businesses to come to Lake County.

Commr. Conner warned that the perception is that Lake County has a bad reputation with businesses. He recommended removing the overlay because the Comp Plan protects this area, and opined that the Lake County Comp Plan protects land in this county better than any other comp plan in the state.

Commr. Stewart stated that anti-business perception is false.

Commr. Renick opined that the Board has compromised, and stated that there has to be a point in which the County stops compromising on this issue.

There was a motion by Commr. Renick, seconded by Commr. Stewart to leave the South Lake Rural Protection Area in tact as it is written in the Comp Plan, which failed by a vote of 2-3.

Commr. Hill, Commr. Conner and Commr. Cadwell voted “no.”

Commr. Hill confirmed with Mr. Sheahan that the 5,000 acres that was referenced was owned by Conserve II, and noted that the land owned by Conserve II will not be developed because there is not road access. She reported that the County had contemplated purchasing the Conserve II land but decided against it because of the road issues. She opined that the development for this area needs to be planned, and feared that there is going to be rural sprawl.

Commr. Stewart clarified that voting for the motion on the table would remove the overlay from sections 25, 26 and 27, and asked if the next motion would be to remove the entire RPA.

Commr. Conner stated that he would not support removing the overlay from the entire area.

On a motion by Commr. Conner, seconded by Commr. Hill, and carried by a vote of 4-1, the Board approved the removal of the rural protection area on sections 25, 26 and 27.

Commr. Renick voted “no.”

PRESENTATION

STORMWATER PROGRAM UPDATE

Mr. Stivender reported that the Stormwater Program update was last presented to the Board in January of 2009, and commented that there has been a lot of construction on various Lake County projects. He stated that the County has been able to obtain excellent prices and extend the funding because of the prices and the County partners.

Ms. Mary Hamilton, Public Works Department, stated that she would provide an update of the current Stormwater programs and review the Stormwater projects that have been completed and are planned for this upcoming year.

Floodplain Program

Ms. Hamilton reported that the Floodplain Program has been in existence for a number of years. She stated that in November 2009 FEMA initiated the Risk Mapping Assessment and Planning effort which is a two year process and requires a significant amount of public involvement. She commented that one of the successes of the Floodplain Program is the elevation of a residential home in Astor which received substantial damage during Tropical Storm Fay, and noted that the residents are receiving reimbursement from their insurance company and FEMA.

Lot Grading Program

Ms. Hamilton stated that the Lot Grading Ordinance was adopted in September 2008, and explained that staff performs two inspections which has reduced neighbor to neighbor flooding complaints. She commented that residents are contacting the County prior to the building permit process to avoid costly errors.

National Pollutant Discharge Elimination System (NPDES) Program

Ms. Hamilton reported that the County is in the second permit cycle of the National Pollutant Discharge Elimination System (NPDES) Program. She stated that the Environmental Protection Agency (EPA) is initiating new rule making to make the Phase I and Phase II permits more equitable which will result in specific performance measures that the County will have to track and maintain, and noted that currently the EPA lists six guidelines and accept whatever action the County decides. She commented that the EPA wants to require all storm water projects to have a monitoring program which will require changes to the Clean Water Act. She

reported that this is the second year that the County has been participating in the Storm Drain Marking Program which is a cooperative effort with the Boy Scouts, Watershed Action Volunteer (WAV) Program and the Lake County Water Authority (LCWA).

Watershed Action Volunteer (WAV) Program

Ms. Hamilton stated that in 2002 Lake County became a partner in the WAV Program which is spearheaded by the Water Management District. She reported that Lake County uses this program to satisfy the public education requirement for the NPDES permit which is accomplished through school presentations, civic events, storm water drain marking and staff training.

Lake County Water Atlas

Ms. Hamilton stated that the Environmental Utilities Department is the lead on the Water Atlas project which is another tool used for the NPDES permit. She reported that the site has a storm water library where citizens can access data about different storm water projects. She commented that the site includes a feature where citizens can anonymously report suspected illicit discharges for the County to inspect. She displayed a graph depicting the Stormwater Program funding since 2000.

Lake John Drainage Improvements

Ms. Hamilton stated that the Lake John Drainage Improvements was a joint project with the City of Mount Dora that was completed in June 2009 to resolve some flooding issues with the Dogwood Mountain Stormwater Pond and floodplain enhancement for Lake John. She commented that the total project cost approximately \$720,000 which the County contributed almost \$70,000.

Hollondel Stormwater Pond

Ms. Hamilton reported that the Hollondel Stormwater Pond project was completed in September 2009 for a total cost of \$868,000 which included funding of \$415,000 from the Department of Environmental Protection (DEP) and \$75,000 from LCWA. She stated that the monitoring program for this project has been started, and the County expects to be reimbursed \$60,000 from DEP at the completion of the monitoring program.

Dead River Stormwater Pond

Ms. Hamilton stated that the Dead River Stormwater Pond project was recently completed this month for approximately \$1.3 million, and noted that a grant reimbursement request has been submitted to LCWA and another will be submitted to the DEP in July in accordance with their quarterly reporting requirement.

