

A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS

JANUARY 15, 2019

The Lake County Board of County Commissioners met in regular session on Tuesday, January 15, 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 Kathleen Bregel, Deputy Clerk, Board Support.

INVOCATION AND PLEDGE

Dr. Isaac Deas of Cornerstone Hospice gave the Invocation and led the Pledge of Allegiance.

AGENDA UPDATE

Mr. Jeff Cole, County Manager, stated that Tab 37 had been added as an addendum to the public works consent agenda and that an errata sheet was added to Tab 6, which was included in the agenda update sent the previous Friday.

EMPLOYEE AND QUARTERLY AWARDS

Ms. Jeannine Nelson, Human Resources and Risk Management Manager, announced that they would be recognizing employees who had reached service milestones in their careers with Lake County as well as recipients of the quarterly awards as follows:

EMPLOYEE AWARDS

FIVE YEARS

Fred Martin, Chief Plans Examiner
Office of Building Services

FIFTEEN YEARS

Darrell Collier, Firefighter/EMT
Office of Fire Rescue

Ramon Hernandez, Firefighter/EMT
Office of Fire Rescue

Melving Isaac-Jimenez, Engineer II
Office of Parks & Trails

Brent Muse, Firefighter/EMT (not present)
Office of Fire Rescue

Joann Sala, Licensing Investigator
Office of Building Services

Clayton Vaughn, Fire Lieutenant/EMT
Office of Fire Rescue

Scott Woodruff, Fire Lieutenant/EMT (not present)
Office of Fire Rescue

TWENTY YEARS

Ronald Cobbs, LAN/WAN Specialist
Information Technology Department

William Tillery, Fire Lieutenant/EMT
Public Works Department – Maintenance Area II (Minneola)

THIRTY-FIVE YEARS

Clarence Gillard, Sign & Striping Technician I
Public Works Department – Traffic Operations

RETIREMENT:

TWENTY-FIVE YEARS

Patricia Fletcher, Office Associate IV
Office of Extension Services

RETIREMENT

Ms. Megan Mann, Interim Director for the Office of Extension Services, stated that Ms. Patricia Fletcher began her career with Lake County twenty-five years ago as a clerical assistant in the Solid Waste Division. She mentioned that Ms. Fletcher had since served in several areas including the Office of Parks and Trails, the Engineering and Traffic Operations Divisions of the Public Works Department, and most recently with the Office of Extension Services in the Lake Soil and Water Conservation District and the Mobile Irrigation Lab. She remarked that Ms. Fletcher was a person who cared deeply about her work, took pride in a job well done, had excellent attention to detail, and was always thorough and diligent. She commented that Ms. Fletcher had a passion for customer service and strived to make every interaction with the public a positive one. She shared that Ms. Fletcher was also an artist and a poet and that she hoped to spend time in retirement cultivating her creative side as well as spending more time with family. She thanked Ms. Fletcher for her dedicated service to the people of Lake County and said that her skills and knowledge would be missed. She then wished her abundant joy in the years to come.

EMPLOYEE QUARTERLY AWARDS:

EMPLOYEE OF THE QUARTER

Brent Bentley, Data Technician Information, Office of Fire Rescue

Ms. Nelson stated that Mr. Brent Bentley was being recognized as the Employee of the Quarter and remarked that during the quarter he had assisted the Office of Fire Rescue in implementing a new remote training program which allowed that office to train employees in a new capacity. She said that many lieutenants were able to obtain their required training onsite at their stations which resulted in significant cost savings for the Office of Fire Rescue. She relayed that Mr. Bentley's new training platform was well received and also yielded higher employee participation than the previous in-person classroom delivery. She said that due to Mr. Bentley's initiative, the Office of Fire Rescue would begin the procurement process to obtain the needed equipment for conducting more remote training programs in the near future; additionally, she stated that he had surpassed the expectations of the Office of Fire Rescue and had proven to be an exemplary employee for Lake County.

SUPERVISOR OF THE QUARTER

Cole Scharlau, Program Manager, Office of Fairgrounds & Events

Ms. Nelson commented that Mr. Cole Scharlau was being recognized as the Supervisor of the Quarter and stated that as the Program Manager for the Office of Fairgrounds and Events, he was a stellar supervisor who led by example. She said that he inspired a culture of teamwork and excellence and created an atmosphere of service to the citizens and customers of Lake County. She remarked that his supportive and approachable manner was highly regarded by his team and ensured that any problems were resolved with tact and consideration. She indicated that Mr. Scharlau went well beyond his job responsibilities to make sure that everyone received quality service and that due to his high level of teamwork and commitment to exceptional service, he had made a tremendous impact in the Office of Fairgrounds and Events for both his staff and customers. She said that his efforts were greatly appreciated and she thanked him for his service.

T.E.A.M. OF THE QUARTER – TEAM CATURDAY

Marie Gravatt, Veterinarian, Office of Animal Services
Diane Hagan, Veterinary Technician, Office of Animal Services
Mary Yates, Veterinary Technician, Office of Animal Services
Emily Blythe, Office Associate, Office of Animal Services

Ms. Nelson remarked that the T.E.A.M. of the Quarter award went to Team Caturday from the Office of Animal Services. She relayed that Operation Community Caturday was recently created and implemented by team members as an opportunity to help Lake County residents reduce the spread of disease and the overall population of feral cats within the community. She said that this team conducted a high value of feral cat surgeries according to best practices, which required an extraordinary amount of teamwork and coordination. She commented that due to their efforts, dedication and teamwork, this new program was running efficiently and had already resulted in the successful processing, vaccination, sterilization, ear-tipping, and return of 125 cats to the community. She stated that Lake County residents and participants had been pleased with this new program and that the Office of Animal Services had provided a great service that would continue to benefit the Lake County community for years to come.

