

1 A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS

2 JANUARY 28, 2014

3 The Lake County Board of County Commissioners met in regular session on Tuesday,
4 January 28, 2014 at 9:00 a.m., in the Board of County Commissioners' Meeting Room, Lake
5 County Administration Building, Tavares, Florida. Commissioners present at the meeting were:
6 Jimmy Conner, Chairman; Sean Parks, Vice Chairman; Timothy I. Sullivan; Leslie Campione;
7 and Welton G. Cadwell. Others present were: David Heath, County Manager; Sanford A.
8 "Sandy" Minkoff, County Attorney; Wendy Taylor, Executive Office Manager, County
9 Manager's Office; Barbara F. Lehman, Chief Deputy Clerk, County Finance; and Jennifer
10 Johnson and Shannon Treen, Deputy Clerk.

11 INVOCATION AND PLEDGE

12 Pastor Milan Weerts with the Woodlands Lutheran Church in Montverde gave the
13 Invocation and led the Pledge of Allegiance.

14 AGENDA UPDATE

15 Mr. David Heath, County Manager, asked to pull Tab 6, which was regarding contracts
16 for on-call environmental assessments, from the County Manager's Consent Agenda for a
17 separate vote.

18 Mr. Sandy Minkoff, County Attorney, asked to pull Tab 17, the ordinance regarding
19 active adult communities, to make some definitional changes to it and bring it back to the Board
20 if necessary.

21 PRESENTATION OF HUMAN TRAFFICKING PROCLAMATION

22 Commr. Conner presented Proclamation No. 2014-1 proclaiming January 2014 as Human
23 Trafficking Awareness Month to Ms. Vanessa Snody with the Department of Children and
24 Families and members of the Lake County Human Trafficking Task Force. He thanked the
25 organizations in Lake County, as well as Sheriff Gary Borders and Representative Larry Metz
26 for their work on bringing awareness to this issue.

27 MINUTE APPROVAL

28 On a motion by Commr. Cadwell, seconded by Commr. Campione and carried
29 unanimously by a 5-0 vote, the Board approved the BCC Minutes of November 21, 2013
30 (Special Meeting) as presented.

31 CITIZEN QUESTION AND COMMENT PERIOD

32 Mr. Vance Jochim, a resident of Tavares who writes a blog called FiscalRangers.com,
33 referred to the audit reports listed under the Clerk of Court's Consent Agenda and pointed out his
34 concern about whether the records for taxpayer assets were being properly kept and that
35 department directors should be made aware of the importance of keeping proper records. He
36 also suggested explaining to the public about how the Wellness Way Sector Plan process would
37 work in regards to the zoning of land.

38 CLERK OF COURTS' CONSENT AGENDA

1 On a motion by Commr. Campione, seconded by Commr. Sullivan and carried
2 unanimously by a 5-0 vote, the Board approved the Clerk of Courts' Consent Agenda, Items 1
3 through 3, as follows:

4 List of Warrants

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

8 Notification of Annexation from the City of Eustis

9 Request to acknowledge receipt of Notification of Annexation(s) from the City of Eustis
10 of its intent to annex approximately 90.58 acres contiguous to the Eustis City limits and located
11 within the Eustis Planning Area. The public hearings for the small scale annexations are
12 scheduled for January 16, 2014 at 6:00 p.m. and the second reading on February 6, 2014 at 6:00
13 p.m. The large scale annexations are scheduled for January 16, 2014 at 6:00 p.m. and the second
14 reading on March 20, 2014 at 6:00 p.m. Meetings are held in the Eustis City Hall Commission
15 Room, 10 North Grove Street, Eustis, Florida.

16 Audit Reports

17 Request to acknowledge receipt of the following audit reports:

18 BCC-113 Human Services Grant Program

19 BCC-114 Year-End Inventory Observations, Fiscal Year Ending September 30, 2013

20 COUNTY MANAGER'S CONSENT AGENDA

21 On a motion by Commr. Cadwell, seconded by Commr. Parks and carried unanimously
22 by a 5-0 vote, the Board approved the County Manager's Consent Agenda, Tabs 4 through 11,
23 pulling Tab 6 as follows:

24 Community Services

25 Request for approval for the Florida Department of Health Lake County (FDHLC) to roll
26 over unexpended 2012-2013 Children's Services Council (CSC) grant funds to utilize for FY
27 2013-2014. Due to changes in the Medicaid program eligibility, staff shortages, and a decrease in
28 second graders seen, \$5,275.00 of the FY 2012-2013 grant funds were not expended. There is no
29 fiscal impact.

30 Facilities and Fleet Management

31 Request for approval of contract 13-0442, Chiller and Boiler Maintenance and
32 HVAC/Boiler System Chemicals to Hill York (Melbourne, Florida), and authorize Procurement
33 Services to execute all implementing documentation. The fiscal impact is \$132,319.28; this is an
34 estimate for the initial year of service (Expenditure).

35 Growth Management

36 Request for approval of Resolution No. 2014-6 responding to Fruitland Park resolution
37 2013-018, initiating the process pursuant to Section 17.203 F.S. for negotiating an Interlocal
38 Service Boundary Agreement. There is no fiscal impact.

39 Public Resources

40 Request for approval of grant application to the Institute of Museums and Libraries for
41 the Sparks! Ignition Grants for Libraries to fund a new program offering supplemental reading
42 activities for autistic and developmentally challenged juveniles. The fiscal impact is \$24,777
43 (100% Grant Revenue).

44 Public Safety

45 Request for approval to purchase Automated Vehicle Locator (AVL) equipment via issue
46 of purchase order(s) as described in background summary, and approve the associated budget
47 transfer from reserves as specified in the fiscal impact section. The immediate fiscal impact is
48 \$82,375.

1 Public Works

2 Request for approval of Resolution No. 2014-7 designating County roads within the City
3 of Leesburg City limit as appropriate for golf cart signage and the operation of golf carts, in
4 accordance with Section 15-15, Lake County code. County roads located within the City of
5 Leesburg are, Main Street from Canal Street to Dixie Avenue and Main Street from US 27/14th
6 Street to 9th Street. There is no fiscal impact. Commission District 3.

7 Request for approval to advertise for bids for the CR 565 (Villa City Road) Widening and
8 Resurfacing (Bible Camp Road to Simon Brown Road) project at an estimated cost of
9 \$2,056,864.50, as follows: \$1,333,465.00 from Account 1156.5056660.860674 – Road Impact
10 Fees Benefit District 6 (remaining balance in account), and \$723,399.50 from Account
11 3040.5056350.860674 Renewal Sales Tax Capital Project – Public Works. The fiscal impact is
12 \$2,056,864.50 (Expenditure). Commission District 1.

13 CONTRACTS FOR ON-CALL ENVIRONMENTAL ASSESSMENTS

14 Commr. Campione declared a conflict of interest on this tab since she was working with
15 Kleinfelder on a contract and permit, so she wanted to excuse herself from voting.

16 On a motion by Commr. Cadwell, seconded by Commr. Sullivan and carried by a 4-0
17 vote, the Board approved the request from Fiscal and Administrative Services for approval of
18 contracts 13-0003 for on-call environmental assessments and services to Habitat Restoration &
19 Wildlife Protection Services, Kleinfelder, and Shaw Environmental. The fiscal impact is
20 \$61,000 estimated (Expenditure).

21 Commr. Campione abstained from voting.

22 COUNTY ATTORNEY'S CONSENT AGENDA

23 On a motion by Commr. Sullivan, seconded by Commr. Parks and carried unanimously
24 by a 5-0 vote, the Board approved the County Attorney's Consent Agenda, Tab 12 as follows:

25 Request for approval of Fifth Amendment to the lease between Lake County and Ali H.
26 Jawad for lease space for the Tax Collector's office in Clermont. The fiscal impact for FY
27 2013/2014 is \$17,309.16.

28 PRESENTATION BY THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

29 Mr. Kraig McLane with the St. Johns River Water Management District (SJRWMD)
30 introduced Mr. Tom Bartol, Assistant Director for the Division of Environmental Sciences and
31 Engineering, and stated that Mr. Bartol would be giving a presentation on the District's Regional
32 Water Supply Plan.

