

A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS
DECEMBER 17, 2019

The Lake County Board of County Commissioners met in regular session on Tuesday, December 17, 2019 at 9:00 a.m., in the County Commission Chambers, 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

Mr. Eddie Boscana from Central Florida Freethought Community gave the Invocation and Commissioner Campione led the Pledge of Allegiance.

AGENDA UPDATE

Mr. Jeff Cole, County Manager, said that since the agenda was first published, staff had a protest filed from a bidder for Tab 15; furthermore, staff had updated the requested action for this tab and he had added a memo with a recommendation to the Board. He also stated that staff had added Tab 34 as an addendum to the consent agenda.

MINUTES APPROVAL

On a motion by Commr. Blake, seconded by Commr. Breeden, and carried unanimously by a 5-0 vote, the Board approved the minutes for the BCC meeting of October 16, 2019 (Special Meeting) as presented.

CITIZEN QUESTION AND COMMENT PERIOD

Mr. Vance Jochim, a concerned citizen, mentioned an item on the current agenda relating to extending the County's solid waste contracts. He expressed a concern for a lack of past performance metrics and he requested that the County schedule a compliance audit for the three contractors. He felt that reports from the contractors should be available online, and he indicated a concern for ensuring that the trucks were not picking up waste in non-county areas.

Commr. Campione commented that the County had spent a considerable amount of time on this item and that it pertained to saving money and having good service.

Mr. Cole confirmed this and recalled that the County had a number of presentations over the past six months regarding these contracts. He clarified that the item was on the consent agenda because it was fully aligned with the direction that the Board gave to staff. He felt that it was a success from Ms. Mary Hamilton, Chief of Operations for the Public Works Department, Mr. Fred Schneider, Public Works Director, and their staff, because these negotiations could sometimes be protracted into months or years. He indicated that renewing the contracts so far ahead of their end dates was important to the County for saving money. He explained that none of the rates would change and that there was a continuous evaluation of performance. He mentioned that the County had identified items that needed to be changed or adjusted, and there was criteria in the contract that allowed them to fine the haulers for a lack of performance. He felt that Ms. Hamilton had a strong working relationship with the haulers and was continually working with them on efficiencies, addressing complaints, and proactively addressing service. He expressed that he was confident and comfortable with the recommendation today and said that it was what was presented to the Board on numerous occasions.

Commr. Campione said that members of the public could contact the County for public complaints regarding hauler service, and she noted that the only way that the County could record those complaints and levy fines was if they heard from the residents about an issue. She also suggested informing the County if haulers were observed to be spilling trash from their trucks. She added that the contracts locked in rates that the County would not be able to negotiate into the future and that this was a significant consideration.

Mr. Cole opined that the haulers and the disposal site had been good partners and he relayed that the County worked closely with them. He felt that the haulers wanted to perform the best job that they could do and that they were cooperative in working with the County to resolve issues when residents submitted complaints. He noted that fines were one component of the County's approach and that Ms. Hamilton was continually talking to the companies about service.

Commr. Campione relayed that there was bear activity in Commission District 4, and she emphasized the importance of obtaining Florida Fish and Wildlife Conservation Commission (FWC) funding to replenish the County's bear proof trash cans.

CLERK OF THE CIRCUIT COURT AND COMPTROLLER'S CONSENT AGENDA

Mr. Gary Cooney, Clerk of the Circuit Court and Comptroller, thanked Commissioner Sullivan for escorting three World War II veterans in the City of Umatilla Christmas parade.

On a motion by Commr. Parks, seconded by Commr. Sullivan and carried unanimously by a 5-0 vote, the Board approved the Clerk of the Circuit Court and Comptroller's Consent Agenda, Items 1 through 3, as follows:

List of Warrants

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

Country Greens Community Development District FY 2020 Meeting Schedule

Request to acknowledge receipt of the Fiscal Year 2020 meeting schedule for the Country Greens Community Development District in accordance with Chapter 189.015, Florida Statutes.

City of Umatilla Ordinances 2019-K and 2019-K-1

Request to acknowledge receipt from the City of Umatilla Small Scale Comprehensive Plan Amendment Ordinance 2019-K and corresponding Rezoning Ordinance 2019-K-1.

COUNTY MANAGER'S CONSENT AGENDA

Commr. Campione stated that the Board would need to pull Tab 15 to the regular agenda.

Commr. Blake requested to pull Tabs 5 and 7 for a separate vote.

On a motion by Commr. Breeden, seconded by Commr. Parks and carried unanimously by a vote of 5-0, the Board approved the Consent Agenda, Tabs 3 through 25, adding Tab 34, pulling Tab 15 to the regular agenda, and pulling Tabs 5 and 7 for a separate vote, as follows below:

On a motion by Commr. Parks, seconded by Commr. Breeden and carried by a vote of 4-1, the Board approved Consent Agenda Tab 5.

Commr. Blake voted no.

On a motion by Commr. Parks, seconded by Commr. Breeden and carried by a vote of 4-1, the Board approved Consent Agenda Tab 7.

Commr. Blake voted no.

PROCLAMATIONS

Request approval of Proclamation 2019-136 designating January 20, 2020, as Martin Luther King, Jr., Day, per Commissioner Campione.

COUNTY ATTORNEY

Request approval for authorization for the County Attorney, or designee, to short sale the judgments awarded in the following cases where the final judgments will exceed \$25,000.00:

1. Lake County v. Linda Sue Thompson, et al., Circuit Case #2019-CA-54, 27604 (27604 Corrine Avenue, Paisley, Lake County, Florida), Commission District 5.