MINUTES APPROVAL

On a motion by Commr. Blake, seconded by Commr. Breeden, and carried unanimously by a 5-0 vote, the Board approved the Minutes of November 6, 2018 (Regular Meeting) and November 8, 2018 (Special Meeting) as presented.

CITIZEN QUESTION AND COMMENT PERIOD

No one wished to address the Board at this time.

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 the Circuit Court and Comptroller's Consent Agenda, Items 1 through 3, 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.

Town of Lady Lake Ordinances

Request to acknowledge receipt of the following from the Town of Lady Lake: Ordinance 2017-31 (Annexation), Ordinance 2017-32 (Comprehensive Plan Amendment), and Ordinance 2017-33 (Rezoning).

St. Johns River Water Management District Governing Board

Request to acknowledge receipt of the St. Johns River Water Management District Governing Board's 2019 meeting schedule.

COUNTY MANAGER'S CONSENT AGENDA

Commr. Campione remarked that Tab 15 of the consent agenda was a resolution supporting the designation of a portion of County Road 44, located in the City of Eustis, in honor of Private First Class Derek Arthur Gibson and she thanked Mr. Keith Totten, who was in the audience, for his work on this petition.

Commr. Sullivan shared that he had spoken to the family of Private First Class Derek Arthur Gibson and he relayed that they were very appreciative of the honor.

Mr. Cole stated that he had spoken to the Eustis City Manager and that their City Commission would also consider a resolution to support this.

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 31, plus Tab 37 as follows:

PROCLAMATIONS

Request approval of Proclamation 2019-1 honoring Dr. Martin Luther King Jr., per Commissioner Campione.

COUNTY ATTORNEY

Request approval:

1. Of Resolutions 2019-2 (Franklin Store Building, Inc.), 2019-3 (Rosario Ricardez Hernandez and Lizzette M. Sanchez), 2019-4 (David M Leuschner and Nancy S. Leuschner), and 2019-5 (John G Nelson and Teresa L Nelson) instituting Eminent Domain proceedings for acquisition

of properties needed for the County Road 455 (CR 455) and Ridgewood Avenue Project.
2. To proceed with pre-suit negotiation offers for acquisition of properties needed for the CR 455 and Ridgewood Avenue Project.

The fiscal impact cannot be determined at this time.

Request approval to accept an Offer to Purchase Alternate Key 3786249, and for the Chairman to execute any necessary closing documents. The fiscal impact is \$1,800.00 (revenue). Commission District 5.

PUBLIC SAFETY AND COMPLIANCE

Planning and Zoning

Request approval to advertise an ordinance to create Lake County Code, Appendix E, Sec. 14.03.05 "Waivers from Planned Zoning Districts (CP, MP, CFD, PUD)," which would establish a process to request waivers or variances from Planned Zoning Districts. There is no fiscal impact.

Public Safety

Request approval to award a contract to purchase one mid-sized four-wheel drive vehicle under Request for Quotation Q2019-00031 to Beck Auto Sales, Inc. (Palatka, FL) for use by the Office of Emergency Management, and authorization for the Office of Procurement Services to execute all supporting documentation. The fiscal impact is \$26,470.00 (expenditure).

Request approval to reassign the agreement with Galls, LLC (Lexington, KY) for uniforms and related attire from Lake Emergency Medical Services to the Lake County Board of County Commissioners. There is no additional fiscal impact from this action.

Request approval of the Interlocal Agreement with the City of Groveland for Lake County to administer and process addressing within the city. The fiscal impact (revenue) cannot be determined at this time. Commission District 1.

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

INFRASTRUCTURE AND INTERNAL SUPPORT SERVICES

Facilities Management

Request approval to award term and supply Contract 19-0204 to ICU Protective Services, Inc. (Clermont, FL) for security guard services at the County Administration Building. The estimated annual fiscal impact is \$93,964.00 (expenditure). Commission District 3.

Request approval to award three contracts for as-needed roof repair services, under Request for Proposal 19-0906, to Advanced Roofing, Inc. (Sanford, FL), Marion/Service Roofing & Sheet Metal Company (Ocala, FL), and RMS Orlando, Inc. (Orlando, FL). The estimated fiscal impact is up to \$25,000.00 (expenditure).

Request approval to award Contract 19-0202 for fire extinguisher inspection services to WC Fire Safety, Inc. (Montverde, FL). The estimated annual fiscal impact is \$29,000.00 (expenditure).

Procurement Services

Request approval to declare the items on the attached list as surplus due to age, wear, obsolescence or are noted to be "lost," which are items identified and disposed of during the course of routine technical upgrades. All items are being replaced under the new radio replacement contract with Motorola, which the Board approved on July 24, 2018. There is no fiscal impact.

Public Works

Request approval of Resolution 2019-6 supporting the designation of a portion of County Road 44, located in Eustis, in honor of Private First Class Derek Arthur Gibson. The fiscal impact is \$127.00 (expenditure - sign materials). Commission Districts 3, 4, and 5.

Request approval to release a cash surety of \$44,973.45 that was provided for the construction of sidewalks in the Johns Lake Landing Phase 3 subdivision, located in Clermont. There is no fiscal impact. Commission District 2.

Request approval to release a cash surety of \$3,028.78 that was provided for maintenance of improvements in the Connors Ridge subdivision, located east of Umatilla. There is no fiscal impact. Commission District 5.

Request approval to release a maintenance bond of \$82,992.80 that was provided for the maintenance of infrastructure in the Victoria Estates subdivision, located East of Clermont. There is no fiscal impact. Commission District 2.