33 Mr. Bartol pointed out that this was the first plan the District had created since 2005 and
34 that a lot of energy and effort had gone into it. He explained that the Water Supply Plan was
35 designed to meet water supply needs through 2035 and that they had evaluated water resources
36 to determine how to meet the projected water demands and how to fund them. He added that the
37 plan must be updated every five years. He showed charts depicting the historical water use and
38 the projections for the SJRWMD and noted that 4.7 million people lived in this district, which
39 was about 25 percent of the state's population. He related that the current water use for the
40 district was about 1.2 billion gallons per day and that the water use had been flat since the mid
41 90's even though the population had increased, which meant that water was being conserved
42 more. He indicated that they were projecting that the demand for water would increase to about
43 1.5 billion gallons per day by 2035. He stated that the plan was divided into four planning
44 regions so that they could better deal with regional issues and solutions. He added that they had

1 coordinated with other water management districts and entities in each region to deal with the
2 fresh groundwater issues. He noted that through the water resource analysis they assessed the
3 amount of fresh groundwater available for water supply and determined the impacts to water
4 resources, such as the groundwater quality, wetlands, minimum flows and levels, and spring
5 flows. He mentioned that their analysis found that traditional groundwater sources could meet
6 some, but not all projected water needs and that the water demand projections exceeded the
7 groundwater availability by 250 million gallons per day (mgd), which meant they would soon
8 need to look into alternative sources. He added that continuing with the traditional groundwater
9 sources would cause an increase in water quality problems and the lakes and springs would fall
10 below the minimum flows and levels. He stated that their solutions were to conserve water, use
11 management techniques to optimize the use of fresh groundwater, use reclaimed water, and use
12 alternative water supplies. He indicated that the St. Johns River currently provided water for
13 public supply, reclaimed water augmentation, and power generation and that there were concerns
14 in the North Florida area about using the river as a potential water source. He noted that five
15 billion gallons of water a day was discharged from the river into the ocean and that the Upper
16 Basin restoration projects would add water to the river. He stated that the comprehensive four-
17 year water supply impact study analyzed effects of potential withdrawals and concluded that 155
18 mgd could be withdrawn with no more than negligible or minor effects. He added that the study
19 was peer reviewed by the National Academy of Sciences where they stated the study was
20 appropriate and adequate to address the goals that the District established. He mentioned that
21 there was a connection between water supply planning and land use planning which would
22 require all municipalities within the district to develop a water supply facility work plan to
23 ensure they would be able to meet their water demands out to 10 years. He related that the
24 District wanted county and city staff members to review the plan and documents to make sure it
25 reflected local needs and to identify projects to meet future water demands. He outlined the
26 dates for the public meetings they had already held and the upcoming ones in various areas of the
27 District to make everyone aware of the Water Supply Plan and added that the comment period
28 for the plan was through February 20. He pointed out that their action plan was to promote water
29 conservation; maintain the minimum flows and levels and develop strategies to protect those;
30 provide assistance with the Water Supply Development Project; implement water resource
31 development projects; integrate water supply planning and the consumptive use permitting; and
32 continue intergovernmental, water supplier, and public coordination.

33 Commr. Parks thanked Mr. Bartol for his presentation and for his support of the South
34 Lake Water Initiative. He stressed that the cities involved with the initiative recognized that
35 traditional groundwater sources would not meet future needs and that they needed to continue
36 focusing on conservation and work towards an alternative water supply plan for the next
37 generation. He mentioned that the cities had invested a lot of money into the initiative and he
38 wanted assurance that the District was going to fully support it.

39 Mr. Bartol stated that the District had already spent a lot of energy on the initiative,
40 because they thought that South Lake had less natural sources than others and understand the

1 situation. He added that the District would try to continue to provide the support that the water
2 initiative needed.

3 Commr. Cadwell expressed concern about the use of the St. Johns River as a potential
4 water source. He noted that Lake County, and not just North Florida, needed to be concerned,
5 because diminishing the flow of the river would affect Lake George which could be devastating
6 to the County down the road. He added that Lake George sits at sea level and without the flow
7 of the St. Johns it would become a bigger septic tank than it was already.

8 PUBLIC HEARINGS: REZONINGS

9 Ms. Amye King, Growth Management Director, showed on the monitor that the cases
10 had been properly advertised.

11 REZONING CONSENT AGENDA

12 Ms. King stated that there were four cases on the Consent Agenda for the Board's
13 consideration. She indicated that staff had made a small change to the ordinance for Case PH#
14 22-13-3, the Church of God PUD rezoning, to recognize the setbacks and the RV spaces that
15 currently existed and asked for the Board to approve that change with the Consent Agenda.

16 Commr. Cadwell mentioned that the Board had had conversations regarding Tab 6 in
17 public and it had been initiated by them before it even came forward as a land use amendment.

18 The Chairman opened the public hearing.

19 There being no one who wished to address the Board, the Chairman closed the public
20 hearing.

21 On a motion by Commr. Cadwell, seconded by Commr. Sullivan and carried
22 unanimously by a 5-0 vote, the Board approved the Rezoning Consent Agenda, along with the
23 ordinance change on Tab 2, as follows:

24 Tab 1. Ordinance No. 2014-4
25 PH# 1-14-4
26 Loomis Property Rezoning
27 Request to rezone property from Agriculture (A) to Planned Commercial (CP) for
28 Professional Office uses, to include a Funeral Home.

30 Tab 2. Ordinance No. 2014-5
31 PH# 22-13-3
32 Church of God PUD Rezoning
33 Request to rescind and replace Conditional Use Permit (CUP) Ordinances #498-1,
34 #498A-1, #498B-1 and Public Facility District (PFD) Ordinance 26-86 and R-6 zoning
35 districts with a new Planned Unit Development (PUD) zoning ordinance for religious,
36 residential, recreational and community service uses on the Church of God property.

38 Tab 5.
39 LPA# 14/1-2T (Transmittal Only)
40 Rural Support Corridor-Impervious Surface Ratio
41 Text amendment to increase the maximum impervious surface ratio (ISR) for Rural
42 Support uses within Rural Support Corridors in the Rural Transition and Wekiva River
43 Protection Area A-1-20 Sending Area Future Land Use Categories, to reflect an ISR
44 consistent with other nonresidential uses allowed in these categories for Rural Support
45 Corridors.

47 Tab 6.
48 LPA# 14/1/2-5 (Transmittal Only)

1 Lake Yale Rural Support Intersection
2 Add a Rural Support Intersection at the intersection of CR 452 and Felkins Road, SW of
3 Lake Yale, and amend Policy I-1.4.7.1 to permit the proposed Rural Support Intersection.
4

5 REZONING REGULAR AGENDA

6 CUP# 14/1/1-5 – EMORY TOWER CUP

7 Ms. King explained that the applicant, Cuozzo Design Group, was requesting a
8 Conditional Use Permit (CUP) in the Agriculture (A) Zoning District to allow a 150-foot
9 monopole telecommunications, including support equipment and apparatus. She noted that the
10 proposed tower and equipment would be situated on a 4,900 square foot compound area of 70
11 feet by 70 feet on property located at the southwest corner of Emory Drive and Micro Racetrack
12 Road, west of Fruitland Park. She added that the property currently had an existing residence
13 located approximately 350 feet east of the proposed tower location. She indicated that the Board
14 of Adjustment (BOA) approved a variance request from the applicant so they could meet the
15 centering setback requirement and that the ordinance contained the setback conditions as
16 established by the BOA. She remarked that staff recommended approval of the CUP subject to
17 the conditions set forth in the ordinance.

18 The Chairman opened the public hearing.

19 Mr. Donald Cuozzo with the Cuozzo Design Group stated that he concurred with staff's
20 report and requested the Board's approval of the CUP.

21 There being no one else who wished to address the Board, the Chairman closed the public
22 hearing.

23 On a motion by Commr. Cadwell, seconded by Commr. Sullivan and carried
24 unanimously by a 5-0 vote, the Board approved Rezoning Case CUP# 14/1/1-5, the Emory
25 Tower CUP, which was a request for a Conditional Use Permit (CUP) for the construction and
26 operation of a 150-foot monopole telecommunications tower within the Agriculture (A) Zoning
27 District.

28 PH# 21-13-1 – RUBIN GROVE PUD AMENDMENT

29 Ms. King pointed out that the applicant, Rubin Groves of Clermont, LLC/Sheldon Rubin,
30 was requesting to amend the Planned Unit Development (PUD) Zoning District (Ordinance No.
31 2013-8) on approximately 131 acres to allow mass grading and overburden removal exceeding
32 200 percent of the stormwater volume requirement of a previously approved Mixed-Use Planned
33 Unit Development within the Green Swamp Area of Critical State Concern. She related that
34 staff viewed this as a request to amend the PUD to add mining or borrow pit activities to the uses
35 allowed on site, because the proposal was to remove greater than the allowed 200 percent or less
36 exemption which was carved out in LDR 6.06.01.F.2.a. She added that staff also determined that
37 the applicant did not demonstrate that the land had unique physical characteristics and
38 topography that would require the excessive elevation change or the excavation to be necessary
39 for access to the property, which was the second exemption allowed for in LDR 6.06.01.F.2.b.
40 She then discussed the events that took place prior to this application, noting that in June 2010
41 the owner filed a pre-submittal application proposing a borrow pit operation for the 131 acres