2. Lake County v. 5T Wealth Partners LP, et al., Circuit Case #2019-CA-1785 (1705 Virginia Avenue, Eustis, Lake County, Florida), Commission District 4.

3. Lake County v. Janell Mosley, et al., Circuit Case #2019-CA-1955 (36715 Cedar Street, Fruitland Park, Lake County, Florida), Commission District 5.

The fiscal impact (revenue) cannot be determined at this time.

Request approval for the County Attorney, or designee, to execute the Stipulated Final Judgment in Lake County, Florida vs. David M. Leuschner and Nancy S. Leuschner, et al., Court Case No. 2019-CA-1237, for the needed right of way and temporary construction easement for the County Road 455 / Ridgewood Avenue Roundabout Project. The fiscal impact is \$86,495.00 (expenditure). Commission District 2.

Request approval to retain Intracoastal Builders Corporation (Jacksonville, FL) and Levey Consulting, LLC (Orlando, FL) to provide litigation support for DTR Leasing Corporation v. Lake County, Florida. The fiscal impact (expenditure) cannot be determined at this time.

Request approval:

1. Of Resolution 2019-161 instituting Eminent Domain proceedings for acquisition of property needed for the County Road (CR) 19A/Eudora Road/Old 441 Roundabout Project.

2. To proceed with the pre-suit negotiation offers for acquisition of property needed for the CR 19A/Eudora Road/Old 441 Roundabout Project.

The fiscal impact (expenditure) cannot be determined at this time. Commission District 4.

COUNTY MANAGER

Request approval of an amendment to County Policy 6.2 Holidays to convert two designated holidays to two personal holidays. There is no fiscal impact.

Request approval of a letter of support for the YMCA of Central Florida's After School/Summer Program legislative funding request. There is no fiscal impact to Lake County.

ADMINISTRATIVE SERVICES

Information Technology

Request approval to renew the Microsoft Support Agreement for prepaid Microsoft technical services, and authorization for the Office of Procurement Services to execute all supporting documentation. The fiscal impact is \$61,333.00 (expenditure).

Procurement Services

Request approval to declare items as surplus, and authorization of their removal from the County's official fixed asset inventory system records. The fiscal impact (revenue) cannot be determined at this time.

PUBLIC SAFETY AND DEVELOPMENT SERVICES

Emergency Management

Request approval of an annual funding agreement with Lake and Sumter Emergency Recovery, Inc. The annual fiscal impact is \$60,000.00 (expenditure).

Fire Rescue

Request approval:

1. Of a change order request from Florida Retrofits, Inc. (Palm Bay, FL) for door and window renovations at 19 fire stations to provide funding for impact-resistant windows.

2. To execute unanticipated revenue Resolution 2019-162 for the appropriation and expenditure of the Hazard Mitigation Grant Program (HMGP) funds to be received.

3. For the County Manager to execute all related documentation.

The estimated total fiscal impact is \$70,212.14 (revenue/expenditure - \$52,659.10 in HMGP grant funding and \$17,553.04 in County funding).

Public Safety Support

Request approval of an Interlocal Agreement with the Lake County School Board for usage of the County-wide Communications Tower System. There is no fiscal impact.

PUBLIC SERVICES AND INFRASTRUCTURE

Fleet Management

Request approval to utilize Hillsborough County Contract 18700 with JF Acquisition, LLC (Morrisville, NC), to maintain and repair countywide fuel sites, and authorization for the Office of Procurement Services to execute all supporting documentation. The fiscal impact (expenditure) is estimated at \$125,000.00 in the initial year and \$12,000.00 annually for years two through five.

Housing and Human Services

Request approval of Settlement and Release with AdventHealth Waterman and payment to resolve outstanding medical bills related to inmate health care. The fiscal impact is \$272,884.82 (expenditure).

Request approval of the First Amendment to the Inmate Health Care Services Agreement between Wellpath LLC, the Lake County Sheriff's Office, and the Board of County Commissioners relating to the agreement's Staffing Matrix (Exhibit A). There is no fiscal impact from this amendment.

Parks and Trails

Request approval of Contract 20-0410 with iMulchFL, Inc. (Oakland, FL) for the delivery and installation of playground mulch, and authorization for the Office of Procurement Services to execute all supporting documentation. The estimated annual fiscal impact is \$45,000.00 (expenditure).

Public Works

Request approval:

1. Of the Solid Waste Collection Contract Amendment with WCA Waste for continuation of Area 1 Service through September 30, 2027.

2. Of the Solid Waste Collection Contract Amendment with Waste Connections of Florida for continuation of Area 2 Service through September 30, 2027.

3. Of the Solid Waste Collection Contract Amendment with Waste Pro for continuation of Area 3 Service through September 30, 2027.

4. Of the Solid Waste Countywide Disposal Contract Amendment with A.C.M.S., Inc. d/b/a Heart of Florida Environmental through September 30, 2027.

5. For the Chairman to execute all contract amendments.

The Fiscal Year 2020 impact is \$12,687,290.00 (expenditure).

Request approval of Resolution 2019-163 to advertise a public hearing to vacate a portion of West Sixth Street, which is an unimproved right of way in the Plat of East Umatilla, located northwest of County Road 450. The fiscal impact is \$2,295.00 (revenue - vacation application fee). Commission District 5.

Request approval:

1. Of a Local Agency Program agreement and supporting Resolution 2019-164 with the Florida Department of Transportation (FDOT) regarding funding for the right of way

acquisition services for Lake Wekiva Trail from State Road 46 to Hojin Street in the Sorrento area.