Request approval to accept a performance bond of \$210,552.82 associated with Right-of-Way Utilization Permit #8603 and Commercial Driveway Connection Permit #53192 issued to construct a turn lane on Old Highway 441 for the Verandah Park subdivision in Tavares. The fiscal impact is \$800.00 (revenue – permit application fees). Commission District 3.

Request approval to:

1. Accept the final plat for Palms at Serenoa, and all areas dedicated to the public as shown on the Palms at Serenoa final plat, located near Clermont.
2. Execute a Developer's Agreement for Construction of Improvements with Forestar (USA) Real Estate Group Inc. (Austin, TX).
3. Accept a performance bond of \$3,800,634.55.

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

Request approval to:

1. Release a performance bond of \$907,269.13 posted for the completion of infrastructure improvements for the Sawgrass Bay Phase 4-B1 final plat, located near Clermont.
2. Execute a Developer's Agreement for Maintenance of Improvements with KB Home Orlando LLC (Orlando, FL).
3. Accept a maintenance bond of \$7,624.70 for maintenance of improvements.
4. Execute Resolution 2019-7 accepting Centipede Street "Part" (County Road No. 0361) into the County Road Maintenance System.
5. Execute a Developer's Agreement for Construction and Maintenance of Sidewalk Improvements with KB Home Orlando LLC.
6. Accept a performance bond of \$9,393.12 for performance of sidewalk construction.
7. Accept a maintenance bond of \$853.92 for maintenance of sidewalk improvements.

There is no fiscal impact. Commission District 1.

Request approval to:

1. Release a performance bond of \$2,795,258.99 posted for the completion of infrastructure improvements for the Louisa Grande final plat, located south of Clermont.
2. Execute a Developer's Agreement for Maintenance of Improvements with Avatar Properties, Inc. (Scottsdale, AZ).
3. Accept a maintenance bond of \$230,606.50 for maintenance of improvements.
4. Execute Resolution 2019-8 accepting Hidden Court (County Road No. 0851) and Grande Loop (County Road No. 0851A) into the County Road Maintenance System.
5. Execute a Developer's Agreement for Construction and Maintenance of Sidewalk Improvements with Avatar Properties, Inc.
6. Accept a performance bond of \$66,916.83 for performance of sidewalk construction.
7. Accept a maintenance bond of \$6,083.35 for maintenance of sidewalk improvements.

There is no fiscal impact. Commission District 2.

Request approval:

1. To execute a Local Agency Program Agreement with the Florida Department of Transportation (FDOT) for the construction and inspection services for the widening of County Road 473 from Treadway School Road to County Road 44, located in Leesburg (FPN #437485-1-58/68-01).
2. Of supporting Resolution 2019-9 authorizing the Chairman to execute and deliver the agreement to FDOT.

The fiscal impact is \$710,243.00 (expenditure - \$557,348.00 in grant funding and \$152,895.00 funded through Sales Tax). Commission District 3.

Request approval to:

1. Execute an Interlocal Agreement with the City of Tavares for the transfer of jurisdiction, from the County to the City, of Huffstetler Drive from U.S. Highway 441 to Mt. Homer Road (CR 4956), located within the city limits.
2. Execute a County Deed transferring ownership of Huffstetler Drive's associated stormwater area from the County to the City of Tavares.

There is no fiscal impact. Commission District 3.

Request approval to execute an Interlocal Agreement with the City of Minneola for transfer of jurisdiction of Washington Street (CR 1643) from Main Avenue to US Highway 27, located within the city limits, from the County to the City. The estimated fiscal impact is \$14,240.00 (expenditure). Commission District 2.

Request approval to award contracts for the provision of mosquito control insecticide chemicals, and authorize the Office of Procurement Services to execute all supporting documentation. The fiscal impact is estimated to be \$205,000.00 (expenditure – \$180,000 from the County and \$25,000 from the Florida Department of Agriculture and Consumer Services).

Request approval to utilize Global Tire Recycling of Sumter County, Inc. (Wildwood, FL), Empire Tire of Edgewater, LLC (Orlando, FL), Orange County BCC (Orlando, FL), and Seminole County BCC (Sanford, FL) for the disposal of waste tires and authorization for the Office of Procurement Services to execute all related implementing documents. The annual estimated fiscal impact is \$45,000.00 (expenditure).

Request approval to purchase one Claw/Roll-off Combination Truck under Request for Quotation Q2019-00027 from Orlando Freightliner (Apopka, FL) for use by the Lake County Environmental Services Division, and authorization for the Office of Procurement Services to execute any supporting documentation. The fiscal impact is \$215,082.00 (expenditure).

Request approval of an Amended and Restated Impact Fee Agreement with the City of Minneola and Hanover Smoak, LLC., for improvements to a portion of a Fosgate Road that runs from Grassy Lake Road west to US Highway 27, for a length of approximately 1.25 miles. The fiscal impact is \$3,874,767.65 (revenue - credit to future fiscal year Impact Fee Revenue). Commission District 2.

COMMUNITY AND TECHNICAL SUPPORT SERVICE

Community Services

Request approval of the Fiscal Year 2017/2018 Consolidated Annual Performance and Evaluation Report for the Community Development Block Grant Program. There is no fiscal impact.

Request approval for the Chairman to execute the Fiscal Year 2018 Community Development Block Grant Funding Approval/Agreement with the U.S. Department of Housing and Urban Development. The fiscal impact is \$1,284,695.00 (revenue).

Request approval of the Agreement with LifeStream Behavioral Center for Community Development Block Grant Fiscal Year 2018/2019 funds to expand its homeless services offered through the Open Door program by staffing Hope House, an eight bed emergency shelter. The fiscal impact shall not exceed \$110,000.00 (expense). Commission District 4.