1 and was then informed that mining was prohibited in the Ridge Future Land Use Category and
2 no further action was taken. She mentioned that in August 2010 the owner filed a new pre-
3 submittal application proposing a Mixed-Use PUD consisting of 20 acres of commercial
4 development and 516 residential lots with no indication of intent to mass grade or remove soils
5 from the site, and the applicant was informed of the necessary steps to proceed through the
6 development review process and that the proposed project would be subject to the
7 Comprehensive Plan and the LDRs; however, no further action was taken. She related that in
8 October 2012, which was after the adoption of the 2030 Comp Plan, the owner filed a new pre-
9 submittal application proposing a mixed-use PUD consisting of approximately nine acres of
10 commercial development and 122 net acres for residential development at a density of four
11 dwelling units to the net acre with no indication of intent to mass grade or remove soils from the
12 site, and the applicant was informed of the necessary steps to proceed and that the proposed
13 project would be subject to the 2030 Comp Plan and LDRs. She indicated that in November
14 2012 the owner filed a rezoning application to rezone the 131 acres from Agriculture to PUD for
15 a mixed-use PUD, consistent with the pre-submittal application from the previous month, and the
16 application included an indication that they intended to mass grade the site as Phase 1 of the
17 development, but made no mention of the intent to remove any soils from the site. She added
18 that the rezoning was approved by the BCC on February 26, 2013. She stated that in May 2013
19 the owner submitted a preliminary plat application for mass grading of the site with intent to
20 export the overburden from the site to provide fill for the proposed FDOT I-4 widening project
21 between Orlando and Tampa, and the applicant was informed that the removal of the overburden
22 met the definition of "mining activities" in the Comp Plan and LDRs and that mining was
23 prohibited within the Green Swamp Ridge FLUC. She noted that the applicant claimed an
24 exemption under LDR Section 6.06.01.F, which addresses exemptions from the Mining
25 Conditional Use Permit and Operating Plan requirements; however, those requirements have
26 criteria that must be met to qualify, such as in subsection F.2.a where the removal could not be
27 greater than 200 percent of the minimum stormwater retention/detention volume. She pointed
28 out that the 200 percent equaled approximately 500,000 cubic yards of material and the total
29 proposed overburden removal was approximately three million cubic yards of material, which
30 was five times greater and clearly did not qualify. She mentioned that subsection F.2.b provided
31 criteria for an exemption when the proposed removal exceeded the 200 percent stormwater
32 volume, provided the removal was necessary for development of the site due to physical factors
33 of the land or permitting requirements from a governmental agency. She commented that the
34 applicant did not demonstrate meeting any of the criteria or that the applicant's primary goal,
35 which was to provide a level grade for the site's future elderly and disabled residents, would not
36 be met by the grading of the site without removal of the overburden. She indicated that on
37 September 12, 2013 staff approved the preliminary plat with the condition that the overburden
38 removal be addressed prior to the construction plan approval and it was also suggested that the
39 application be brought to the Board for their determination of whether it qualified as mining or
40 site development since there was a difference of interpretation. She stated that in October 2013

1 the owner, represented by Mr. Jimmy Crawford, submitted the current rezoning application and
2 during the review of the application there have been several letters, phone calls, and emails
3 between the applicant, staff, and the Department of Economic Opportunity (DEO) related to the
4 request. She summarized that the proposed removal of greater than 200 percent of the
5 stormwater volume without meeting the standards for an exemption under Section 6.06.01.F
6 constituted mining and that mining was prohibited in the Green Swamp Ridge FLUC and was
7 also omitted from the list of both typical and conditional uses in the Ridge FLUC. She added
8 that the DEO had presented several concerns related to the mass grading and removal of the
9 overburden and thought the proposal was inconsistent with the Comp Plan and LDRs. She noted
10 that they had received one letter of opposition and that the Planning and Zoning Board
11 recommended approval of the amendment with a 4-0 vote subject to the conditions set forth in
12 the ordinance; however, staff found the request inconsistent and recommended denial based on
13 the findings of fact and the evidence presented.

14 Commr. Conner, Parks and Sullivan all disclosed that they had met with Mr. Jimmy
15 Crawford, the applicant's representative.

16 Commr. Conner also mentioned that he had a conversation with Mr. Paul Bryan, the
17 Chairman of the Planning and Zoning Board.

18 The Chairman opened the public hearing.

19 Mr. Jimmy Crawford, Attorney representing Rubin Groves of Clermont, LLC, explained
20 that he agreed with about 85 percent of what Ms. King had stated, except he believed they met
21 the criteria in Section 6.06.01.F.2 and that Mr. Sheldon Rubin, the owner of Rubin Groves, did
22 not recall ever submitting a pre-application for a borrow pit. He then introduced Mr. Ted Wicks
23 with Wicks Engineering Services, the engineer for the project, and stated that he has been an
24 engineer for 20 years and has done work with mines and mini subdivisions.

25 Mr. Wicks pointed out that Mr. Rubin had approached his firm to discuss some
26 opportunities for his property and from the very beginning Mr. Rubin's mindset was to develop
27 an Americans with Disabilities Act (ADA) friendly single-family community. He noted that
28 they performed a topographic and soil analysis on the property to determine the type of profile
29 and elevations they would be working with and then moved forward with developing concepts
30 which were eventually approved by the County.

31 Mr. Crawford stated that Mr. Rubin's property was a mounded hill and asked what the
32 properties on the other sides looked like.

33 Mr. Wicks replied that the northern piece had been pre-graded to accommodate some
34 type of development, but the piece to the south was an open space area that was part of the
35 Cagan Crossings project and was currently in a pine grove. He added that the topography was at
36 a much lower elevation of about 50 or 60 feet.

37 Mr. Crawford added that east of the property was Highway 27 and the plans showed that
38 the elevation was 137 feet.

39 Crawford when he came to you to design the subdivision how did you go about it to
40 design it, what was your first step

1 Mr. Wicks related that he and Mr. Rubin worked in conjunction with another planning
2 company to develop some concepts of how to provide a certain number of dwelling units and
3 still meet the requirements of the ADA. He added that they reviewed the open space and density
4 requirements in the Comp Plan for that land use category and developed a preliminary plat that
5 accommodated the number of units they wanted and also provided horizontal and vertical
6 alignment of the streets, sidewalks and building pads that actually went beyond ADA
7 requirements.

8 Mr. Crawford asked if they had looked at the elevations of the neighboring properties to
9 try to match them.

10 Mr. Wicks explained that they tried to match the existing grade on all sides, because they
11 did not want to grade too close to the property lines and create any abrupt slopes which could
12 require the need for retaining walls.

13 Mr. Crawford asked how much dirt they planned to remove from the property and what
14 the overall reduction in the height of the property would be.

15 Mr. Wicks indicated that they would be taking about 36 feet of dirt at the peak elevation
16 in order to get a horizontal and vertical alignment of the streets and to reduce the slopes to the
17 ADA requirement. He added that the average amount they would be removing on the whole
18 property was around 11 feet and that they were not planning on any kind of activities within 400
19 feet of the wetland. He also noted that they would grade the property to an elevation of about
20 147 feet and that the lowest elevation was still eight feet above Highway 27.

21 Mr. Crawford asked how much dirt would be taken off the property if they planned to
22 grade it for a mine or borrow pit.

23 Mr. Wicks answered that it would be an additional 2 to 2.5 million yards above the 3
24 million they had proposed to mass grade.

25 Mr. Crawford asked how much sand would be left above the seasonal high groundwater.

26 Mr. Wicks responded that it would average between 19 and 29 feet, adding that they
27 would only go down to within five feet of the seasonal high groundwater table.

28 Mr. Crawford addressed the objection letter from the DEO dated October 31, 2013 and
29 asked what had been done to address the environmental issues on the property.

30 Mr. Wicks stated that the biggest concern was about stormwater and he noted that they
31 did a pre and post analysis to ensure they were not going to discharge any additional water off-
32 site. He mentioned that the drainage basins would retain stormwater on the site based on the
33 Green Swamp regulations and the Water Management District requirements. He related that
34 there was about 40 percent open space on the property that would allow them to do a number of
35 unique things as they addressed stormwater and grading of the site.

36 Mr. Crawford asked about the results of the report from Andreyev Engineering.

37 Mr. Wicks pointed out that Andreyev Engineering performed a geotechnical investigation
38 and a water balance analysis of the project and found that given the subsurface conditions at the
39 site and the methodology they used, they concluded that the net recharge would remain
40 unchanged. He also mentioned that they would not change the surface water flows and that there

1 would be some stormwater within the 400 foot zone from the wetland, but they were proposing
2 about a 200 foot setback from that.

3 Mr. Crawford mentioned that the DEO also objected to the use of the word “reclamation”
4 since it was typically associated with mining and asked for clarification on that.

5 Mr. Wicks explained that that word should not have been used, because the project was
6 not considered a reclamation project and that they have since changed the language to recognize
7 that the result of the mass grading was going to be the construction of the subdivision. He then
8 handed out a revised mass grading report that addressed the Green Swamp regulations and LDRs
9 and which also removed the word “reclamation” to clarify the project as construction of a
10 subdivision.

11 Commr. Cadwell mentioned that Mr. Wicks had permitted another borrow pit and asked
12 how many cubic yards of dirt had come out of that one.

13 Mr. Wicks replied that it was about 1.5 million yards.

14 Commr. Cadwell pointed out that this project would have twice as many cubic yards of
15 dirt and he questioned why this project would not be considered a borrow pit since the other one
16 was.

17 Mr. Wicks explained that that borrow pit was not located in the Ridge FLUC, whereas
18 this project was located in the Ridge where borrow pits were not allowed. He related that their
19 position on the project was that they could be eligible for an exemption under Section 6.06.01.F
20 if their intent was to remove the dirt to accomplish the construction of a bona fide subdivision.

21 Commr. Cadwell emphasized that they would be taking more sand off the site and that
22 taking less sand off the property would not prevent them from developing the site, it would just
23 have to be developed in another way.

