

## A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS

AUGUST 27, 2019

The Lake County Board of County Commissioners met in regular session on Tuesday, August 27, 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.

### INVOCATION AND PLEDGE

Reverend Gary Upleger from First United Methodist Church of Mount Dora gave the Invocation and led the Pledge of Allegiance.

### AGENDA UPDATE

Mr. Jeff Cole, County Manager, relayed the following updates since the agenda was first published: staff revised the fiscal impact for Tab 15 to be more specific about the project; for Tab 25, staff added stormwater and water quality projects to the sales tax project list as an unfunded project which allowed them to expend funding that had been appropriated in previous years; and Tab 27 was added under Commissioner Campione's business.

Commr. Campione suggested moving Tab 27 to occur after the citizen question and comment period.

### 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 June 25, 2019 (Regular Meeting) as presented.

### CITIZEN QUESTION AND COMMENT PERIOD

Ms. Caroline VanDyken, a Lake County resident, expressed concerns about an upcoming bid for emergency medical services (EMS) supplies and equipment scheduled for the following day. She said that she and two other individuals present at the meeting were business owners of Technicuff Corporation, which manufactured and sold blood pressure cuffs to hospitals, veterinarian distributors, EMS, and private manufacturers of patient monitoring equipment and magnetic resonance imaging (MRI) machines. She said that it was brought to their attention several weeks prior that the Lake County Office of EMS was looking for supplies and that her company was not invited to bid on certain blood pressure cuff items. She relayed her understanding that a number of companies were not invited to bid on simple items such as gloves, safety glasses and sharps containers. She felt that in order to save money, the County should shop for items to find those that delivered the best quality for the best pricing. She opined that no substitution bidding could be keeping quality products and potential taxpayer savings from Lake County. She also discussed conflicts corresponding with the County regarding utilization of a National Association of State Procurement Officers (NASPO) contract through MyFloridaMarketplace (MFMP) in relation to the bid.

Mr. Cole stated that the County was currently in a bid process and the selection committee had not yet made any decisions. He cautioned the Board's dialogue on this issue due to no decision having been made yet.

Commr. Campione thought that staff could receive these comments and expressed interest in staff clarifying any misunderstandings. She added that once this was resolved, the Board could be informed about what the issues were.

Mr. Cole shared that Ms. VanDyken could schedule a meeting with him today and that any issues could be addressed. He mentioned that the Board had made clear that local companies were important and that the County supported giving business to Lake County businesses.

Commr. Breeden indicated an interest in ensuring that items were competitively bid wherever possible.

Ms. Nancy Hurlbert, a resident of Lake County, stated that she received her notice of proposed property taxes in the previous week and recalled seeing a line item in the past budgets for around \$18,000 for the Lake County Historical Museum to support an office manager; furthermore, she asked that this not be included in the budget. She claimed that as part of an information request, she saw that Mr. Bob Grenier, Curator for the Lake County Historical Museum, had requested \$25,000 to create an African-American display in the museum. She opined that this request was inappropriate at this time, and indicated an understanding that the Lake County Historical Society had grown to 415 members. She also felt that the group should support itself. She also said that she had viewed a structural report for the museum and the possible impact of bringing in a roughly 10,000 pound statue on the flooring there. She questioned if there was liability insurance for the museum, and she felt that since the museum was not charged for rent or utilities, that they should begin providing financial support of their organization. She relayed her understanding that the structural report indicated that the engineering firm could not guarantee that the structural tiles would not be damaged; additionally, the tiles were irreplaceable. She then said that she had a 2013 audit report from the Lake County Inspector General which indicated that the Historical Museum was not in compliance and they recommended that 43 issues be resolved. She thought that there was a 2015 follow up audit and many issues were resolved, though she opined that there were still many outstanding issues. She requested another follow up audit for the Historical Museum.

Mr. Michael Watkins, a resident of Lake County, felt that the process for the relocation of a Confederate General Edmund Kirby Smith statue to the Lake County Historical Museum was not correct and had been moving forward despite this. He relayed his understanding that the statue was originally going to a Confederate park in the City of Jacksonville, but Senator Tom Lee amended this bill for the statue to be located in a public place. He thought that Mr. Grenier had sent emails indicating that he was glad to be able to help the Sons and Daughters of the Confederacy groups. He opined that the agenda of these individuals was that it was not sufficient for the statue to be in a Confederate park. He felt that these statues had been created to send a message of racial inequality, and he noted that the statues were being removed from other public places in the country. He expressed concerns that the process had already been agreed upon before individuals were informed about it and that the Board was giving the Lake County Historical Society \$18,000 per year.

Ms. Mae Hazelton, a Lake County resident, indicated concerns over a July 27, 2018 email from Mr. Grenier to Ms. Sandy Shaughnessy, with the Florida Division of Cultural Affairs, about the relocation of the General Edmund Kirby Smith statue to Lake County. She also mentioned concerns for another email between these individuals from September 12, 2018 which indicated that a few of the Commissioners wanted to meet with a relative of

General Edmund Kirby Smith. She thought that Mr. Grenier may have possibly documented a violation the Sunshine Law, which was applicable to any gathering, whether formal or casual, of two or more members of the same board or commission to discuss some matter of which foreseeable action will be taken by the public board or commission. She opined that the July 30, 2019 vote taken by the Board of County Commissioners (BCC) was this foreseeable action.

Commr. Campione clarified that she had met the great-great-granddaughter of General Edmund Kirby Smith but that there were no other Commissioners there at that time.

Mr. Vance Jochim, a concerned citizen, expressed concerns for political parties creating division in the community. He relayed his understanding that the City of Tavares had a recent issue with camping in a park and that the Tavares City Council had denied this item. He felt that the City did not visit the community to discuss this issue and that while it was on their agenda, it was unclear whether they would vote on the item. He opined that developers also did not always have meetings with the community, and he thought that there should be a rule mandating these discussions. He then relayed that there was an issue with potholes on a street which citizens believed to be in the City of Tavares but was in the county. He thought that there needed to be a one stop shop for individuals with road issues and they should be able to file a complaint with the state, county or city. He also questioned why the County was maintaining roads in the City of Tavares. He then indicated a desire for entities to fund improvements when purchasing passive lands.

Mr. Allan Hartle, a Montverde Town Councilmember, said that he and Commissioner Parks had attended a United States Environmental Protection Agency (EPA) superfund site meeting in July 2019 concerning Tower Chemical. He relayed that Tower Chemical operated from 1957 through 1981 and that the EPA performed a cleanup of the site in the early 1980s to remove toxic waste. He elaborated that they constructed barriers and had been monitoring the site for the past 40 years, which had detected further issues. He stated that the EPA had these three options for the site: do nothing; perform a partial cleanup of the site, which they were pursuing funding for; or perform a total cleanup of the site. He relayed a concern that there were unanswered questions and that the plume from this site could feed into Lake Apopka. He relayed his understanding that the EPA was unable to tell if the monitoring downstream indicated continuing effects from this. He thought that the EPA wanted to remove 62,000 cubic yards of toxic waste and that there were two sinkholes on the site. He opined that there were 142,000 cubic yards of waste that should be removed, and indicated an understanding that a monitoring well on the site had detected a 75 foot spike of material going down to the aquifer. He stated that their option was to remove half of it, apply concrete, and monitor it for the next 10 years. He thought that this would cost about \$10 million versus \$26 million for a total cleanup of the site. He suggested that the BCC should urge the EPA to perform a total cleanup on the site, and relayed that a question from residents was that in 20 years, what would happen if the material was not contained.

Commr. Parks expressed interest in contacting the County's federal lobbyists and delegation and urging the EPA to fully fund this item and to have a full cleanup of the site as a federal priority.

Commr. Campione indicated an interest in placing this item on the next agenda.

Mr. Cole explained that Commissioner Parks had asked staff to place the item on this agenda but they had difficulty obtaining the required information for the letter and the advocacy. He confirmed that they planned to place the item on an upcoming agenda with a

draft letter. He added that they could also use their lobbyists in Washington, D.C. to discuss the item with their congressional delegation.

Commr. Campione thought that they could also have the Governor's support and expressed interest in reaching out to him about the item. She relayed her understanding that water quality was a significant issue for the Governor and that this item had been an existing issue for the county.

#### DISCUSSION AND DIRECTION REGARDING WHITE WATER FARM

Commr. Campione explained that the County had issued a letter to the St. Johns River Water Management District (SJRWMD) in which Mr. Tim McClendon, Director for the Office of Planning and Zoning, indicated that although there was an agricultural exemption on the subject property due to their intent to engage in agricultural activities, it did not appear that the uses were related to agriculture; furthermore, they appeared to be planning to engage in operating a borrow pit there. She elaborated that the zoning clearance was revoked, and she questioned the next steps. She relayed that this was the same situation which had been encountered in other locations in the county where an individual submitted an application indicating that they would engage in agricultural activities, but then they mined the property without obtaining the proper permits for mining activities. She felt that there were many good regulations in place for mining activities that ensure that property is reclaimed, that buffers are in place, that regulate the number of truck trips per day, and that address environmental impacts; however, this would not happen if the rules were circumvented and there would be no oversight other than a grading plan being approved by the SJRWMD. She expressed an interest in determining what the County could do to prevent the use of this loophole.