PUBLIC HEARING - ORDINANCE 2019-1 TREE PROTECTION

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; PERTAINING TO LANDSCAPING REGULATIONS; AMENDING SECTION 9.01.02 “GENERAL REQUIREMENTS AND EXEMPTIONS” TO EXEMPT CERTAIN LOTS WITH A RESIDENTIAL DWELLING FROM NEEDING A TREE REMOVAL PERMIT; AMENDING SECTION 9.01.06 “LANDSCAPE BUFFER REQUIREMENTS” TO PROHIBIT TREES BEING PLANTED IN THE RIGHT-OF-WAY EXCEPT UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 9.02.04 “EXEMPTIONS TO TREE REMOVAL PERMIT REQUIREMENTS”; AMENDING SECTION 9.01.08 “LANDSCAPE REQUIREMENTS FOR INDIVIDUAL SINGLE-FAMILY RESIDENTIAL AND DUPLEX LOTS”; 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.

Ms. Lavon Silvernell, President of the Lake Beautyberry Chapter for the Florida Native Plant Society, shared some material regarding the value of trees and stated that while she was not happy with the new ordinance, she was comfortable with it and felt it was a step in the right direction. She reminded the Board of the value of trees, noting they were not just for landscaping beauty but were part of the green infrastructure and that there was a cost to maintain all landscaping. She opined that trees and landscaping were part of what makes Lake County appealing and that they have economic value. She mentioned a tree study performed by Orange County which indicated that the total value of trees for their county was \$41 million per year and included services such as the percolation of water down into the aquifer because of root structure, leaf litter on the ground, carbon sequestration, human health because of the air cleaning qualities, mental health because of the calming effect of trees, and residential heating and cooling. She encouraged community education on the benefits of trees and

suggested the creation of a committee to assist with landscaping appraising of new plants that could possibly be added to the Lake County landscape list.

Mr. Jim Lobb, a concerned Lake County citizen, opined that trees were important for the environment and felt that with all the development happening in the county, it was important to consider trees as part of the total picture of what was being accomplished within the county in order to keep the rural atmosphere. He then gave some examples of trees that could be used and encouraged having more trees along the county streets and trails to help improve the environment.

Commr. Sullivan stated that the Board was considering recommendations from those with landscaping expertise and were attempting to incorporate that into the ordinances in order to have the right trees in the county.

Ms. Susan Fetter, a resident of Leesburg, remarked that she understood that people wanted the freedom to maintain their own property but also encouraged the Board to remember “Real Florida, Real Close” in making decisions. She said that she supported community education in order to inform residents that there were still requirements even if they did not need a tree removal permit. She suggested possibly considering requiring a permit but without a fee.

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

Commr. Breeden relayed that based on previous Board discussion regarding this topic, she had met with the Office of Planning and Zoning to encourage a broader look at the landscaping ordinance in the future and had engaged Ms. Wendy Poag, who was with the Office of Parks and Trails in the public land section and had a botany degree, to make recommendations.

Commr. Campione clarified that the primary focus of the changes being made in this meeting were the following: that the removal of trees on residential lots with homes that were two acres or less would not be required to obtain a permit for the tree removal; and to allow trees to be planted in the right of way if a tree had been removed due to disease or had fallen, with the caveat that they could not be canopy trees but must be a smaller type from the list of approved trees that the County was developing. She relayed that the Board would be addressing the other concerns identified in a previous meeting and would be working to find solutions. She opined that trees were an important part of Lake County; however, the goal of this ordinance was to allow homeowners more flexibility for tree removal on their own property.

Commr. Breeden commented that there were still minimum requirements for the number of trees on a lot.

Commr. Blake remarked that he appreciated the citizens’ comments and agreed that trees add to the character of an area or property. He opined that these changes were more of a procedural step in order to assist homeowners.

Commr. Parks stated that he appreciated the comments as well and shared that he had been working with landscape architects for recommendations on possible changes. He reiterated his support of awareness education and opined that these changes were more of an efficiency item and that the Board still valued the importance of trees. He said that he liked the idea of forming a committee to consider plants and trees that would be friendly to the county.

On a motion by Commr. Blake, seconded by Commr. Sullivan and carried unanimously by a vote of 5-0, the Board approved Ordinance 2019-1 amending Appendix E, Lake County Land Development Regulations Section 9.01.00 “Landscaping Standards” and 9.02.00 “Tree Protection” by exempting developed single family lots from needing a tree removal permit.

PUBLIC HEARING - ORDINANCE 2019-2 IMPERVIOUS SURFACE RATIO

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; AMENDING SECTION 1.08.03 ENTITLED “NONCONFORMING USES” TO ALLOW NONCONFORMING LOTS TO UTILIZE THE SETBACK AND IMPERVIOUS SURFACE RATIO CRITERIA OF THE ZONING DISTRICT

WHICH MOST CLOSELY MATCHES THE SIZE OF THE LOT AND TO EXEMPT EXISTING NONCONFORMING LOTS FROM ADHERING TO THE IMPERVIOUS SURFACE RATIO OF THE APPLICABLE FUTURE LAND USE CATEGORY; AMENDING SECTION 3.02.06, ENTITLED "DENSITY, IMPERVIOUS SURFACE, FLOOR AREA, AND HEIGHT REQUIREMENTS" TO INCREASE THE IMPERVIOUS SURFACE RATIO OF THE R-3 AND R-4 ZONING DISTRICTS TO 0.55 AND TO CLARIFY THAT DEVELOPMENT APPROVED AFTER SEPTEMBER 22, 2011 MUST ADHERE TO THE IMPERVIOUS SURFACE RATIO CRITERIA OF ITS ZONING DISTRICT OR FUTURE LAND USE CATEGORY, WHICHEVER IS MORE STRINGENT; 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.

