

	<p>deliver the agreement to FDOT.</p> <p>3. Award the Hancock Road and North Ridge Boulevard Intersection Improvements, Project, FPN #437485-58-01, Project No. 2019-01, Bid No. 19-0901, to Traffic Control Devices, Inc. (Altamonte Springs, FL) in the amount of \$346,915.00.</p> <p>4. Encumber and expend \$346,915.00 to Traffic Control Devices, Inc. from the Federal/State Grants fund.</p> <p>5. Execute Resolution 2019-26 to amend the budget.</p> <p>The fiscal impact is \$381,695.00 (expenditure - 100% grant funded). Commission District 2.</p>	
APPROVED	<p>Tab 14. Request from Public Works for approval to release a maintenance bond of \$179,833.63 that was provided for the maintenance of infrastructure in the Sawgrass Bay Phase 2A, 2B, and 2C subdivision, located South of Clermont. There is no fiscal impact. Commission District 1.</p>	RUSSO
APPROVED	<p>Tab 15. Request from Community Services for approval of an agreement with the Central Florida Regional Transportation Authority (LYNX) for the continuation of the Link 55 fixed route bus service in South Lake County from October 1, 2018, through September 30, 2019. The fiscal impact is \$248,854.00 (expenditure - 100% grant funded).</p>	VEACH
APPROVED	<p>Tab 16. Request from Parks and Trails for approval:</p> <ol style="list-style-type: none"> 1. To apply for a \$500,000.00 Southwest Florida Water Management District grant for hydrologic and ecosystem restorations at the Pasture Reserve property. 2. To authorize the Chairman to execute any subsequent grant documents if awarded. <p>The fiscal impact is \$500,000.00 (revenue). Commission District 1.</p>	VEACH
DENIED	<p>Tab 20. Request from Public Works for approval and execution of a Development Agreement with Blackwater Creek Wetlands Mitigation, LLC (Plantation, FL) to utilize Hart Ranch Road to haul material from the Lake Norris Conservation Area in Eustis. The estimated fiscal impact over the next five years is \$62,900.00 (revenue). Commission District 5.</p>	RUSSO
	<p>Tab 17. REZONING AGENDA</p>	
	<p>CONSENT AGENDA REZONING CASES:</p>	
APPROVED	<p>Tab 1. Ordinance No. 2018-12 Rezoning Case # RZ-18-21-4</p>	MOLENDIA

4. Encumber and expend \$346,915.00 to Traffic Control Devices, Inc. from the Federal/State Grants fund.

5. Execute Resolution 2019-26 to amend the budget.

The fiscal impact is \$381,695.00 (expenditure - 100% grant funded). Commission District 2.

Request approval to release a maintenance bond of \$179,833.63 that was provided for the maintenance of infrastructure in the Sawgrass Bay Phase 2A, 2B, and 2C subdivision, located South of Clermont. There is no fiscal impact. Commission District 1.

COMMUNITY AND TECHNICAL SUPPORT SERVICE

Community Services

Request approval of an agreement with the Central Florida Regional Transportation Authority (LYNX) for the continuation of the Link 55 fixed route bus service in South Lake County from October 1, 2018, through September 30, 2019. The fiscal impact is \$248,854.00 (expenditure - 100% grant funded).

Parks and Trails

Request approval:

1. To apply for a \$500,000.00 Southwest Florida Water Management District grant for hydrologic and ecosystem restorations at the Pasture Reserve property.

2. To authorize the Chairman to execute any subsequent grant documents if awarded.

The fiscal impact is \$500,000.00 (revenue). Commission District 1.

RECOGNIZING MS. TANDY HAMMOND

Commr. Parks recognized Ms. Tandy Hammond, Executive Director for Buses n' Backpacks with South Lake Community Ministries, who was shadowing the BCC as part of her internship for Leadership Lake County.