24 Commr. Sullivan asked if there were more innovative systems to use for mitigating the
25 stormwater runoff issues that the Board could require.

26 Mr. Wicks indicated that there were some very creative things they could do that would
27 go beyond normal permitting requirements that could also provide some environmental benefits;
28 however, he wanted to leave that testimony to Mr. Ray.

29 Commr. Parks asked what kind of assurance could the Board receive to know that they
30 were not just going to dig out all of that dirt and never develop anything on the property.

31 Mr. Crawford pointed out that there were two mechanisms already in place by the County
32 for assurances which were bonding requirements. He noted that the applicant would first have to
33 put up a bond for the construction of the subdivision to show that they planned to complete the
34 improvements and if not, they would have to pay the bond and the County would then complete
35 the improvements. He added that the second requirement was built into the PUD itself that
36 would require going through a mining site plan and operating permit requirements, as well as
37 putting up an additional bond for reclamation.

38 Commr. Campione asked about having a restoration bond instead of a reclamation bond,
39 because restoration would mean the applicant would have to bring the dirt back if they decided
40 not to finish development.

1 Mr. Crawford stated that he would not have a problem with that, because his client has
2 indicated that there were builders already interested in the lots and would be moving forward
3 with construction and sale of the lots as soon as they were graded.

4 Mr. Crawford then introduced Mr. William A. Ray, AICP, environmental consultant with
5 over 30 years of experience working in Lake County, and asked him whether or not he agreed
6 with the Andreyev Engineering report.

7 Mr. Ray mentioned that he agreed with the report's conclusions, because it demonstrated
8 that there would be no adverse impacts on the Floridian aquifer, the groundwater table or the
9 aquatic resources.

10 Mr. Crawford asked if he knew of any issues regarding tortoises and skinks on this
11 property.

12 Mr. Ray commented that the U.S. Fish and Wildlife provided a letter stating that there
13 was no skink habitat or the likelihood of an occurrence of skinks on the site and that they have
14 either completed or were in the process of completing a gopher tortoise relocation or take permit.
15 He added that it was his understanding that both of those issues have been adequately addressed.

16 Mr. Crawford asked if he believed the wetlands had been adequately protected on the
17 site.

18 Mr. Ray stated that the wetlands had been delineated in accordance with state, local and
19 federal guidelines and that there was no impacts proposed to the wetlands or the buffers.

20 Mr. Crawford asked about the minimum standards in the Comp Plan and LDRs regarding
21 stormwater and recharge.

22 Mr. Ray explained that those were minimum guidelines set up by local governments;
23 however, Florida was facing issues with nitrates and phosphates in the stormwater runoff. He
24 mentioned that they were looking at using a technology called bioswales, which were upland
25 systems specifically designed to take a first flush of stormwater runoff and use a series of plants
26 that can accommodate the flow of stormwater during both dry and wet conditions to assimilate
27 the nitrates, phosphates and suspended solids often found in the stormwater stream that would
28 normally be discharged off site. He related that they wanted to use this biological technology in
29 their stormwater management to trap and retain those nutrients in the biological biomass which
30 could be retained and harvested and used on the site in another way, such as in mulch. He added
31 that the technology was not normally approved as it was usually associated with low impact
32 development.

33 Mr. Crawford elaborated that the first quarter inch of stormwater would be diverted into a
34 ditch or lazy river that was vegetated and then the biomass would soak up the phosphates and
35 nitrates which would then go into the stormwater. He then asked how much of those nutrients
36 were in the first quarter inch.

37 Mr. Ray replied that they could trap an excess of 90 percent of pollutants.

38 Mr. Crawford pointed out that the quality of stormwater in Florida was not preserved and
39 that was the reason they wanted to do the bioswales instead of the traditional stormwater design.
40 He added that this site was a partial grove and all of the fertilizer from this site has gone straight

1 into the ground and recharged with the traditional stormwater design, but they wanted to make it
2 better. He also noted that they wanted to add a condition in the ordinance to state that the project
3 shall provide advance stormwater treatment through the construction of bioswales. He then
4 discussed the exemptions under Section 6.06.01.F, specifying that the Comp Plan defined mining
5 as removing material for the purposes of removing the material and asked Mr. Ray's opinion on
6 what the definition would mean if the modifier "for the purposes of removing the material" was
7 removed.

8 Mr. Ray opined that it meant that any project where any amount of material was being
9 removed was considered a mine; however, if the intent was for something other than a mine,
10 such as site development, then it was not considered a mine.

11 Mr. Crawford pointed out that Section 6.06.01.F.2 of the LDRs was readopted by the
12 County after the new Comp Plan was instated and emphasized that the crux of the whole case
13 was whether or not the applicant could show that the removal of the excess overburden was
14 necessary for the development of the site due to physical factors of the land or permitting
15 requirements from a governmental agency.

16 Mr. Ray elaborated that there was a recognized need within the State of Florida to
17 adequately design a community to meet ADA requirements, which required it to be a flat design.
18 He specified that this development was necessary to have a flat, level design and they were
19 proposing a comprehensive design that addressed both the public and private realm.

20 Commr. Sullivan asked for clarification on whether there was actually a bonding
21 requirement.

22 Mr. Minkoff answered that that was misstated and the only time the County required a
23 bond with a subdivision was when the plat was recorded, but approval of the construction plans
24 and beginning construction typically did not require a bond.

25 Commr. Sullivan asked if they could require the innovative biological swales to be a part
26 of the PUD.

27 Mr. Minkoff replied "yes."

28 Commr. Parks asked how they could require a bond.

29 Mr. Minkoff responded that subdivisions could be developed in two ways and the first
30 way would be to construct the improvements before the plat was recorded in which the payment
31 of a bond or concurrency fees would not be required yet, and the second way would be to record
32 the plat immediately which would require a bond. He added that the bond would be 110 percent
33 of the improvement and would include the roads and stormwater system. He also mentioned that
34 it would be likely that the bond would have to be renewed after 18 months since that was such a
35 short period of time for a project of that size.

36 Commr. Parks asked if they would need to define a timeframe to have the project
37 completed.

38 Mr. Minkoff answered that they could put in time limits, but the question was what
39 would happen if the applicant did not meet the time limit.

1 Commr. Campione commented that they would need to make sure there was a definitive
2 time to call the bond and get the work done, otherwise the County would be responsible for
3 completing the subdivision.

4 Commr. Cadwell asked where the applicant got his information regarding the need for an
5 ADA complete subdivision.

6 Mr. Crawford answered that his statement in the backup detailed the extensive research
7 he completed showing that the aging and disabled population in Florida was predicted to grow
8 exponentially over the next 20 years and that the demands were not being met.

9 Mr. Ray elaborated that the U.S. filed a lawsuit against the State of Florida saying that
10 they State was not addressing the needs of the immobility impaired community.

11 Commr. Cadwell commented that that lawsuit had more to do with other things, such as
12 transportation and not housing.

13 Commr. Campione asked if the 40 percent open space would stay the same during and
14 pre and post development.

15 Mr. Wicks responded that only 400 feet of the open space along the perimeters would be
16 mass graded to match the elevation of their neighbors. He added that the 40 percent open space
17 would meet the LDR and Comp Plan requirements.

18 Commr. Campione mentioned that the DEO was concerned about the mass grading
19 leaving the elevation at 10 feet above the water table and asked for clarification on that.

20 Mr. Wicks stated that his mass grading report showed that there would be a range of 19 to
21 29 feet remaining.

22 Commr. Campione asked if the recharge would be the same during the pre and post
23 draining.

24 Mr. Wicks answered that the report from Andreyev Engineering indicated that the
25 recharge would be the same pre versus post.

26 Commr. Campione commented that the Ridge could eventually disappear if this
27 subdivision was approved and they also approved future requests from other developers with the
28 same type of subdivision, despite the County's prohibition on mining in the Ridge and the fact
29 that there were many other properties in the County that were already flat.

30 Mr. Crawford noted that they would be developing on the last big open piece in the Ridge
31 and that there was a 200 acre spot left.

32 Mr. Vance Jochim, a resident of Tavares who writes a blog called FiscalRangers.com,
33 expressed his support for the request, noting that the Planning and Zoning Board unanimously
34 approved the request and the Board should do the same. He stated that the main issue was about
35 property rights and the Board should make the decision to uphold the property rights as opposed
36 to following the excessive land use restrictions of the Comp Plan.

37 There being no one else who wished to address the Board, the Chairman closed the public
38 hearing.

39 Commr. Sullivan stated that his inclination was to support the request, because he was
40 concerned about property rights as well and he believed the applicant has proven that they met

1 all of the requirements. He added that he would like to require the use of the biological swales
2 for the stormwater system in the PUD and he wanted to ensure that the subdivision would be
3 completed.

4 Mr. Minkoff related that the ordinance could be changed to require the recording of the
5 plat before construction began so that bonds would be obtained to ensure that the subdivision
6 was built.