Commr. Breeden asked if this property was near Cross Tie Ranch, where it appeared that dirt was already being removed.

Commr. Campione clarified that the subject property was next to a horse track and that a video of nearby similar activity was off of County Road (CR) 437 near Walkabout Ranch Road. She elaborated that the activity in the video originally came to the SJRWMD as a blueberry farm but that the activity appeared to be a sand mine operation.

Ms. Melanie Marsh, County Attorney, displayed a map of the area. She pointed out the locations of a nearby horse track, the subject property, Cross Tie Ranch and the other mining operation.

Commr. Campione asked if the next step would be to seek an injunction. She thought that the SJRWMD would possibly be unable to issue their permit, which could lead to the County being sued. She added that if the County did not win the case, they could possibly have to pay the attorney fees for the other side.

Ms. Marsh shared that at this point, the farm had not begun any operations at the subject property. She stated that the County's planning manager was going to contact the individual responsible for the mass grading plan and let them know that the County potentially considered it as mining or a borrow pit and that they needed to come in for a mandatory pre-submittal. She was unsure if this individual was successfully contacted but noted that the County's plan was to urge them to voluntarily go through the proper process. She said that if this was unsuccessful, the County had the option of filing for an injunction; however, based on new legislation which went into effect on July 1, 2019, if the company successfully claimed that they were covered under the Right to Farm Act, then the County would be liable for their attorney fees and costs.

Commr. Parks asked about the Right to Farm Act, what constituted it, and at what point this proof would be received.

Ms. Marsh explained that the act was codified in 1982 and that the Florida Legislature had said that agricultural production was a major contributor to the economy of the state and that it needed to be protected from encroachment into agricultural areas by residential uses or other uses. She noted that if a resident was there in 1982 and the farm expanded to a more obnoxious use, then the citizen could take action to stop them, but without the homestead protection as of that date, the farm could argue that they could expand because the citizen's property was not homesteaded as of March 15, 1982. She thought that this date was included in the statute because this was the day that the legislature was clear that agriculture was a protected industry and that citizens moving into an agricultural area should be aware that farms would have this protection. She indicated that for this particular case, the farm had a timber exemption on the subject property since the early 2000s and that this had been consistent in at least the past five years. She commented that they did not currently have any plans filed with the Florida Division of Agriculture, and she was unsure of what the SJRWMD would do. She reiterated that the County sent the letter that rescinded its authorization, and she did not think that any permits had been issued; however, she relayed her understanding that there was an email today from the SJRWMD which requested more information. She restated that there was currently no action being taken there and she did not recommend an injunction unless they appeared to be moving equipment in. She indicated that the County wanted to speak with them voluntarily to determine what they were planning to do and to undergo the process if a borrow pit was desired.

Commr. Parks said that mining was not agriculture and inquired at what point would the County know about this.

Ms. Marsh replied that it was fact based and that the property at Walkabout Ranch Road had plans filed with the state. She was unsure when the plans were filed in relation to when they began activity there, though the subject case was different in that they had not yet begun activity. She expressed a hope to work with the property owners before they attempted to begin activity.

Commr. Campione recalled that the case on Walkabout Ranch Road originally came in as an application for a borrow pit and was denied due to road issues and impacts to surrounding properties. She said that later, there was activity on the site and the County learned that the SJRWMD had issued a permit six or seven years prior for an intended blueberry farm once the property was leveled and the dirt was removed.

Commr. Parks asked if the County could require a bond for an agricultural purpose after the mining concluded.

Ms. Marsh thought that would require a legislative change and said that the Right to Farm Act was broad in its protections. She stated that staff was considering making one of the Board's legislative priorities include possible changes to clarify the statute.

Commr. Campione opined that the mining industry would likely be in favor of this change because they were required to comply with regulations. She felt that the Board could possibly attempt to obtain their support due to there being two special interests, the mining industry and the farming industry, in potential conflict over this issue.

Commr. Breeden asked if the Board would be reviewing their legislative priorities at the next meeting.

Mr. Cole confirmed this and said that staff had included this item as a priority for recommendation.

Ms. Marsh said that staff reached out to FDOT to make them aware of this issue because hauling on the property would impact State Road (SR) 44. She added that the Board had an amendment to the haul permit on the agenda today and that currently, the haul permit covered access to county roads only; furthermore, staff wanted to bring back an amendment to add state roads so that the subject property would have to receive a haul permit from the County. She remarked that staff was checking with FDOT and that if they did not have any objections, then staff could bring this amendment back at the next BCC meeting.

Commr. Campione inquired about formulating an ordinance to be used as a test case in which it could define that if activities are engaged in that are claimed to be farming, the County could have certain requirements such as a bond. She thought that a ruling or declaratory action could result from this to say whether the County could have those types of restrictions or if they were preempted by state law.

Ms. Marsh relayed that the preemption language was clear in that the County could not have any rural regulation ordinance or anything else that would impact bona-fide agricultural activities. She commented that if the Board chose to do this, they would have to be cognizant that they would be paying attorney fees if the other side was successful in challenging the County in court on this issue.

Commr. Parks asked that if it was just a proposed ordinance but there was no site where it would be tested, would the County still have to pay attorney fees. He also asked if this would apply if there was no particular site that could be affected.

Ms. Marsh replied that they would be required under the new statute to give the County notice and if the County did not rescind the ordinance and went to court, then the County could possibly have to pay their attorney fees. She added that there would still be a right to challenge the ordinance as violating the preemption of state law even if there was no affected site.

Commr. Breeden asked to clarify if the County was unable to require them to abide by the regulations that mining entities had to abide by.

Ms. Marsh thought that Commissioner Campione and Commissioner Parks were discussing instilling regulations that would apply to agriculture such as bonds and protections for the road, but if it was not agriculture, the County already had a mining ordinance that they would need to comply with. She mentioned that it was a fact specific determination that would ultimately be made by a court for whether they would be protected by the Right to Farm Act.

Commr. Campione suggested that an injunction would possibly make more sense and that in the meantime, the County could work with its lobbyists, legislative delegation, and other individuals who could be involved with possibly changing the language of the Right to Farm Act.

Commr. Parks expressed a concern for proposing an ordinance as a test and possibly being responsible for paying attorney fees.

Commr. Campione asked that if they did not begin farming within a period of time, then could the County consider that to be a mining activity that would require a mining permit.

Ms. Marsh said that this could possibly happen but that she was unsure.

Commr. Campione noted that the Board was trying to protect against circumventions of the rules. She mentioned that if they came in for a mining permit, there would be a process and the Board could address items such as buffers, mitigation and phasing.

Commr. Sullivan expressed interest in following up on this item and felt that mass grading was mining. He opined that if a company was not following their plan to stay agricultural, then there would have to be a resolution to this issue. He relayed his understanding that the Right to Farm Act restricted the County and felt that the system could possibly be abused.

Commr. Campione proposed the possibility of approaching the SJRWMD to ask why it was necessary for mass grading of this extent to occur in order to have a blueberry farm, along with finding out how the SJRWMD made these decisions and why they would not consider it to be mining rather than farming.

Commr. Blake asked about the conditions of the SJRWMD's permits.

Commr. Campione relayed her understanding that they tried to ensure that water runoff would not affect surrounding properties, among other items.

Commr. Breeden inquired if the SJRWMD was aware that the subject case could be problematic.

Ms. Marsh confirmed this and reiterated that the County had rescinded its authorization on Friday, August 23, 2019. She added that the County's letter was specific in that they believed that the case constituted mining when considering the mass grading plan which had been submitted to the SJRWMD; furthermore, that information had not been submitted to the County in June 2019 when the original authorization was signed.

Commr. Campione expressed an interest in sending the SJRWMD a letter regarding the case near Walkabout Ranch Road which she felt was not agricultural at this point. She questioned if this would have to be placed on the BCC's agenda, and Ms. Marsh confirmed this.

The Chairman opened the floor for public comment.

Mr. Anthony Brown, a neighbor of the subject property, opined that the site near Walkabout Ranch Road had claimed that they would conduct farming but had dug a 30 foot deep pit; additionally, he was unsure how this could be reclaimed and made a farm. He also relayed his understanding that there was a new ordinance indicating that if land was graded for agriculture, then the dirt would have to be kept on the land. He then expressed concerns about the effects on land, groundwater, traffic, road damage and safety.