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

Commr. Campione explained that there was a thorough presentation of this ordinance at the last Board of County Commissioner's (BCC) meeting and Commissioner Sullivan elaborated that this ordinance was simply addressing some inconsistencies within the County's Land Development Regulations (LDRs) and Comprehensive Plan (Comp Plan).

On a motion by Commr. Sullivan, seconded by Commr. Breeden and carried unanimously by a vote of 5-0, the Board approved Ordinance 2019-2 amending Appendix E, Lake County Land Development Regulations Section 1.08.03 "Nonconforming Uses" to allow nonconforming lots to utilize the Impervious Surface Ratio (ISR) criteria of the zoning district which most closely matches the size of the lot, and amending Section 3.02.06 "Density, Impervious Surface, Floor Area, and Height Requirements" to increase the ISR of the R-3 and R-4 zoning districts to 0.55.

PUBLIC HEARING ORDINANCE 2019-3 TRANSPORTATION IMPACT FEES

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 ARTICLE III, CHAPTER 22, SECTION 22-37, LAKE COUNTY CODE, ENTITLED IMPOSITION FOR THE PURPOSES OF ADDING ADDITIONAL TRANSPORTATION IMPACT FEE CATEGORIES WITH NEW OR ADJUSTED RATES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

Commr. Campione mentioned that the one of the goals of this ordinance was to create additional transportation impact fee categories in order to be more reasonable for certain land uses that were being clustered together into just a few categories; furthermore, it addressed the different levels of development activity happening within the county, such as the northeast where the Wekiva Parkway was being completed.

The Chairman opened the public hearing.

Mr. Roger Stephan, President of the Home Builders Association of Lake-Sumter, commented that his organization builds dreams for people and that through those dreams, those people make memories. He shared concerns about the ability of future generations to be able to afford a home and for the affordability of businesses to be able to expand and come to Lake County due to the high impact fees in the county. He shared that he had personally had his work decrease due to the increased costs of construction and he felt that this would be another increase to construction costs. He also asked if the County had inquired about other ways to generate the needed funding for transportation. He thanked the Board for the opportunity to speak.

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

Commr. Campione relayed that the Board had many discussions regarding this topic and she reiterated her desire to consider a waiver for infill development in order to facilitate the utilization of existing lots for development purposes. She felt that larger commercial builders were more able to absorb the transportation impact fees whereas these waivers could possibly provide affordability for

the smaller, local businesses in the county to use infill lots and then have a smaller impact fee. She thought this would also promote closer connection for transportation purposes and would reduce some of the burden on the roads. She opined that the high level of traffic in the county was causing transportation needs and reiterated that the impact fees would go directly to the construction of new facilities, noting that transportation impact fees could not be used to resurface or maintain roads but only for adding capacity. She concluded that there were several roads within the county that needed to be completed, that the County did not currently have the funds available to address these needs, and that the new development was driving the need for those roads. She added that one of the categories that was increasing significantly was the convenience stores with gas pumps and she felt that these establishments were used to paying these fees and noted that convenience stores without gas pumps would not have the same fee. She noted that this new impact fee schedule would actually provide some relief to the County's targeted industries such as light industrial and warehouses.

Commr. Parks stated that he supported the infill waiver program and asked if that was something that would be addressed by the Board in the near future. Commissioner Campione relayed that a draft for this program would hopefully be done by the next month.

Commr. Blake asked if fast food restaurants were also included in the convenience store category.

Ms. Marsh replied that fast food restaurants and convenience stores were covered under the convenience retail category.

Commr. Blake remarked that he was concerned about the extreme increase to that category and wondered if these changes made it more or less affordable to live and do business within the county; furthermore, he felt that they might possibly be creating additional barriers. He reiterated his previous thought that this would make it difficult for an individually owned restaurant or store to be built and that was the reason he would be voting no on this ordinance.

Commr. Parks asked if these categories were for residential development.

Commr. Campione responded that the increase in fees was not for residential but was for the convenience retail category which included fast food and convenience stores with gas pumps. She further explained that fees within the northeast Wekiva district would increase over the next 18 months in order to match the fees in the south district. She said the fees for the central and north central districts would not increase until August 2019 and would then hold at those amounts until the Board could discuss the impacts of these fees. She reiterated that at any point during this timeframe, the Board could hold the fees and not increase them; however, this ordinance would set in place the ability to increase fees every six months in the northeast Wekiva district which was an area that national builders were targeting and where there was a need for transportation improvements.

Mr. Fred Schneider, County Engineer, explained that the convenience store with gas pumps would be in the convenience retail category and that any other types of convenience stores could fall under the general retail-small category, which were facilities under 20,000 square feet. He gave the example that currently a major franchise convenience store with gas pumps, such as a Wawa or RaceTrac, would have an impact fee of about \$16,000 in the south district for a 5,000 to 6,000 square foot store, noting this was equivalent to the impact fees for approximately five or six single family homes; furthermore, he reiterated that this was discounted since they were only charged 70 percent of the full fee. He relayed that the 2006 impact fee ordinance used to charge \$32,000 in impact fees to these same chain convenience stores and he opined that their fees were appropriate when considering the number of trips they generate which affect the roadways.

Commr. Parks asked how these new fee rates compared to surrounding counties.