7 Commr. Campione pointed out that the main question was what the Board felt was
8 necessary for the development of the property and what the applicant felt was necessary, which
9 in turn became a property rights issue. She stated that the letters of opposition made it seem like
10 the applicant was circumventing the rules and regulations, but after reading the report from
11 Andreyev Engineering it clearly showed that the applicant's proposal would not affect the
12 recharge and water table and the amount of dirt taken from the entire property was less extreme
13 than what was shown. She added that there would still be elevation changes and areas left
14 completely natural on the property. She noted that she was glad there were limited places along
15 the Ridge to develop such a subdivision, so they would not be setting a precedent. She related
16 that the key was to include in the ordinance about requiring the applicant to record the plat first
17 and put up a bond, and she then asked if they could require 120 percent instead of 110.

18 Mr. Minkoff answered "yes."

19 Commr. Parks explained that his biggest concern was making sure the site would be
20 developed, but it would be taken care of by requiring the recording of the plat first.

21 Commr. Cadwell expressed his concern about the request, stating that it was still
22 considered a mine by taking three million cubic yards of the natural filtration system out of the
23 Ridge, which has been designated as an important area. He related that the property could still
24 be excavated and developed within the County's rules, so they were not taking away any
25 property rights. He noted that his other concern was what the cost of the bonds would be and
26 that they should look at other mining operations currently being developed.

27 Commr. Conner asked what difference it made whether or not the applicant actually
28 constructed a subdivision.

29 Commr. Cadwell stated that mining was prohibited in that area and it was considered a
30 mine.

31 Commr. Campione elaborated that, per the County's rules, the applicant had the right to
32 remove the dirt in order to develop the property, but not just for the purpose of selling the dirt.

33 Commr. Conner noted that the County was still infringing on the applicant's property
34 rights even if they granted the application, because they were making them develop the property.
35 He then mentioned that they would not be as far along on the request if it had been next to Kings
36 Ridge.

37 Commr. Campione stated that in that case they would probably look at the grading plan
38 for Kings Ridge to compare the compatibility and consistency between the two land uses while
39 protecting the property values of all property owners in that area.

1 Sullivan motion that we approve with the condition that the plat be recorded before
2 construction and that the applicant provides an innovative stormwater system upgrade with
3 biological swales.

4 Parks second, include 120 percent

5 Withdraw motions

6 Commr. Campione asked if they could include a condition with the bonding requirement
7 that they would not be granted any extensions.

8 Mr. Minkoff answered that they could require that, but he was unsure whether it was
9 doable for the applicant.

10 Mr. Crawford commented that they could probably have the project completed in 18
11 months and that they were fine with putting up 120 percent for the bond. He noted that the
12 project would be completed in three phases and they would plat, bond, grade and start building
13 the first phase before moving onto the next one.

14 Mr. Minkoff related that they could require the plat and a bond on the whole project and
15 still allow phases or they could allow the applicant to bond it in phases; however, he was unsure
16 what the bond amount would be for each phase.

17 On a motion by Commr. Sullivan, seconded by Commr. Parks and carried by a 3-2 vote,
18 the Board approved Rezoning Case PH# 21-13-1, Rubin Grove PUD Amendment, which was a
19 request to amend the Planned Unit Development (PUD) Zoning District (Ordinance #2013-8) on
20 131 +/- acres to allow mass grading and overburden removal exceeding 200 percent of the
21 stormwater volume requirement of a previously approved Mixed-Use Planned Unit Development
22 within the Green Swamp Area of Critical State Concern, with the condition that the plat be
23 recorded before construction of the phases with a 120 percent bond and that the applicant
24 provides an innovative stormwater system upgrade for biological swales.

25 Commr. Cadwell and Conner voted "no."

26 On a motion by Commr. Sullivan, seconded by Commr. Parks and carried by a 4-1 vote,
27 the Board amended the original motion and approved Rezoning Case PH# 21-13-1, Rubin Grove
28 PUD Amendment, which was a request to amend the Planned Unit Development (PUD) Zoning
29 District (Ordinance #2013-8) on 131 +/- acres to allow mass grading and overburden removal
30 exceeding 200 percent of the stormwater volume requirement of a previously approved Mixed-
31 Use Planned Unit Development within the Green Swamp Area of Critical State Concern, with
32 the condition that the entire plat be recorded before construction of the phases with a 120 percent
33 bond and that the applicant provides an innovative stormwater system upgrade for biological
34 swales.

35 Commr. Cadwell voted "no."

36 RECESS AND REASSEMBLY

37 The Chairman announced at 10:55 a.m. that there would be a 15-minute break.

38 PUBLIC HEARINGS

39 ORDINANCE REGARDING THE PARKING OF VEHICLES

1 Mr. Minkoff stated that this ordinance would greatly limit the number of unlicensed
2 vehicles allowed outside on a property and he then placed the proposed ordinance on the floor
3 for its first and final reading by title only as follows:

4 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE
5 COUNTY, FLORIDA; AMENDING THE FOLLOWING SECTIONS OF THE LAKE
6 COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS;
7 AMENDING CHAPTER I, ENTITLED "GENERAL PROVISIONS", SECTION
8 1.08.00, ENTITLED "NONCONFORMING DEVELOPMENT", SUBSECTION
9 1.08.03, ENTITLED "NONCONFORMING USES", BY REQUIRING
10 NONCONFORMING PARKING OF CERTAIN VEHICLES WITHIN SPECIFIC
11 RESIDENTIAL AND AGRICULTURAL ZONING DISTRICTS TO BE BROUGHT
12 INTO COMPLIANCE WITH AMENDED SECTION 3.06.00, LAND DEVELOPMENT
13 REGULATIONS, BY AUGUST 1, 2014; AMENDING CHAPTER II ENTITLED
14 "DEFINITIONS" TO REVISE THE DEFINITION OF "VEHICLES" TO INCLUDE
15 STATUTORILY DEFINED MOTOR VEHICLES; AMENDING CHAPTER III,
16 ENTITLED "ZONING DISTRICT REGULATIONS", SECTION 3.06.00, ENTITLED
17 "REGULATIONS FOR THE PARKING, STORING, OR KEEPING OF BOATS,
18 BUSES, TRAILERS, TRUCKS, AND COMMERCIAL VEHICLES IN THE "A"
19 AGRICULTURE, "RA" RANCHETTE, "AR" AGRICULTURAL RESIDENTIAL, "R-
20 1" RURAL RESIDENTIAL, "R-2" ESTATE RESIDENTIAL, "R-3" MEDIUM
21 RESIDENTIAL, "R-4" MEDIUM SUBURBAN RESIDENTIAL, "R-6" URBAN
22 RESIDENTIAL, "R-7" MIXED RESIDENTIAL, "R-10" MULTIFAMILY
23 RESIDENTIAL, "RP" RESIDENTIAL PROFESSIONAL, "RMRP" MOBILE HOME
24 RENTAL PARK, "RM" MOBILE HOME RESIDENTIAL, AND "RV"
25 RECREATIONAL VEHICLE ZONING DISTRICTS", BY ALLOWING, IN THOSE
26 ZONING DISTRICTS, THE PARKING OF VEHICLES WITH A "GROSS VEHICLE
27 WEIGHT RATING" (GVWR) OF 12,000 LBS. OR LESS PROVIDED THAT THEY
28 MEET CERTAIN CONDITIONS AS TO OPERABILITY AND LICENSING; AND
29 REQUIRING VEHICLES THAT EXCEED 12,000 LBS. GVWR THAT ARE PARKED
30 ON A PARCEL THAT IS FIVE ACRES IN SIZE OR LARGER TO BE OPERABLE
31 AND CURRENTLY LICENSED AND REGISTERED; PROVIDING FOR
32 SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR
33 FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN
34 EFFECTIVE DATE.

35 The Chairman opened the public hearing.

36 There being no one who wished to address the Board, the Chairman closed the public
37 hearing.

38 Commr. Campione mentioned that they had been working on this ordinance for a long
39 time and the residents that were storing inoperable vehicles outside were actually infringing on
40 the rights of the adjoining property owners and this would be a way to strike some balance.

41 Commr. Cadwell expressed that he appreciated staff's work on this, because it was
42 difficult to make sure that all of the residents could still operate in a normal manner and although
43 it did not solve everyone's concerns, it was a better ordinance than what they had.

44 On a motion by Commr. Campione, seconded by Commr. Parks and carried unanimously
45 by a 5-0 vote, the Board approved Ordinance No. 2014-2 amending Chapters I and III, Lake
46 County Land Development Regulations (LDR), in order to address the parking of vehicles within
47 residential and agriculture zoning districts with specific conditions concerning their operability
48 and licensing status, and to require nonconforming parking in these zoning districts to be brought
49 into compliance by August 1, 2014. There is no fiscal impact.