Ms. Melissa Vu, a resident who owned 34 acres adjacent to the subject property, displayed a map of the area and pointed out her house and her property. She noted that Walkabout Ranch Road was to the south of her property and the subject property was to the north. She displayed a video containing images of her property, the subject property, and the proposed blueberry farm. She mentioned that the subject property owners had offered for there to be a buffer of 25 feet from her property, though she relayed her understanding that the buffer would only consist of grass. She said that the pictures of the proposed blueberry farm were taken a few days prior and felt that the property had been demolished; furthermore, she thought that a pit on the site was at least 30 feet deep. She was unsure how a blueberry farm could be made out of this property, and she relayed that a neighbor of the blueberry farm had claimed that the activity there had affected their well water with a sulfur smell. She claimed that there had been dust and dirt on her property and that there was noise starting at 5:00 a.m. She also expressed concerns for safety.

Mr. Joe Perez, a resident of RedTail, said that he sat on the Board of Directors for the RedTail Homeowner Association (HOA). He expressed concerns for additional sand extraction in the area. He noted that the site on Walkabout Ranch Road and the subject property were near RedTail and indicated a concern that the area was becoming desirable due to State Road (SR) 429. He mentioned other developments in the area and voiced a concern for permitting more sand extraction there. He said that the residents were concerned about noise, dust, traffic impacts, impacts to groundwater, and sinkholes. He asked the BCC to consider how this area would be developed and the value of residential developments.

Ms. Katherine de Jongh, a resident of Cross Tie Ranch, displayed the Right to Farm Act and believed that there were parts of the act that could prevent the subject activity. She read an excerpt of the act as follows: "No farm operation shall become a public or private nuisance as a result of a change in ownership, a change in the type of farm product being produced, a change in the conditions in or around the locality of the farm, or a change brought about to comply with best management practices adopted by local, state or federal agencies if such farm has been in operation for one year or more." She then read another excerpt as follows for when the expansion of an operation is not permitted: "This act shall not be construed to permit an existing farm operation to change to a more excessive farm operation with regard to noise, odor, dust, or fumes where the existing farm operation is adjacent to an established homestead or business." She added that "When an activity of a farm operation takes place within a wellfield protection as defined in any wellfield protection ordinance adopted by a local government, and the adopted best management practice or interim measure does not specifically address wellfield protection, a local government may regulate that activity pursuant to such ordinance. This subsection does not limit the powers and duties provided for the statute or limit the powers and duties of any local government to address an emergency as provided for in chapter 252." She interpreted this as the Right to Farm act not superseding the right of the County and the residents to regulate what happens within it. She also expressed a concern for White Water Farm having been approved by the County.

Mr. Cole said that the issuance provided by staff, which had since been rescinded, was based on limited information.

Commr. Campione thought that the County could change the way they reviewed forms for zoning clearances, and Mr. Cole said that the County had recently improved that process.

Mr. Matthew Frey, an attorney representing a concerned citizen, relayed his understanding that the subject property was in the Wekiva River Protection Area and doubted it was contemplated that 80 acres of land there could be stripped and mined. He also indicated an understanding that the SJRWMD permit was still pending and that they had a public review or comment period in which comments could be made online. He thought that hauling two million cubic yards of sand would require over 115,000 dump truck loads which could take three to four years when using 100 truck trips per day. He encouraged the Board to address this issue.

Ms. Carey O'Leary, a resident of the Gatwick community, remarked that her development had 20 to 30 houses that used well water. She expressed concerns for additional mining sites, noise, and road issues. She questioned if anyone had discussed the watersheds with the Army Corps of Engineers and she relayed her understanding that they could perform some stoppage of land moving if it would affect water and wells.

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



Commr. Campione requested an agenda item for the next BCC meeting to send a letter to the SJRWMD concerning the Walkabout Ranch Road property and to send a letter to the property owner indicating that representations that were initially made did not correspond with the activity that was occurring there.

Mr. Cole stated that staff would add this item to the next agenda. He recalled that a speaker indicated that a property adjacent to the Walkabout Ranch Road property had an issue with their well, and said that staff would obtain more information about this.

Commr. Campione reiterated that the County had rescinded the zoning clearance for the subject property and supported expressing the County's concerns to the SJRWMD that the rules were being circumvented. She also recommended that the County be prepared to issue an injunction to stop any activity that could lead to the property being used as a borrow pit.

Commr. Parks expressed support for this and also expressed interest in further discussions concerning the Right to Farm Act, case law, and the regulations and ordinances the County could put in place that would remain in conformity with the act. He also wondered if there was another action the County could take on this issue.

Commr. Campione mentioned possibly attempting to change the law and stated that the County could recommend the wording of a provision. She felt that the County could have better success when lobbying legislators if they had proposed language.

Ms. Marsh recommended that it needed to be a legislative solution. She relayed that other counties were experiencing similar issues and reiterated the statute's clarity that the County was preempted from any type of ordinance that would place any type of regulation on bona-fide agricultural activity; furthermore, there was an attorney fee provision if the County passed an item such as bonding requirements and was challenged on it.

Commr. Parks asked if the Board could still discuss what they could and could not do.

Ms. Marsh confirmed this and clarified that the statute was specific in that a farm could not expand if they were adjacent to an established homestead as of March 15, 1982. She thought that there may not be any homesteaded property as of that date around the subject property and so the expansion prohibition would not apply to this farm. She commented that the farm had an agricultural timber exemption since the early 2000s. She stated that the wording was specific due to the legislature taking the position that agriculture would be protected and that if an individual moved next to an agricultural activity, then they should be aware of that activity. She commented that the County's question was about the line between agriculture and mining. She recalled a citizen's mention of a mining ordinance that the Board amended a few meetings prior, and she clarified that this did not apply to bona-fide agricultural activities; rather, it applied to an individual or property owner who wanted to dig a pond or conduct a similar activity and would prevent them from moving that fill offsite if they wanted the exemption to mining.

Commr. Parks thought that there could possibly be some room within the existing statute that the County could work within. He felt that changing the wording to be clearer would also be important.

Commr. Campione inquired if the nuisance language would apply to dust and noise.

Ms. Marsh replied that the nuisance language fell under the expansion language.

Commr. Campione relayed her understanding that the property was not expanding, and she was unsure if the property on Walkabout Ranch Road had an agriculture exemption.

Ms. Marsh stated that because the subject property had a timber classification for so many years, they could clear cut the property and the County would be unable to prevent this

because timber was an agricultural activity.

Commr. Breeden opined that their agricultural exemption would be lost if the property was clear cut but no further action was taken.

Commr. Campione relayed her understanding that if they did not replant immediately, then they would lose their exemption.

Commr. Breeden asked if Commissioner Parks would be attending a Florida Association of Counties (FAC) policy meeting and thought that this issue could be brought up.

Commr. Parks confirmed that he would be attending this meeting and that there could be other counties seeking answers on this issue.

#### CLERK OF THE CIRCUIT COURT AND COMPTROLLER'S CONSENT AGENDA

On a motion by Commr. Sullivan, seconded by Commr. Breeden and carried unanimously by a 5-0 vote, the Board approved the Clerk of the Circuit Court and Comptroller's Consent Agenda, Items 1 and 2, 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.

##### City of Mount Dora Annexation Ordinance 2019-09

Request to acknowledge receipt of Annexation Ordinance 2019-09 from the City of Mount Dora.

#### COUNTY MANAGER'S CONSENT AGENDA

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 18, as follows:

##### COUNTY ATTORNEY

Request approval to advertise an ordinance creating Article IX, Chapter 3, Lake County Code, to be entitled "Human Trafficking." There is no fiscal impact.

Request approval to:

1. Accept an Offer to Purchase on Alternate Key 3786257.

2. Donate Alternate Keys 1127513, 1722454 and 2537647 to Habitat for Humanity, and Alternate Key 1643163 to Homes in Partnership.

3. Authorize the Chairman to execute the donation Resolutions 2019-100 (Habitat for Humanity) and 2019-101 (Homes in Partnership) along with County Deeds and any other required closing documents.

The fiscal impact is \$550.00 (revenue). Commission Districts 1 and 5.

#### PUBLIC SAFETY AND DEVELOPMENT SERVICES

##### Animal Services

Request approval to apply to become a member of the PetSmart Adoption Rewards Program, apply to be a PetSmart Charities' Adoption Partner and to apply for PetSmart Adoption Event Grants. The fiscal impact (revenue) cannot be determined at this time.

##### Public Safety Support

Request approval to use the Florida Sheriffs Association contract with Duval Ford (Jacksonville, FL) for the purchase of a service truck for the Office of Public Safety Support, and authorization for the Office of Procurement Services to execute all supporting documents. The estimated fiscal impact is \$61,483.00 (expenditure).