Getford Road Stormwater Pond

Ms. Hamilton stated that the Getford Road Stormwater Pond project is currently under construction and is scheduled to be completed in July 2010 with a project cost of \$1.4 million. She noted that the County is partnering with the City of Eustis which will be responsible for the maintenance of the pond.

Astor Flood Study

Ms. Hamilton stated that the Astor Flood Study was completed a couple of years ago and as a result Wild Hog Road and Hazelnut Road were raised approximately two feet in December 2009 to improve drainage conveyance.

Eustis/Lakeshore Drainage Improvements

Ms. Hamilton reported that the design for the Eustis/Lakeshore Drainage Improvements was completed

in July 2009, and noted that estimated construction costs are \$720,000. She stated that the County is working with the City of Eustis to address any outstanding issues before starting construction on this project.

Washington Avenue Drainage Improvements

Ms. Hamilton stated that the Washington Avenue Drainage Improvements were a result of the Yale Basin Study, and noted that the project is currently in the design and permitting stage. She reported that there have been some delays due to right-of-way issues. She commented that the project is scheduled to begin in October with an estimated cost of \$1 million which includes the paving of Oak Street.

Harbor Oaks Drainage Improvements

Ms. Hamilton reported that the Harbor Oaks Drainage Improvements are scheduled to begin next month with a projected cost of \$61,000. She stated that the County was waiting on final easement documents which will include an exfiltration system along Harbor Oaks Drive to offset the impacts to Lake Griffin.

Royal Trails Flood Study

Ms. Hamilton stated that the Royal Trails Flood Study has been in progress for the past three years to look at flooding and water quality issues. She reported that a detailed floodplain delineation was done and submitted to FEMA as part of the current mapping updates. She noted that the County was trying to address the TMDLs for the Wekiva River, Blackwater Creek and the Wekiva Parkway & Protection Act. She stated that there was extensive public involvement through three public meetings, an ongoing project website, comment cards and multiple field visits. She mentioned that the study was completed in March 2010, and the County has prioritized the major and minor improvement projects to be scheduled for future years.

Blue Lake Flood Study

Ms. Hamilton stated that Blue Lake is a small landlocked lake located off of Bates Avenue in Eustis which is currently two feet higher than the FEMA established 100 year elevation. She commented that any changes to the lake would require FEMA's approval, and noted that the County is currently in the process of applying for an emergency pumping permit.

Lower Palatlahaha Basin Study

Ms. Hamilton reported that the Lower Palatlahaha Basin Study was the final study to complete the Ocklawaha Basin which was completed in December 2009. She stated that the study resulted in the CR 33 Swale Improvements and Villa City Road Improvements which are currently in the design stage.

Wolfbranch Road Drainage Improvements

Ms. Hamilton stated that the Wolfbranch Road Drainage Improvements are needed for a flume near Robert D Road which drains directly into Wolfbranch Sink. She reported that the County is designing this project and evaluating either a storm water pond or a water quality structure in the right-of-way, and noted that there is limited right-of-way with a high pressure gas line on the north side.

Pending Cooperative Projects

Ms. Hamilton stated that staff anticipates submitting an Interlocal Agreement with the City of Eustis to the Board later this year for the downtown Eustis storm water pond. She commented that staff has had several meetings with the City of Clermont and LCWA and noted that staff anticipates submitting an Interlocal Agreement with the City of Clermont and LCWA for the Hooks Street Drainage Improvements. She reported that staff has been meeting with the City of Umatilla and their consultants regarding the Yale Basin priorities in

an effort to satisfy water quality goals for Lake Yale and assist with the City's reuse mandate.

COUNTY MANAGER'S DEPARTMENTAL BUSINESS

MOTOROLA CONTRACT – 800 MHZ RADIO SYSTEM MAINTENANCE

Commr. Hill thanked staff for the detailed notes. She opined that the Board's lack of response when asked about the knowledge of the maintenance agreement was interpreted that the Board was not aware of the maintenance agreement, and noted that the Board was aware of the agreement but not the specifics of it.

Commr. Conner stated that the purpose of the report was to learn from past mistakes to ensure that they did not happen again. He opined that the Board achieved its objective to ensure that similar issues are presented to the Board.

On a motion by Commr. Hill, seconded by Commr. Renick and carried unanimously by a vote of 5-0, the Board accepted the report from the County Attorney and County Manager on the Motorola Contract – 800 MHz radio system maintenance.

OTHER BUSINESS

CHILDREN'S SERVICES COUNCIL

Commr. Hill stated that she would appreciate if the Board would reappoint Ms. Yandell for District 1. She opined that it would be nice to have someone from law enforcement on the council, and asked if the Board could create a law enforcement seat.

Mr. Minkoff stated that there is a vacant At-large position. He explained that there are vacancies for each of the county commission districts and the At-large position. He stated that staff presented the Board with information for all applicants, and noted that there were two applicants for commission district 3.