50 ORDINANCE REGARDING COMMERCIAL DESIGN STANDARDS

1 Mr. Minkoff placed the proposed ordinance on the floor for its first and final reading by
2 title only as follows:

3 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE
4 COUNTY, FLORIDA, AMENDING THE LAKE COUNTY CODE, APPENDIX E,
5 LAND DEVELOPMENT REGULATIONS; AMENDING CHAPTER II, ENTITLED
6 "DEFINITIONS" TO ADD THE DEFINITIONS OF COLOR CHANGE, EARTH
7 TONE COLORS, FAÇADE, MASSING, NEUTRAL COLOR, PRIMARY COLOR,
8 AND TEXTURE CHANGE; AMENDING CHAPTER IX, ENTITLED
9 "DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS" TO CREATE
10 SECTION 9.10.00, ENTITLED "COMMERCIAL DESIGN STANDARDS" TO
11 ESTABLISH MINIMUM DESIGN CRITERIA FOR COMMERCIAL
12 DEVELOPMENT WITHIN THE COMMERCIAL, INDUSTRIAL, AND
13 COMMUNITY FACILITY ZONING DISTRICTS; AMENDING CHAPTER XIV,
14 ENTITLED "ADMINISTRATION", SECTION 14.09.00, ENTITLED "SITE PLANS"
15 TO REQUIRE SUBMISSION OF DOCUMENTS NECESSARY TO DEMONSTRATE
16 COMPLIANCE WITH COMMERCIAL DESIGN CRITERIA, IF APPLICABLE;
17 PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAKE
18 COUNTY CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF
19 STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

20 The Chairman opened the public hearing.

21 There being no one who wished to address the Board, the Chairman closed the public
22 hearing.

23 Commr. Campione stated that she appreciated staff's work on this and Ms. Carolyn
24 Maimone, Executive Director of the Lake-Sumter Homebuilders Association, because she got a
25 group of builders together to look at the ordinance to make sure it would not increase the cost of
26 construction, but would instead enhance the curb appeal of commercial buildings built in
27 unincorporated areas.

28 On a motion by Commr. Campione, seconded by Commr. Cadwell and carried
29 unanimously by a 5-0 vote, the Board approved Ordinance No. 2014-3 amending Chapter IX of
30 the Lake County Land Development Regulations (LDR), entitled "Development Design and
31 Improvement Standards", in order to establish minimum commercial design criteria within
32 specified areas, amending Chapter II of the LDR to add related definitions, and amending
33 Chapter XIV to require submission of documents demonstrating compliance with commercial
34 design criteria, if applicable. There is no fiscal impact.

35 AMENDED BUDGET FOR FISCAL YEAR 2014

36 Mr. Steve Koontz, Fiscal and Administrative Services Director, gave a presentation on
37 the mid-year grant reconciliations, where adjustments would be made to the Fiscal Year (FY)
38 2014 Adopted Budget, and the mid-year adjustment for the Audited Fund Balances, Unforeseen
39 changes. He noted that they normally had a mid-year adjustment in April of each year after the
40 audit when the fund balances and cash brought forward was finalized, but they were now
41 splitting the process in two. He related that they did a PO carryforward process in the fall to
42 estimate the expenses of all POs, but the grants were more sensitive and they needed to do the
43 amendment in order to reconcile the accounts to keep the grant projects on track. He
44 summarized the changes to the General Fund, which included additional aiSmartBench software
45 for the judges, an increase in the Supervisor of Elections HAVA Grant, and reductions in the

1 share of the Medical Examiner costs. He noted that the changes to the other funds included
2 reconciling a decrease in operating for the Community Development Block Grant, Public
3 Transportation, SHIP, and Section 8 Grants. He added that there was an accounting change to
4 the Landfill Enterprise, which resulted in an increase. He then requested that the Board approve
5 the Amended Budget for FY 2014 to include the mid-year grant reconciliations and approval of a
6 resolution adopting a supplemental budget of \$361,268,025 for FY 2014. He related that he
7 would report back in April once the audit was complete and the funds had been reconciled.

8 Commr. Sullivan asked if these reconciliations helped to balance the budget at the end of
9 the year.

10 Mr. Koontz answered “yes,” adding that it would allow for more time to get the grant
11 projects on track and spend the money so at the end of the year the estimates would be better.

12 The Chairman opened the public hearing.

13 There being no one who wished to address the Board, the Chairman closed the public
14 hearing.

15 On a motion by Commr. Sullivan, seconded by Commr. Parks and carried unanimously
16 by a 5-0 vote, the Board approved the Amended Budget for Fiscal Year 2014 to include
17 reconciliation of grants and approved Resolution No. 2014-8 adopting a supplemental budget for
18 Fiscal Year 2014.

19 COUNTY MANAGER’S DEPARTMENTAL BUSINESS

20 COMMUNITY SERVICES

21 UPDATE ON LYNX ROUTES 55 AND 204

22 Ms. Dottie Keedy, Community Services Director, gave an update on LYNX Routes 55
23 and 204 and recapped that in March 2013 the Board approved ending Route 55 effective June
24 2013 and Route 204 effective September 2013 due to general fund budgetary issues, but the
25 Board then directed staff to negotiate with LYNX to reinstate the routes in FY 2014 utilizing
26 Section 5307 grant funds at the request of the riders. She noted that in October 2013 agreements
27 were signed to reinstate the service for both routes with service starting in January 2014 under
28 certain terms. She indicated that the terms for Route 204 were for reduced service from five
29 morning and five evening trips per day Monday through Friday to two morning and two evening
30 trips per day Monday through Friday at a cost of \$56,371. She mentioned that the terms for
31 Route 55 were for reduced service from 32 round trips per day Monday through Sunday to 16
32 round trips per day Monday through Sunday at a cost of \$50,685. She related that the FY 13/14
33 agreement for Route 204 was approved by LYNX and the service for both routes began on
34 January 12, 2014. She related that after the Board approved to reinstate service for both routes,
35 LYNX notified them of an increase in the cost and the need to further reduce the number of trips
36 for Route 55. She explained that Route 55, along with all other Osceola County routes, had to be
37 restructured to accommodate the new Kissimmee Intermodal Station for Sunrail and that
38 restructuring had added three miles to Route 55. She noted that the proposed amendment to the
39 Route 55 agreement provided for service between 6:05 a.m. and 8:05 a.m. and between 5:05 p.m.
40 and 6:35 p.m. with only eight round trips instead of the 16 previously offered, and the cost of the

1 service increased to \$66,676 for nine months of service, which was an additional \$15,991 that
2 could be funded from the Section 5307 funds.

3 She stated that LYNX continued the service for Routes 55 and 204 during the
4 negotiations on renewing the agreements and that the service for Route 55 was continued for
5 three months after the agreement ended in June and the service for Route 204 was continued for
6 18 days after the agreement ended in September. She noted that LYNX has billed the County
7 \$15,325 for Route 55 and \$8,541 for Route 204 and the invoice would have to be paid for with
8 general funds, because the service was provided prior to October 1 when the County received the
9 additional 5307 funds. She then asked the Board to approve the amended FY 13/14 agreement
10 with LYNX for Route 55 and the payment of the LYNX invoices for previous service.

11 The Chairman opened the public hearing.

12 Ms. Celeste Clifford, a resident of Clermont, thanked the Board for reinstating the Route
13 55 service, but she asked if they could extend the service into the evenings until about 8:00 or
14 9:00 p.m. so that the residents could return home from work. She noted that people still had to
15 walk in dangerous conditions and pay cab fare and she urged the Board to work with LYNX and
16 find a way to extend the service.

17 There being no one else who wished to address the Board, the Chairman closed the public
18 hearing.

19 Commr. Sullivan expressed that his biggest concern was that they were paying more
20 money for less service and recommend continuing to work with LYNX. MADE motion

21 Commr. Parks second, thanked Ms. Clifford for her persistence on this. He expressed his
22 frustration with LYNX for having to pay extra for less service and he felt that the County was
23 being penalized because of Sunrail. He also recommended working with LYNX to keep the
24 routes going.

25 Commr. Cadwell opined that Route 55 was not a convenience route, it was purely for
26 people to get to and from work. He stated that he understood the pressure that LYNX was under
27 with Sunrail, because Sunrail would not work if LYNX did not make changes to their portion of
28 the bus service; however, the County has always dealt with LYNX in good faith, but they were
29 no longer getting their value from them. He suggested having staff get a price from LYNX to
30 get the afternoon service back.

31 Mr. Heath mentioned that he was planning on having a work session in March regarding
32 Route 5 and they could include a follow up on this.

33 Commr. Cadwell asked if there was any way to get someone in a decision making
34 position with LYNX to talk to the Board.

35 Commr. Conner stated that he had already suggested to staff to have the Chairman of the
36 Commission and the President of LYNX sit down and iron this out and that he was willing to do
37 that or they could designate another commissioner.

38 Commr. Campione commented that the Board was looking for a solution, but they were
39 at the mercy of LYNX and having the Chairman talk with the President of LYNX was their last
40 hope of getting LYNX to add the additional routes.

1 Mr. Heath clarified that they would negotiate to expand the routes to eight in the morning
2 and eight in the afternoon or a similar combination to expand the evening service while making
3 sure that the County's share of the 5307 funds for South Lake continued to flow so they could
4 pay for the route with funds other than the general fund.

5 Commr. Cadwell suggested sending a letter to the Chairman of LYNX after the meetings
6 to let them know the history and what the County was asking.