#### PUBLIC SERVICES AND INFRASTRUCTURE

##### Facilities Management

Request approval of an agreement with Duke Energy for the installation of two electric vehicle charging stations located in the Cagan Crossings Community Library parking lot and in the Parking Garage in downtown Tavares, and approval to assess users a fee for the related energy costs. The fiscal impact cannot be determined at this time. Commission Districts 1 and 3.

#### Fleet Management

Request approval of Contract 19-0712 with Prestige Ford, Inc. (Mount Dora, FL) and All County Collision and Repair, Inc. (Eustis, FL) for County vehicle body repair and painting services, and authorization for the Office of Procurement Services to execute all supporting documentation. The estimated annual fiscal impact is \$25,000.00 (expenditure).

#### Parks and Trails

Request approval of Contract 19-0451 with Prime Electric, LLC (Leesburg, FL) for security lighting at Mount Plymouth Park and Scott Park in Mount Plymouth, and authorization for the Office of Procurement Services to execute all supporting documentation. The fiscal impact is \$54,190.30 (expenditure). Commission District 4.

#### Public Works

Request approval of Resolution 2019-102 providing certification of the assessment roll for a Special Assessment for the provision of paving, grading, curbing, and drainage for Firethorn Road, located near Eustis. There is no fiscal impact associated with this action. Commission District 4.

Request approval of Resolution 2019-103 providing certification of the assessment roll for a Special Assessment for the provision of paving, grading, curbing, and drainage for Granville Avenue, located near Clermont. There is no fiscal impact associated with this action. Commission District 2.

Request approval of Resolution 2019-104 providing certification of the assessment roll for a Special Assessment for the provision of paving, grading, curbing, and drainage for Colley Drive, located near Tavares. There is no fiscal impact associated with this action. Commission District 3.

Request approval to release a performance bond of \$48,635.30 associated with Right-of-Way Utilization Permits #8303 and #8304 issued to construct a force main and water main on County Road 470 for The Villages Phase III project in Leesburg. There is no fiscal impact. Commission District 1.

Request approval of a Haul Permit application submitted by Jen Florida 30, LLC (Oviedo, FL) for hauling activity associated with the Hills of Minneola Planned Unit Development located on North Hancock Road within the City of Minneola. The fiscal impact is \$5,310.00 (revenue – permit application fees). Commission District 2.

Request approval of an agreement with the City of Mount Dora for the relocation and maintenance of City utilities on Morningside Drive, Gertrude Place and Sylvan Pointe Drive in the Mount Dora area. The estimated fiscal impact is \$560,000.00 (expenditure - \$451,450.00 funded by Sales Tax revenue and \$108,550.00 funded by the City of Mount Dora). Commission District 4.

Request approval of Contract 19-0719 with Good Time Outdoors, Inc., d/b/a GTO Performance Airboats (Ocala, FL), for the purchase of an airboat and trailer for the mosquito and aquatic plant management program, and authorization for the Office of Procurement Services to execute all supporting documentation. The estimated fiscal impact is \$52,788.00 (expenditure).

#### Transit Services

Request approval of the 2019 Transit Development Plan Progress Report. There is no fiscal impact from this action.

Request approval to purchase two 29-foot heavy duty, low floor Gillig buses on the State of Florida Heavy Duty Buses Contract through the Jacksonville Transportation Authority, and approval of a budget transfer to move the funding from the capital infrastructure account and into the capital equipment account. The total fiscal impact is \$886,940.00 (expenditure - 100% grant funded).

### RECESS AND REASSEMBLY

The Chairman called a recess at 10:23 a.m. for 10 minutes.

### PRESENTATION FROM LAKE TECHNICAL COLLEGE

Ms. Diane Culpepper, Executive Director for Lake Technical College (Lake Tech), felt that partnerships were how the County and her school could work smarter, share resources, and benefit the community. She relayed that the County had been partners with Lake Tech for a significant period of time including when the school developed the Center for Advanced Manufacturing. She elaborated that this project was now operating with many students earning certificates and obtaining jobs. She commented that they were also partnered with the Lake County Sheriff's Office (LCSO) with Lake Tech's Florida Law Enforcement Academy and programs and that in 2013, Lake Tech had worked with Lake EMS and the LCSO to develop a 911 dispatcher course. She said that this presentation would focus on Lake Tech's EMS programs and she then showed a video about the programs. She shared that the programs opened in the 1970s, that Lake Tech had been accredited since 1974, and that their paramedic program was nationally accredited through The Committee on Accreditation for EMS Professions since 1987. She added that students seeking this national registry must graduate from a program accredited by The Commission on Accreditation of Allied Health Education Programs (CAAHEP), which was available for their students. She commented that they had graduated 1,675 emergency medical technicians (EMTs) and 468 paramedics to date, and their licensure pass rate in the last five years was 98.8 percent. She remarked that their program was one of the few programs in the region that had clinical rotations in the local hospital operation rooms so that students could perform live intubations. She added that they had a high fidelity patient simulator, an ambulance simulator, and that students who completed the programs could receive 17 credits toward a registered nurse (RN) degree at Lake-Sumter State College or 38 credits toward an EMS Associate in Science (AS) degree at any of the state colleges which offered this. She thanked the County for their continued support and noted that 80 percent of the required field internships that their paramedics participated in were with the Lake County Office of EMS. She said that the Office of EMS professionals were providing authentic instruction to students in the classroom and on ambulances. She stated that the medical director for Lake County was also Lake Tech's medical director for their programs, and she hoped that an Office of EMS ambulance station could be located at Lake Tech. She elaborated that they had a facility which would allow the Office of EMS to stage an ambulance there and to serve as an additional way to provide training for students. She mentioned that Lake Tech allowed dual enrolled high school students to enroll in the EMT programs and was exploring opportunities to take that training into the high schools. She also said that they developed a partnership with the new Lake County Animal Shelter so that they would have a veterinarian assisting program in the shelter when it opened to train those students to become veterinary technicians.

Commr. Parks thanked her for her work and their partnerships. He thought that the partnership with the animal shelter was great and he suggested possibly receiving another update later this year about other opportunities such as in Four Corners and using non-profit organizations to promote Lake Tech's courses and certificate training.

Commr. Campione inquired about the current number of students enrolled in the Center for Advanced Manufacturing.

Ms. Culpepper replied that they had about 70 students in the welding program and about 10 students in the computer numeric control (CNC) program for programming

machines. She added that last year, 22 students graduated from the CNC program and that each of these students had been offered a job. She stated that Lake Tech had partnered with the National Aeronautics and Space Administration (NASA) for this program and that students were building parts for a locker for the International Space Station.

Commr. Campione thanked her for the presentation and expressed interest in having her back to discuss expansion, along with ideas and current activities for South Lake.

#### 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 said that the consent agenda currently consisted of two items that both the Office of Planning and Zoning and the Planning and Zoning Board had recommended approval of; furthermore, staff requested approval of the consent agenda.

The Chairman opened the public hearing.

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

On a motion by Commr. Blake, seconded by Commr. Parks and carried unanimously by a vote of 5-0, the Board approved the Rezoning Consent Agenda, Tabs 1 and 2, as follows:

Tab 1. Ordinance No. 2019-49

Rezoning Case # RZ-19-19-2

Water Conserv II

Amend Community Facility District (CFD) Ordinance #2001-149 by adding/rezoning land area zoned Agriculture (A) for expansion of the Water Conserve II Facility (Rapid Infiltration Basins "RIBs" and Reclaimed Water Reservoir).

Tab 2. Ordinance No. 2019-50

Rezoning Case # RZ-19-15-3

Beauclair Ranch Club PUD Amendment

Amend Planned Unit Development (PUD) Ordinance #2003-41 to incorporate non-intensive agriculture uses limited to horses, ponies, and non-dairy cows as allowed land uses within the Beauclair Ranch Club subdivision.

#### PUBLIC HEARING – CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE VILLAGES PUBLIC SAFETY DEPARTMENT

Commr. Campione noted that this item came before the Board each year for their approval.

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. Breeden and carried unanimously by a vote of 5-0, the Board approved an Issuance of a Certificate of Public Convenience and Necessity (non-transport) to The Villages Center Community Development District, for The Villages Public Safety Department.

#### PUBLIC HEARING – ORDINANCE 2019-47 REPEALING CAPITAL FACILITIES ADVISORY COMMITTEE

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; REPEALING CHAPTER 2, ARTICLE IV, DIVISION 16, ENTITLED CAPITAL FACILITIES ADVISORY COMMITTEE, IN ITS ENTIRETY; PROVIDING FOR

SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

The Chairman opened the public hearing.

Mr. Jochim commended the Board for reducing the number of committees and he opined that the Capital Facilities Advisory Committee (CFAC) made recommendations which had not been considered by the Board. He suggested the possibility of reviewing other committees to determine if they were necessary.