DEVELOPMENT AGREEMENT TO HAUL MATERIAL ON HART RANCH ROAD

Mr. Cole explained that this item was last heard by the Board on January 29, 2019 and the Board had directed staff to contact the St. Johns River Water Management District (SJRWMD) to explore the possibility of an agreement to ensure that the Lake Norris Conservation Area remained open for public use in perpetuity. He added that staff was also directed to conduct additional analysis of potential road impacts from hauling the sand from the conservation area. He said that he and the County Attorney had spoken with the SJRWMD Executive Director on February 8, 2019, who indicated that the SJRWMD typically did not enter into agreements with local governments; however, they suggested that the district was committed to providing public access to that property and did not envision any changes to this approach nor any consideration for eliminating public access there. He relayed their further indication that SJRWMD staff would be prepared to recommend to its Governing Board that the property be transferred to Lake County, should the County be interested in receiving it; furthermore, as part of any transfer of the property to the County, current land management obligations for the SJRWMD would transfer along with existing agreements. He commented that this would include the SJRWMD's agreement with the mitigation bank and that the County would have to abide by its terms and could realize related revenue.

Mr. Fred Schneider, Director for the Public Works Department, said that staff had asked the company owner to provide a haul route to be used when moving the sand from the mine. He displayed the route and noted that it included Hart Ranch Road, County Road (C.R.) 44A, C.R. 437, State Road (S.R.) 44, C.R. 46A and S.R. 46. He said that Hart Ranch Road had already been mentioned in the proposed agreement for the company to

resurface it and perform maintenance there; however, there could be additional impacts due to the possibility of up to 200 trucks traveling on the route per day. He explained that there would be a requirement for the company to provide advance warning signs for trucks and flashing beacons at the entrance to C.R. 44A, and he mentioned that the intersection of C.R. 44A and C.R. 437 was not currently signalized. He elaborated that a traffic study was recently completed which showed the need for an eastbound right turn lane there and that additional right of way would be necessary to construct it. He said that the cost of the turn lane and right of way were considered using the proportionate share of the company's truck traffic. He recalled that the results of the study did not demonstrate a current need for a traffic signal at S.R. 44 and C.R. 437; however, staff had also determined the company's proportionate share if a signal was required there. He opined that there was not a need for further signalization for the route, though there were concerns about impacts to the road surface. He stated that he had converted the company's truck traffic to the equivalent stress loading and compared it to different types of current traffic to determine their proportionate share over a seven year lifespan. He explained that their proportionate share would be about \$67,000 and that in the proposed agreement, the company would pay roughly \$0.347 per cubic yard of sand hauled for a total of about \$62,900. He suggested staying with the current proposed compensation because the County did not typically charge landowners for resurfacing of mixed use traffic roadways. He added that at the intersection of C.R. 44A and C.R. 437, the engineer of the study observed that northbound trucks on C.R. 437 contributed to a delay of traffic in that direction. He suggested that if this became an issue, the County could require the company to pay for the construction of the traffic signal there at an estimated cost of approximately \$250,000.

Mr. Jimmy Crawford, an attorney representing Blackwater Creek Wetlands Mitigation, LLC, stated that negotiations with the County had been ongoing for about nine months and opined that the company had complied with each condition requested by the County. He said that he had reviewed the Eustis Sand Mine conditional use permit (CUP) and opined that it was in valid force and effect. He recalled that there was one year in which hauling did not occur, though annual reports were filed each year with the County. He believed that the company had a permit right to haul the sand, exclusive of the developer's agreement, and that they were voluntarily entering into conditions to help protect the neighbors.

Commr. Campione asked if the company had filed annual reports except for one year.

Mr. Crawford clarified that they were filed each year and that there was no hauling in 2013. He added that the 2014 report confirmed that they had hauled again and that if a CUP or a mining conditional use permit (MCUP) was not utilized for three years, then there was a possibility that the Land Development Regulations (LDRs) would remove it.

Commr. Campione asked if he had looked back to when the Eustis Sand Mine owned the site.

