

A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS

JANUARY 29, 2019

The Lake County Board of County Commissioners met in regular session on Tuesday, January 29, 2019 at 9:00 a.m., in the Board of County Commissioners' Meeting Room, Lake County Administration Building, Tavares, Florida. Commissioners present at the meeting were: Leslie Campione, Chairman; Wendy Breeden, Vice Chairman; Timothy I. Sullivan; Sean Parks; and Josh Blake. Others present were: Jeff Cole, County Manager; Melanie Marsh, County Attorney; Niki Booth, Executive Office Manager, County Manager's Office; Gary J. Cooney, Clerk of the Circuit Court and Comptroller; Kristy Mullane, Chief Financial Officer; and Josh Pearson, Deputy Clerk, Board Support.

INVOCATION AND PLEDGE

Mr. Fred Schneider, County Engineer, gave the Invocation and Commissioner Campione led the Pledge of Allegiance.

AGENDA UPDATE

Mr. Jeff Cole, County Manager, said that since the agenda was first published, staff revised the backup for Tab 24 and added Tab 26 to Commissioner Campione's report. He noted that Tab 27 was also added as part of the County Attorney's consent agenda.

RECOGNITION OF EAGLE SCOUT HONOREE

Commr. Campione introduced Mr. Jared Robert Hunt and said that the Board of County Commissioners (BCC) would be honoring him for the completion of his Eagle Scout badge project. She then read a letter of recognition to Mr. Hunt for his outstanding leadership in Project Relieving Liberty in which he and his Eagle Scout troop collected and folded approximately 350 American flags as part of an honorable retirement ceremony.

Mr. Hunt stated that his project aimed to raise awareness of the retirement of flags and which organizations are permitted to do this. He encouraged residents to take flags which are unfit to fly and give them to their local Boy Scout troop to retire them respectfully.

MINUTES APPROVAL

On a motion by Commr. Breeden, seconded by Commr. Sullivan, and carried unanimously by a 5-0 vote, the Board approved the Minutes of November 20, 2018 (Regular Meeting) as presented.

CITIZEN QUESTION AND COMMENT PERIOD

Ms. Martha MacFarlane, Mayor Pro Tempore of Howey-in-the-Hills, stated that the Harris Chain of Lakes Restoration Council had a recommendation pertaining to a proposed connection between Lake Apopka and Little Lake Harris through the Double Run Preserve. She opined that when considering the water quality in Lake Apopka and the treatment established in Lake Beauclair for the runoff into Mount Dora, this would not be a feasible or appropriate use of funds; furthermore, she felt that this could compromise the current water quality in Little Lake Harris. She relayed that there were existing issues with hydrilla there and she asked the BCC to consider dissuading this action.

Commr. Campione asked if she had received this presentation from the Harris Chain of Lakes Restoration Council. She clarified that the BCC does not make these types of decisions, but attempts to be involved in issues within their districts.

Ms. MacFarlane confirmed this and said that other citizens had attended the meetings.

Mr. Cole relayed that the Harris Chain of Lakes Restoration Council had not contacted the County about any items in recent months.

Ms. Linda Moss, a resident near Lake Apopka and the Apopka Beauclair (A-B) Canal, said that she had pictures of muck and flock that had come downstream in the months following Hurricane Irma which polluted Lakes Beauclair and Dora; furthermore, it had filled about 2,500 feet back from the A-B Canal into the Tammi Drive Residential Canal and created challenges with navigating the canals. She relayed that the Chairman of the St. Johns River Water Management District (SJRWMD) Governing Board stated that they had to prevent Lake Apopka from flooding due to tropical storms and hurricanes, and she indicated a concern about the flock leaking from ponds near the Nutrient Reduction Facility (NuRF) and coming downstream into the A-B Canal. She said she hoped that a discussion could be held about the future of Lake Apopka to allow the residents to access the canal and to prevent this from happening elsewhere. She said that Lake County was the only county with a water authority and she opined that this organization was a detriment to the lakes.

Commr. Campione said that the BCC had attempted to be involved in issues concerning Lake Apopka, though it was not under their jurisdiction. She noted that it affected the residents, the economy and the Harris Chain of Lakes.

Commr. Parks added that he had reached out to the Lake County Water Authority (LCWA) about setting up a meeting, but he had not received a response.

Commr. Breeden asked if the canal was private.

Ms. Moss replied that the canal was created by the developer in the early 1970s or late 1960s. She said that the developer signed over the canals in the Venetian Village neighborhood to the County in 1972.

Mr. Peter Tuite, a resident of Howey-in-the-Hills, said that his concern was that a canal was proposed between Lake Apopka and Little Lake Harris, stating that Lake Apopka was approximately fifty square miles when compared to Little Lake Harris' two square miles.

Commr. Campione said that there had previously been a natural connection between the two lakes through the Double Run Preserve.

Mr. Tuite noted that there was already a hydrilla problem in Little Lake Harris and that years ago, when the lake was clean and was three or four feet higher due to the dams not yet being installed, there was a swamp seepage where the water treated itself. He related that recent bass fishing data indicated that a significantly higher number of big bass were caught in Little Lake Harris when compared to the much larger Lake Apopka, and he opined that this was due to a disparity in water quality between the lakes. He asked the BCC to consider discouraging the canal project.

Commr. Campione opined that according to the rules and regulations from the state, indiscriminately moving water from Lake Apopka into Little Lake Harris would not be permitted due to discharge requirements and concerns about water quality. She commented that the BCC would like to take this information and meet with the Harris Chain of Lakes Restoration Council and others to become more informed about the issue.

Mr. Tuite remarked that Double Run Preserve was a Florida spring and fed Little Lake Harris. He opined that the water quality in Lake Apopka was unsatisfactory despite efforts being made to treat it, and he expressed a concern about a lack of treatment for the new canal.

Commr. Campione expressed that she wanted all of the lakes to have the best water quality.

Commr. Sullivan related that lake issues had become prominent in recent years and that there were many individuals who were considering them.

Mr. Cole clarified that the Harris Chain of Lakes Restoration Council had submitted a request to the State Legislature requesting that this item be considered, and that funding for an analysis and the construction would have to be approved before a canal could be constructed. He encouraged the residents to let their legislators know that a request for the canal had been made.

Ms. Janice McClane, a resident of Howey-in-the-Hills, said that the residents there treasured their lake and did not want to experience similar issues as those described on the A-B Canal. She expressed opposition to putting polluted water into the Double Run Preserve.

CLERK OF THE CIRCUIT COURT AND COMPTROLLER'S CONSENT AGENDA

On a motion by Commr. Breeden, seconded by Commr. Sullivan and carried unanimously by a 5-0 vote, the Board approved the Clerk of Circuit Court and Comptroller's Consent Agenda, Items 1 through 5, as follows:

List of Warrants

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

Cascades at Groveland Community Development District Amended FY 17/18 Budget

Request to acknowledge receipt of the Cascades at Groveland Community Development District Amended Fiscal Year 2017/2018 Budget. Transmittal of the amended budget is being made pursuant to Section 189.016, Florida Statutes.

City of Groveland Ordinance No. 2018-09-33

Request to acknowledge receipt from the City of Groveland for adoption package for Ordinance No. 2018-09-33, Large Scale Comprehensive Plan Amendment (Hunt Island) to the City of Groveland's Comprehensive Plan, pursuant to 163.3184, Florida Statutes.

Town of Lady Lake Ordinances and Resolutions

Request to acknowledge receipt of the following from the Town of Lady Lake:

Ordinance No. 2018-42 – Annexation; Ordinance 2018-43 – Comprehensive Plan Amendment; Ordinance 2018-44 – Rezoning; Ordinance 2018-45 – Amending Chapter 10.5, Pension and Retirement, Article III, Police Officers' Retirement Trust Fund; Ordinance 2018-46 – Deleting and Replacing Ordinance 2006-76 in Its Entirety and Establishing a Disciplinary Arbitration Panel (DAP) to Adjudicate Grievances in Lieu of an Arbitrator; Ordinance 2018-47 – Adopting Corrections, Updates and Modifications to the Capital Improvement Schedule of the Town of Lady Lake Comprehensive Plan; Resolution 2018-112 – Variance.

Lands Available List

Request to acknowledge receipt of property placed on the Lands Available List. Lake County has until April 10, 2019 to purchase property from the Lands Available List before it is available to the public.

COUNTY MANAGER'S CONSENT AGENDA

Commr. Campione asked to pull Tab 27 from the Consent Agenda for discussion. She said that she had brought this item forward because she had been attempting to cooperate with the City of Mount Dora for the possibility of the City being a utility provider for the Mt. Plymouth-Sorrento Community Redevelopment Area (CRA) and the area along State Road (S.R.) 46. She recalled that a few years prior, the County explored the possibility of operating a utility for this purpose due to knowing that a central sewer system would be preferable when compared to septic systems and would be environmentally positive due to the high density developments along the S.R. 46 corridor. She noted that the Mt. Plymouth-Sorrento CRA wanted to preserve its autonomy and that she had received comments from residents there indicating that they were not interested in being part of the City of Mount Dora. She relayed

that the residents there also wanted to see the existing densities preserved, and she had hoped to negotiate an agreement with the City to be a utility provider there with a line at the end of the Wolf Branch Innovation District indicating that the City would not annex any further beyond it. She remarked that she had brought an agreement forward for the BCC to approve and then move forward to the City, though there had been disagreements with the City about the concept of precluding annexations beyond that point if a resident there requested an annexation. She asked if there was a consensus to move forward and attempt to negotiate the item to be brought back later to the Board for further consideration.

Commr. Breeden said that she would be interested in considering it further.

Commr. Campione noted that Mr. Joe Grusauskas, Utilities Director for the City of Mount Dora, was in attendance and asked if this action would be satisfactory. She clarified that the concept behind this agreement was to preserve the densities and character of the area while also providing utilities. She opined that annexations would lead to higher densities there.

Mr. Grusauskas said that it would be appropriate if the BCC Chairman and the Mount Dora City Council discussed the issue.

Commr. Breeden felt that a single citizen who wanted to be annexed into a city could also create issues.

Commr. Campione agreed that having different cities in close proximity could create issues and that the BCC could help prevent this from happening.

Commr. Sullivan said that the Mt. Plymouth-Sorrento CRA was a great community and that discussing the item with the City of Mount Dora would be a good way to move forward.

On a motion by Commr. Breeden, seconded by Commr. Blake and carried unanimously by a vote of 5-0, the Board approved the Consent Agenda, Tabs 3 through 16, pulling

Tab 27, as follows:

COUNTY ATTORNEY

Request approval and execution of a Settlement Agreement and Release in Joel Price vs. Lake County. The fiscal impact is \$10,000.00 (expenditure).

Request approval to utilize outside counsel firms on an as needed basis. Fiscal impact cannot be determined at this time.

MANAGEMENT AND BUDGET

Request approval of Resolution 2019-11 to adopt a revised fee schedule for the Office of Emergency Medical Services for Fiscal Year 2019, amending Resolution 2018-152. The fiscal impact cannot be determined at this time.

ECONOMIC PROSPERITY

Visit Lake

Request approval of updates to the Lake County Tourism Development Council Capital Projects Funding Application v. 3.2, Policy 2.2. There is no fiscal impact.