2. Of Unanticipated Revenue Resolution 2019-165 for the Federal/State Grants Fund.

The estimated fiscal impact is \$2,273,826.00 (revenue/expenditure - 100% FDOT grant funded). Commission District 4.

Request approval of a Haul Permit and a surety rider for a performance bond in the amount of \$100,000.00 for the maintenance of Lester Way, Lake Norris Road, County Road 44A, County Road 437, and County Road 46A, in the Eustis area, for the hauling of fill dirt material submitted by SECEF Island Investments, LLC. (Deltona, FL). The fiscal impact is \$500.00 (revenue – permit application fees). Commission Districts 4 and 5.

Request approval to utilize State of Florida Contract 4120000-150ACS with Fisher Scientific Company, LLC (Hanover Park, IL), to provide replacement laboratory instruments, and authorization for the Office of Procurement Services to execute all supporting documentation. The fiscal impact is \$71,220.11 (expenditure).

Transit Services

Request approval to enter into a Medicaid Provider Agreement with the Florida Agency for Healthcare Administration for paratransit services, and approval to submit a Special Exempt Entity Certification waiving fingerprinting requirements for Office of Transit Services employees. The annual fiscal impact of Medicaid-eligible trips is estimated at \$190,000.00 (expenditure/revenue - \$100,000.00 in County funding and \$90,000.00 in Medicaid reimbursements).

Public Safety and Development Services

Request approval of a contract with CareerSource Central Florida to provide customized training for current employees of the Office of Emergency Medical Services and Office of Fire Rescue, and approval of unanticipated revenue Resolution 2019-169 for the appropriation and expenditure of the CareerSource funds to be received. The fiscal impact is \$133,027.68 (expenditure/revenue - \$53,036.13 expenditure of County funds, \$34,444.59 expenditure of grant funds, and \$45,546.96 expenditure of revenue from CareerSource).

TAB 15 – CONTRACT WITH BOULEVARD CONTRACTORS CORPORATION

Mr. Cole explained that a few months ago, a pipe burst in the County's Public Works Department engineering building on North Sinclair Avenue which caused extensive damage on the first and second floors of the building. He commented that they moved staff out of the building and had since bid the project to have the repairs completed, along with some renovations. He elaborated that they received two bids and were recommending the award to Boulevard Contractors Corporation.

The Chairman opened the floor for public comment.

Mr. Bernie Rodriguez, the owner of Broadway Contracting, relayed his understanding that his organization was the low bid on this project at about \$157,000, while the recommendation was for \$200,000. He claimed that his organization had successfully completed two other contracts for Lake County, along with at least six other municipalities, and had never received a poor performance evaluation. He mentioned that one project they performed for Lake County was a renovation of Fire Station #59 about a year and a half ago in excess of about \$200,000. He elaborated that they had installed a new generator, windows, plumbing, etc., and that since that time, they had one warranty issue with the roof that they had addressed. He indicated an understanding that as of today, he had been informed that there were no leaks on that roof and that the fire station staff had reoccupied the building. He thought that even though their bid was nearly \$40,000 less than the recommendation, they were considered non-responsive due to the issue with Fire Station #59 despite there only being a superficial issue that they wanted to address. He questioned why they were considered to not be responsive and opined that this was discrimination against his minority business. He

commented that the subject contract did not include any roof work, and he felt that they had everything to complete the project. He noted that he lived in Lake County and did not feel that it was right for the County to pay an additional \$40,000 due to an issue with his company when they had been responsible in addressing an unrelated item.

Mr. Cole clarified that there was no personal issue with Mr. Rodriguez or his company and that staff was considering the best interests of the County and the taxpayers' funds. He relayed that staff had met with Mr. Rodriguez in the past week to explain why his company was not selected, and he explained that in December 2018, the County had roof leaks with Fire Station #59; furthermore, he felt that the company had not been responsive in the past year. He said that the repairs had gone on for more months than they should have and that there were some changes that Mr. Rodriguez had made to his insurance information without notifying the County, despite this being required in the contract. He opined that there were performance issues relating to the fire station and that while there was no external work that was being considered as part of this item, the County's relationship with the company and the performance they had seen was indicative of what they would expect for another project. He indicated that staff could not recommend the selection of Mr. Rodriguez's company based on the issues that they were having. He noted that they were allowed to check references, that Lake County was one of those references, and that they did not have a positive experience with the company.

Mr. Rodriguez recalled that after the fire station project, the County had awarded another roof project to his company which they had completed successfully with no issues. He felt that the fire station roof was an isolated issue that did not show any history of poor performance from his company; furthermore, he opined that they had addressed the issue. He reiterated that they had worked for many other municipalities and had never been deemed non-responsive, nor did they feel that the County's decision was fair. He commented that he had been involved with three individuals from the County and elaborated that they had reached out to the individuals from the County in October 2019 for information but had not received a response. He also stated that they had taken responsibility for the insurance issue and he felt that it was an oversight.

Commr. Campione said that the Board of County Commissioners (BCC) relied on their staff to deal on the professional side of these items. She indicated that due to concerns about a track record, staff had concluded that they felt more comfortable working with another contractor on this particular project. She did not feel that this would be discrimination due to the decision being based on facts.

Commr. Parks agreed and stated that the BCC relied on staff to do this because the Board members should not be involved in purchasing. He indicated that he was considering who staff would be comfortable working with.

Commr. Breeden said that she appreciated Mr. Rodriguez speaking with the BCC but opined that there was no discrimination since his company had been hired for other projects. She mentioned that he could bid for future jobs as they continued to receive positive references from other agencies. She felt that the BCC had to support their staff if they had done their due diligence.