Mr. Schneider replied that Pasco County's impact fee for this category was \$40,000, noting that the new rate for Lake County would be around \$20,000 per 1,000 square feet. He commented that the categories introduced with this ordinance were the types of uses staff was expecting to come into the county with some of the new categories having significant reductions, such as daycare, nursing home,

and assisted living. He stated that staff attempted to add new categories that would make sense and make the process fairer, noting that most of the impact fees currently were coming from residential single family homes when the commercial developments should also be contributing since they impact the roadway too.

Commr. Parks asked about Mr. Schneider's comment regarding the chain convenience store fee being equivalent to about five or six single family homes and inquired how many trips per day that was on average.

Mr. Schneider replied that approximately ten trips per day was used for single family homes which would then equal 60 trips, while a store like a Wawa would generate a much higher number of trips. He reiterated that while the fee rate for the convenience retail category seemed high, it truly was related to the number of trips these facilities created on the roadway. He reminded the Board that if an establishment did not feel they should be placed within a particular category, the ordinance did provide the opportunity for an alternate study to be performed to determine if they would fit better into a different category.

Commr. Campione commented that it was a good point to remember that if a facility did not fit the use of the category they were assigned or felt the rate did not match the number of trips they were generating, they could be evaluated. She then indicated that she would create a proposal for the Board in regards to infill waivers which could potentially assist with the affordability and utilization of existing lots in each of the categories. She urged the Board to consider that if these infill waivers were added, it would facilitate additional revenue that could potentially offset the cost of the waivers and that she felt there would be a return on the investment. She opined that this would assist residents with the utilization of existing lots instead of newly created lots and could be considered a positive effect in terms of affordability.

Commr Breeden remarked that a funding source for the waivers should be identified and asked if this could be considered with mid-year adjustments.

Mr. Cole responded that staff would present suggested revenue streams to offset those waiver costs to the Board in February 2019 and then they could review next steps.

On a motion by Commr. Sullivan, seconded by Commr. Breeden and carried by a vote of 4-1, the Board approved Ordinance 2019-3 amending Article III, Chapter 22, Section 22-37, Lake County Code, entitled Imposition, creating additional transportation impact fee categories and new or adjusted rates in all transportation impact fee benefit districts.

Commr. Blake voted no.

OTHER BUSINESS

APPOINTMENTS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

On a motion by Commr. Sullivan, seconded by Commr. Parks and carried unanimously by a vote of 5-0, the Board approved the reappointments of Mr. Carl Ludecke, Mr. Ken Thomas, Ms. Jennifer Balliett, and Mr. Richard Gonzalez to the Affordable Housing Advisory Committee to serve two-year terms beginning December 1, 2018, and approved waivers of potential ethical conflicts for Mr. Carl Ludecke and Mr. Ken Thomas.

APPOINTMENTS TO NEW MPO COMMUNITY ADVISORY COMMITTEE

Mr. Cole relayed that the Lake-Sumter Metropolitan Planning Organization (MPO) had formed a new Community Advisory Committee and that Ms. Julie McKenzie, Ms. Susan Martin, Mr. Greg Lewis, and Mr. Michael Stephens of the current MPO Bicycle and Pedestrian Advisory Committee (BPAC) had been reappointed to this new Community Advisory Committee. He also said that regarding the three members of the current MPO Citizens' Advisory Committee (CAC), Mr. Jose Lopez and Ms. Katherine Cressman were still in unexpired terms and the MPO had asked for the BCC to consider appointing them to the new Community Advisory Committee; additionally, Mr. Timothy Bailey's term on the CAC had expired but he was interested in serving on the new Community Advisory Committee. He explained that Lake County had five member and five alternate member

seats to fill on this new Community Advisory Committee; therefore, he indicated that if Mr. Lopez, Ms. Cressman and Mr. Bailey filled three of the member seats, that would leave two member seats and five alternate member seats still to be filled. He indicated that within the BCC's packet, there were names of seven other individuals who had expressed interest in serving on the new committee and he said the appointments did not have to be district specific. He then stated that if the Board desired, they could appoint the three individuals from the current CAC as mentioned with two of the remaining seven interested to serve as members and the other five to serve as alternate members.

Commr. Blake mentioned that regarding the applicants from District 5, Mr. Christopher Barnhart had applied for several boards, while Mr. Daniel Chancellor had met with him and expressed that this board was one at the top of his list.

Commr. Breeden stated that from her district, she would support Ms. Cressman as a member since she had an unexpired term and that she would support Mr. Stuart Kramlich as either a regular member or an alternate member.

Commr. Parks commented that Mr. Matthew Silbernagel from District 2 had expressed the most interest and he would support him as the member; however, Mr. Garrett Pacquette had also shared his desire to serve.

Commr. Breeden summarized that the Board could appoint Mr. Lopez, Ms. Cressman, Mr. Bailey, Mr. Chancellor and Mr. Silbernagel as members with the remaining five to be appointed as alternate members.

Commr. Sullivan remarked that as the former Chairman of the Lake-Sumter MPO, they encouraged the citizen advisory committee meetings to be held in various locations around the county in order to have more input.

Commr. Breeden asked if the BCC needed to be specific regarding which person would fill which alternate seat. She then suggested that Mr. Christopher Lutz be the alternate for District 1, Mr. Pacquette be the alternate for District 2, Mr. Kramlich be the alternate for District 3, Mr. Jarrod Shoemaker be the alternate for District 4, and Mr. Barnhart be the alternate for District 5.

Mr. Cole recommended that for clarity purposes, the Board assign alternate members as a backup for a specific member and reiterated that it did not have to be district specific.