Request approval of sponsorship funding associated with the Greater Orlando Sports Commission bid for the 2019-2022 Florida High School Athletic Association Golf State Finals at Mission Inn Resort and Club, and authorization for the Chairman to execute the agreement with the Greater Orlando Sports Commission. The fiscal impact is not to exceed \$102,000.00 over four years (expenditure - TDT funding). Commission District 1.

PUBLIC SAFETY AND COMPLIANCE

Public Safety

Request approval of an Interlocal Agreement with the City of Clermont for Lake County to administer and process addressing within the city. The fiscal impact cannot be determined at this time. Commission Districts 1 and 2.

Request approval to:

1. Apply for the 2019 E911 State Grant Program to implement 911 Geographic Information Systems development and maintenance for Next Generation 911 services.
2. Authorize the County Manager, or designee, to execute all supporting documentation and related expenditures.

The estimated fiscal impact is \$495,321.14 (revenue & expenditure - 100% grant funded).

INFRASTRUCTURE AND INTERNAL SUPPORT SERVICES

Public Works

Request approval to:

1. Accept the final plat for Sawgrass Bay Phase 4A, and all areas dedicated to the public as shown on the Sawgrass Bay Phase 4A final plat, located near Clermont.
2. Execute a Developer's Agreement for Construction of Improvements with KB Home Orlando LLC (Orlando, FL).
3. Accept a performance bond of \$101,365.56.

The fiscal impact is \$1,551.00 (revenue - final plat application fee). Commission District 1.

Request approval to apply for and accept a St. Johns River Water Management District (SJRWMD) cost share grant to design and construct a linear stormwater treatment pond in the remnant canal located at Marsh Park on Lake Yale in Eustis, and authorization for the Chairman to execute any related documents. The fiscal impact is \$125,000.00 (expenditure - \$41,666.67 in SJRWMD grant funding, \$62,500.00 in Lake County Water Authority grant funding and \$20,833.33 in Stormwater MSTU funding). Commission District 4.

Request approval:

1. To advertise an ordinance amending Chapter 18, creating a new Section 18-2, to be entitled "Haul Permit," and creating a permitting process for hauling.
2. To impose a permit fee of \$500.00.

The fiscal impact cannot be determined at this time.

COMMUNITY AND TECHNICAL SUPPORT SERVICE

Community Services

Request approval of Resolution 2019-12 in Support of LifeStream Behavioral Center's Fiscal Year 2019/2020 State Legislative Request to fund 10 indigent Baker Act beds for Lake and Sumter counties. There is no fiscal impact.

Request approval of a letter of commitment to support LifeStream Behavioral Center Inc.'s submission of a Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant through the Florida Department of Children and Families. There is no fiscal impact.

Request approval of grant funding for Adoption2Action, Inc. (\$5,300.00) and Grappling for Life, Inc. (\$5,300.00) through the Children's Services Council Grant Request for Proposal process, and authorization to execute the grant agreements. The fiscal impact is \$10,600.00 (expenditure).

Information Technology

Request approval to amend the Microsoft Support contract approved by the Board on November 6, 2018, to include a HIPAA Business Associate Agreement, authorization to execute any supporting documents, and authorization for the County Manager or designee to execute any future no-cost amendments to Microsoft agreements. There is no fiscal impact from this action.

PUBLIC HEARINGS: REZONING

REZONING CONSENT AGENDA

Ms. Michele Janiszewski, Chief Planner for the Office of Planning and Zoning, displayed the advertisements for that day's rezoning cases on the overhead monitor in accordance with the Florida Statutes. She relayed that there were three Comprehensive Plan (Comp Plan) amendments for adoptions on the consent agenda, and there was one case on the regular agenda which was the Hilochee Partners Property planned unit development (PUD). She said that when the staff reports were published, there were only 41 letters of opposition for the Hilochee Partners Property PUD, though the number had since increased to over 80 letters. She stated that staff recommended approval of the consent agenda.

The Chairman opened the public hearing.

Mr. Charles Lee, Director of Advocacy for the Florida Audubon Society, asked to clarify a line in the staff report for Tab 3 which referred to the definition of open space. He said that he was informed on the current morning that this line was a typographical error, and he asked to confirm that the ordinance would not be changing any of the open space requirements.

Ms. Janiszewski confirmed that this was correct and that it was an error in the staff report. She said that the justification for the amendment was included in the summary of analysis and that it was an increase in site specific future land use (FLU) categories.

Ms. Lynne Thornton, a resident of Mt. Plymouth, asked the Board to deny Tab 1, opining that it was being proposed to facilitate the Mt. Plymouth-Sorrento communication tower and that amending the Comp Plan due to this specific project would set a negative precedent. She felt that this amendment would undercut the role of the Board of Adjustment and questioned if the ordinance was legally deficient due to allowing the BCC to grant waivers with no discernable and objective standards. She opined that neither applicants nor the affected parties would be aware of the requirements to lawfully obtain a waiver. She opined that public order included hazardous waste cleanup sites and that the amendment appeared to be allowing these facilities adjacent to dwellings. She expressed concerns about the consequences of the ordinance and felt that it required additional work and discussion.

There being no one else who wished to address the Board regarding any cases on the Rezoning Consent Agenda, the Chairman closed the public hearing.

Commr. Sullivan said that the purpose of Tab 1 was to establish rules and regulations for changes to public safety.

On a motion by Commr. Sullivan, seconded by Commr. Blake and carried unanimously by a vote of 5-0, the Board approved the Rezoning Consent Agenda, Tabs 1 through 3, as follows:

Tab 1. Ordinance No. 2019-5

Rezoning Case # CP-18-10

Public Safety Comprehensive Plan Amendment – Adoption

Amend the Comprehensive Plan to define 'Public Order and Safety' and 'Detention Facilities' to allow Public Order and Safety uses in most Future Land Use Categories and exclude Detention Facilities within the Green Swamp Area of Critical State Concern.

Tab 2. Ordinance No. 2019-6

Rezoning Case # CP-18-14

Protection of Shorelines Comprehensive Plan Amendment – Adoption

Amend Lake County 2030 Comprehensive Plan Policy III-2.2.7, entitled Protection of Shorelines, to include the ordinary high water line and establish criteria for new plats and site plans abutting natural water bodies and wetland areas, and to allow

development approved prior to March 2, 1993 to continue development with the existing established wetland setback; and amend Lake County Comprehensive Plan Policy III-2.5.12, Wetland Dedication, to require the fifty (50) foot upland buffer to be included in the common area tract with the wetlands.

Tab 3. Ordinance No. 2019-7

Rezoning Case # CP-18-16

Planned Unit Development (PUD) Future Land Use Category – Adoption

Amend Table Flue 2 – Future Land Use Categories Table to include a Planned Unit Development Future Land Use Category; establish Objective I-7.14, entitled ‘Planned Unit Development Future Land Use Series;’ and establish Policy I-7.14.1 through Policy I-7.14.4.

REZONING REGULAR AGENDA

Tab 4.

Rezoning Case # RZ-18-15-1

Hilochee Partners Property PUD

Rezone approximately 284.84 acres from Agriculture (A) to Planned Unit Development (PUD) to facilitate the development of a twenty-nine (29) lot subdivision.

HILOCHEE PARTNERS PROPERTY PUD

Ms. Janiszewski explained that rezoning case #RZ-18-15-1, Hilochee Partners Property PUD, was located south of Island Ranch Road at the intersection of Reynolds Road and Montevista Road in the City of Groveland area. She said that the property was comprised of approximately 284 acres, of which about 102 acres were uplands. She stated that the applicant’s request was to rezone the 284 acres from Agriculture to PUD to facilitate the development of a 29 lot subdivision. She displayed the current zoning and FLU maps for the subject property and noted that it was currently located in the Green Swamp Rural and the Green Swamp Rural Conservation FLU categories. She relayed that staff found the request consistent with Chapter 4 of the Land Development Regulations (LDRs) which allows PUDs on all land use classifications, and staff also found the request consistent with Chapter 8 which requires PUDs within the Green Swamp to be clustered away from sensitive areas. She added that the request was consistent with the Green Swamp Rural FLU category which allows a maximum density of one dwelling unit per five net acres, along with the Comp Plan policy for the calculation of residential density which allows one additional dwelling unit to be built within the net buildable area of a parcel for every 20 acres of wetlands on the subject site, which would result in a total of 29 residential lots on the subject site. She related that the applicant had provided an updated concept plan two weeks prior and that the revised plan showed that the open space would be broken into individual tracts and that deed restrictions would only be used for open space. She concluded that staff recommended approval of the request.

Commr. Campione asked how enforcement would affect open space if it was deed restricted and if the County would be named as the beneficiary of that restriction or be given some enforcement power over improper use of the space. She asked if there was a way to do this or if the ordinance would grant the County the authority to enforce open space uses in the area.

Ms. Janiszewski said that this would be based on how the deed restrictions were finalized during the preliminary plat.

Ms. Melanie Marsh, County Attorney, said that the County could enforce the use of the space through the ordinance, though could not enforce deed restrictions. She asked if the

Board would want a conservation or open space easement to allow for another method of enforcement.

Commr. Breeden asked if the open space would be defined by the applicant or if it would follow the County's definition.

Ms. Janiszewski responded that it would follow the County's definition per the Comp Plan and she thought that only passive recreation would be allowed.

Commr. Parks asked to confirm that the ordinance in the Board's packets was the latest revision.

Ms. Janiszewski replied that included in the packet was a memo from about a week prior with a revised concept plan and list of conditions. She said that in the previous plan, the common open space was one continuous tract.

Commr. Campione observed that the open space was now attributed to a lot so that if there was a violation, it would be enforced upon that lot owner.

Ms. Anita Geraci-Carver, an attorney representing Hilochee Partners LLC, said that they were proposing that each of the open space tracts associated with the lots be owned by the owner of the primary lot, and there would also be deed restrictions. She remarked that the open space tracts would be noted on the plat and that the County would have enforcement authority based on the ordinance. She added that the homeowners association (HOA) would also have authority and that this would provide an additional level of enforcement. She related that there was a provision in the Lake County Code which required that the Agriculture zoned land for the development had to be a PUD zoning due to developing more than six lots there. She noted that under the current agricultural use, there was a requirement of one dwelling unit per five net acres and that this was also allowed under the Green Swamp Rural FLU. She remarked that each of the 29 lots had an associated open space tract and that the developers would follow the County's requirements for the meaning of open space, including passive recreation, gardens, agricultural uses, hay production and cattle grazing; additionally, no pervious surfaces could be placed on the open space tracts. She explained that they had eight conservation tracts and that 180 of the 284 acres were being placed in conservation easements to be protected in perpetuity. She said that in accordance with the County code, there would be a 50 foot wetlands buffer which would be maintained to protect the wetlands there. She stated that four of the open space tracts would be dedicated to the HOA including a water retention area, two fifty foot perimeter landscape buffers, and an open space tract containing some protected vegetation. She related that they were proposing two revisions to the proposed PUD in the Board's packets including Florida friendly landscaping within the perimeter buffer and that all septic tanks and drain fills would have a 150 foot setback from the furthest upland extent of any wetlands or water bodies. She commented that the Comp Plan only required a 100 foot buffer and that with the exception of lot 10 and other lots which may be changed during the platting process, any undevelopable lot would revert to the 100 foot requirement. She mentioned that the County was precluded from approving more than 120 platted lots in the Green Swamp annually and that no more than 100 building permits could be issued per year for that area. She opined that the request for 29 lots could be a model for subdivisions in the Green Swamp.