Commr. Parks felt that the CFAC was widely supported at the time and that it had been changed to include school impact fees and to have a board of citizens and businesses. He added that while some of their recommendations had not been accepted by previous Boards, other recommendations were accepted.

Commr. Campione opined that it was an interesting group that had some great discussions. She relayed that many recommendations included asking the Board to raise taxes or fees, though the Board was not always interested in this.

Commr. Parks remarked that it was challenging to take every action recommended by the CFAC. He mentioned that for transportation, the Board was still trying to balance out the options that the CFAC called for. He commented that the CFAC had not met in a few years and opined that it was unnecessary now.

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. Blake, seconded by Commr. Parks and carried unanimously by a vote of 5-0, the Board approved to adopt and execute Ordinance 2019-47 repealing Lake County Code, Chapter 2, Article IV, Division 16, entitled "Capital Facilities Advisory Committee."

#### PUBLIC HEARING – ORDINANCE 2019-48 AMENDING HAUL PERMIT

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 SECTION 18-2, LAKE COUNTY CODE, ENTITLED "HAUL PERMIT;" CLARIFYING THE APPLICABILITY OF THE SECTION TO APPROVED DEVELOPMENTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Marsh said that she had given the Board a minor change to the language in subsection (f) and that adopting this ordinance today would include those changes.

The Chairman opened the public hearing.

Mr. Chris Tyree, with Verandah LLC, said that he was involved with a nearby project that had some stockpiled dirt left over. He remarked that they had obtained a haul permit which had since expired, and he asked that if the project could move the dirt off the site if this amendment was passed.

Ms. Marsh clarified that this amendment was such that if he had a development approval between July 9, 1991 and February 12, 2019 and he was actively hauling, then he would not fall under this haul permit; additionally, this amendment was just clarifying who the haul permit applied to.

Mr. Tyree commented that this project was approved in November 2018 and that they had applied for a haul permit after January 1, 2019. He questioned the process to move the dirt off the site.

Ms. Marsh stated that she could meet with him after the meeting.

Commr. Campione inquired if the change Ms. Marsh mentioned would ensure that the ordinance applied to state roads as well.

Ms. Marsh reported that this was not included in this ordinance because they did not advertise that specifically, but staff would make that additional change, so long as the Florida Department of Transportation (FDOT) did not object to it, and bring it back at a future meeting for a public hearing.

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 unanimously by a vote of 5-0, the Board approved to adopt and execute Ordinance 2019-48 amending Section 18-2, Lake County Code, entitled "Haul Permit."

PUBLIC HEARING – RESOLUTION 2019-105 TO VACATE UNIMPROVED  
RIGHT OF WAY

Commr. Campione said that this was a request for approval to execute a resolution to vacate a portion of an unimproved right of way in the plats of Lake Highlands, which were located north of SR 50 and east of CR 455 in the City of Clermont area.

Mr. Fred Schneider, Public Works Director, said that this request was in Commission District 2. He explained that the purpose of the request was to remove the unimproved right of way for development of the property; furthermore, there would be a CarMax planned for this location along with some apartments. He remarked that a letter of support had been received from an adjoining property and that no letters of opposition had been received. He said that utilities had been notified and that staff recommended approval of the request. He showed a map of the area and pointed out the locations of SR 50, CR 455, Oak Properties, LLC, the area that would be vacated, and an alternative easement to serve G.K. Rogers Construction, LLC, who supported the request if they would be given an alternative easement.

Commr. Campione asked if the alternative easement was certain, and Mr. Schneider confirmed this.

Commr. Breeden asked to confirm that a CarMax and apartments would be built at the subject location.

Mr. Schneider noted the planned locations for CarMax and the apartments on the map. He mentioned that the applicant had applied for a driveway connection permit with the County. He also highlighted the South Lake Trail which then turned and continued up CR 455.

Commr. Parks inquired if this was the case where the applicant had agreed to move the trail when the County needed to have it moved on the other side of the road, along with performing landscaping along Highway 50.

The Chairman opened the public hearing.

Mr. Jimmy Crawford, an attorney representing the applicant, stated that the planned unit development (PUD) required them to build a trail extension from the trail into the apartment complex; additionally, the preliminary plans also included a trailhead amenity and for CarMax to perform landscaping along Highway 50 with his client taking over the landscaping's maintenance. He added that the site plan was required to come back before the Board in the coming weeks. He commented that the first alternative easement would have had two potential driveways close to each other, though the driveways were moved to line up with the CarMax driveway so that there would only be one entrance there.

Mr. Hartle said that that his neighbors owned a nearby property and indicated that he received a notice that showed a potential road near their property. He then pointed out the nearby Tower Chemical site and his concerns that an underground stream ran into Lake Apopka where the plume area was. He questioned why commercial development was being allowed on top of the site.

Commr. Campione asked if it was a trucking distribution facility.

Mr. Hartle responded that there was vehicle repair service and vehicle storage. He said that the EPA indicated that it would be a three year project to remove damaged soil. He recalled some of the property's history and expressed that he had no opposition to the current request; however, he was concerned that the Tower Chemical site was still active and that it was close to the proposed apartments. He indicated a concern for moving forward with this request before the Tower Chemical site was cleaned up.

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

Commr. Breeden asked if the apartments would be in the unincorporated area.

Commr. Parks relayed his understanding that it was in the unincorporated area but that the City of Clermont would annex the apartments.

Commr. Campione stated that the City of Clermont would provide water and sewer and that her concern was that no one there was using individual wells.

Commr. Parks said that he had mentioned the trail and the landscaping because the County wanted to set a high standard for this development. He felt that there were sentiments against car dealerships and opined that the Board had concerns about how car dealerships were constructed.

Commr. Campione noted that the Board was able to obtain some additional buffers and concessions that may not have happened otherwise.

On a motion by Commr. Parks, seconded by Commr. Sullivan and carried unanimously by a vote of 5-0, the Board approved to execute Resolution 2019-105 to vacate a portion of an unimproved right of way in the plats of Lake Highlands, which are located north of State Road 50 and east of County Road 455, in the City of Clermont area.

#### PRESENTATION AND DISCUSSION REGARDING CANAL DREDGING FUNDING

Commr. Campione suggested hearing this presentation before the public hearing on the proposed infrastructure sales tax project plan.

Ms. Mary Hamilton, Environmental Services Division Manager, provided information related to potential canal dredging funding options. She said that at the May 21, 2019 BCC meeting, there were concerns about citizens interested in canal dredging and not having options to fund this. She indicated that the county had about 245 linear miles of canals and rivers with approximately 280 residential canals. She commented that the first funding option that staff evaluated was a special assessment or Municipal Service Benefit Unit (MSBU), and she relayed the following information about this option: requires a 55 percent positive response from affected property owners; assessment due upon completion of project; if not paid in full, the assessment is added to the tax bill for a period of ten years at an interest rate of prime plus two percent; a Lake County Code modification would be required to include canal dredging; and the County would need public right of way over the canal. She then mentioned the option of a Municipal Service Taxing Unit (MSTU) and stated that it would include a millage assessment of the property value for each lot assessed, that it would require public



right of way over the canal, and that the County would have the project designed, permitted and constructed. She said that an option for platting new developments would involve updating the Land Development Regulations (LDRs) to include a dedicated funding mechanism to the HOA, that the specific covenants and restrictions for that development would detail their dredging and maintenance; and that the HOA would have to privately permit, contract and fund maintenance. She also detailed the option of General Fund allocation and remarked that the County could establish an annual amount of funding for canal dredging, that public right of way over the canal would be required, and that the County would have the project designed, permitted and constructed. She stated that the final option was in the Lake County Water Authority's (LCWA) enabling legislation and that the LCWA had the ability to perform canal dredging.

Commr. Breeden asked if an MSTU would be countywide. She also felt that an MSTU could be challenging because there was likely a backlog of areas which needed to be addressed.

Ms. Hamilton replied that it would have to be established for a greater area, whereas an MSBU could be specific to a neighborhood or a canal. She indicated that it could take a significant amount of research to identify an area for an MSTU.

Commr. Campione said that an MSBU would define a particular canal and neighborhood that uses that canal.

Commr. Parks felt that there could be a long term issue if this item was not addressed due to the potential loss of property values if canals are not maintained. He questioned if the County should fund this and how it should be funded. He opposed using the General Fund due to there being issues of some residents not benefitting from the use of canals. He thought that there would be a benefit to the County getting a funding mechanism in place and he relayed his understanding that the state would not provide significant amounts of funding for these types of projects, particularly if there was not a cost sharing model in place with residents or the County. He supported a special assessment or MSBU and felt that this could be a first step before requesting funding. He said that the Board could place a request for funding on the legislative agenda and reiterated his support for setting up a funding mechanism.