On a motion by Commr. Breeden, seconded by Commr. Sullivan and carried unanimously by a vote of 5-0, the Board approved the appointments of Mr. Jose Lopez, Mr. Matthew Silbernagel, Ms. Katherine Cressman, Mr. Timothy Bailey and Mr. Daniel Chancellor as members and Mr. Christopher Lutz, Mr. Garrett Pacquette, Mr. Stuart Kramlich, Mr. Jarrod Shoemaker and Mr. Christopher Barnhart to respectively serve as alternate members to the new Metropolitan Planning Organization Community Advisory Committee.

REPORTS

COUNTY MANAGER

RECOGNITION OF MR. TIM MCCLENDON

Mr. Cole recognized and thanked Mr. Tim McClendon, Director for the Office of Planning and Zoning, for his great service to Lake County over the last four years and wished him success in his new position as Community Development Director for the City of Winter Springs.

COUNTY OFFICES CLOSED FOR MARTIN LUTHER KING, JR. DAY

Mr. Cole reminded everyone that the Lake County offices would be closed on Monday, January 21, 2019 in observance of Martin Luther King, Jr. Day.

COMMISSIONERS REPORTS

COMMISSIONER SULLIVAN – DISTRICT 1

LAKE COUNTY ANIMAL SHELTER GROUNDBREAKING

Commr. Sullivan mentioned that he had attended several recent events, including the groundbreaking for the Lake County Animal Shelter the previous day, and would also be attending a media event this week in the City of Groveland.

TOURISM EVENTS IN LAKE COUNTY

Commr. Sullivan relayed that there would be some upcoming tourist related events in Lake County and remarked that as the Chairman of the Tourist Development Council, he was aware of how hard staff was working on hosting these great tourism events, noting that these helped to fill hotel rooms and generate revenue throughout the county. He shared that the opening of the fieldhouse at Hickory Point Beach would be happening on February 23, 2019 and would have a significant, positive economic impact for sports and tourism.

MARTIN LUTHER KING, JR. DAY

Commr. Sullivan recognized the importance of the celebration of Martin Luther King, Jr. Day.

COMMISSIONER PARKS – DISTRICT 2

FERNDALE PRESERVE TREE PLANTING EVENT

Commr. Parks showed pictures of a tree planting event at Ferndale Preserve in the City of Clermont that had happened the previous week. He mentioned that as part of the grand opening of a new Chick-fil-A in Clermont, that company had committed to a day of service and that with the assistance of the Lake County Office of Parks and Trails was able to host this event. He thanked Chick-fil-A, the Cherry Lake Tree Farm, the Office of Parks and Trails, and other County staff for their help in facilitating this great event.

FLORIDA DEPARTMENT OF TRANSPORTATION MEETING

Commr. Parks mentioned that he had attended a meeting the previous day with the Florida Department of Transportation regarding the proposed Olympus Sports and Entertainment development, which he noted would be in the Wellness Way area in the City of Clermont. He encouraged the Commissioners to consider touring the area to better understand all the development happening there.

DUKE ENERGY AUTOMOBILE CHARGING STATIONS

Commr. Parks reported that he had met with Duke Energy regarding automobile charging stations and the consumer demand for those. He relayed that Duke Energy was committed to installing 530 charging stations throughout Florida and that they were looking for host sites within Lake County. He asked the Commissioners to consider sites within their districts that might be suitable. He noted that there were no fees, that Duke Energy would maintain the stations, and that they were desiring a commitment from the sites through 2022.

Commr. Breeden asked if Duke Energy was in conversation with the Cities regarding locations and Commissioner Parks replied that they were.

Commr. Campione inquired if a fee could be charged to assist with road maintenance costs since the cars would be utilizing the roads, and Commissioner Parks implied that could be possible.

Commr. Sullivan remarked that he thought it was a great idea, that it was a trend that the County should keep up with, and that they should consider a fee to go towards helping to maintain the roads.

GROVELAND FOUR PARDON IN TALLAHASSEE

Commr. Parks thanked the Board Chairman for her leadership in representing Lake County in Tallahassee for the Florida State Cabinet pardon to members of the Groveland Four. He also thanked Mr. Carey Baker, Lake County Property Appraiser, and everyone who was involved in the process. He suggested considering how to capture this within the Lake County Historical Museum.

LAKE COUNTY ANIMAL SHELTER GROUNDBREAKING

Commr. Parks commended everyone for the great job done for the groundbreaking of the Lake County Animal Shelter.

COMMISSIONER BREEDEN – VICE CHAIRMAN AND DISTRICT 3

GROVELAND FOUR PARDON IN TALLAHASSEE

Commr. Breeden also thanked the Chairman for her leadership in representing the Lake County BCC before the state clemency board in Tallahassee regarding the Groveland Four.

LAKE COUNTY ANIMAL SHELTER GROUNDBREAKING

Commr. Breeden remarked that the groundbreaking for the Lake County Animal Shelter was a great step for the Office of Animal Services and reflected their hard work in getting to this moment.

MARTIN LUTHER KING, JR. DAY

Commr. Breeden announced that she participated in the Martin Luther King, Jr. parade in the City of Leesburg, which she noted was well attended.

NOTIFICATION AREA FOR ZONING CASES

Commr. Breeden remarked that in a few recent zoning cases in very rural areas, it seemed like there were not enough property owners notified. She shared that the Florida Statutes and the Lake County code required notices for zoning cases to be sent to anyone within 300 feet of the subject property; however, in practice, the County notified anyone within 500 feet. She shared concerns that might not be a far enough distance for rural areas and suggested that staff consider capturing at least 25 properties for notification with a possible limit to the distance.

Mr. Cole clarified that Commissioner Breeden was recommending to continue notifications within 500 feet but that if 25 property owners were not captured in that distance, then to continue until 25 owners were notified but only up to a certain distance.