Mr. Rick McCoy, with McCoy and Associates and representing the applicants, stated that the proposed layout complied with the LDRs and Comp Plan requirements and that the PUD requirement prompted the case. He said that the open space tract was one large tract, but would be broken up and used by the HOA to buffer the perimeter. He commented that all of

the lots were facing either the street or a wetlands and that on the entrance, there would be a 78 foot wide property and 38 feet of public right of way with Reynolds Road, totaling 116 feet to use for an entrance with landscaping and berms. He said that for the septic system, the majority of the property was type A soils and that with the buffer tracts, they could attempt to maintain a 150 foot setback from the wetlands. He noted discussions about performance based treatment systems and felt that they were unnecessary, though stated that they would work with the Florida Department of Health (DOH) to ensure that the septic tank setbacks would be effective.

Commr. Sullivan asked how the number of lots was decided to be 29.

Mr. McCoy explained that they were protecting approximately 184 acres of wetlands and that they could construct one dwelling unit per twenty acres for a total of nine lots. He added that they also had about 100 acres of uplands and could construct one dwelling unit per five acres, or 20 lots, for a total of 29 lots.

Commr. Campione inquired about the allowed number of lots if there was no density transfer from the wetlands, and if the transferred areas would have a conservation easement in perpetuity.

Mr. McCoy replied that in that case, they could build twenty lots of five acres each. He confirmed that there was a conservation easement on the transferred land and clarified that out of the 284 total acres, only 40 acres would be used for the roadways and lots.

Commr. Breeden asked to confirm that Reynolds Road was public access and that it could be utilized for the entrance.

Mr. Schneider said that the concept plan shown by the applicant reflected what the County would recommend for a roadway location. He displayed an image showing the deeded County right of way and property owned by Hilochee Partners surrounding Reynolds Road. He noted a citizen's concern to move the entrance further away from their house on the southern side of the Hilochee Partners property, and he thought that this could be done. He reiterated that the County's suggestion for an entrance would be down Reynolds Road and he observed that another resident had been using Reynolds Road as a driveway, but they could also access their property off another road.

Mr. McCoy stated that they planned to construct the entrance as far north as possible on the roadway and that there was ample space on their property for a 66 foot right of way. He indicated an interest in landscaping the entrance to lessen the impact of headlights and traffic noise.

Commr. Parks opined that buffers in the Green Swamp should use native plants to help protect wildlife corridors and he asked if the developers were willing to use them.

Mr. Bill Ray, a planner and environmental consultant with the project, explained that they chose Florida friendly plants because it would allow them to use a wider variety of attractive plants. He clarified that the landscape would not be extensively maintained and would instead be naturalized.

Commr. Parks noted that the Green Swamp area had more stringent septic tank criteria and that the current statewide direction was moving toward performance based septic systems to remove nitrate and phosphate and protect groundwater resources. He asked if the developers would be willing to allow the Florida Department of Environmental Protection (DEP) to determine what type of performance criteria could be used.

Mr. McCoy said that typical treatment did not remove nitrates and phosphorus, and that an additional level of treatment was required to remove them. He opined that the best

treatment for them would be plants, and this was why the developer would allow an extra 50 feet of buffer for increased travel time for the nutrients to be absorbed by plants before reaching the wetlands. He opined that performance based systems were most effective in environments with deficient soil quality, high water tables and short setbacks. He related that performance based systems were mechanical and could break down, while septic systems were anaerobic and worked effectively with adequate pumping and travel distance. He added that if the 150 foot wetlands buffer could not be maintained, then the developers would cooperate with DOH to utilize a more appropriate method of treatment.

Commr. Breeden expressed a concern that a small HOA could experience issues with this type of maintenance.

Ms. Geraci-Carver explained that they would be individually maintained and that the County's regulations currently required septic systems to be pumped every five years in the Green Swamp, which was regulated by the DOH. She added that the developer was also required to disclose this language in the contracts with their purchasers, and it would be the developer's preference to not require DOH recommendations for septic systems in the ordinance.

Commr. Blake asked how the five year requirement for pumping was regulated by the DOH.

Ms. Geraci-Carver responded that Lake County shall coordinate with the DOH to require that the systems be cleaned, and she thought that the DOH had a list of systems and required proof of pumping.

Commr. Campione asked if this affected all developments in the Green Swamp or only development orders which were enacted after these rules were established.

Ms. Geraci-Carver replied that the 100 foot setback requirement was enacted after March 2, 1993, and she said that anyone in the Green Swamp would be required to pump their septic systems every five years. She noted that during the developer's community meeting, they talked with Ms. Mary Mack, a resident whose house was closest to the proposed entrance road, about trying to move the entranceway as far north as possible. She said that the property owner had spoken with an adjacent property owner to the north and that they would be agreeable to using the entrance road developed by the applicant. She thought that the right of way from the Groveland Farms plat would also be available and that the developers were committed to installing an effective buffer including 20 feet of landscape buffer to the north and south, along with a berm.

Commr. Blake asked about the structure to the north of the right of way.

Commr. Campione inquired about the Groveland Farms plat.

Ms. Geraci-Carver noted that the structure was owned by the individual who had been in communication with the developer. She said that the area on the map on the Groveland Farms plat had been dedicated to the County by deed and that it would allow them to move the entrance further from Ms. Mack's property.

Mr. Ray reiterated that with the Groveland Farms plat, it was their intention to utilize those lands for access or buffers. He then denied discussions about the subject property owner filling and excavating wetland which would violate the state code. He clarified that maintenance occurred on the site in accordance with agricultural best management practices and criteria set forth by the SJRWMD; furthermore, a representative of the SJRWMD had visited the site and concurred that the activities there were normal agricultural practices with no adverse impacts to wetlands. He stated that there was an upland ditch that connected two

wetlands which was cleaned out and revegetated in accordance with best practices. He stated that previous pipes on the site were replaced with polyvinyl pipes and were inspected by the SJRWMD and the County. He said that the property was an active agricultural operation and that the property owner had performed considerable work to clean it up.

Ms. Geraci-Carver showed a picture with the land on the property which would be preserved, and she noted that only 15 percent of the property would be developed. She opined that the request was consistent with the Lake County Code and the Comp Plan and would feature these items: was consistent with existing uses; would provide a transition to developments in the east; would enhance nearby property values due to large lots and homes; was not in conflict with public interests; would provide additional capacity on Montevista Road; would be consistent with nearby school capacities; would support the purpose of the County regulations to preserve the wetlands there; and could be an example for development in the Green Swamp.

RECESS AND REASSEMBLY

The Chairman called a recess at 10:25 a.m. for 10 minutes.

HILOCHEE PARTNERS PROPERTY PUD CONTINUED

The Chairman opened the public hearing.

Ms. Mary Mack, a neighbor of the development, said that she moved to her residence in 2003 and that the density there was one dwelling unit per five acres at that time. She recalled that she had previously given up an easement on her property because she thought there would only be a maximum of eight homes being constructed on five acre plots. She did not recall having a community meeting with the developer and said that the residents only met with the developers' attorney, who she felt was unreceptive to the community's concern. She commented that the road would be less than 150 feet from her septic tank and she expressed concern about nearby traffic and noise.

Commr. Campione asked if the developer had proposed a wall to buffer nearby sound.

Ms. Mack replied that they did not mention a wall, though it would still be unsatisfactory to her. She felt that 29 new homes was too much for the residents there and that they moved to the area for a rural lifestyle, though she expressed that she was not opposed to all development in the area.

Mr. William Fisher, a resident of Clermont, said that he had recently purchased a home near the subject property due to its current zoning. He opined that the current decision would affect the entire Green Swamp and that if approved, would create the possibility for other developers to construct within it. He said that the Green Swamp supported the Florida Aquifer and he expressed concerns about further pollution and septic issues.

Commr. Campione asked if his new home was in a subdivision, and Mr. Fisher clarified that it was on 11 acres.

Ms. Cathy Brown, a neighbor of the proposed development, remarked that she did not oppose all development in the area, but did not agree with developing the subject property.

Mr. Lee indicated a concern about the long term protection of portions of the subject property. He felt that each of the 29 lots were effectively two lots each and that the second part of each lot would be deed restricted to preclude constructing on them. He opined that deed restrictions expire every 30 years unless they are rerecorded at that time. He added that the preservation of the Green Swamp should not be contingent upon the rerecording of these deeds, and he pointed out that only a portion of the property would be protected by permanent conservation easements conveyed to the SJRWMD. He suggested that if the BCC approved

the development, it should be under a plan which would protect all of the land through a conservation easement instead of temporary deed restrictions.

Commr. Campione said that the current regulations were based on the area of critical state concern.

Mr. Lee opined that any discussion about the Green Swamp was a cause for concern and he was unsure if clustering the development would permanently protect the larger area. He also felt that the deed restrictions would be challenging to enforce there due to a fragmented approach when compared to a single conservation easement.

Ms. Theresa Kleinschnitz, a resident of Lake County, said that she was the owner of the homestead which used Reynolds Road as access. She indicated a concern for schoolchildren when considering the 55 miles per hour (MPH) speed limit on nearby roads, and she relayed that there was a rural community there. She asked the BCC to consider the area's culture and opined that placing a subdivision there would not improve the area's aesthetics. She expressed support for the construction of the number of lots permitted by the Agricultural zoning instead of rezoning it to PUD.

Mrs. Alyne Randall, a resident on Montevista Road, recalled that a representative of the applicant had previously sought a continuance due to wanting to meet with the residents there and that the BCC had shown support for this. She said that residents became informed about a community meeting on January 17, 2019 and that no materials were handed out there. She stated that the developers revealed a revised concept plan, and she opined that they had not vetted the location of the proposed entrance. She commented that the developers had addressed some concerns with vegetation, and she relayed that the residents were only opposing the proposed density. She said that the site was a wetlands and that it was a recharge area for the Florida Aquifer; additionally, it helped feed the Clermont Chain of Lakes. She relayed that the Clermont Chain of Lakes was considered an outstanding Florida waterway which afforded it special protection, and she opined that it was an environmentally sensitive land. She reiterated concerns about septic tanks and she noted that in the revised concept plan, 20 of the homes were now located in the back of the land on a peninsula surrounded by the Green Swamp. She also indicated concerns about placing 29 wells in an area adjacent to ethylene dibromide (EDB) areas, and she said that the subject property could contain EDBs. She stated that according to Comp Plan Policy I-7.8.1, the density and intensity of a PUD shall not exceed the density and intensity of the underlying FLU categories and may be further restricted; additionally, Policy I-1.2.7 indicated that the maximum density or intensity provided within an FLU category shall not be construed as a guaranteed right of entitlement. She opined that the developer should not have utilized their concept plan despite it being allowed under the Comp Plan and she commented that there were no buildable acres on the swamp land which would be in conservation.