Commr. Blake disagreed that there was discrimination due to the business that had been conducted with them until the performance issue was noted by staff. He relayed that this was a staff driven process to keep politics out of the issue.

On a motion by Commr. Breeden, seconded by Commr. Blake and carried unanimously by a vote of 5-0, the Board approved Contract 20-0907 with Boulevard Contractors Corp. (Winter Springs, FL) for repairs and renovations at the Lake County Engineering Division's building located at 350 N. Sinclair Ave., Tavares, to address water damage, renovations to coincide with the repairs, and the County Manager's recommendation to deny the related bid protest.

PRESENTATION – LAKE COUNTY TAX COLLECTOR

Mr. David Jordan, Lake County Tax Collector, said that he had come to present the two taxes that he collected on the Board's behalf. He stated that both of these taxes were enacted before the current BCC members held public office, and he clarified that he was not here to advocate for any tax or a raising of a tax; rather, he was here to present information that the BCC may not be aware of because his office administered and collected the taxes. He relayed that there were some challenges with both taxes with the most important challenge being that it was an impossibility to equitably apply them due to the current ordinances. He said that the first tax was the business tax receipt (BTR) and that in the year 1913, the State had an occupational license. He added that in 1973, the State updated the statute to allow counties to become involved in this with a co-occupational license. He mentioned that some of the archaic language in the current ordinance came from 1913 statutes and that some of this language no longer applied to what the County did. He showed some categories under the tax and noted that there were about 18,000 BTRs, along with there being 37 categories and 53 options. He also commented that there were 37 definitions and felt that different individuals could administrate the ordinance differently. He opined that the ordinance was antiquated and stated that there was authority for the BCC to make changes in it; furthermore, he elaborated that one of the restraints pertained to any one taxpayer experiencing a tax increase. He provided the following information about BTRs in the State of Florida; 35 counties did not have BTR requirements; 31 counties, including Lake County, had a BTR requirement; some counties with BTRs only had one category, with 16 counties having multiple categories; and there was a range of fees. He showed an image of the revenues from the tax currently applied in Lake County and noted that the total of approximately \$607,000 was for the previous fiscal year. He pointed out that the cost of collection was 15 percent, per statute and the ordinance, and he said that he had given back about \$3 million in unused fees with this approximate \$91,000 being included. He also commented that the Cities received a portion of the taxation based on the statute. He presented several options and said that the \$30 option of going to one category was set because this was the most common number used. He explained that in this scenario, the County would just have one BTR and there would be a registration process to glean the relevant information for businesses. He mentioned that for the \$30 option, there would be a reduction of about \$94,000 in taxation, noting that there could be a reduction in expense for his office to administer the tax and that it could also be a better customer experience. He recommended considering a reduction to \$30, \$20, \$10, or another number, and he also proposed an option to repeal the tax that did not have to be 100 percent, but could involve reducing the number of categories. He clarified that this would be allowable under the law without having to have an equity study commission as long as not one taxpayer was affected by it; furthermore, no taxpayer would receive an increase in taxation under the \$30 option and several taxpayers would receive a decrease. He stated that the BCC could also consider an equity study commission in which they would appoint business community

members who would recommend classifications and rates. He requested that the BCC consider cleaning up the ordinance.

Commr. Campione asked that if the BCC repealed the BTR altogether, how could this impact the Cities.

Mr. Jordan indicated that they would lose about \$167,000 and that the amount each City received was different with the Cities of Leesburg and Clermont receiving the largest amounts. He also stated that the Cities could collect BTRs for the County and they could retain their portion of the fee or distribute it back at the end of the year.

Commr. Campione suggested that any decision that the BCC made should be done in conjunction with the Cities to receive their feedback. She also relayed her understanding that by law, they could put their own fees in place to offset this.

Commr. Parks expressed interest in having consistency with one fee, such as \$30, along with considering that if a City had a current business tax, then the County would not enact its fee in that city; however, an unincorporated area would have the County's flat fee.

Mr. Jordan mentioned that his office had data and information that they could consider to determine where they would be by lessening taxes or maintaining them.

Commr. Breeden asked about the highest fee in Lake County.

Mr. Jordan thought that it was for clairvoyance and noted that the miscellaneous category was generally a higher fee. He also said that businesses with more employees were charged a higher fee.

Commr. Breeden then asked if it would be possible to repeal the tax in unincorporated areas but not in the cities.

Ms. Melanie Marsh, County Attorney, thought that the Cities would need to pass their own tax and then they could collect at the rates they wanted if the Board wanted to repeal it for the unincorporated area.

Commr. Breeden proposed another possible option of dropping the fee from 30 percent to 20 percent to 10 percent, and then repealing it after a few years.

Commr. Campione expressed support for the idea of repealing the tax.

Commr. Sullivan also agreed with this option and indicated interest in simplifying the process, implementing the \$30 fee, and phasing out the ordinance over the next three years. He noted that the Board could also repeal the ordinance if they determined that this was not the right course of action. He mentioned that this revenue was likely to be important to some smaller municipalities and that the Board could communicate with the Cities so that they would have time to react.

Commr. Blake recalled that a state representative had attempted to remove the statutory authority to levy this tax but was met with mixed reactions from the Florida League of Cities. He indicated that some feedback included that the tax helped to keep track of businesses in the community, though he thought that this could be remedied by contacting the Florida Division of Corporations for this information. He supported repealing the tax and possibly phasing it out.

Mr. Jordan said that he had spoken with Mr. Carey Baker, Lake County Property Appraiser, to find out if there would be any implications or unintended consequences for this, and he commented that Mr. Baker had indicated that individuals could still sign up for their exemptions without the tax.