Mr. Crawford thought that they were operating through the 1980s and that there were reports filed by the Eustis Sand Mine's engineer; furthermore, they were later filed by the hauler for the SJRWMD. He reiterated that the reports showed annual work and compliance with the CUP.

Commr. Breeden indicated concerns about the school bus stop in the agreement.

Mr. Crawford replied that it was moved in the new agreement to the actual location of the stop and that the flagman would be located there.

The Chairman opened the floor for public comment.

Ms. Prue Maxon, a resident of Black Bear Reserve, expressed concerns about excessive noise on C.R. 44A, accidents at the intersection of C.R. 437 and C.R. 44A, traffic, and negative impacts to property values. She thought that there should be a traffic light to help at the entrance to her subdivision and that the cost to repair the roads would be more expensive than anticipated. She urged the Board to deny the agreement.

Mr. Louis Schoolkate, a resident of Black Bear Reserve, noted considerable truck traffic in the area and opined that much of the road along the proposed haul route was significantly damaged. He felt that the company's compensation for the County would not be sufficient to fix the roads and that funding would have to be drawn from elsewhere.

Ms. Geri Sullivan, with the Rafiki Foundation, stated that her organization's offices were located at the corner of Hart Ranch Road and C.R. 44A, and she opined that previous trucks had driven recklessly down Hart Ranch Road and created dust, noise and danger there. She recalled hearing that school buses would not traverse Hart Ranch Road due to the trucks, and she felt that the trucks would disturb her operations for five to seven years. She also indicated concerns about inconveniences from resurfacing Hart Ranch Road. She said that she was unclear on the benefits of this project and asked the Board to deny it.

Mr. Scott Atkins, a Lake County resident, quoted Mr. Steven Miller, Chief of the Bureau of Land Resources for the SJRWMD, who had expressed that there were these four options for the subject property: move the sand back into the lake; move the sand out via Hart Ranch Road; move the sand out via Lake Norris Road; or leave the sand in place. He felt that only the first and fourth options were viable and alleged that Mr. Miller had opined that the lake there had become part of the ecosystem and should not be filled in. He stated his understanding that the subject property contained several rare animal species and he opined that numerous trucks per day on the site would disrupt the wildlife there. He claimed that in 2012, the SJRWMD promised the residents of Hart Ranch Road that sand trucks would no longer use the road, and he felt that homeowners there had a right to quiet enjoyment. He thought that the trucks were a nuisance and could create issues such as dust, noise and odors. He asked the Board to reconsider the request or to postpone it so that it could be brought before the new SJRWMD Board.

Ms. Marie Hart, a resident on Hart Ranch Road, opined that after 2012, the SJRWMD only hauled the sand with their own trucks to places where they needed sand; furthermore, she thought that there were no paid haulers removing the sand during this time. She said that the SJRWMD had relayed to residents that they would close the fishing permits for the nearby lake, and she said that the horse trail there was close to where the trucks were driving. She communicated her understanding that the Rafiki Foundation was promised by the SJRWMD that no more hauling would occur on the nearby road. She recalled a statement from the company indicating that there would be a superintendent onsite; however, she opined that this would be miles into the site and that there would not be an individual located on Hart Ranch Road.

Ms. Laura Pendergrass, a resident of Lake County, indicated concerns for road safety, the road conditions along the hauling route, high volumes of truck traffic, and noise. She opined that the monetary contribution from the company would not be sufficient to service the roads. She suggested postponing the case to determine if the new SJRWMD Board would have different plans for the site.

Ms. Jocelyn Corville, a resident of Black Bear Reserve, expressed issues with the trucks' noise and damage to the roads. She stated that the hauling would incur impacts to finances, quality of life, road safety and property values. She opined that the approximate \$67,000 would not be sufficient to repair the roads nor was

Hart Ranch Road designed to accommodate truck traffic. She asked the board to deny the agreement or to postpone it until the new SJRWMD Board was in place.