Mr. Michael Randall, a resident on Montevista Road, stated that he would support responsible development in the area. He explained that the subject property was connected to an outstanding Florida waterway and was near an EDB area. He suggested either testing for EDB in the area before proceeding with 29 wells, or reducing the number of wells. He opined that an adjacent parcel which was not owned by Hilochee Partners may become landlocked if the development proceeded, and also felt that the proposed lot sizes would be too small to be compatible with the existing agricultural uses. He said that city water and sewer would not be available for the development. He compared the proposed development to the nearby Savannah Reserve development and opined that it should be less dense, as developments

become denser as they moved to the east. He remarked that the Hilochee Partners development included parcels under two different FLU categories and that this could create challenges with the density transfers and the number of allowable approved lots per year in the Green Swamp. He commented that Comp Plan policy I-1.4.6 stated that open space shall be shown on all plats as common area, which shall be deeded to the HOA, the County, a conservation agency, or a non-profit conservation organization for ownership and maintenance. He felt that having the lots be individually owned was contrary to using open space for common good and it would be difficult to control. He advocated for moving the entrance north to avoid negatively impacting Ms. Mack's property, for investigating the possibility of sewer services, and for mandating high efficiency septic systems. He suggested 2.5 acre lots to decrease the density and preserve the rural character of the area, felt that the open space should be placed in a conservation easement, and remarked that caution should be used when platting the open space lots for private ownership. He also said that there were boundary issues in the area and expressed a concern that this may affect the development.

Commr. Blake inquired about his suggestion for 2.5 acre lots and the total number of units.

Mr. Randall replied that it would depend on the design and the shape of the lots. He opined that the request should be denied to give the developer time to consider the residents' comments.

Commr. Campione noted a comment card about a sewage facility in the Green Swamp and asked if this was allowed.

Ms. Janiszewski responded that for the Savannah Reserve case, there was a text amendment to allow central water and sewer in the Green Swamp Rural FLU category if specific criteria was met, though other residential developments would have to be serviced by private wells and onsite wastewater treatment and disposal systems. She added that Savannah Reserve connected to the City of Clermont's utilities.

Ms. Lavon Silvernell, President of the Lake Beautyberry Chapter for the Florida Native Plant Society, said that the Board may want to consider allowing central sewer and water in the Green Swamp because of the impacts downstream. She also felt that this development may negatively impact the residents who preferred living in a rural area.

Mr. Robert Porter, a resident of the Green Swamp, opined that there had been excessive growth with inadequate infrastructure in the Green Swamp. He expressed a concern that setting a precedent for a development there could lead to a nearby 1,500 acres also being developed. He said that there was already a significant number of septic tanks in the area and that the BCC should reconsider allowing more. He said that many residents in the Green Swamp did not want to live in an urban sprawl and opined that no changes should be made to the existing restrictions there.

Ms. Susan Knapp, a concerned resident, said that there was existing legislation to enforce density restrictions and protect the environment. She advocated for creating a new commission district in the Green Swamp area and for maintaining best practices on agricultural land. She supported using native plants in the proposed development's plans, and she indicated concerns about new residents adapting to a rural lifestyle there. She felt that residents there should be educated about the wildlife and expressed dissatisfaction with the roads there.

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

Ms. Geraci-Carver clarified that utilities were not available to the development. She stated that the open space tracts were not designated to be placed in conservation per the Comp Plan and that the developer was providing two layers of protection by giving the HOA the ability to enforce open space requirements, along with the County having a development order to enforce them. She remarked that the current agricultural use permitted a density of one unit per five acres and that this was consistent with the current request. She related that they would not be constructing lots within land designated Green Swamp Rural Conservation and that construction would occur on land designated Green Swamp Rural. She stated that a PUD was only required because the developer was seeking more than six lots. She explained that the open space tracts would not have any associated development rights and would be permanently protected.

Commr. Campione felt that there were issues raised which must be addressed, and she proposed a postponement to consider those ideas.

Ms. Marsh confirmed that the BCC could postpone the case and that there would be another public hearing.

Commr. Breeden said that she would be agreeable to a postponement but that she also had some questions.

Commr. Parks asked about the expiration of deed restrictions which was mentioned by Mr. Lee and about the clarity of open space designations as it related to the Comp Plan. He also asked about the parcel which Mr. Randall suggested could be landlocked by the development.

Commr. Campione said that the potentially landlocked property was off of the site and that the BCC could designate through the ordinance that the developer could not have any other lots utilize this road or the road network to gain access and that this would prevent future subdivisions and adjoining properties from using the subject property.

Commr. Parks stated that Groveland Farms was unique and he asked if there was another easement there.

Ms. Marsh replied that easements would typically be found as part of a required title search at the time of platting. She said that for the 30 year restriction on restricted covenants, the County did not enforce them. She clarified that Ms. Geraci-Carver's suggestion was that when platting the property, the subset lots would be shown as open space on the plat and that this is what the County could enforce.

Commr. Campione asked if it would be a code enforcement issue if a resident attempted to utilize a part of that lot.

Ms. Marsh confirmed this and added that an individual seeking a building permit there would be denied.

Commr. Breeden asked if the restriction would be in perpetuity, and Ms. Marsh confirmed that the plats would not expire.

Commr. Parks asked that if an individual thought that they could build on one of the subset lots, would the restriction appear in geographic information system (GIS) data for both the resident and staff.

Ms. Marsh said that it should appear in the title search.

Commr. Sullivan agreed that there were questions which needed to be answered specifically. He felt that the applicant had met all requirements for density in the Green Swamp for a total of 29 lots, along with meeting environmental concerns. He supported the idea of implementing a high efficiency septic tank to restrict nitrogen and phosphates, in

addition to shifting the entrance north to assist Ms. Mack; furthermore, he was in support of landscaping and buffering. He indicated a willingness to move forward if the applicant answered certain questions, but did not want to postpone it indefinitely. He supported a postponement of 30 to 60 days to address the issue of the septic tanks. He disclosed that he had met with Mr. and Mrs. Randall, as well as the applicants, and had received numerous emails about the issue. He expressed a concern about making the open space permanent, though reiterated his opinion that the developer was using best practices for the property.

Commr. Breeden agreed with Commissioner Sullivan's concerns and opined that landscaping buffers which were in contact with a wetland should use Florida native plants, though other landscaping could be Florida friendly. She was unsure if Ms. Mack would prefer a wall or a berm if the case was approved and that this should be considered. She noted that when combining the A and B parcels they were at least two acres or more, but were restricted in how they could use part of that acreage. She remarked that planning principals were emphasizing clustering to create more open space and that this approach would be preferable to protect the greatest amount of land.

Commr. Campione stated that no more than 100 building permits could be issued in the Green Swamp and no more than 120 lots could be platted there in a given year. She said that there was a finite amount of developable uplands in the Green Swamp and that it thought to be around 1,500 lots if density was transferred from the wetlands. She disclosed that she had spent time at the subject property and said that it was a special place in the county. She remarked that there were challenging negotiations concerning the restrictions in the Green Swamp and that the Bert J. Harris, Jr. Act protected private property ownership when government regulations remove their rights. She commented that the County now had to apply these regulations in a fair way which protects the Green Swamp, water quality, and the character of the area. She advocated for postponing the case to allow time to address some issues, such as the septic tanks. She expressed an interest in specifying a type of septic tank which must be used, and she liked the idea of minimizing any noise which Ms. Mack's property would be exposed to through landscaping and possibly an opaque sound barrier. She noted Mr. Randall's suggestion of compromising with 2.5 acre lots and that there could be a lot size between 2.5 acres and what the developers had proposed. She stated that this case would set a precedent which could be cited in other cases for items such as septic tanks, native vegetation around the wetlands, and setbacks for septic tanks from wetlands. She felt that specifying these items could give certainty to other residents in the Green Swamp concerning future developments there, and recommended a 30 day postponement.

Commr. Blake disclosed that prior to the initial hearing, he had met with Mr. and Mrs. Randall and the applicant. He relayed that his primary concern was that Ms. Mack previously conveyed her right of way believing that it would be for eight total houses, and he also expressed an interest in exploring the total number of units if 2.5 acre parcels were used.

Commr. Breeden disclosed that she met with the applicant and Mr. and Mrs. Randall.

Commr. Parks disclosed that he met with the opposition and the applicant and had visited the area. He said that he had also met with Ms. Barbara Powell, a state coordinator for the Green Swamp area of critical state concern with the Florida Department of Economic Opportunity (DEO). He commented that the applicant had requested a hearing for a PUD rezoning for the 29 lots which were permissible according to the current Comp Plan approved in 2010. He noted that the current Comp Plan was stricter for the Green Swamp than before, and he recalled that he had previously voted against a nearby development which was

increasing its density. He opined that the request should be approved or not approved based on whether it was consistent with the Green Swamp LDRs and the Comp Plan. He added that Lake County was growing rapidly and that he wanted to see areas such as the Green Swamp, the Wekiva Protection Area and the Ocala National Forest protected in perpetuity. He commended the land owner for cleaning up the subject property, and he related that the owner had an entitlement to utilize the property within reason; however, he felt that there were some lack of assurances with the proposed ordinance to minimize negative impacts to the Green Swamp, such as performance based septic systems for nitrogen and phosphate removal and landscaping. He suggested that educational material could be included with the closing documents for each parcel owner, using pictures and text to inform them about fertilizer practices. He said that he also had questions about the allowable activities in the open space lots, and he opined that the request could meet the PUD requirements if these questions were answered. He also proposed a community meeting process for zoning cases to encourage public participation with local government, and he said that staff could lead community meetings in an impartial manner to gather feedback and proposed compromises. He noted the residents' concerns about the allowable densities in the Green Swamp and said that the BCC could consider this and possibly make changes to the Comp Plan. He relayed that Ms. Powell had offered assistance if the County was considering changing its Comp Plan for items such as density transfers, minimum lot sizes, septic tank and water use, and low impact development criteria within the Green Swamp. He added that he and Ms. Powell discussed further protections for the Green Swamp and that the Governor had promised approximately \$2.5 billion for environmental projects. He suggested that the County could pursue an acquisition of some of this funding, along with an acquisition from the Rural and Family Lands Protection Program administered by the Florida Department of Agriculture (DOA). He explained that this program helped protect the ongoing agricultural family operations throughout Florida and could include the Green Swamp. He supported postponing the current case if these questions could be answered within 60 days.

Commr. Breeden expressed her preference for a 30 day continuance.

Commr. Sullivan recommended postponing the case for 30 days to consider the applicant's presented revisions, to address the issue of septic tanks, to ensure that the open space would be conserved in perpetuity, and to address any other issues which were discussed.

Ms. Marsh said that this would postpone the case to the February 26, 2019 BCC meeting.

Ms. Janiszewski suggested a 60 day postponement due to internal deadlines.

Commr. Campione requested clarification on EDB testing and the potential consequences.

Commr. Parks asked if a number of wells on the site would draw nearby EDB toward them.

Commr. Breeden noted that tract numbers 12-A2 and the lower half of 13-A seemed inaccessible to the original tracts and asked the developers to consider if they should be associated with the HOA.