Commr. Breeden expressed uncertainty if there would be further developments with canals, though she thought that the County could move forward with a platting mechanism for new development and ensuring that it would be clear how the maintenance in a new area would be funded. She agreed that funding should not come from the General Fund and that an MSBU was a possibility but expressed a concern that this could be expensive for home owners.

Commr. Parks said that numbers had been proposed such as paying \$20 or \$50 per year and that while this would not fund a project that cost millions of dollars, funding could still accumulate over time. He opined that it would be preferable to have some funding mechanism in place rather than none, and he did not think that the County would use the General Fund to fund a canal dredging project on private canals.

Ms. Marsh stated that if the Board was considering special assessments or MSBUs, the canals would have to be dedicated to the public. She specified that there could not be an MSBU over any private canal. She remarked that once a canal was dedicated to the public, the County would then assume liability for injuries or other incidents on the canal.

Commr. Parks asked if the County assumed the same liability if it was a road, and Ms. Marsh confirmed this for public roads maintained by the County.

Commr. Campione thought that if there was an issue, it would be caused by a canal not being maintained properly once the County took over the maintenance.

Ms. Marsh said this was correct and recalled that the previous hurricane caused many trees to topple onto canals. She added that if they were public canals, then it would be incumbent upon the County to clean those canals out.

Commr. Breeden inquired if an MSBU would be for an initial cleanup and then if it would be required if the canal backed up again.

Ms. Hamilton replied that they would have to come back in perpetuity.

Commr. Campione summarized that there would have to be a dedication of an area to the County for this to happen, along with it being driven by individuals who wanted it to happen to a particular canal as opposed to this happening to each canal in Lake County.

Commr. Blake asked if there was an expense assumption for this.

Ms. Hamilton gave an example of a canal in the Venetian Village area and said that based on a review by the LCWA, it was estimated that about 10,000 cubic yards of removal would cost around \$2.5 to \$3.2 million. She specified that there were costs for mobilization, for a drying area for the material, and for hauling the material out.

Commr. Parks asked to confirm that there was no estimate of using geotubing at this location, which could have removed the cost of a disposal site, and Ms. Hamilton said this was correct. Commissioner Parks felt that geotubing could be an option to reduce the cost of disposal.

The Chairman opened the floor for public comment.

Ms. Linda Moss, a resident of Lake County, stated that she had recently spoken to the Department of Environmental Protection (DEP) Central District Manager in the City of Orlando. She recalled that they had relayed information about dredging projects in Brevard and Broward Counties with their lagoons, rivers and residential canals. She claimed that DEP had done this on a cost share basis with the communities and the counties, that it had worked well, and that there was funding available to counties and cities for different ways to apply, such as cost sharing. She elaborated that they had offered their assistance if there were issues in Lake County. She relayed her understanding that residential canals contributed to pollution in lakes, and she felt that this issue had also affected fishing. She claimed that the bid for the Venetian Village project was \$1.4 million using geotubes to perform restoration in the canal for the material which followed the previous hurricane and for an issue with the Nutrient Restoration Facility (NuRF). She said that there was a small amount of water in the canal now and expressed concerns that the canal would be blocked near numerous homes for the remainder of the fishing season. She asked the Board for their assistance.

Commr. Campione questioned if the canal mentioned by Ms. Moss could be considered differently due to issues related to the NuRF and its proximity to Lake Apopka.

Ms. Amy Stone, Chairman of the LCWA Board, said her organization had declared that it would not become involved with residential canals due to a need to be fiscally responsible to the entire county. She noted that the LCWA was only allowed a millage rate of 0.5 mills and that they had reduced this rate by 30 percent; furthermore, they were dedicated to not spending each taxpayer's money for a small number of individuals. She commented that the canal in Venetian Village was not public and that a public canal had to connect to public

water bodies. She mentioned that the LCWA did not have the funding sources to perform this type of project for a small location and that based on the current and previous LCWA boards, this was not something they were willing to consider at this point.

Mr. Jochim stated that he lived on a canal that connected to Lake Dora and that they had not experienced an issue with dredging unless the SJRWMD opened the gates to let the water out. He agreed with Ms. Moss that this was an issue and relayed his understanding that there were three items on today's consent agenda for roads where the County created a special assessment. He thought there should be a mechanism for affected residents on private canals to float an assessment and that they could possibly receive money from the state or federal government; furthermore, there could also be seed money to conduct a study. He felt that there should be County leadership on this issue and that a short term committee for canal owners or residents should be created. He also mentioned an issue concerning seawalls being shifted and relayed that this had occurred on his canal due to Hurricane Irma. He felt that there were a number of issues related to canal ownership and living which needed to be addressed.

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

Commr. Parks felt that taxpayers as a whole should not be responsible for many of these canals. He indicated an interest in working with the LCWA and opined that there could be a discussion concerning which canals the LCWA could be responsible for or wanted to participate in for maintenance.

Commr. Campione relayed her understanding that these would only be connector canals from one public water body to another, and the canal itself would have to be considered public. She wondered if there was a map with designated locations where the LCWA assumed a certain amount of responsibility.

Ms. Stone recommended that the County contact Mr. Ron Hart, Water Resource Program Manager with the LCWA, who had this mapped out. She specified that their definition of a public canal was a canal which connected two bodies of water. She noted that the Apopka Beauclair (AB) Canal was near Venetian Village but that there were other offshoot canals as part of the residential area. She said that the LCWA maintained the AB Canal and had conducted dredging projects there. She mentioned that the LCWA did not bond any of their work and required funding on hand to take action. She felt that maintaining residential canals along with their current projects with a millage rate of 0.5 would be challenging.

Commr. Parks opined that the County was in a similar position and that they could create a funding mechanism. He thought it was unlikely that any community would receive funding from the state and that the state would want to know if the community had invested matching funds for this purpose. He opined that there could be a leadership role for the County working with the LCWA.

Commr. Campione asked if there was agreement that the condition of canals affected the water quality of the lakes.

Ms. Stone did not think that this could be a blanket statement.

Commr. Parks relayed that the FAC had brought up examples which had been studied in southwest Florida where they had been able to track some blue-green and black algae issues and were able to determine some canals where this was starting.

Commr. Breeden thought that this could possibly be a project specific legislative request.

Commr. Campione thanked Ms. Stone for attending the meeting and felt that it was helpful to know where the LCWA stood.

Commr. Sullivan recalled that the DEP was mentioned and opined that the County did not always look outside its own agencies for funding. He mentioned that the County was funding a study from the Army Corps of Engineers involving rivers and that this could lead to federal funding if there was an issue. He relayed that due to recent rain, he had received numerous concerns for flooding issues and that the Lake County Public Works Department had worked on these items. He thought that the County could coordinate with Mr. Hart and work with DEP and other federal and state agencies. He also felt that this would be the time to follow through on potential legislation for this issue. He reiterated that there was a different jurisdiction for private canals and that it could be challenging for the County to become involved with. He commented that if DEP required matching funds for a program, then the County could conduct a special assessment or similar program to match this. He thought that there were many unanswered questions and that this would be a long term project.

Commr. Breeden asked if this was an area where the canals had been dedicated to the public.

Ms. Marsh confirmed that for this particular subdivision, there was a general overall dedication to the public but that the deed was specific in that the County was not responsible for the maintenance of those canals.

Commr. Parks mentioned that the special assessments would take time to build up and that the residents could be charged \$30 or \$50 per year which could enable cost sharing at a later date. He felt that roads were a priority, though relayed his understanding that it would not cost the County anything to move forward on this issue.

Ms. Marsh noted that a special assessment would only assess the property owners who fronted the canal, while an MSBU would assess the entire neighborhood whether those people had access to that canal. She added that if there was not a community dock, then the County would not necessarily want to assess the internal lot owners because they had no access to the canal.

Commr. Campione said that if there was access to the canal, there could possibly be an assessment for the whole neighborhood. She thought that having the mechanism was a good idea so that if funding became available, then the County would not be set back by having to adopt an ordinance. She also supported addressing platting for new developments.

Commr. Breeden also supported having a mechanism in place but having it be flexible so that outside funding could lessen the impact on that community.

Ms. Marsh commented that both of these items could be included in the same ordinance so that the code would be available if the Board chose to use them in the future.

Commr. Campione added that the County could also work with Ms. Moss and discuss her meeting with DEP.

Commr. Parks asked at what point could the County work with the LCWA to identify potential communities which may want to take advantage of this.

Commr. Campione thought that Mr. Hart could assist the County with this and determine the canals where there could be the most impact with regards to water quality. She added that the mechanism could be offered to communities if they wanted to use it. She said that she considered special assessments and MSBUs as ways for a neighborhood to decide what they wanted to do there as opposed to the County imposing it.