Mr. Mike Hicks, a resident of Black Bear Reserve, asked how the company could repave nine miles for only about \$67,000 and thought that the trucks could weigh up to 17,000 tons. He opined that the roads were not designed to accommodate this type of load, and he felt that modifying the sand mine would contribute to flooding, disrupt the wildlife and create noise. He also expressed concern for trucks creating a safety hazard for pedestrians and relayed his understanding that the hauling was deterring further development at Black Bear Reserve.

Mr. Jon Suarez, a resident of Lake County, expressed concern for disrupting the ecosystem which had developed around the sand mine. He stated that there were other borrow pits in the area and opposed adding additional trucks hauling from the subject property. He opined that many roads were in poor condition and asked where the funding to repair them would come from. He alleged that the trucks posed a danger when driving and had damaged his vehicle.

Mr. Jim Hepp, a resident of Lake County, opined that the purpose of the hauling was for financial gain and that there was no benefit to Lake County. He asked the Board to help the citizens and deny the agreement.

Ms. Margaret Andrade, a resident of Rolling Oak Estates, recalled that a borrow pit was previously approved in the area which created dust, truck traffic, concerns about water quality and negative impacts to property values. She asked the Board to deny the agreement.

Commr. Campione clarified that this tab did not concern an application for a new mine; rather, it was a request to remove sand which had already been mined from the subject property.

Ms. Elaine Renick, opined that there had been 17 years to remove the sand from the area and that the sand could remain at the site. She quoted the SJRWMD as stating that the basin and floodplain swamp were relatively intact and opined that the area within the floodplain swamp was small when compared to what was proposing to be removed. She felt that the County could have legal exposure for this item regardless if it was approved and she hoped that the BCC would represent the residents and deny the agreement. She relayed that in the land management plan for the site, it was specified that Lake County was responsible for road maintenance and safety; furthermore, she thought that this could create consequences for the County if the hauling was approved and a traffic accident occurred. She suggested that the sand could remain onsite and that some mitigation could still occur.

Ms. Renee Lewis, a resident of Lake County, questioned why the SJRWMD wanted to remove the sand at the current time and opined that it was not typical to conduct restoration a decade after a project had been completed. She asked if the SJRWMD had formally provided a fully funded project plan which showed that if the current agreement was approved, then they would intend to bring all of the traversed roads up to standard and maintain them during the duration of the hauling. She opined that resurfacing Hart Ranch Road at the beginning and end of the hauling would be ineffective, and she felt that no permit should be issued until a plan was submitted. She claimed that if the SJRWMD was receiving federal funds for hauling sand, an impact study would have to be conducted and the district would have to prove that they had funded the entirety of the project. She also asked if the BCC could limit the number of trucks per day and if the company had produced a fixed weekday schedule which would not include hauling during times when school buses would be present. She then inquired if the trucks would abide by speed limits, property boundaries, and take safety precautions, and if the

trucks could possibly damage the foundations of homes along the routes. She questioned if the project would be a valid restoration of the wetlands and commented that she had not seen an overlay of the existing property when compared to before the hauling was occurring. She opined that the project was invalid, was profit driven, and that the sand should remain in place.

Mr. Gary Pardue, President of the Black Bear Reserve Homeowner's Association (HOA), opined that there was difficulty with accessing the neighborhood on C.R. 437 due to truck traffic and a lack of traffic lights. He felt that the need for a stoplight at the intersection of C.R. 437 and C.R. 44A could be reexamined. He asked the BCC to reconsider this agreement and expressed a desire for a better plan to serve the residents.

Mr. Tom Bergstresser, a resident of Lake County, opined that residents tolerated truck traffic for numerous years and were promised that it would cease. He felt that the trucks had an impact on their quality of life, their ability to sell property, and animal habitats. He opined that the sand did not need to be moved and that there could be 400 trucks traveling on Hart Ranch Road for 12 hours per day if this was approved. He asked the BCC to reexamine the agreement.