Commr. Blake asked to clarify if some of these taxes were paid by location.

Mr. Jordan explained that according to the law, he was to obtain a taxpayer identification (ID) number from any applicant. He commented that there could be different locations for the same business but that this could be narrowed down. He elaborated that 18,000 BTRs could be reduced to about 14,000, and that this could reduce the number of times that a taxpayer was exposed to the tax.

Commr. Parks questioned that if the BCC repealed the tax, could there possibly be issues with the lack of having a registry and if there was a cost to do this. He also questioned what the fees were paying for and what the taxpayers were receiving from it.

Mr. Jordan implied that having an application process could provide data but questioned if the data was worth the effort from the taxpayers.

Commr. Campione recalled that in previous years, the BCC had expressed interest in designating the funding for economic development endeavors. She felt that if the tax stayed intact, then it should be designated for those purposes; however, she expressed interest in reducing the tax over time and giving the Cities enough time to react if they wanted to create a fee to offset this revenue.

Commr. Sullivan commented that each City was different and that he supported letting them know what the County was doing, along with reducing the tax to simplify the process as much as possible and phasing it out over time. He also expressed support for earmarking the funds for a specific purpose.

Commr. Blake relayed his understanding that based on research at the state level and for different jurisdictions, the majority of this funding was going into a slush fund that could be spent for any purpose. He opined that the businesses did not receive anything specific from this funding and that there was no tangible benefit for the taxpayer.

Commr. Parks suggested that these funds could possibly be used to expedite permitting or for another tangible service for businesses.

Mr. Cole explained that currently, the County received about \$350,000 per year on average that went into the General Fund, which supported a variety of County organizational entities including economic development. He said that while the funding did not go directly to a department, it was used in the General Fund to fund those organizational entities.

Commr. Parks asked if this could be specified with an organizational policy.

Mr. Cole mentioned that an option was that the BCC could designate where they wanted the funding to go, though this could raise the question of if it would supplant funding that was already being provided from the General Fund to those entities or if it would be additional funding. He said that currently, he could track that amount of funding going to organizational units to support economic development but that the funding did not go directly to them.

Commr. Campione thought that this could be addressed in the ordinance or by policy.

Commr. Parks also suggested that the tax could possibly sunset in three years without reducing the tax rate each year.

Mr. Jordan said that all of this would be doable and that it was a customer centric issue, which was a focal point of his office. He also felt that this supported businesses. He then presented information about his second item, vacation rentals, and opined that the ordinance did not need a significant amount of review because it had the appropriate statutory requirements. He noted that the technology component of this issue was changing and that there were about 150 platforms, such as Airbnb. He commented that Airbnb had presented an agreement for the Lake County Tax Collector to sign which did not comport with the law on

several topics such as public record retention and government transparency. He explained that his office could not administrate the tax equally and that currently in Lake County, there were 654 accounts with 46 hotels and 16 bed and breakfasts; however, there were 2,500 to 3,000 vacation rentals on the 150 sites. He added that it had been predicted by two firms that with a four percent gross receipt requirement, there was \$5 million to \$7 million of uncollected taxes that could be collected annually. He clarified that this would not involve a new tax but rather would regard how to address these entities. He relayed an understanding that a significant percent of individuals involved with vacation rentals were unaware of the process. He felt that it was a great business but that it was inequitable, and he mentioned that Palm Beach County had enacted an ordinance with a requirement that if an individual had an internet advertisement for a vacation rental or short term rental, then they must provide their BTR number if they have one, along with their Tourist Development Tax (TDT) registration account number. He stated that Palm Beach County had the process laid out for how hosts could obtain a BTR and register for a TDT account. He elaborated that if this was enacted in Lake County, then after Airbnb received their payment for the stay, they would send the state tax and the local option tax to the Florida Department of Revenue (DOR), and the four percent TDT would be turned over to the host who would then remit it to the Tax Collector's Office. He felt that this would be the most efficient way to equally apply this tax, and he thought that Palm Beach County had success with this. He noted that if the BTR was in place for a number of years, then these individuals in business would have to obtain a BTR. He said that if the rental properties had a homestead exemption, then they would also have to comply with the Lake County Property Appraiser for tangible personal property similar to hotels.

Commr. Campione relayed her understanding that this was an issue of fairness and that hotels were going about this in the correct manner.

Mr. Jordan confirmed this and noted that these funds supported bringing more people to stay in Lake County and generating more sales tax revenue.

Commr. Campione clarified that the hotel taxes did not go into the General Fund and that they had to be used per state statute to promote tourism and tourism related activities in the county.

Commr. Sullivan commented that the County tracked the economic benefits for events and that there could be a significant return to the economy. He expressed that a constituent was competing with rental services such as Airbnb and had to charge four percent more due to collecting the TDT. He felt that being equitable was most important.

Commr. Parks thought that this could make it more equitable for businesses that paid the TDT and that it was a matter of fairness. He reiterated that these funds were used for projects that promoted business and tourism in the county, along with helping residents. He suggested that this could have a significant impact on the county and he hoped that they could move forward with it. He asked if the Palm Beach County ordinance could be used, and Mr. Jordan confirmed this.

Commr. Sullivan mentioned that he was the Chairman of the Lake County Tourist Development Council (TDC) and that this issue arose in many TDC meetings. He also relayed an understanding that Lake County's four percent TDT was one of the lowest TDTs in the area with many counties collecting six percent.

Commr. Breeden asked that if the County moved toward repealing the BTR, what would be the next best way of identification for the rentals.