Commr. Breeden inquired if there was any interest in the County formulating a legislative ask for this one special project.

Commr. Campione expressed support for this and felt that it should be considered because of the canal's proximity to Lake Beauclair and Lake Apopka.

Commr. Parks opined that the issue concerned water quality and property values.

Commr. Campione noted that there was a consensus and stated an intent to meet with Mr. Hart about mapping. She also said that Ms. Hamilton could coordinate with Ms. Moss to discuss available options from DEP.

PUBLIC HEARING – FY 2020 PROPOSED INFRASTRUCTURE SALES TAX PROJECT PLAN

Ms. Jennifer Barker, Executive Director of Administrative Services, said that the purpose of this presentation was to hold a public hearing on the proposed fiscal year (FY) 2020 Infrastructure Sales Tax Project Plan. She stated that the project revenue estimate for the upcoming five years totaled \$87.6 million and that the estimates were based on a three percent expected increase beginning in FY 2020; furthermore, in FY 2020 there was an estimated revenue of \$16.5 million. She then displayed the five year project plan by category but noted that this presentation would focus on FY 2020. She outlined these FY 2020 funding allocations: \$4.5 million for public safety; \$3.86 million for quality of life; \$2.8 million for public works; \$2.9 million for other infrastructure projects; and \$2.44 million for debt service.

She specified that the debt service reflected the financing of the construction of the new animal shelter, along with the purchase of the public safety radios. She added that since the infrastructure sales tax workshop on August 13, 2019, staff had added the debt service related to the financing of road resurfacing projects which was pending final Board approval. She detailed these budget allocations for public safety: vehicles at \$1.5 million; EMS capital at \$500,000; fire station renovations at \$980,000; fire station apparatus, vehicles and equipment at \$1.4 million; and communications infrastructure at \$120,000. She said that public safety radio replacements had also been included on the project list and would be approved as part of the list but staff had not included any funding for FY 2020. She then detailed these quality of life projects: the East Lake Sports and Community Complex Phase One for \$1 million; parking, a path system, and pickleball courts at the North Lake Regional Park for \$100,000, which had been reduced by \$50,000 since the workshop on August 13, 2019 per a request from the Board and was added to the Northwest Lake Community Park project instead; internal roads, a path system, and nature center improvements at Palatlahkaha Environmental and Agricultural Reserve (PEAR) Park for \$100,000; \$750,000 for the renovation and rehabilitation of the South Lake and Hancock Trails; \$100,000 for restrooms, pavilions, a canoe launch and Americans with Disability Act (ADA) retrofits at Lake Idamere Park; a multipurpose field, sports lighting, and basketball and tennis courts at the Minneola Athletic Complex for \$100,000; \$1.19 million for South Lake Regional Park; \$300,000 for a fishing pier, a boardwalk, an observation tower and a trail at the Ferndale Preserve; \$170,000 for various park, public land and trail improvements; and \$50,000 for the Northwest Lake Community Park project. She said that staff also included Ellis Acres/Pine Forest Park, county library renovations, the Fairgrounds and Events Center relocation, and the Green Mountain Connector Trail on the project list, though funding had not been included until later years. She listed these funding allocations for public works: the road resurfacing project at \$760,000, which had been reduced since the workshop on August 13, 2019 to accommodate the funding associated with the debt service for road resurfacing pending Board approval;

\$810,000 for intersection improvements; \$300,000 for sidewalks which would include new construction and ADA retrofits; \$140,000 for the Town of Astatula fuel remediation project; \$300,000 for the closure of a six acre cell in the landfill; and \$500,000 for solid waste equipment. She added that staff had included Max Hooks Road for improvements to the road and utilities, though funding had not yet been identified; furthermore, staff had also included stormwater and water quality projects, which was primarily related to a project at Morningside Drive which had been funded in the prior year. She elaborated that this project would not be completed this year and that the County would have to carry the funding forward. She then noted these funding allocations for other public infrastructure: information technology (IT) enhancements, specifically the Lake County Courthouse phone system replacement for \$100,000, which reached its end of life approximately three years prior; capital building renovations throughout the county for \$600,000; \$1.7 million for the purchase of the Tax Collector building in the City of Clermont, noting that the County had been accumulating funds over several years for a total of approximately \$3.4 million, and the Board would be prepared to possibly exercise their purchase option for that property; and \$500,000 to complete the courthouse renovations. She stated that for the debt service category, staff had added road resurfacing for \$940,000 pending Board approval of the financing. She also listed these additional funding allocations for debt service: the animal shelter debt service; the public safety radios debt service; and the reimbursement from the municipalities for their public safety radios for a total for debt service of \$2.44 million.

Commr. Campione relayed that the County had worked hard to set up this process and they wanted to assure residents that there would be a public hearing before establishing a plan each year. She said that this was a great opportunity for the Board to consider each item.

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. Blake recalled that Commissioner Parks had previously requested that he provide a more specific plan of how to fund road resurfacing without debt by temporarily shifting some priorities on the list. He said that he had previously proposed a 30 percent reduction in nearly every category to redirect that 30 percent to road resurfacing for one year. He then provided the Board with a document containing this information and noted that the number at the bottom included the \$1.7 million which was already allocated for road resurfacing improvements and \$940,000 which would be part of the debt service if the Board financed \$10 million; additionally, he also crossed out the Tax Collector building purchase and did not include that in the reduction. He indicated that the reductions added up to about \$3.48 million and that when adding the \$1.7 million that the County was already going to spend from sales tax, there would be about \$5.18 million available for road resurfacing for the first year. He relayed his understanding that the five rated roads would cost approximately \$5.05 million to resurface and that the four rated roads would cost around \$7 million to resurface. He opined that a one-time 30 percent reduction across the board would be fairer and that this 30 percent of projects could be deferred until the next year. He expressed an interest in repeating this in the following year as this would catch the County up almost entirely on resurfacing projects and noted that the County would then not have to pay approximately \$2 million in interest from financing road resurfacing. He indicated an understanding that this one time reduction would cover all of the five rated roads and more. He also proposed

possibly treating some items differently if an across the board percentage reduction was not desired, though he reiterated his opinion that this would be a fair way to do this.

Commr. Campione questioned if 30 percent would be taken from each public safety item or if it would be taken from one in particular.

Commr. Blake clarified that he had taken the total and reduced it by 30 percent, so each line item would receive 30 percent less funding. He reiterated that some items could possibly have a higher priority status.

Commr. Parks asked about the timing for the FY 2020 expenditures and if they were needed in the coming year. He also inquired about which items would be delayed into the following year.

Commr. Blake indicated that he had not asked the department about this but thought that it could be incorporated into their plan for the following year. He noted that the County budgeted year by year.

Commr. Campione indicated that the County was unsure of the particular need for the Office of EMS capital and whether it could be deferred.

Mr. Cole stated that staff would have to consider each of these items and that if the Board desired the reductions, then staff could examine the best strategic placements for this. He added that although the County budgeted year for year, they sometimes accumulated funding to then be able to afford a project. He gave the example of the Tax Collector building purchase and commented that the County had appropriated funding for three years to be able to afford the purchase by the deadline in the contract. He remarked that this was also true for public safety equipment and fire station construction. He elaborated that the equipment purchases were based on age of vehicles and other factors and that the County was planning for those replacements.

Commr. Campione did not think that the public works landfill cell closure could be changed, and she thought that the fuel remediation was a required dollar figure for that particular remediation to be done. She also did not think that there could be a reduction to the courthouse renovations because they had been delayed for a significant period of time. She felt that the County would have to review each item and receive input to find out whether they could be delayed.

Commr. Breeden said she liked Commissioner Blake's idea in concept and indicated that a different formula was used with the previous infrastructure sales tax. She recalled that due to this formula and a downturn in the economy, the County was previously using the funding to pay off debt for the courthouse. She elaborated that this had created a backlog of delayed items, such as public infrastructure, quality of life and public safety. She opined that the County was still catching up in some of these areas.

Commr. Blake agreed with this and explained that he had chosen 30 percent equally as a starting point for discussion due to his initial proposal to completely defer quality of life items for one year not being well received. He also felt that quality of life projects were less important and should not be treated the same as public safety or public works. He indicated a willingness to have a higher percentage for the quality of life category and to eliminate the reduction to some of the other areas.

Commr. Campione asked if the Board was required to approve this item or if they were only required to hold a public hearing.

Mr. Cole replied that the Board needed to approve the project list that enabled staff to spend sales tax funding for projects; however, they would not be approving the allocation of

funding. He said that the Board could then direct staff to come back with recommendations on Commissioner Blake's strategy.