Mr. Clarence Lewis, a Lake County resident, suggested that the traffic study at Hart Ranch Road and C.R. 44A needed to be reevaluated for safety. He opined that a traffic light at C.R. 44A and C.R. 437 would be a good investment on the current date and that if the agreement was approved, there should be a temporary traffic light at Hart Ranch Road and C.R. 44A. He expressed concern about the condition of C.R. 44A and possible damage from trucks. He felt that the payment from the company would not be sufficient to repair the roads and that there should be patrols to ensure that the truck drivers were following the law. He also suggested conducting an Environmental Protection Agency (EPA) study for the Lake Norris Conservation Area.

Commr. Campione stated that the BCC had denied a previous borrow pit on C.R. 437, though she said that the owner later obtained an agricultural permit from the SJRWMD to grow blueberries and the property was then graded. She expressed that the BCC did not have discretion over the owner's grading of this property and the removal of sand.

Mr. John Fiequette, a concerned citizen, expressed his understanding that there was no representative of Lake County on the SJRWMD Board, and he asked the BCC to support the possible appointment of a Lake County resident to this board. He claimed that according to Florida Statutes, Chapter 259.032, selecting lands which are managed under conservation should involve one individual from the county or local community in which the parcel or project is located, and who is selected by the BCC in the county which is most impacted by the acquisition.

Mr. Lance Walker, a resident of Lake County, felt that there had been few improvements to the infrastructure in East Lake County. He expressed concern about the danger at the intersection of C.R. 437 and C.R. 44A and how additional truck traffic could worsen it. He opined that the company's financial contributions would be insufficient to adequately improve the roads, and he felt that there were options for the sand without removing it from the area. He urged the Board's denial of the agreement and thought that additional road improvements were needed before adding more traffic.

Mr. Ken LaRoe, the Founder of Florida Choice Bank and First Green Bank, said that First Green Bank's nonprofit foundation had contributed approximately \$50,000 to the Lake County Water Authority (LCWA) in a matching grant to purchase 18 additional acres to add to a LCWA park which abutted the Lake Norris Conservation Area. He explained that this was done because they thought that the public lands would be

preserved in perpetuity and would increase the development buffer there. He opined that the hauling had reduced property values and damaged the environment. He also felt that it would be less costly for the County to experience litigation by the company when compared to citizens.

Mr. Cole indicated that many citizens in the County Administration Building lobby did not wish to speak, though signed a petition to oppose the proposed agreement.

Commr. Campione entered this into the record.

Ms. Julie Tzobanakis, a resident of Lake County, urged the Board to deny the agreement.

Mr. Hugh Kent, a resident of Lake County, encouraged the Board to honor a previous BCC decision to enact a truck ban on the entire length of C.R. 44A. He elaborated that there was a restriction for trucks which were class 8 or higher and that this decision was made five years prior due to safety. He noted that there was an exception for local delivery trucks, though he did not feel that this would be a compelling argument to allow trucks in this area.

Ms. Hart shared her concerns that the mitigation company would haul the sand to whomever would purchase it and that the haul route could change at any time.

There being no one else who wished to address the Board regarding this matter, the Chairman closed the floor for public comment.

Ms. Melanie Marsh, County Attorney, entered Conditional Use Permit #358-4 into the record and noted that one of its provisions stated that access to the county or state road shall be fortified and meet the approval and specifications of the County Engineer. She also entered into the record a report of traffic accidents from January 2016 through January 2019 at several intersections along the haul route, noting the following findings: five accidents at the intersection of C.R. 44A and C.R. 437; 36 accidents at the signalized intersection of S.R. 44 and C.R. 437 with 21 being rear end collisions; four accidents at the intersection of S.R. 44 and C.R. 46A, which was also signalized; and one accident at the intersection of C.R. 44A and Hart Ranch Road. She clarified that the approximate \$68,000 figure was a proportionate share and that case law did not suggest that new projects should be charged for existing road deficiencies.