Mr. Jordan commented that if a new BTR ordinance would sunset and there was a separate ordinance which indicated that advertising on an online platform would require registering a BTR number and a TDT registration account number, then the sunset of a BTR would eliminate the need for an individual to provide a BTR number but they could provide their TDT ID number. He also indicated an understanding that the sales tax and the local option tax were being collected by rental services.

Commr. Campione said that they could move forward on this issue and that staff could work with the Lake County Tax Collector's Office. She indicated that there was consensus to move forward with an ordinance similar to the Palm Beach County model and that staff could bring back options for how to address the BTRs based on the Board's comments today. She then asked if the Board could swap the public hearings with the rezoning agenda, and Ms. Marsh confirmed this.

RECESS AND REASSEMBLY

The Chairman called a recess at 10:06 a.m. for nine minutes.

PUBLIC HEARING – ORDINANCE 2019-66 CANAL ASSESSMENT PROCEDURES

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; CREATING ARTICLE IV, CHAPTER 21, LAKE COUNTY CODE, TO BE ENTITLED CANAL ASSESSMENT PROCEDURES; ESTABLISHING A MUNICIPAL SERVICE TAXING/BENEFIT UNIT PROCESS FOR CANAL MAINTENANCE AND DREDGING; AMENDING SECTION 14.07.07, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED FINAL PLAT REQUIREMENTS; REQUIRING NEW PLATS WITH CANAL-FRONT LOTS OR PARCELS TO ESTABLISH A MECHANISM TO ASSESS RESIDENTS FOR CANAL MAINTENANCE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

The Chairman opened the public hearing.

Mr. Jochim mentioned that a section of the proposed ordinance discussed new plats on canal fronts but he thought that the State had prohibited constructing new canals several years prior.

Commr. Campione clarified that there could be a plat on an existing property that had canals.

Mr. Jochim also suggested offering an option for residents to cooperate to set up an assessment for canal maintenance aside from dredging.

Ms. Marsh said that a code provision was unnecessary and that residents could voluntarily do this amongst themselves.

Commr. Campione indicated that the proposed procedure would have to be used if it would be mandated for residents who did not want to participate, as long as there was the required percentage of residents who did want to participate.

Mr. Jochim indicated an understanding that if there was not a process where if more than a majority of the residents voted in favor of the maintenance, then the other residents would have to cooperate. He suggested to have a parallel process for residents who wanted to assess themselves for maintenance as well as dredging.

Commr. Breeden asked if this could be done under a homeowners association (HOA).

Ms. Marsh confirmed this and noted that it was a civil issue. She commented that residents would have the option to use a municipal service benefit unit or taxing unit (MSBU or MSTU) which would require the support of 55 percent of the property owners along with Board approval. She also said that they could also contract civilly to do something different.

Commr. Campione reiterated that this would be a voluntary procedure that would be decided by a neighborhood and that if there was a sufficient number of residents who wanted to perform the service, it could be imposed on a number of individuals who did not want the service to be performed but only upon a vote of the BCC.

Mr. Mike Perry, Executive Director for the Lake County Water Authority (LCWA), thought that the proposed funding mechanism was a reasonable approach and would allow the opportunity to maintain those canals for the homeowners who were benefitting directly. He opined that the dredging of materials from the canals was not challenging but that there could be difficulty with finding a place for the material and trying to permit it, which could increase the project cost. He also noted that residents' canals would only be affected by the proposed ordinance if they were in the unincorporated areas of the county. He thought that there was a statement in the ordinance indicating that no County funds would be involved, and he concurred with this and relayed his understanding that there was also a statement suggesting that there would be no fiscal impact; furthermore, he proposed considering that staff could be involved with managing the process. He hoped that staff could sign off their time against the MSTU or MSBU funds so that there would not be any fiscal impact due to the Board collecting tax countywide. He also related that there had not been any new canals constructed in the past 15 or 20 years statewide but that if there was a plat with canals, he felt that it was good for there to be a plan for maintenance.

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

Commr. Breeden mentioned that this was for the maintenance of canals and not for other improvements such as widening or dredging deeper than necessary.

Commr. Parks said that if the community implemented this, then it could be many years before it would take effect. He remarked that this was starting the process to find a way to fund the activity, and he relayed his understanding that the County and the LCWA had both been asked about this issue. He agreed that it was not meant to be for widening a canal and that it was only for maintenance within the permitted range.

Commr. Campione confirmed that it was only to remove organic material from the canal to make it passable but that it was not to change the nature of the canal itself. She commented that the County did not currently have a process for this in place and also that residents would have to dedicate the canal to the public for right of way. She stated that multiple steps would have to occur for a neighborhood to do this but that there was currently no way to accomplish this. She felt that if the County put this in place, then they would have at least begun the process of making it available to neighborhoods who wanted to use it. She added that this would be driven by those in the community if they wanted to have this imposed on them.

Commr. Breeden clarified that neither of these items would be countywide and would instead be site specific or community specific.

Commr. Blake thought that this was a good mechanism but expressed that he would be voting against it because he was concerned about the threshold. He mentioned that the BCC

had a final say on the issue but indicated a concern for 55 percent of the community imposing a significant financial burden that other people would be forced to pay.

Commr. Campione opined that 55 percent was a high threshold and that if this percent was achieved, then there would likely be widespread support in the neighborhood.

On a motion by Commr. Parks, seconded by Commr. Sullivan and carried by a vote of 4-1, the Board approved Ordinance 2019-66 creating Article IV, Chapter 21, Lake County Code, to be entitled "Canal Assessment Procedures," which establishes a municipal service taxing/benefit unit process for canal maintenance and dredging and amending Section 14.07.07, Lake County Code, Appendix E, Land Development Regulations, entitled "Final Plat requirements," to require that new plats with canal front lots or parcels establish a mechanism to assess residents for canal maintenance.