7 On a motion by Commr. Sullivan, seconded by Commr. Parks and carried unanimously
8 by a 5-0 vote, the Board approved the amended FY 13/14 LYNX/Lake County Agreement for
9 Route 55 at a cost of \$66,676 and providing eight round trips per day Monday through Sunday
10 from January to September 2014, and approved the payment of LYNX invoices for previous
11 service of \$15,325 for Route 55 from the General Fund and \$8,541 for Route 204 from the 5307
12 Grand Funds. The Board also approved for staff and the Chairman to work with LYNX to
13 increase the evening service for Route 55.

14 GROWTH MANAGEMENT

15 WELLNESS WAY SECTOR PLAN

16 Ms. Amye King, Growth Management Director, presented an update as well as options to
17 proceed with the Wellness Way Sector Plan. She recapped that in February 2013 the Florida
18 Department of Economic Opportunity (DEO) supported the County's sector plan proposal for
19 16,200 acres in southeast Lake County, in July 2013 the landowners formed a corporation to
20 partially fund the sector planning process, in April 2013 the County contracted with Littlejohn
21 Engineering (LEA) to complete the plan, and in October 2013 LEA presented a draft plan to the
22 Board and Clermont at separate workshops. She indicated that there were multiple benefits of
23 the Sector Plan, including providing long-term planning for largely undeveloped areas to create
24 economic opportunity and to avoid sprawl; addressing regional issues, such as transportation;
25 fostering innovating planning and development strategies; and protecting regionally significant
26 resources and facilities, such as aquifer recharge areas. She detailed the various meetings that
27 had been held for public participation which started in November 2012 with a scoping meeting
28 with the most recent in October 2013 with the City of Clermont.

29 Mr. Brian Sheahan, Community Safety and Compliance Director and Project Manager
30 for the Wellness Way Sector Plan, explained that the County had received a draft plan from LEA
31 which provided a solid base to move forward with the understanding that some revisions may be
32 necessary and on October 22, 2013 the Board postponed the plan to allow additional time for
33 consideration of the plan by the Board and some of the stakeholders involved in the process. He
34 added that the City of Clermont had also raised some issues not brought up by the Board or
35 stakeholders. He related that the major issues included the number of proposed residential units,
36 the coverage and density of the residential uses, the job ratios, and the transportation plan. He
37 pointed out that the Sector Plan proposed five land use categories which were Employment,
38 Mixed Use Urban, Mixed Use Suburban, Rural Reserve, and Conservation and that those
39 categories were intended to provide a Hierarchy of Place to create a well-planned, balanced
40 community with a focus on job creation. He then discussed each category and showed pictures

1 of examples and stated that the Employment category would have a workplace center within it
2 and was designed for high intensity employment, such as industrial, office, hi-tech, research
3 complexes and hospitals similar to Lake Nona and Medical City. He added that the floor area
4 ratio was 0.3 to 3 and would allow residential with attached single-family and multi-family
5 residences with a density of 4 to 12 dwelling units per acre. He noted that the Mixed Use Urban
6 category included a town center with multi-story buildings similar to Baldwin Park and Avalon
7 Park and was designed as a high intensity and density area with commerce, office, and service
8 uses with a floor area ratio of 0.5 to 3. He added that it would allow residential at a density of 5
9 to 20 dwelling units per acre. He mentioned that the Mixed Use Suburban category included a
10 village center like a neighborhood shopping center and was designed as moderate intensity and
11 density with office, commercial and service uses with a floor area ratio of 0.01 to 0.75. He
12 added that it would allow single and multi-family residential at a density of 1 to 10 dwelling
13 units per acre. He stated that the Rural Reserve category included a rural reserve center with a
14 density of 0.2 to 1 dwelling unit per acre and explained that the sector plan was mandated to
15 preserve areas where agriculture could continue, but to also provide some opportunities for
16 increased development.

17 Ms. King pointed out that staff analyzed the plan and determined that it provided a good
18 framework and that there was consensus on some of the major issues raised by the landowners
19 and the City of Clermont based on the public input. She indicated that the County, together with
20 the Lake-Sumter Metropolitan Planning Organization (LSMPO), would amend the plan to
21 reallocate the land uses to reduce employment coverage; evaluate residential coverage and
22 density; update goals, objectives, policies, maps, data, inventory and analysis; and refine
23 transportation model and data. She noted that staff would refine the draft plan in house to save
24 costs due to budgetary constraints and the consultant would transmit the proposed sector plan,
25 respond to comments received from the DEO and other state agencies after transmittal, and
26 would see the County through to the adoption of the plan. She stated that staff's next steps were
27 to refine the plan based on Board and public input and bring it back for a workshop by the Board
28 and the City of Clermont. She showed the proposed schedule for the workshops and transmittal
29 and adoption hearings, noting that in March or April a public workshop would be held with the
30 BCC and City of Clermont in which staff would ask for approval to advertise the transmittal of
31 the plan, in May or June the plan would be transmitted to the State, in August and September
32 they would work with the consultant to respond to any comments and in November or December
33 they were planning for adoption of the plan. She then asked for direction from the Board to
34 proceed with the revisions and scheduling for the Wellness Way Sector Plan.

35 Mr. Heath explained that one of their best kept secrets was the Economic Development
36 Department and to minimize costs that department would be looking at the number of units and
37 the employment ratios and then Ms. King and Mr. Sheahan would determine whether or not the
38 map needed recoloring. He added that they wanted to bring all of that back at a joint work
39 session with the BCC and the City of Clermont.

40 The Chairman opened the public hearing.

1 Ms. Cecilia Bonifay, an attorney with Akerman Senterfitt, stated that she had attended the
2 meeting to see where they were in the process and what direction the Board would give to staff
3 in moving the plan forward. She opined that they were on the right track and it was just a matter
4 of refining the plan and figuring out some critical items, such as road locations. She added that
5 they would continue to monitor the project and that they would be available to work with staff as
6 needed.

7 Mr. Chris Roper, an attorney with Akerman Senterfitt, pointed out that the owners of
8 Arnold Grove and Ranch had contacted him regarding a discrepancy in the land use category and
9 zoning of their property in the proposed Sector Plan. He showed on a map where the property
10 was located and noted that there was a 120-acre portion of the ranch that was currently
11 designated as Urban Low on the Future Land Use Map and was zoned R-3 and R-4 and on the
12 proposed plan it was designated as Rural Reserve, which he thought was inconsistent. He
13 mentioned that one of the goals of the Sector Plan was to not harm property owners or property
14 rights and it seemed that that designation had slipped through the cracks. He added that he
15 wanted this on record before the plan was transmitted to the state and that he had already spoken
16 with staff and would continue to work with them.

17 There being no one else who wished to address the Board, the Chairman closed the public
18 hearing.

19 Commr. Parks explained that he had reviewed the concerns about the Sector Plan after
20 the last public hearing in October and came up with a few more. He stated that there was great
21 beauty in simplicity and he wanted to make the plan simple and predictable, but also protect
22 what was important to everyone. He indicated that his first concern addressed Mr. Roper's
23 question, adding that the biggest measure they were trying to accomplish in the Sector Plan was
24 not being reliant upon housing and he thought that having five land use categories was too many
25 and they should go down to four broad categories that were centered around the jobs to housing
26 ratio. He related that he did not want to get away from the overall goal of keeping the 1.5 to 1
27 housing ratio, but it would mean that certain portions would have less of that ratio and others
28 would have more. He also mentioned that he wanted to keep the existing density that was
29 already entitled to the land. He noted that open space was also a concern and that there should
30 be a requirement of 50 percent open space including a wellness space, which would interconnect
31 the trails and some of the natural areas already defined on the maps. He added that Littlejohn put
32 together a great policy for that and they should incorporate that as well as a branding strategy.
33 He remarked that one of his biggest concerns was about having a water strategy and he wanted to
34 change the paradigm for development, because they could not keep developing the current way
35 without withdrawing more water from the aquifer. He noted that an objective should be put into
36 the plan to state that all irrigation needs for landscaping must be met from non-potable water
37 sources and that there should be a landscaping guideline that would provide examples and
38 specific plans for all development in the area to adhere to, which would also enable them to meet
39 the objective of the alternative water supply. He then asked if he could work with the County
40 Manager to get some of those concerns into the Sector Plan.

1 Commr. Cadwell commented that he did not have a problem with that, but he advised to
2 not be too strict with the plan and to make sure there was some flexibility to entice the market.
3 He added that he wanted the plan to be binding enough so they would not lose sight of their goal,
4 but also vague.

5 Commr. Parks stated that he recognized that; however, he did not want to get into
6 specific lot per lot design. He noted that the detailed specific area plans (DSAP) process would
7 take care of a lot of the finer points, but the broad goal was to make sure water resources were
8 being protected.

9 Commr. Sullivan expressed that while they wanted to keep the plan simple and
10 predictable they needed to lay out their goals and objectives in a flexible way and then let the
11 development community figure out how to meet those. He stated that they needed to move
12 forward and try to put a plan together, because transportation networks were important in Lake
13 County and that would come into play as they moved forward. He added that they needed to
14 take advantage of the existing road networks so that it would become a viable project.

15 Commr. Parks mentioned that all of the landowners' fates were tied together as they saw
16 a benefit in the sector plan and that he believed they could meet the April timeframe with his
17 comments.