Commr. Conner noted that the leadership on the council would like to have the law enforcement seat.

On a motion by Commr. Conner, seconded by Commr. Hill and carried unanimously by a vote of 5-0, the Board approved the reappointment of Ms. Julie Yandell for District 1; Mr. Charles Crane for District 2; Ms. Debbie Thomas for District 3; Mr. Byron Thompson for District 4; Ms. Lorrie Ann Simmons for District 5; Mr. Jay Marshall for Lake County Schools; Ms. Kimberly Grabert for the Department of Children and Families; and the appointment of Mr. Jack Holder to the At-large position for the Children's Services Council with all terms expiring May 14, 2012.

LIBRARY ADVISORY BOARD

Commr. Cadwell stated that he received an email from Ms. Sue Michaelsen requesting the withdrawal of her application for the Library Advisory Board. He nominated Mr. John Nystrom for District 5.

On a motion by Commr. Conner, seconded by Commr. Stewart and carried unanimously by a vote of 5-0, the Board appointed John Nystrom to the Library Advisory Board for District 5 with a term expiring February 28, 2013.

REPORTS – COUNTY ATTORNEY

HOOKS STREET ROAD PROJECT

Ms. Marsh requested the Board approve the resolutions to institute the eminent domain process for the Hooks Street project.

On a motion by Commr. Conner, seconded by Commr. Hill and carried unanimously by a vote of 5-0, the Board approved Resolution No. 2010-55 (Ford of Clermont), Resolution No. 2010-56 (Fox Hill Builders, Inc.), and Resolution No. 2010-57 (Rocky Mount Development Co., Inc.) to institute the eminent domain

process for the Hooks Street project.

REPORTS – COUNTY MANAGER

CITY OF TAVARES REZONING ORDINANCE

Mr. Minkoff stated that the rezoning ordinance regarding the judicial center will have its second reading with the City of Tavares tomorrow. He reported that the current ordinance requires the Clerk's Record Center to be listed for sale at the completion of the judicial center. He stated that staff will present to the council tomorrow a request to change the ordinance to provide an option to sell the building to the city in four and a half years with the stipulation, that if the city chooses to purchase it, then they would lease it back to the County for an additional year, which would prevent the Clerk's Record Center from being relocated for five and a half years.

Mr. Neil Kelly, Clerk of Court, commented that the building was retrofitted to meet the needs for the official record keeping and asked that the Board plan well in advance to allow for adequate space and functionality in the new location.

Commr. Conner commended the County Manager for his efforts on this agreement with the City of Tavares, and thanked the Clerk for his assistance in the redesign and downsizing of the courthouse.

There was a consensus of the Board for the County Manager to present the request to the City of Tavares.

Mr. Minkoff stated that an agreement will be presented to the Board if the city council approves this request.

REPORTS – COMMISSIONER HILL – DISTRICT 1

LAW ENFORCEMENT PLAQUE PRESENTATION

Commr. Hill thanked Commr. Conner for attending the Law Enforcement Plaque Presentation in her absence.

REPORTS – COMMISSIONER RENICK – VICE CHAIRMAN AND DISTRICT 2

BASEBALL FIELDS IN SOUTH LAKE COUNTY

Commr. Renick asked the Board to direct staff to meet with Ms. Dot Richardson regarding her ideas to build ball fields in south Lake County, and asked for this issue to be put on an agenda for a future meeting.

Commr. Cadwell reported that the County hosted the Girls High School Softball State Championships in Clermont, and noted that the County needed to do a better job advertising events like this in the future.

REPORTS – COMMISSIONER CONNER – DISTRICT 3

LAW ENFORCEMENT MEMORIAL SERVICE

Commr. Conner thanked Commr. Hill for allowing him to represent her and the Commission at the Law Enforcement Memorial Service. He stated that it was a great honor to represent the Commission at the National Memorial in Washington DC.

AMERICRAFT COOKWARE

Commr. Conner stated that he made a visit through the Lake Sumter Business Resource Center to Americraft Cookware. He thanked Mr. David Hurley, Mr. Russ Sloan, Mr. Cary Pierce and the Mount Dora Chamber of Commerce for participating in the site visit.

Commr. Renick commended the Economic Development staff for doing a good job, and noted that she was very impressed at her site visit to Hunt Industrial Park last week.

REPORTS – COMMISSIONER CADWELL – CHAIRMAN AND DISTRICT 5

EMS AND MOBILITY CENTER

Commr. Cadwell reported that the Republican representatives are not doing any earmarks, but noted that the Republicans vowed to support the Lake County EMS Center and mobility center when presented for a vote.

CITIZEN QUESTION AND COMMENT PERIOD

There was no one present who wished to address the Board.

ADJOURNMENT

There being no further business to be brought to the attention of the Board, the meeting was adjourned at 10:07 a.m.

WELTON G. CADWELL, CHAIRMAN

ATTEST:

NEIL KELLY, CLERK