Commr. Blake voted no.

PUBLIC HEARING – RESOLUTION 2019-166 TO VACATE AND ANNUL PLAT

Mr. Schneider indicated that this request was in the Mt. Plymouth-Sorrento area in Commission District 4, and was for approval of a resolution to vacate and annul the entire plat of Hampton Homes of Mt. Plymouth, and to vacate an unnamed deeded right of way, which connects with Interlachen Drive. He explained that the purpose of this request was for a future development of single family homes, and he noted that the County had not received any letters of support or objection. He displayed an aerial map and pointed out the areas that were proposed to be vacated, which were lots that existed in the previous plat; additionally, there was a short unnamed right of way that was proposed to be vacated. He relayed that staff recommended approval of the request.

Commr. Campione said that no opposition had been filed and relayed her understanding that the vacated areas had not been used by the public.

Mr. Schneider confirmed this and said that they would be developed under the construction plans that the applicant already had approved by the County, and they would then move forward with platting those areas.

Commr. Campione relayed her understanding that the planned unit development (PUD) that the BCC had approved that designated how the property would be redeveloped was in place and had already been reviewed, including the design criteria, and she asked if the current request would address the platted easements and lots.

Mr. Schneider said this was correct and that the area would be replatted.

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. Blake seconded by Commr. Breeden and carried unanimously by a vote of 5-0, the Board approved Resolution 2019-166 to vacate and annul the entire plat of Hampton Homes of Mt. Plymouth, and to vacate an unnamed deeded right of way, which connects with Interlachen Drive, near Sorrento.

PUBLIC HEARING – LAKESIDE AT WATERMAN VILLAGE PROJECT

Mr. Cole explained that the funding that was to be realized to the County from this tab, Tab 30, was planned to be used to fund Tab 17, which was for the billing for the County inmate medical care related to the AdventHealth Waterman Hospital. He noted that there had been some confusion regarding Tab 17 and he clarified that it was not any additional funding that the County would not have otherwise incurred; rather, it was saving the County money. He said that the County's relationship with Armor Correctional Health Services was such that

the company would pay the bills for inmate medical care at a hospital and the County would then reimburse them at 100 percent of what they paid. He stated that when the County's contract with Armor Correctional Health Services ended, they had not notified the County that there were outstanding bills. He elaborated that the County Attorney had negotiated 50 percent off on that bill and that the County would have otherwise been liable for around \$500,000; however, they had reduced this to approximately \$272,000. He also stated that for additional funding for Tab 30, the County believed that there was another hospital that was owed some funding and they proposed that the balance should go toward that debt.

Commr. Campione asked to clarify that the amount that the County owed the hospital was for inmate medical care that the County was required to compensate for, and Mr. Cole confirmed this.

Ms. Marsh explained that this was a Tax Equity and Fiscal Responsibility Act (TEFRA) hearing for the issuance of tax-exempt bonds by the private entity Waterman Communities, Inc. She clarified that there was no fiscal responsibility on behalf of the County and that the bonds would be issued in the County's name, but they were not required to pay anything under the bonds and it would be under Waterman Communities, Inc.

Commr. Campione relayed her understanding that the County did not sponsor the item but that it was a pass-through to acknowledge that it was occurring and that it was for the benefit of the community.

Ms. Marsh confirmed this and said that the bonds would be in Lake County's name and that it was required in the Internal Revenue Service's code for the organization to have the hearing and come through the County.

Commr. Campione stated that this was due to the tax-exempt nature of the bonds but that the County had no obligation to repay them. She felt that this served a need in the community for healthcare, assisted living care, nursing care, etc.

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 to adopt Resolution 2019-167 approving the issuance of the Bonds in the aggregate principal amount not to exceed \$140,000,000, which are payable solely from the revenues derived by the County from agreements with the Borrower (Waterman Communities, Inc.).

PUBLIC HEARING – ORDINANCE 2019-67 SR 50 & US 27 DESIGN CRITERIA

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; CREATING SECTION 9.10.04, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, TO BE ENTITLED STATE ROAD 50 AND US 27 COMMERCIAL DESIGN CRITERIA; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Tim McClendon, Director for the Office of Planning and Zoning, clarified that for page two of the ordinance, line eight, staff wanted to make a minor clarification to apply the ordinance just to the southern portion of what staff identified on the maps and not to extend all the way to the City of Leesburg.

The Chairman opened the public hearing.

Mr. Rick Ault, a concerned citizen, felt that there needed to be design standards but that the proposed standards were not ideal. He expressed a concern for having a ten to sixty foot setback. He noted that the standards included accommodations for pedestrians and cyclists, along with ways to incorporate bodies of water into the design standards. He indicated an interest in more architectural elements being addressed and noted that the subject area would be the City of Clermont to Four Corners. He asked the BCC to approve the ordinance with some modifications for design elements, and he relayed an interest in the ordinance being similar to what was provided for the Mt. Plymouth-Sorrento area. He also expressed a concern for there being no place to park a bicycle in the area.

Mr. T.J. Fish, Director of Transportation and Public Works for the City of Groveland, indicated that the City had provided a letter to County staff. He said that the City was here to support the planning effort and that US 27 was important to the City between the Cities of Minneola and Leesburg. He commented that the County and the City's Trails Master Plans suggested that there would be a trail along US 27 when the road was increased to six lanes. He felt that this was one step for the City continuing to coordinate with County staff on joint planning and the interlocal service boundary agreement (ISBA) area established with the City of Groveland. He commented that the City was currently conducting major utility and land use planning and that they had a new Trails Master Plan that echoed what was in the County's adopted plan.