On a motion by Commr. Sullivan, seconded by Commr. Breeden and carried by a vote of 5-0, the Board postponed Tab 4, Rezoning Case #RZ-18-15-1, Hilochee Partners Property PUD, to the February 26, 2019 BCC meeting.

ORDINANCE 2019-4 WAIVERS FROM PLANNED ZONING DISTRICTS

Commr. Campione suggested moving on to Tabs 19, 20 and 21, then Tab 23 followed by Tabs 18 and 22.

Ms. Marsh placed the proposed ordinance on the floor for reading by title only as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS; CREATING SECTION 14.03.05 “WAIVERS FROM PLANNED ZONING DISTRICTS (CP, MP, CFD, PUD)”; TO ALLOW FOR WAIVERS TO BE GRANTED BY THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 14.15.01, ENTITLED “PURPOSE OF VARIANCES”, TO CLARIFY THE AUTHORITY OF THE BOARD OF ADJUSTMENT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

The Chairman opened the public hearing.

Mr. Fred Antonio, a neighbor of the Lake Edwards conservation area, stated that citizens had concerns about a proposed communication tower to be located in the Mt. Plymouth-Sorrento area and how there was a variance to significantly reduce the tower’s setbacks. He also indicated concerns about the tower’s potential negative impact on nearby property values. He said that the County was the applicant for this case and that the current proposed ordinance would allow the County to grant waivers to itself. He suggested that approving this ordinance would amend the LDRs to facilitate the reapproving of the Mt. Plymouth communication tower and he felt that passing this amendment based on a single case would not set a positive precedent. He also opined that the proposed ordinance would diminish the purpose of the Board of Adjustment, which he felt was the proper board to consider waivers and variances. He opined that the ordinance would grant the BCC discretion to approve waivers with a lack of standards; furthermore, neither applicants nor effective parties would know the requirements to properly acquire future waivers. He felt that if approved, this amendment would present wider concerns for the review process and could have negative consequences for the BCC moving forward.

Ms. Thornton opined that the proposed ordinance would take power from the Board of Adjustment and give it to the BCC and that it would yield one less public hearing for cases. She expressed concern about the ordinance’s effect on future boards and requested that it be denied.

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

Commr. Campione clarified that previously, waivers for planned zoning would be incorporated into the zoning and would utilize the same considerations when compared to a variance. She opined that combining them would lead to a better system because the zoning and any waivers could be decided upon at the same time.

Commr. Parks agreed that in many places, it was standard for a variance to be incorporated into a PUD or other planned zoning.

Commr. Sullivan said that the BCC was attempting to gather more input and simplify the system.

Commr. Campione added that this would also lead to less meetings which citizens would have to attend. She clarified that this ordinance would only affect the zoning districts of Planned Commercial District (CP), Planned Industrial District (MP), Community Facility

District (CFD) and PUD; additionally, unlike traditional zoning districts which have strict rules, these districts were able to utilize conditions to mitigate impacts.

On a motion by Commr. Sullivan, seconded by Commr. Breeden and carried by a vote of 5-0, the Board approved Ordinance 2019-4 to create Lake County Code, Appendix E, Sec. 14.03.05 "Waivers from Planned Zoning Districts (CP, MP, CFD, PUD)" to establish a process to request waivers or variances from Planned Zoning Districts, and approval to amend Section 14.15.01, entitled "Purpose of Variances," to clarify the authority of the Board of Adjustment.

RESOLUTION 2019-14 TO VACATE PORTIONS OF RIGHTS OF WAY IN PLAT OF GROVELAND FARMS

Mr. Schneider said that this was a request for a vacation petition in the Green Swamp area near the City of Clermont from the applicant Stowe Family Partners. He displayed a picture of the location and pointed out several nearby roads such as S.R. 33, County Road (C.R.) 561, and Ott Williams Road. He noted that the purpose of this request was for the applicant to create agricultural lot splits, and he showed an aerial picture of the right of way which would be vacated. He mentioned that the applicant had also agreed to vacate right of way along a section where agricultural lots were proposed to be constructed; additionally, this would provide access to one of the tracts there. He relayed that there were no concerns from utilities companies, no letters of opposition from property owners, and there was one letter of support. He requested approval to vacate the easements.

The Chairman opened the public hearing.

Mr. Jimmy Crawford, an attorney representing the applicant, noted that the letter of support was from a neighboring property and that the applicant would be providing an alternate easement to allow them to have adequate access to their property.

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

On a motion by Commr. Sullivan, seconded by Commr. Breeden and carried by a vote of 5-0, the Board approved Resolution 2019-14 to vacate portions of rights of way in the plat of Groveland Farms north of Ott Williams Road and south of Laws Road, near Clermont.

RESOLUTION 2019-15 AND TEMPORARY EASEMENT AGREEMENT

Mr. Schneider explained that the applicant for this item was Clonts Groves and that the request would be near the City of Clermont east of U.S. 27 and southwest of Schofield Road in Commission District 2. He said that the request was to execute a resolution to vacate and cease maintenance on portions of North Bradshaw Road and to vacate platted right of ways and tracts shown on the plat of Montevista Farms. He added that the request was also to execute a temporary easement agreement to create a temporary turnaround area and that the purpose of the request was to clear title so that the property could be developed. He remarked that the property owner would construct a stabilized clay cul-de-sac, and he showed a map of the land which was proposed to be vacated so that the developer could move forward with their Olympus project. He showed an image of the cul-de-sac which would provide access to a nearby radio tower, and he said that the remainder of the clay road would eventually be vacated and the temporary easement there would expire. He noted that there were no concerns from utilities companies other than for the radio tower, and no letters of support or opposition were received from property owners. He relayed that staff recommended approval of the request.

Commr. Parks asked to clarify that temporary arrangements would be in place because the road there would still be in use while development would be pending.

Mr. Schneider clarified that North Bradshaw Road would remain in the County maintenance system as a clay road and that instead of having a dead end, there would be an area where an individual could turn around. He commented that the applicant had agreed to construct this section and that it would be also clay stabilized; furthermore, if the applicant later wished to vacate the remainder of North Bradshaw Road, this would occur due to the temporary easement agreement.

Ms. Cecelia Bonifay, an attorney representing the applicant, said that they had been working with the County for about one year on this request, and she commented that in the interim period of time, the Hanover Land Company had pursued the first phase of its Ridgeview development and the approximately 250 acre Olympus site had applied for annexation into the City of Clermont due to the City being the utilities provider there. She added that Mr. Rex Clonts, owner of Clonts Groves, would retain some property on the site for commercial and town center uses, along with other property serviced by Utilities, Inc. She mentioned that they spoke with SECO and other utilities providers, who had no issue, and the developer was working internally on the connection points for the road network which would not be compatible with North Bradshaw Road. She asked for the approval of the request.

The Chairman opened the public hearing.

There being no one who wished to address the Board regarding this matter, the Chairman closed the public hearing.

On a motion by Commr. Parks, seconded by Commr. Sullivan and carried by a vote of 5-0, the Board approved Resolution 2019-15 to vacate, discontinue, and close rights of way and cease maintenance on a portion of North Bradshaw Road, and to vacate certain rights of way and tracts shown on the plat of Monte Vista Park Farms, located near Clermont, and approved a Temporary Easement Agreement for a cul-de-sac to provide a temporary turnaround area at the end of the dead end road created by this vacation request.

REGULAR AGENDA

DEVELOPMENT AGREEMENT TO HAUL MATERIAL ON HART RANCH ROAD

Ms. Marsh said that this agreement would set the terms and conditions for a mitigation bank to remove the stockpile of sand from the Lake Norris Conservation Area off of Hart Ranch Road. She mentioned that the agreement included items such as the hours and days which they could use to haul, the number of trips allowed, an initial and later repaving of Hart Ranch Road, a traffic mitigation plan, required signage for the truck presence, and other conditions.

Commr. Campione explained that the issue was first brought to the BCC's attention when the mitigation bank planned to use Lake Norris Road to haul the sand, after which the County enacted a prohibition on trucks utilizing both Hart Ranch and Lake Norris Roads to determine information about the project and its impacts on infrastructure. She said that several discussions had since occurred with the SJRWMD, and the County worked through issues which involved the SJRWMD's ability to conduct land management on the site. She mentioned that the SJRWMD then returned with an agreement to utilize Hart Ranch Road to haul the materials.

Commr. Breeden remarked that the SJRWMD had an existing conditional use permit (CUP) for the removal of the sand.

Ms. Marsh added that it was a mining CUP from the 1970s and did not have an expiration date.

Commr. Campione noted that this was prior to the SJRWMD purchasing the property, and she asked if the CUP was tied to the land or if it was limited to the previous owner.

Ms. Marsh replied that it would have been with the land.

Commr. Campione said that the BCC was attempting to mitigate a property owner who had certain rights, along with numerous residents there who also had rights, while also considering safety issues and impacts to nearby roads.

Mr. Crawford, representing Blackwater Creek Wetlands Mitigation, LLC, said that he considered this to be a public/private partnership to restore conservation land which was purchased with tax dollars. He remarked that the company had an agreement with the SJRWMD to restore functioning wetlands on 422 acres and that the project was already about halfway completed with over 200 acres being restored. He commented that about 180 acres had the spoil materials left from the previous Eustis Sand Mine; additionally, the mine constructed Hart Ranch Road and used it to haul millions of cubic yards of sand over approximately 30 years. He stated that the mine closed in the early 1990s and was later permitted as a mitigation bank. He said that the company obtained state and federal permits for the restoration of the wetlands and that the restoration was required by the Lake Norris Conservation Area Land Management Plan, which was adopted due to Florida Forever funds being used to purchase the land. He then showed an image of the lake which was dredged by the sand mine, along with the spoil areas on the site. He remarked that the mitigation permit was also to restore the previous flow of water to the area before the sand mine was constructed, and the spoil piles prevented water from flowing through the site; furthermore the regional benefit of restoring the water flow to surrounding wetlands could not be achieved without fully completing the project. He added that during the mine's operation, one of the spoils had breached and polluted Blackwater Creek, and removing them from the site would prevent this from happening again. He related that in 2002, the SJRWMD entered into an agreement with Blackwater Creek Enterprises to remove the material, of which at least one third of it was hauled on Hart Ranch Road from 2002 or 2003 to around 2012. He stated that this agreement ended in 2013 and the SJRWMD became the owner of the sand. He explained that Blackwater Creek Wetlands Mitigation was already the mitigation banker and also entered the contract as the sand hauler. He said that they were preparing to begin hauling the sand, though an exemption letter from the County was received which allowed them to haul the sand but did not permit changing the route, the hours of operation or the days of the week. He related that in spring 2018, the SJRWMD changed its hauling route from Hart Ranch Road to Lake Norris Road due to residents' concerns, which then created issues with residents on Lake Norris Road. He relayed that the County also disapproved of this development, and the SJRWMD amended the agreement to allow the mitigation company to haul on either road; however, the County then revoked its exemption letter due to an engineering study having found Hart Ranch Road to be unable to accommodate the truck traffic. He said that the company worked with staff to determine the conditions under which the County would allow the hauling to continue, which led to the currently proposed agreement. He remarked that the road conditions required the company to pave 1.5 inches before hauling began and another 1.5 inches after 12,000 loads, with additional paving to follow the end of the hauling at the County's discretion. He added that there was a bond in place for these improvements and that there was a separate provision stating that the road would be maintained by the company as needed during hauling. He noted that the County had other concerns such as safety, speed along the road and the timing and hauling of the sand. He said that the developer had agreed

to other conditions including a traffic management, including traffic calming devices as approved by the County, and a haul route plan to determine the impacts to other roads, at which point the County could create additional conditions for signage or road improvements. He commented that hauling hours would be limited to daytime hours only, that the number of trucks per day would be limited, that there would be no hauling on weekends or holidays, and that the company would pay the County approximately four cents per cubic yard of sand hauled to further mitigate the road impacts. He also noted that the company had agreed to provide a flagman or school crossing guard at the intersection of C.R. 44A and Hart Ranch Road during times of school drop-offs and pickups; additionally, stop signs, signs to indicate truck traffic, and speed limit signs would all be required. He then stated that soil tracking devices would be required at points of access onto the county road, there would be a requirement to clean any dirt which was dropped onto the road, and that if the County found the company in violation of any of these conditions, the agreement would return to the BCC to be amended or terminated.