Commr. Sullivan indicated that he liked Commissioner Blake's idea. He thought that the project list should be approved and he agreed that the County had delayed many projects; furthermore, he felt that the County was at a critical point for road resurfacing. He thought that the County could fund more money for this upfront but could also move forward with bonding to determine those numbers. He expressed support for this idea and relayed his understanding that there were projects on the list that the County was unlikely to begin in FY 2020. He mentioned the South Lake Regional Park and commented that the County would have to finish roads and other items in that area. He opined that there were other projects which could be considered for delay such as the rehabilitation of the South Lake Trail and the Hancock Trail, and he questioned if the County was at the stage to spend that funding.

Commr. Breeden felt that this should have been done 10 years prior and that there were safety issues there. She also thought that the Minneola Athletic Complex project possibly did not have to be done.

Commr. Parks suggested that each item would have to be examined to determine what could be delayed.

Commr. Campione added that there could be issues with liability if the trails were not addressed. She then asked if the Ferndale Preserve project was a commitment due to grant money.

Commr. Breeden noted that this project had also been delayed for a significant amount of time and that there was some grant funding which could be used for it.

Commr. Blake reiterated his opinion that a flat rate would be the simplest way to do this. He also proposed possibly applying a different rate by category.

Commr. Parks remarked that this could affect some projects more than others.

Commr. Campione suggested that the Board approve the project list and stated that they could continue to take a deeper look at Commissioner Blake's proposal, along with having discussions with staff and constituents to determine if there are items they would feel comfortable delaying to have more funding for road resurfacing.

Commr. Breeden expressed support for keeping the road resurfacing debt in place and for finding additional funding to contribute to this.

Commr. Sullivan mentioned that this could be a continuing issue and he thought that Commissioner Blake's idea would allow for upfront funding to address roads. He added that delaying this item could cause the issue to worsen and increase the cost to address it.

Commr. Blake stated that the number he arrived at for road resurfacing funding was nearly as much as the County would spend if they financed it for the first year.

Commr. Parks said that using a short term loan and not factoring in the long term cost of asphalt materials could cost the County more money several years later. He mentioned that this was a finite sum of what the County would collect over 15 years and he supported making more efficient use of this.

Commr. Sullivan remarked that sales tax revenues could possibly decrease.

Mr. Cole clarified that the loan would be for the remainder of the sales tax collection which was about 13 years. He related that due to the start of the new fiscal year on October 1, 2019, staff would have to have a plan of what they were going to spend. He said that in the absence of Board direction, they would proceed with the list as presented today.



Commr. Breeden proposed possibly asking if Mr. Cole could work with staff to determine if they could forgo certain projects.

Commr. Parks thought that this information could be provided to the BCC members individually in the next week or two.

Commr. Campione added that a Commissioner could then bring this item forward at a future meeting, though it would have to be resolved by October 1, 2019.

Mr. Cole suggested examining an across the board 30 percent decrease in each category and identifying any potential impacts caused by this. He elaborated that this information could be provided to each Commissioner.

On a motion by Commr. Sullivan, seconded by Commr. Parks and carried unanimously by a vote of 5-0, the Board approved the Fiscal Year 2020 Proposed Infrastructure Sale Tax Project Plan.

#### REPORTS

##### COUNTY MANAGER

##### LABOR DAY

Mr. Cole relayed that the County offices would be closed on Monday, September 2, 2019 in observance of Labor Day.

##### COMMISSIONERS REPORTS

##### COMMISSIONER SULLIVAN – DISTRICT 1

##### MAINTENANCE FOR PRIVATE ROADS

Commr. Sullivan expressed concerns about private roads which the County did not have jurisdiction over. He shared that he had received many requests from citizens for the County to take over the maintenance of these roads, though this could not be done until a road became public. He also thought that the BCC could present a special assessment as an alternative. He said that a large amount of rain creates high water levels and impassable roads, though roads under this condition could be fixed by the County as a public safety issue.

Commr. Campione asked if he was referring to non-maintained roads, and Commissioner Sullivan confirmed that they were non-maintained private roads. Commissioner Campione relayed her understanding that some non-maintained roads were dedicated to the public but that the County never assumed maintenance of them. She relayed that in her district, they may have been dedicated on a plat.

Commr. Sullivan indicated an intent to work with staff so that he could clarify the item to residents.

##### FOUR CORNERS WORKSHOP

Commr. Sullivan reported that he had attended a Four Corners workshop and that this was an association which touched Osceola, Polk, Orange and Lake Counties. He said that they were wanting to coordinate zoning and signage, and Lake County staff was already working on this. He mentioned that the northwest corner of Polk County, which touched Lake County, had roughly half of Polk County's population for a total of approximately 350,000 people, which was about equal to Lake County's population. He thought that there could be opportunities to work with other counties and that the most significant issue was the school system.

Commr. Breeden asked if the school planned in Four Corners was moving forward.

Commr. Parks stated that there was a charter school and a K-8 school in the area.

Commr. Sullivan confirmed that the charter school had opened this year. He also thanked Lake County staff for assisting with the charter school.

### PUBLIC WORKS RESPONSE TO FLOODING

Commr. Sullivan commended the Lake County Public Works Department for their response to requests he received pertaining to flooding.

### COMMISSIONER PARKS – DISTRICT 2

#### REPORTING POTHOLE

Commr. Parks recalled Mr. Jochim's comment about there being a centralized way to know where potholes exist. He mentioned that the County had an application for reporting litter and suggested the possibility of also having an application to report potholes. He elaborated that cities could be involved so that pothole reports would be sent to the correct agency and could be addressed quickly.

Mr. Cole indicated that staff could consider this item.

Commr. Parks asked if private roads could be added to this.

Commr. Sullivan confirmed this and felt that there could be a time when the County would need to turn some roads over to the cities. He elaborated that part of their agreement was to bring the roads up to County standards before doing this. He felt that this issue could be considered and that the Lake County Public Works Department could revisit it.

Commr. Parks felt that a possible application would be good customer service.

Commr. Campione added that it would be good to be able to fix a pothole after it was reported. She thought that the application could clarify whether it was located in the county or a city; furthermore, there could be a way for the County to inform a city if there was a reported pothole that was not on a county road.

Mr. Cole stated that staff could consider this and clarified that if the County receives a call about a pothole on a city road, they currently coordinate with the city and vice-versa.

### COMMISSIONER BREEDEN – VICE CHAIRMAN AND DISTRICT 3

#### HABITAT FOR HUMANITY GROUNDBREAKING

Commr. Breeden said that on the previous day, there was a great groundbreaking in the City of Leesburg as a partnership with Habitat for Humanity. She explained that the City had donated a piece of property and that Leesburg Construction Academy students would be building the house. She added that many businesses had donated materials, and she expressed a desire to see this happen in every community.

### OFFICE OF COMMUNICATIONS AWARDS

Commr. Breeden remarked that Ms. Elisha Pappacoda, Director for the Lake County Office of Communications, had received these four awards at a recent Florida Festivals and Events Association conference on behalf of her office: one for the Lake County fairgrounds website; one for the Hickory Point ribbon cutting event; one for the Office of Visit Lake Instagram account; and one for the Lake Big Bass branded promotional hats. She also mentioned that at a Florida Public Relations Association event, they won the Golden Image Award for a calendar featuring firefighters holding pets.

Ms. Pappacoda expressed appreciation for the Board's support and mentioned that her office had worked with the Office of Elevate Lake for the awards received at the Florida Festivals and Events Association conference.

### COMMISSIONER CAMPIONE – CHAIRMAN AND DISTRICT 4

#### TROPICAL STORM DORIAN FORECAST

Commr. Campione said it was forecasted that on Sunday, September 1, 2019 at around 8:00 a.m., Tropical Storm Dorian could possibly be at the coast of the State of Florida south of

the City of Melbourne. She noted that Lake County could be in the storm's path and suggested being prepared if the County needed to become involved.

Mr. Cole relayed that staff did not currently plan to activate the Emergency Communications and Operations Center (ECOC) but that they were monitoring the storm closely.

#### MEETING WITH CONGRESSMAN ROSS SPANO

Commr. Campione relayed that in the previous week, she and staff met at the Office of Elevate Lake with Congressman Ross Spano. She elaborated that he was visiting South Lake County and that it was a great opportunity for the County to show him some of the economic developments there. She stated that the County mentioned the nearby Kroger-Ocado site and she noted that this site had been busy. She added that the Office of Elevate Lake's presentation also highlighted the Wellness Way project and the Lake-Orange County Connector.

#### FOREIGN DELEGATION AT LEESBURG AIRPORT

Commr. Campione mentioned that on the previous day, some of the Commissioners participated with the foreign delegation which was looking at the Leesburg Airport as a place for possible partnerships and investments.

#### ADJOURNMENT

There being no further business to be brought to the attention of the Board, the meeting was adjourned at 12:26 p.m.

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LESLIE CAMPIONE, CHAIRMAN

ATTEST:

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GARY J COONEY, CLERK