Commr. Campione noted that C.R. 44A did not have shoulders and opined that it was in an undesirable condition. She also felt that the intersection of C.R. 44A and C.R. 437 posed a significant danger and that adding trucks to the road there could worsen this. She said that the roads in that area were winding and that the previous truck ban had considered these issues. She indicated an issue with the County experiencing impacts to the roads and safety, and she also expressed a concern for the property's wildlife. She opined that the County's infrastructure was insufficient to accommodate this traffic and she felt that there could be the potential to ask the new SJRWMD Board to review this item and how it would affect the residents on Hart Ranch Road. She expressed a hope that the new SJRWMD Board could discontinue the activity and she thought that the County could communicate to them that it would be inappropriate for the roads and residents.

Commr. Breeden said that she had spoken with the County Attorney, who had clarified that the agreement between the SJRWMD and the mitigation bank would not allow the district to terminate it for convenience; furthermore, while the agreement gave the district the right to move the material, it did not require this to be done. She expressed an understanding that the SJRWMD could change its position and that management plans were reviewed periodically and were not legally enforceable. She stated a preference to not delay this item further and supported a recommendation of denial.

Commr. Blake asked about the new SJRWMD Board's ability to modify previous agreements.

Ms. Marsh replied that it would be similar to other contracts and that they could negotiate with the mitigation bank. She added that they could terminate the agreement even if there was no termination clause for convenience.

Commr. Parks expressed concerns if the approximate \$67,000 would be sufficient to mitigate the truck traffic and for danger at the intersection of C.R. 44A and C.R. 437. He stated that the new members on the SJRWMD Board could have a different perspective on this issue.

Commr. Sullivan agreed that the County would not be fully benefitting from the property's use, though he thought that the wildlife habitat could return. He indicated a belief that the county had changed and could not continue operating as it had done previously. He expressed that he would not be comfortable with approving this item and he opined that there were infrastructure issues which had not been mitigated.

Commr. Blake advocated for property rights and noted that the agreement was with a governmental entity; however, he indicated an issue with how the SJRWMD had changed their previous statements about the use of the property. He felt that the mitigation did not have to occur and noted that this was the SJRWMD's concern, while the County's concern was for transportation and infrastructure. He also opined that if there were no transportation issues, profiting while managing the property would benefit the taxpayer.

Commr. Parks mentioned that while he would support denying the agreement, the SJRWMD had helped the County with water conservation and water quality issues. He said he was looking forward to the new SJRWMD Board and noted that representation on the Board from Lake County would be the Governor's decision.

Commr. Campione agreed that the County had a positive relationship with the SJRWMD on other issues, and she reiterated that the current agreement would cause the County and residents to incur its detrimental effects. She also agreed with having a Lake County representative on the SJRWMD Board and she proposed that the BCC could inform the Governor that they would support such a nomination.

Commr. Breeden disclosed that there was an applicant from Lake County for one of the SJRWMD Board's positions and that this was not a BCC initiative. She felt that the SJRWMD had been excellent partners with the County on many projects and she hoped that this could continue.

Commr. Campione added that the proposed agreement included 200 trips per day to remove sand from the property and that there would be another 200 trips per day for trucks entering the property. She opined that this would create a complete disruption to the traffic flow, along with noise from the activity each day.

On a motion by Commr. Blake, seconded by Commr. Breeden and carried unanimously by a vote of 5-0, the Board denied a Development Agreement with Blackwater Creek Wetlands Mitigation, LLC (Plantation, FL) to utilize Hart Ranch Road to haul material from the Lake Norris Conservation Area in the City of Eustis.

PUBLIC HEARINGS: REZONING

REZONING CONSENT AGENDA

Ms. Michele Janiszewski, Chief Planner for the Office of Planning and Zoning, stated that there were three cases on the rezoning consent agenda and that one letter of opposition was received for Tab 3, though staff recommended keeping it on the consent agenda if there were no speaker cards for that item. She added that the applicant for Tab 5 was seeking a continuance. She said that staff was seeking approval of the rezoning consent agenda and for the continuance request.