18 On a motion by Commr. Parks, seconded by Commr. Sullivan and carried unanimously
19 by a 5-0 vote, the Board approved to move forward with the revisions and scheduling for the
20 Wellness Way Sector Plan and for Commr. Parks to work with the County Manager on the
21 changes he wanted incorporated.

22 OTHER BUSINESS

23 APPOINTMENT

24 ENTERPRISE ZONE DEVELOPMENT AGENCY

25 On a motion by Commr. Sullivan, seconded by Commr. Cadwell and carried
26 unanimously by a 5-0 vote, the Board appointed Mr. Greg Beliveau to the Enterprise Zone
27 Development Agency to complete a three-year unexpired term ending June 12, 2015 and
28 corrected the term lengths for Mr. Dwight R. Seidner and Mr. Skott Jensen to serve four-year
29 terms ending June 12, 2017.

30 REPORTS – COMMISSIONER CADWELL – DISTRICT 5

31 BOARD RETREAT

32 Commr. Cadwell mentioned that he thought the retreat on January 21 had gone very well
33 and that they had an educated discussion about what they anticipated their goals to be
34 individually and as a group and he appreciated the way the Chairman conducted it.

35 REPORTS – COMMISSIONER CONNER – CHAIRMAN AND DISTRICT 3

36 BOARD RETREAT

37 Commr. Conner stated that the Board Retreat would be held on February 12.

38 EVENTS ATTENDED

39 Commr. Conner reported attending various events recently, such as the East Lake
40 Chamber and Mount Dora Chamber annual banquet, the Montverde Academy soccer grand

1 opening, and the Veterans Memorial Dinner. He also noted that he had represented the
2 Commission at Royal Harbor on their closed circuit television.

3 JAIL CHAPLAIN

4 Commr. Conner stated that he had met with Reverend Jim Cornell, the Chaplain of the
5 Jail, and that they would be having an annual banquet soon and he wanted the entire Commission
6 to attend.

7 TOUR OF ANIMAL SERVICES

8 Commr. Conner mentioned that he toured the Animal Services building yesterday.

9 METRO ORLANDO EDC

10 Commr. Conner noted that he had attended the Metro Orlando EDC's board meeting last
11 Wednesday where an employment report was given by a representative from the State of Florida.
12 He related that Mr. Robert Chandler, Mr. David Heath and Commr. Campione all had a great
13 reputation with the EDC. He also mentioned that the Metro Orlando EDC would be holding
14 their annual banquet on April 3 and that he would be unable to attend and asked for Commr.
15 Campione to go in his place.

16 RECESS AND REASSEMBLY

17 The Chairman announced at 12:20 p.m. that they would recess until 1:15 p.m.

18 FISCAL YEAR 2015 BUDGET WORK SESSION

19 Mr. Heath explained that they had kicked off their Fiscal Year (FY) 2015 budget at the
20 January 14th meeting when they had Mr. Andrew Collins, the Chief of Property Tax Resource
21 Management from the Department of Revenue, brief the Board on the developing trends at the
22 federal, state and local level and that the purpose of this work session was to begin planning for
23 the FY 2015 budget.

24 Mr. Koontz gave an overview of the FY 2014 adopted budget, noting that the
25 Countywide budget was \$351.2 million, the General Fund budget was \$124 million, the General
26 Fund reserves was \$8.8 million, which was 7.6 percent of operating expenses, and the millage
27 rates were kept at the FY 2013 levels. He showed on a graph that the gross taxable value for the
28 General Fund for 2014 was at 0.64 percent, which was about a 33.9 percent decrease since the
29 peak in 2008 and that there had been a 43 percent reduction in the number of General Fund
30 positions since FY 2007. He showed a chart depicting the components of the General Fund and
31 noted that the constitutional offices made up 60 percent, the departments made up 27 percent, the
32 transfers and non-departmental made up 11 percent, and judicial support made up 2 percent. He
33 explained that the Board worked through some challenges for the FY 2014 General Fund budget,
34 which included the expenses continuing to exceed the revenues causing a decline in the cash
35 brought forward from year to year, the increase in the Florida Retirement System (FRS)
36 contribution rates and the Medicaid expenses, and the one-time incentive for employees without
37 a raise. He pointed out that the General Fund was balanced by cutting the County Departments
38 by 5.3 percent and the constitutional budgets by 0.8 percent. He added that the Law Library and
39 some Lynx bus routes were eliminated, \$1.1 million from the Infrastructure Sales Tax was used
40 for debt service, and there had been some savings in the Department of Juvenile Justice (DJJ)

1 costs. He predicted that the mid-year adjustment, which would be brought to the Board on April
2 8, would show that the cash brought forward exceeded their estimate by about \$2.5 million and
3 that they would apply the \$2.5 million to reserves, facility maintenance and information
4 technology needs after the audit was completed. He added that the revised reserves should be
5 about \$10.5 million or nine percent. He then discussed the FY 2015 millage outlook starting
6 with the Public Lands-Voted Debt with a millage rate of 0.1900. He mentioned that the
7 countywide values were estimated to increase by three percent and that the revenues would be at
8 \$2.9 million, which was an \$85,000 increase from FY 2014, and the expenses would be at \$2.7
9 million. He related that the current reserves were at \$969,000 so any excess over the debt
10 service would go into reserves. He indicated that the Lake County Ambulance MSTU millage
11 rate was 0.3853 and the countywide values were estimated to increase by three percent. He
12 stated that the estimated revenues would be \$5.9 million, which was a \$171,000 increase from
13 FY 2014, and the expenses would be \$6.5 million with a \$5.3 million subsidy and \$1.2 million
14 reserved for other expenses. He added that the reserves were at \$365,000 and that they used that
15 money to fill in the gap for the current year. He also noted that trying to keep a status quo
16 budget would be difficult since the expenses would exceed the revenues. He pointed out that the
17 reserves supported the \$5.3 million subsidy, but it would need to be reduced in FY 2015 and that
18 Lake EMS was experiencing fewer transports and reduced revenue from operations. He
19 remarked that the Lake County Fire EMS MSTU millage rate was 0.3222 and the unincorporated
20 values were estimated to increase by 2.2 percent. He stated that the estimated ad valorem
21 revenues would be \$2.7 million, which was a \$59,000 increase from FY 2014, and the revenues
22 would be \$19.5 million including the Fire Assessment revenues of \$16.4 million. He related that
23 they were in the process of updating the Fire Assessment study and would come back at the mid-
24 year adjustment and after the study was completed with an update. He explained that the Parks
25 and Stormwater MSTU millage rate was 0.4984 and was shared with parks at 87 percent and
26 stormwater at 13 percent, and the unincorporated values were estimated to increase by 2.3
27 percent. He specified that the estimated revenues would be \$3.9 million, which was an \$87,000
28 increase from FY 2014. He indicated that they had multiple challenges when balancing this
29 MSTU, because there had been a \$400,000 shortfall. He added that an increase to the millage
30 was considered, but they were able to transfer \$400,000 from the General Fund due to the
31 reduction in the DJJ costs. He noted that if they kept a status quo budget and even with an
32 increase in revenues they still would not meet the needs of parks and stormwater. He described
33 the challenges for parks and trails and mentioned that there was only a small increase in revenues
34 and there were multiple long-term capital repairs needed. He related that their current
35 maintenance obligations included the East Lake Park, Minneola Athletic Complex, North Lake
36 Park, and PEAR Park while their future obligations included the South Lake Trail Phase IIIA and
37 the North Shore Overlook. He detailed the challenges for stormwater and specified that their
38 portion of the funding had to support the oversight and administration of current projects; the
39 ongoing maintenance of completed projects; the Flood Plain, permitting, and inspection
40 activities; and the monitoring and compliance with the Total Maximum Daily Load (TMDL) and

1 the National Pollutant Discharge Elimination System (NPDES) requirements. He reported that
2 there were currently five projects in various stages of development, such as Wolfbranch Road,
3 Lake Dora Basin, Lake Yale Basin, Upper PHA Basin, and Royal Trails flood study and that
4 there was not any funding for new projects. He related that there would be about a \$400,000
5 shortfall for parks for FY 2015, which would impact maintenance activities on the parks and
6 trails and that they would not be able to address any long-term capital maintenance such as trail
7 resurfacing. He indicated that there would be about a \$50,000 shortfall for stormwater for FY
8 2015, which would impact permitting and inspection activities, as well as the Flood Plain
9 insurance rates. He explained that the General Fund millage rate was 4.7309 and the countywide
10 values were estimated to increase three percent for a total of \$107.2 million. He specified that
11 the ad valorem revenues were estimated at \$72.2 million, which was a \$2.1 million increase from
12 FY 2014, the State Sales Tax was estimated at \$12.6 million, and the State Revenue sharing was
13 estimated at \$5.3 million, which were both a two percent increase. He pointed out that after
14 projecting the revenues, the FY 2014 ending fund balance and the expenses they were estimating
15 a shortfall of \$4.3 million to keep the reserves at seven percent. 3:15:26

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21 ADJOURNMENT

22 There being no further business to be brought to the attention of the Board, the meeting
23 was adjourned at 11:30 a.m.

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26 _____
27 JIMMY CONNER, CHAIRMAN

28
29 ATTEST:

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33 _____
34 NEIL KELLY, CLERK
35