The Chairman opened the floor for public comment.

Ms. Elaine Renick, a future resident of Blackwater Creek Road, opined that the denial of this agreement would not constitute a taking and that this project was unmentioned in the SJRWMD Land Management Plan; rather, the plan had discussed restoring the site to its condition in a 1941 aerial picture. She commented that the area was not solely wetlands previously and that the project would change the hydrology of the area by creating new wetlands. She felt that the value of the sand and the mitigation credits had influenced the issue and that the project would generate considerable profits for both the mitigation company and the SJRWMD while negatively impacting the nearby residents. She recalled previous comments from Commissioner Campione which indicated an interest to committing the SJRWMD's property for conservation and passive recreation only as a condition of the agreement. She expressed agreement with this sentiment and indicated uncertainty with the SJRWMD's management of the property. She also said that the silt fences which were placed near Blackwater Creek Road were unsightly and falling over, and previous plans from the mitigation company to remove them had not been followed up on. She also suggested that there be a deadline for the completion of the hauling.

Commr. Campione responded that in the proposed agreement, there was a deadline of five years with two one year potential extensions.

Ms. Marie Anderson, a resident on Hart Ranch Road, said that the mitigation company had not finished hauling the sand previously and were denied an extension due to the impacts to the road. She expressed concerns about excessive truck traffic, that the SJRWMD had previously communicated that the material did not have to be hauled from the site, and that school buses may have issues with safely accessing the area when considering the truck traffic; additionally, she said that the bus stop mentioned in the agreement was not the correct location. She felt that there would be 400 trucks traveling on the road each day and she asked if the trucks would be lining up on the road before the allowed hauling hours.

Mr. Scott Atkins, a resident of Orange County, reiterated that the SJRWMD previously expressed that an option was to leave the sand at the site. He questioned how water would be moved to the area, and he noted that the trucks would also be traveling on C.R. 437 and C.R. 44 and that this would create traffic issues.

Mr. Crawford clarified that the mitigation company hired an individual to remove the silt fences and that he had expected them to have already been taken down. He also felt that

the issues with the previous hauler were being addressed by the conditions in the proposed agreement, and he said that they did not want to move the existing bus stop located at Hart Ranch Road and Grow Road; furthermore, a flagman could be located there. He reiterated that there was a tipping fee in the agreement to help maintain the road, and he remarked that the company would be limited to 200 trucks per day and that he expected the number to be around 100. He commented that the Lake County Office of Code Enforcement or the Lake County Sheriff could be contacted to report traffic violations, and he indicated that a clause in the agreement stated that any truck drivers who received a traffic ticket on Hart Ranch Road would cease their work immediately. He opined that the proposed agreement would be enforceable and that the hauling permit could be revoked due to improper conduct.

Commr. Campione asked how the number of trucks per day would be counted and if there would be a supervisor logging the number of trucks.

Mr. Robert Miller, with Blackwater Creek Wetlands Mitigation, said that they would use a scanning system to count the trucks and the amount of material hauled. He added that information would be submitted to the County and the SJRWMD monthly, and commented that there would be an onsite superintendent and a secretary who would help monitor the system.

Commr. Campione inquired about stacking trucks before the site opens.

Mr. Miller responded that there would be education for the haulers to indicate the haul hours and when they could approach the site. He relayed that truck drivers who stack up early will be removed from the site and that residents would be provided with contact information to report issues.

Mr. Robert Hart, a resident on Hart Ranch Road, expressed distrust for the mitigation company.

Mr. Jim Hepp, a concerned resident, expressed concern of the impacts to the roads and the costs to address this.

Commr. Campione acknowledged the issues and noted that there were challenges at C.R. 437 and C.R. 44A with the existing amount of traffic and when considering adding up to 200 trucks per day. She felt that the estimated revenue of \$62,000 from the agreement would not be adequate to maintain the roads and that the quality of life issue was also concerning. She proposed negotiating an agreement with the SJRWMD which would require the property to either be deeded to the County or to be opened to the public in perpetuity after the material was hauled. She also expressed a desire for the County to be adequately compensated for the damage inflicted to the roads.

Commr. Parks asked if it would be easy for residents to view the reports for truck traffic on a daily basis. He also asked about how the royalty amount of \$0.037 per cubic yard of sand was derived and if this was consistent with other locations in Central Florida.

Mr. Crawford clarified that the reports would be sent to the County on a monthly basis and would be considered public record, though they could also be sent to a resident representative. He said that the royalty amount was proposed by County staff. He said that the company would be willing to pay for its impact and added that other companies had generally not paid this type of fee before.

Commr. Breeden stated that CEMEX, another sand mine operation, was paying a similar fee and that this was where the number came from.

Commr. Blake asked if the monthly reporting would be broken down to view trends or if it would be a monthly total.

Mr. Crawford responded that they had planned on submitting daily data in the monthly reports.

Commr. Breeden inquired about the weight of a truck without any sand in it.

Mr. Crawford said that it should be around 30,000 to 35,000 pounds when empty and close to 80,000 pounds when loaded with sand.

Ms. Katherine DeJongh, a resident near Cross Tie Ranch, thought that the trucks would be much larger than a traditional dump truck. She was not aware of a traffic study for the intersection of C.R. 437 and C.R. 44 and expressed concerns about the traffic there. She noted that there was another sand borrow pit nearby and she indicated concerns for other school bus stops in the area. She opined that the wetlands could be mitigated without removing the sand and she expressed discontent that the profits from this operation would not return to the community.

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

Commr. Blake asked about the termination clause in the agreement, the 30 day cure period, and if the cure period could be indefinite.

Ms. Marsh replied that the BCC could still have the authority to bring the item back if there were multiple violations.

Mr. Crawford added that based on the code enforcement process in the LDRs, even if the company cured the issue, the BCC could still find them in violation; additionally, the BCC could find them in violation of a second issue without a cure period.

Commr. Blake inquired if a single infraction could allow the BCC to bring the item back for termination.

Ms. Marsh said that it would be based on the Board's discretion.

Commr. Campione proposed the potential for a probation period to observe the practices and decide if it was working as intended.

Mr. Crawford stated that this could be difficult for the company because they spent considerable funds upfront to operate, and this would also affect their ability to enter into contracts to sell the material. He felt that it would not be proper for the County to terminate the agreement based on discretion and noted that the BCC would still have termination power if the enforcement conditions were written into the agreement.

Commr. Campione requested additional information about the mitigation bank and asked if the company had already paid money to the SJRWMD for the contract. She also asked about the potential outcome if the County expressed a preference to the SJRWMD to not remove the sand from the area.

Mr. Crawford confirmed that the company had paid for the contract. He related that the company performed wetlands restoration and wetlands creation, and these plans would be reviewed by the DEP and the U.S. Army Corps of Engineers to determine their effectiveness for impacting other wetlands in the basin. He stated that the mitigation company could ask for their money back from the SJRWMD due to their contract and mitigation plan, including the removal of the spoil there, which was in the land management plan and the permits for the site.

Commr. Campione remarked that if the plan referenced restoring the site to its condition in the 1940s and that if the spoil removal was not mentioned, then there could be a dispute about what the plan entailed.

Mr. Crawford clarified that the plan mentioned removing the spoil from the property.

Commr. Breeden commented that management plans are reviewed on a periodic basis and can be changed. She felt that tying the operation to the management plan would be an issue.

Mr. Crawford explained that the company had three federal and state permits, a management plan adopted by the SJRWMD Governing Board, and credits based on the improvement to the overall system which could not be completed if the company ceased its activity now. He was unsure if the credits which they had given would be valid under a revised permit, and he opined that there would be a significant number of issues if the sand was not removed.

Commr. Campione asked to clarify that they had given credits for work which had yet to be finished.

Mr. Crawford confirmed this and clarified that part of the credits were based on the regional benefit of restoring the water flow in the area, indicating that if they were not able to do this, the U.S. Army Corps of Engineers could reevaluate the credits and determine that the company would owe more money to the Florida Department of Transportation (FDOT) or the Central Florida Expressway Authority (CFX). He relayed that there had been plans for roughly 20 years to conduct this restoration and felt that the project needed to be finished. He showed the land management plan and noted that it mentioned removing the spoil.

Commr. Campione asked staff about impacts to the routes which would be used to remove material from the property.

Commr. Parks inquired about the comment that only 100 trucks per day were needed.

Mr. Schneider responded that the company would be allowed to have 200 loaded trips out per day and that it would be 400 round trips. He noted that early conversations involved only hauling 100 trucks per day, but this rate would not remove all of the material within five years. He said that there could be a variation for the amount of trucks per day, though there would still be a cap of 200 loaded trucks out per day.

Commr. Campione commented they could back into the fee based on what would be required to address the road impacts of these trucks, along with the safety issues. She noted the safety concern for other school bus stops in the area and asked if it would warrant a traffic signal there.

Mr. Cole clarified that the \$62,000 could be inadequate to address these impacts, though the number was used because it had also been used in another case. He added that staff would be willing to consider a different amount which would help to better mitigate the impacts.

Commr. Campione asked if they could include that the County would have discussions with the SJRWMD and that if they could agree on the costs to address the impacts, there could be an agreement with the SJRWMD which would allow for the property to be used by County residents in perpetuity for purposes of recreation and conservation.

Mr. Cole summarized that they had items to discuss with the SJRWMD and the mitigation company regarding the road impacts.

Commr. Sullivan inquired if the mitigations were part of the BCC's action today.

Mr. Cole responded that they would contemplate it in this agreement and they could also have a separate agreement with the SJRWMD.

Commr. Campione recalled previous discussions with the mitigation company and said that this was the BCC's first public opportunity to receive community input on this agreement. She felt that more information would be required to reach a resolution.

Mr. Crawford requested a two week postponement.

Mr. Cole asked the Board to not limit the postponement to the following BCC meeting due to deadlines with the agenda.

Mr. Crawford expressed a willingness for the company to be part of funding a new traffic signal, though opined that they were not the sole cause of road impacts. He said that a traffic engineer or County staff could determine the trucks' likely impacts and the cost to repair their damage to the roads, at which point the company could incorporate that into a tipping fee; however, he reiterated they only wanted to fund their share of the impacts.