Commr. Breeden confirmed that was correct and proposed the distance to be no more than a mile.

Mr. Cole suggested having a distance limit from the edge of the zoning case property and relayed that staff would evaluate and bring a proposal back to the Board.

COMMISSIONER BLAKE – DISTRICT 5

LAKE COUNTY ANIMAL SHELTER GROUNDBREAKING

Commr. Blake thanked the Chairman for the great Animal Shelter groundbreaking.

GROVELAND FOUR PARDON IN TALLAHASSEE

Commr. Blake thanked the Chairman for attending the Groveland Four hearing in Tallahassee. He also thanked Mr. Carey Baker for attending and commended Governor Ron DeSantis and the Florida Cabinet for addressing this issue.

MARTIN LUTHER KING, JR. DAY

Commr. Blake acknowledged the importance of Martin Luther King, Jr. Day.

COMMISSIONER CAMPIONE – CHAIRMAN AND DISTRICT 4

LAKE COUNTY ANIMAL SHELTER GROUNDBREAKING

Commr. Campione thanked everyone for their involvement with the Lake County Animal Shelter groundbreaking and for their support in getting the shelter to this point. She recognized the shelter's no-kill status and their milestone record of reaching a 95 percent live release rate. She thanked all the volunteers and groups who are involved in animal welfare and who helped to get the animal shelter to this moment.

MARTIN LUTHER KING, JR. DAY

Commr. Campione shared that she had attended the Martin Luther King, Jr. breakfast held at the Morrison United Methodist Church in the City of Leesburg.

LEGISLATIVE DELEGATION LUNCHEON

Commr. Campione commented that she would be presenting the County's priorities to the legislative delegation at a luncheon that day. She noted that there were several important items on the County's list such as transportation needs, South Lake Park, protection of the Green Swamp and Wekiva area, and the aid to libraries.

GROVELAND FOUR PARDON IN TALLAHASSEE

Commr. Campione remarked that her trip to Tallahassee for the Groveland Four pardons was incredible and stated that she appreciated the opportunity to be involved and to represent the BCC. She said that she was thankful for all the efforts made by the Constitutional Officers to submit their letters of support. She also relayed her thankfulness to Governor DeSantis and the cabinet for their

knowledge of the facts and for how they handled the issue with professionalism, dignity and with an awareness of the importance of due process and upholding American values. She encouraged the Board to consider an appropriate way to present information on this topic to the public and reiterated that while this was an issue in the past, it was not who the County was today. She felt it was important to tell the story for future generations regarding the challenges that society faced, how they overcame them, and the lives that were affected through the years.

2019 COMMISSIONER LIAISON APPOINTMENTS

Commr. Campione stated that she had worked diligently to evaluate the membership opportunities and to balance responsibilities among the Commissioners; furthermore, she encouraged the Commissioners to attend the League of Cities meetings and the Shared Services Network Executive Roundtable meetings whenever possible in order to stay connected. She read a memo that she had prepared regarding these liaison appointments and presented the 2019 liaison appointment assignments to the Board. She then mentioned a few of the Commissioners' appointments as follows: Commissioner Campione to serve on the Wekiva River Basin Commission, the Central Florida Expressway Authority, the CareerSource Central Florida Consortium and the Keep Lake Beautiful Advisory Board; Commissioner Sullivan to serve on the Tourist Development Council, the Orlando Economic Partnership, the Medical Examiner's Office Oversight Committee and the Lake County Educational Concurrency Review Committee; Commissioner Parks to serve on the Elder Affairs Coordinating Council, the East Central Florida Regional Planning Council, the Water Safety Advisory Committee and the Affordable Housing Committee; Commissioner Breeden to serve on the Children's Services Council, the Arts and Cultural Alliance, the Parks, Recreation and Trails Advisory Board, and the League of Cities; Commissioner Blake to serve on the County Library System Advisory Board, the Florida Black Bear Scenic Byway Corridor Management Entity, the Public Safety Coordinating Council, and the Circuit 5 Juvenile Justice Advisory Board; and all Commissioners to serve on the Lake Emergency Medical Services (EMS) Board and the Lake-Sumter MPO.

RECESS AND REASSEMBLY

The Chairman announced at 10:36 a.m. that there would be a 10 minute recess in order to allow time for the court reporter to set up for the closed session.

CLOSED SESSION

Ms. Marsh reported that she had asked for the closed session as authorized by Florida Statutes 286.011 to discuss pending litigation against the County. She noted that it would be confined to settlement negotiations or strategy sessions relating to litigation and its expenditures. She added that once the closed session started, the court reporter would record the entire session, from when they began to when they ended, and would include all discussions in the proceedings, including the names of all persons present at any time and whoever spoke. She elaborated that none of the session could be off the record. She commented that the court reporter's notes would be transcribed and that they would be made public when the litigation was concluded. She explained that at the beginning of the session the entity was required to give notice of who would be there and staff was required to advertise the closed session. She reported the advertisement ran on January 4, 2019 in the Daily Commercial and that she had a copy of that advertisement. She stated the persons at the meeting would be all of the Lake County Board of County Commissioners, the County Manager and herself. She mentioned that the session would probably take an hour and that they were ready to begin and asked for the recording to be turned off and the doors set so people could not enter.

RECESS AND REASSEMBLY

At 11:07 a.m. the Chairman announced that the Closed Session had ended and that the Board Meeting was reconvened.

ADJOURNMENT

There being no further business to be brought to the attention of the Board, the meeting was adjourned at 11:08 a.m.

LESLIE CAMPIONE, CHAIRMAN

ATTEST:

GARY J. COONEY, CLERK