Mr. Cole said that the item could be brought back at the February 26, 2019 BCC meeting.

Mr. Crawford accepted this and indicated that the company would work with the County for the funding to mitigate road impacts; however, they could not condition it upon an agreement with the SJRWMD to open the area in perpetuity, though he said that the company could formally express support for this.

Mr. Cole suggested that there be a reference in the agreement with the mitigation bank stating a contingency upon an agreement with the SJRWMD, along with language specifying what that agreement would be.

Commr. Breeden stated a preference for the SJRWMD agreeing to it on their part, as she noted that it would be a cost to the County to maintain the site in perpetuity.

Commr. Campione suggested that it could be an interlocal agreement indicating that the site could not be set aside for conservation without public access.

Mr. Crawford reiterated that there would be challenges with this contingency because the SJRWMD was a third party and could not be bound by the mitigation company to this agreement.

Mr. Cole indicated that the County could attempt to secure a commitment from the SJRWMD and that if this could not be done, staff would develop alternative language to suggest to the Board for the currently proposed agreement.

Commr. Breeden inquired about asking the SJRWMD to buy out the credits.

Commr. Campione suggested posing this question to the SJRWMD to see to what extent they would consider buying back the contract.

Mr. Cole said that they would ask this question and follow up on the other items.

Commr. Blake expressed his agreement with the discussed action.

Commr. Campione noted a consensus for postponing the item until the February 26, 2019 BCC meeting, and Mr. Cole confirmed that the item would be brought back at this time.

RESOLUTION 2019-13 ADOPTING SUPPLEMENTAL BUDGET FOR FY 2019

Ms. Jennifer Barker, Director for the Office of Management and Budget, said that the purpose of this presentation was to hold a public hearing for the first midyear budget amendment; furthermore, this would be to make adjustments to the fiscal year (FY) 2019 budget due to previously unanticipated revenues and expenditures and any other unforeseen changes. She explained that the current revised County budget was about \$454.77 million and that the proposed changes were around \$12.76 million to bring the supplemental budget to roughly \$467.53 million if approved. She remarked that the General Fund reserves were adopted at about \$8.8 million during the final budget public hearing in September 2018 and that this was 6.8 percent of the operating budget based on an estimated fund balance. She added that after the current meeting's midyear adjustment, the reserves budget would total approximately \$12.7 million or 9.7 percent of the operating budget. She commented that the

midyear fund balance adjustments would include the following: a reduction to the beginning fund balance of about \$3.1 million due to a reconciliation of the projected fund balance and the actual revenues and expenditures at the end of FY 2018; a reduction in the ad valorem proceeds of about \$235,000 based on the final property values as provided by the Property Appraiser on October 1, 2018; additional revenue from Federal Emergency Management Agency (FEMA) reimbursements for Hurricane Irma for the majority of the projects totaling approximately \$7.3 million and calculated by FEMA based on submitted documentation, though she noted that the funds had not yet been received and would be brought back to the Board in summer 2019 to be allocated as part of the FY 2020 budget process; and a net increase to the General Fund reserves of around \$3.9 million. She then detailed these changes for the General Fund: a security services contract for the County Administration Building totaling \$93,964 due to the contract changing from the Lake County Sheriff Office's (LCSO) to the BCC's purview and which would be included in the Office of Facilities Management's budget; additional funding of approximately \$60,000 for outside legal services related to planning and zoning activities; funding in the amount of \$38,825 for fire assessment waivers related to government and institutional land uses; and other administrative adjustments. She outlined these adjustments for the constitutional offices: additional funding of around \$350,000 which was requested by the Lake County Sheriff and approved by the BCC at the final budget public hearing in September 2018 and would meet his \$700,000 request from that month; additional funding from the School Board for the Lake County Sheriff for a court liaison officer in the amount of \$18,317; an agreement between the Sheriff and Pinecrest Lake Academy for a school resource officer with an expense of \$64,204; a reduction to the transfer to the Sheriff of about \$71,200 due to changing the purview of the security contract to the BCC; and a re-budget of \$23,782 of the Property Appraiser's remaining FY 2018 funds due to not completing a vehicle purchase transaction by the yearend, leading to their request to re-budget those funds to complete the purchase. She added that the Supervisor of Elections chose to exercise their statutory option to oversee all of their financial functions independent of the Clerk's Office, with a transition in April 2019 and an agreement being brought to the BCC in March 2019; furthermore, the \$220,410 which the County had included in the midyear adjustment would provide one month of operation for the Supervisor of Election, after which the County would conduct a full reconciliation of their function at the midyear adjustment process in April 2019. She also mentioned that there was a re-budget of Help America Vote Act (HAVA) grant funds for the Supervisor of Elections in the amount of \$61,784. She noted that changes to other funds included approximately \$16,000 for a Keep Lake Beautiful (KLB) grant, about \$380,000 in projected revenue for the Office of Fire Rescue's Antivenin Project, and various other adjustments based on the balances at the end of FY 2018.

The Chairman opened the public hearing.

There being no one who wished to address the Board regarding this matter, the Chairman closed the public hearing.

On a motion by Commr. Sullivan, seconded by Commr. Parks and carried by a vote of 4-1, the Board approved the Amended Budget for Fiscal Year 2019 to include a reconciliation of beginning fund balance and other adjustments, and approved Resolution 2019-13 adopting a supplemental budget for Fiscal Year 2019.

Commr. Blake voted no.

ORDINANCE TO AMEND ECONOMIC DEVELOPMENT AND BUSINESS INCENTIVES

Commr. Campione introduced the item and added that the fiscal impact was currently unknown because of the uncertainty if companies would make this type of investment.

Mr. Brandon Matulka, Director for the Agency for Economic Prosperity, presented the proposed amendment to the economic development grant program. He relayed that the current program was adopted by the BCC in March 2017. He elaborated that this was enacted to enhance Lake County's ability to recruit new business, and the criteria which would continue to be used would include performance based, limited risk and financial burden to the County, have the program be objective and transparent, easily tracked and monitored, and be targeted toward the desired industry categories. He said that several companies had shown interest and applied for a grant through this program, and he noted these challenges which Lake County was continuing to face: increased competition from other jurisdictions, both regional and national, including states and communities with more robust incentive programs; a lack of existing buildings and pads ready for construction in the county; and some uncertainty regarding the long term sustainability of state funded economic development organizations, though the County had continued to monitor this. He related that the Office of Elevate Lake was seeking to enhance the County's ability to recruit new businesses as well as to assist existing businesses with their expansion plans and that based on input received from businesses located elsewhere, expanding the current grant program could create a significant advantage in recruitment; additionally, expanding the grant program could make Lake County more competitive within the region and help to drive more product development on undeveloped properties. He said that staff was also anticipating that program enhancements would help to increase its usage. He commented that to be eligible for the current program, a company must meet the following criteria: operate within certain categories such as manufacturing, corporate headquarters, or research and development, among others; create and maintain at least 10 new jobs with each paying at least 115 percent of Lake County's average annual wage; make a capital investment of at least \$1 million in real and/or tangible personal property; and both new and existing companies were eligible for the program. He relayed that the program provided a grant which repaid a percentage of the incremental increase in ad valorem taxes paid by the applicant on real and/or tangible personal property and that the grant amount was based on a table of percentages which were applied to the incremental increase in taxes paid over a five year period. He also noted that the grant funding was only derived from the General Fund portion of an applicant's tax bill. He explained that with the current five year program, no grant funding was awarded until the following conditions were met: applicant's entire project has been completed and all capital investment has been expended; applicant has paid all taxes in full for the given year, up to a maximum of five years; applicant has provided documentation that at least 10 employees earned a minimum of the 115 percent of the average annual wage; and the Value Adjustment Board (VAB) appeal period had expired. He displayed a list of programs in Polk, Orange, Charlotte and St. Johns Counties, noting some differences among them when compared to Lake County's. He then said that the proposed addition to the County's program would include financial or other professional services, and emerging technology or innovative technology including but not limited to new or advanced methods of processing or delivery of goods or services. He explained that these changes would further align Lake County with Enterprise Florida's targeted industries, and said that the addition of innovative technology would allow the County to be more flexible and to accommodate emerging targeted industries in Lake County. He noted that Wellness Way and the Wolf Branch Innovation District were long term

projects and that adding this category would allow the County to bring items which are outside the scope of the targeted industries before the BCC instead of having to change the categories each time. He relayed that in addition to the current five year grant program, the proposed amendment would create an additional program tier for projects with a larger capital investment and larger job creation. He then added that the new tier would give new and existing companies the ability to receive a grant for up to 10 years with Board approval based on the following criteria: creation of a minimum of 25 jobs which pay no less than 115 percent of the annual average wage for Lake County; and a capital investment of at least \$25 million in real and/or tangible personal property. He said that the grant amount each year would be based on the percentages seen on a displayed table, and commented that the \$25 million benchmark was pulled from some state incentive programs, past projects and current projects in the county. He stated that grant funding for the new program would not be available in the new tier until the following conditions have been met: the entire project has been completed and all capital investment has been expended; the applicant has paid all taxes in full for the given year up to a maximum of 10 years; the applicant has provided documentation that at least 25 employees earn a minimum of 115 percent of the average annual wage; and the Value Adjustment Board appeal period had expired. He summarized that the request would add additional industry categories and a new high impact tier which would take the program from five years to ten years. He then read the requested action to advertise a proposed ordinance amending Sections 7-2 and 7-4 of the Lake County Code entitled "Economic Development and Business Incentives."

Commr. Parks expressed his appreciation for the work which contributed to this request and indicated his support for the request. He then left the meeting at 2:10 p.m.

Commr. Sullivan opined that the plan was well thought out and would make the county more competitive. He added that it would have a minimal impact to the County's finances.

Commr. Breeden asked if there were any companies who were utilizing the current plan.

Mr. Matulka replied that a few companies had expressed interest and that the County was currently working on several projects. He said that two of the four projects could qualify for the program's larger tier while the others could qualify for the lower tier. He noted that even if a company did not meet the new tier, they could still qualify for the \$1 million program.

Commr. Blake felt that this request was timely and exciting.

The Chairman opened the floor for public comment.

Mr. Vance Jochim, a concerned citizen, opined that the wording of the proposed ordinance would create challenges in determining compliance. He suggested reevaluating the wording or adding a supplement to specify how it would be verified. He opined that there was no stated cap on the dollars nor was there standard terminology to require audit rights, and he opined that the ordinance was not auditable.

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

Commr. Blake felt that there was no risk to the County from this item.

Commr. Campione said that the extension would only apply to a company which contributed a \$25 million capital investment, along with the criteria for 25 employees and their wages.

Commr. Breeden noted that it was a rebate and that they would have to pay their taxes upfront.

Mr. Matulka confirmed that they would have to pay everything and then it would be granted back to them, but it would be the incremental amount above the base amount which the Property Appraiser would set at the beginning of the project.

Commr. Campione stated that the County's verification was that the improvement was put in place and was on the tax roll, and the company would provide documentation to the Agency for Economic Prosperity for employee information.

Commr. Sullivan added that there were ways to check government records for employment and pay.

Commr. Campione also expressed a hope for considering impact fee deferrals and credits for significant projects.

On a motion by Commr. Sullivan, seconded by Commr. Blake and carried by a vote of 4-0, the Board approved to advertise an ordinance to amend Chapter 7, Lake County Code, entitled Economic Development and Business Incentives, to clarify the definition of "targeted business/industry" and to allow grants of up to 10 years if higher job creation and capital investment thresholds are met.

OTHER BUSINESS

APPOINTMENTS TO THE PLANNING AND ZONING BOARD

Commr. Campione expressed that she was not yet ready to appoint an individual from her district.

Commr. Breeden indicated that she was prepared to appoint Mr. Timothy Morris from Commission District 3, along with a waiver of potential ethical conflict for Mr. Morris.

Commr. Sullivan noted that District 2 could be brought back at the following BCC meeting.

Commr. Blake asked if they could also bring back the At-Large Representative appointment.

Commr. Campione felt that it was important to have individuals on boards with an understanding of these issues and who have institutional knowledge. She also expressed support for having turnover on the boards due to the number of people with expertise on the issue.

The Chairman opened the floor for public comment.

Mr. Jochim opined that many of the applicants were involved in the County and the community and worked in related fields, and he encouraged the Board to consider appointing individuals who are outsiders to the industry and the county. He also asked if the applications were vetted.

Commr. Campione replied that the referrals and references were used for vetting.

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

On a motion by Commr. Breeden, seconded by Commr. Blake and carried by a vote of 4-0, the Board approved the appointment of Mr. Timothy Morris as the District 3 representative to complete an unexpired four-year term ending January 31, 2021 and approved the School Board's recommendation for the reappointment of Mr. Sandy Gamble as the School Board representative to serve a four-year term expiring January 31, 2023, to the Planning & Zoning Board, and approved a waiver of potential ethical conflict for Mr. Morris.

APPOINTMENTS TO THE BOARD OF BUILDING EXAMINERS

Commr. Campione noted that each of the individuals were asking to be reappointed, and she said that statutes required appointees with special expertise.

On a motion by Commr. Breeden, seconded by Commr. Sullivan and carried by a vote of 4-0, the Board approved the reappointment of the following members to serve a four-year term ending January 14, 2023, to the Board of Building Examiners: Mr. Todd B. Drennan, as an Architect representative; Mr. William E. Lawson, as a Certified Building Contractor eligible to represent Section 489.105(3)(d)-(o); Mr. Robert P. Moore, as a Certified Building Contractor eligible to represent Section 489.105(3)(a)-(c); and Mr. Bill Giffing, as a Consumer Member representative.

REPORTS

COUNTY MANAGER

WELCOMING NEW ASSISTANT COUNTY MANAGER

Mr. Cole introduced Mr. Ron Russo as the new Assistant County Manager. He said that Mr. Russo began working with the County in the previous week and that he would be in charge of Infrastructure and Internal Support Services which included Facilities Management, Fleet Management and the Public Works Department.

COMMISSIONERS REPORTS

COMMISSIONER SULLIVAN – DISTRICT 1

VACANCIES IN THE OFFICE OF PLANNING AND ZONING

Commr. Sullivan indicated a concern that there were some vacancies in the Office of Planning and Zoning. He noted that there had been an increased number of building technicians, though the number of planners had not increased. He asked the County Manager to consider this issue and work to fill these positions.

Mr. Cole said that when the former Director for the Office of Planning and Zoning left, there were two vacant positions, though there were now three and staff had been actively recruiting for them.

COMMISSIONER BREEDEN – VICE CHAIRMAN AND DISTRICT 3

COMMUNITY INVOLVEMENT IN DEVELOPMENT ISSUES

Commr. Breeden recalled that Commissioner Parks had previously mentioned a potential process of community involvement in development issues. She opined that the County should consider this.

Commr. Campione acknowledged that certain cases may deserve additional time and attention and that this can be a challenge to conduct during a Board meeting. She proposed the idea of separate workshops for these cases.

Commr. Breeden suggested that it could possibly be based on opposition or concerns and that the developer would need to engage the community.

Commr. Campione expressed that even when developers have engaged with the community, the Board often experiences challenges with the cases. She also suggested the idea of setting aside time for these hearings and allowing for a recess to give staff a chance to develop a revised ordinance based on the feedback.

Mr. Cole said that another option would be to hold meetings with the applicant, the community and the district Commissioner.

EMT WALK IN TAVARES

Commr. Breeden said that on February 2, 2019, she would be participating in the Emergency Medical Technician (EMT) Walk in the City of Tavares. She remarked that the walk had started in the previous year and that Pastor Mike Watkins was organizing it.

DEDICATION AT BEACON COLLEGE

Commr. Breeden reported that in the previous week she attended a dedication at Beacon College with Commissioner Sullivan.

GROVELAND FOUR PRESENTATION

Commr. Breeden said that she also went to a presentation about the Groveland Four on January 25, 2019 and that the event was well attended.

COMMISSIONER BLAKE – DISTRICT 5

MOUNT DORA SISTER CITIES ASSOCIATION EVENT

Commr. Blake indicated that he was unable to attend the Groveland Four presentation due to a prior commitment with a Mount Dora Sister Cities Association event.

BARBEQUE COMPETITION IN ASTOR

Commr. Blake noted that he recently judged a barbeque competition in Astor and that it was a great event.

COMMISSIONER CAMPIONE – CHAIRMAN AND DISTRICT 4

PARK MEETING IN MINNEOLA

Commr. Campione said that Commissioner Parks would be attending a meeting in the City of Minneola that night concerning a park in the Hills of Minneola development. She indicated that the City was considering allocating a significant amount of impact fees which could be used to help fund a park.

FDOT MEETING

Commr. Campione remarked that on the previous day, she, Mr. Russo, Mr. Fred Schneider, County Engineer, and Mr. Chris Carmody, with GrayRobinson, P.A., attended a meeting with the Florida Department of Transportation (FDOT) at the District 5 office. She relayed that the meeting was productive and that four projects were discussed which were not programmed, though were on the County's legislative priority list. She added that there was a great discussion concerning the S.R.) 50 realignment. She expressed that some modifications would have to be made in cooperation with the Lake-Sumter Metropolitan Planning Organization and the City of Groveland on the S.R. 50 project. She commented that those jurisdictions were asking for their improvements along with Lake County's, and that Lake County needed to reciprocate so that it would be a single project with regional and statewide implications.

Commr. Breeden noted that the state could not complete the Coast to Coast Trail until the S.R. 50 issue was addressed.

Commr. Campione added that they also discussed C.R. 466A phase three and received positive feedback; furthermore, discussions included the C.R. 437 realignment needs and complete streets for Sorrento Avenue.

KEEP LAKE BEAUTIFUL (KLB) MEETING

Commr. Campione said that on the previous day, there was a KLB meeting and that she hoped that staff could meet with each of the Commissioners to discuss the Great American Cleanup program planned for March 2019. She stated that the focus was a countywide litter cleanup involving as many residents as possible. She suggested taking this and other litter programs to each of the cities, and encouraging them to cooperate with the County to support the programs. She commented that the litter reporting program would allow citizens to identify issues and report them through an app to have it checked daily; additionally, informal complaints could be issued for haulers who were not preventing litter. She also remarked that the new KLB Director did a great job at their first meeting and would reinvigorate the

program. She said that signage was also discussed where there would be signs in each of the commission districts where litter was likely to occur. She specified that the signs would use the KLB logo and would include a message about litter prevention.

MEETING WITH LOCAL COMMERCIAL CONTRACTORS ASSOCIATION

Commr. Campione mentioned that about a week prior, she spoke with the local commercial contractors association about transportation impact fees. She recalled receiving good feedback and discussing building permits and other issues. She noted a request for the County to reconsider special considerations for developing commercial projects for the prepayment of impact fees. She said that these projects often calculate the exact cost to conduct the development and that the fees changing could change this cost. She opined that accommodating this would be perceived as business friendly.

Commr. Breeden asked to clarify that they wanted to keep the prepayments in place for commercial development.

Commr. Campione confirmed this and suggested seeing if there was a way to promote it within the business community. She proposed allowing the Agency for Economic Prosperity to inform businesses of the window for prepaying the current fees.

DISCUSSION ABOUT GROVELAND FOUR MONUMENT

Commr. Campione relayed that on the previous weekend, she attended the Groveland Four presentation and that it was an emotional event. She distributed a concept picture for a proposed monument to be located on the lawn of the Lake County Historic Courthouse so that it could be easily read; furthermore, it would tell the story of the Groveland Four, the path to their pardon and the community support around the pardon. She felt that situating the monument in this location was important because many of the events occurred there, and she hoped that the Board would be able to emphasize the current community and its leaders while also acknowledging the past injustice and abuse of power. She opined that this would help inform the residents that the BCC and other county leaders value the American ideals of justice, equal treatment under the law and individual rights guaranteed by the Constitution and those endowed through our Creator, and this action could demonstrate that Lake County is a compassionate, fair and kind community. She requested feedback and opined that this monument would be unique because it was closely linked to the Historic Courthouse. She felt that the monument would assist with the healing process from this era and help promote unity within the community by acknowledging the tragedy which occurred.

Commr. Breeden expressed her support for this idea and agreed that the location was correct.

Commr. Sullivan also agreed that it was a great idea and felt that the county should acknowledge its history. He indicated his support for the location and that the monument would tell the story. He said that this would help convey to the community that these events occurred in the past and that the county was now more compassionate and adherent to the law.

Commr. Blake agreed with the idea and the location. He asked how the narrative would be written.

Commr. Campione replied that they could cooperate with the Lake County Historical Museum and the authors who helped deliver the story. She noted that the information would have to allow residents to learn about the story, and she relayed that family members of the affected individuals felt that it was important to not dwell in the past and to look ahead. She said that the monument should indicate who the county is now, and she emphasized the importance of the path to the pardon.

Commr. Breeden opined that the BCC should give final approval for the text.

Commr. Campione agreed that the BCC should have the final say to ensure that the text strikes a correct balance.

Mr. Cole remarked that staff would work on designing the monument, its materials and the wording, in cooperation with the Lake County Historical Museum, to be brought back to the BCC.

PLANNING AND ZONING BOARD TERM EXTENSIONS

Ms. Marsh noted that the Planning and Zoning Board currently had five appointed members and that the seats for Commission Districts 2, 4, and the At-Large Member would expire at the end of January 2019. She related that Ms. Laura Jones Smith, the District 2 representative, was the current Chairman and that because there was at least one controversial case coming before the Planning and Zoning Board on February 6, 2019, the BCC could either postpone the Commission District 2 appointment until February 12, 2019 or extend the three expiring appointments for an additional month.

On a motion by Commr. Blake, seconded by Commr. Breeden and carried by a vote of 4-0, the Board approved to extend the previous appointments for the District 2 representative, the District 4 representative and the At-Large Member for an additional month to be revisited in February 2019.

ADJOURNMENT

There being no further business to be brought to the attention of the Board, the meeting was adjourned at 2:46 p.m.

LESLIE CAMPIONE, CHAIRMAN

ATTEST:

GARY J COONEY, CLERK