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

Commr. Campione thought that it had been said that some of the Commissioners were not supporting the proposed ordinance but clarified they were trying to ensure that it was consistent with the City of Clermont's plans and that the design standards were appropriate. She expressed that she did not want to see development in that area in a less than desirable manner. She indicated an interest in the development being attractive and functional with bicycle parking areas, pedestrian access, sidewalks, etc. She relayed that she supported design criteria in that area and possibly improving on the proposed ordinance in the future.

Commr. Parks indicated that he had some concerns based on discussion and he expressed that the County had been working on this for a few years. He noted that he had attended workshops in the area and that he had received questions about what the County was doing to promote better types of growth. He commented that the Cities of Clermont and Groveland had been supportive, and he opined that the BCC should move forward with the ordinance. He commented that there could be continued discussions with the City of Clermont, and he also thanked the City of Groveland. He felt that density and other items still needed to be addressed along those major corridors. He thought that residents wanted the area to have a unique sense of place and that this could be a good first step.

Commr. Sullivan agreed that the ordinance could be the first step and felt that the County could fall behind if it was not approved now.

Commr. Breeden expressed that she wanted the area to be attractive but that there were a few items in the ordinance that she questioned. She commented about Mr. McClendon's prior suggestion and noted that part of the corridor was north of State Road (SR) 50. She also said that for page two, number two, regarding substantial modification, that she agreed with subsections a, b and d, but she indicated an issue with subsection c due to that item being based on the value of the property.

Commr. Parks thought that this was a standard regarding flooding, and Commissioner Campione added that value was considered after destruction, such as a fire.

Mr. McClendon said that this language was generally borrowed from the non-conforming sections that the County had with regards to structures and signs.

Commr. Breeden then said that for page three, number three, she could support either a or b, but not the two combined together.

Mr. McClendon indicated that they could insert the word “either” to clarify that either of those subsections would apply.

Commr. Breeden suggested that for page four, number three, the phrase “right of way” should be inserted to clarify that buildings shall be setback from SR 50 and US 27 right of way. She also indicated a concern for number 4a on page four, which regarded convenience stores having to attach canopies, and she relayed her understanding that there were several gas stations in the county that did not have attached canopies. She also noted that according to number 4a, the pump island and the primary building shall also be aesthetically compatible, which she opined could be subjective. She indicated an interest in deleting number 4a.

Commr. Campione indicated an understanding that the City of Clermont was requiring an attached canopy, and she felt that it would be consistent with this provision.

Commr. Parks agreed that there would be consistency with the City of Clermont and felt that the City would know if a structure was proposed that had a different architectural design than the attached building. He did not feel that this would be challenging for the City of Clermont to determine, and he thought that the plans would be seen as they were submitted and could be evaluated.

Ms. Marsh proposed removing the words “be aesthetically compatible” and leaving the sentence to read that “The design elements of the pump island, canopy and the primary building shall use the same colors, materials and architectural details.”

Commr. Parks and Commissioner Campione indicated that they were amicable to this.

Commr. Breeden said that for page four, number five, which regarded water bodies, she was amicable to having a large retention pond contoured and landscaped; however, she opined that requiring an eight foot sidewalk around the complete circumference was excessive. She suggested for number 5a that a sidewalk must be provided along at least one side of the retention area and be connected with the pedestrian circulation plan, while leaving the trees and landscaping as written. She noted that sidewalks were not inexpensive and that the County was already requiring a pedestrian pathway.

Commr. Parks felt that this related to connectivity and thought that a concern was that large retention areas would be square in shape if this was not specified.

Commr. Breeden agreed that the contouring was positive and that it should be connected at one point or more. She reiterated that she opposed requiring a sidewalk around the retention area, and she advocated for having a sidewalk along at least one side of the area while also connecting it to the pedestrian circulation plan.

Commr. Campione asked if there had been any cases where the City of Clermont had required this, and Commissioner Parks relayed his understanding that this was what the City was requiring.

Commr. Breeden proposed saying “25 percent of the retention area” due to contouring the retention pond possibly creating difficulty in determining the sides.

Commr. Sullivan indicated an understanding that Commissioner Breeden wanted there to be connectivity but that she did not want the sidewalk to be required all around the retention

pond due to this creating a substantial cost.

Commr. Breeden confirmed this and felt that it was unnecessary to require a sidewalk all the way around a retention pond based on the location of the connectivity.

Mr. McClendon clarified that as long as the sidewalk was provided, it could be around the entire retention pond or a portion of the pond. He indicated that the idea was based around creating pedestrian circulation and that as long as those connections were made from the retention pond to the building, staff would think that it would satisfy this language. He added that the County would not require a sidewalk all the way around a retention pond unless it was proposed.

Commr. Breeden then commented that for page six, number nine, which indicated that “When a development includes an outparcel site, the architecture of the outparcel buildings shall complement the architectural design of the non-outparcel buildings,” she had a concern that if it was an outparcel on an older parcel that was pre-developed, there may not be a desire for the outparcel to be architecturally compatible or to complement the existing parcel.

Commr. Parks thought that this provision was for ensuring that a sold outparcel would be architecturally similar to the plaza.

Commr. Breeden indicated a concern that it may be an old plaza, and Commissioner Parks felt that other guidelines that preceded number nine addressed this.

Commr. Campione suggested adding the term “if applicable” because if there was a plain building, there would not likely be a plain building to compliment it.

Commr. Blake expressed a concern that this conversation demonstrated a possible issue with this type of change. He felt that this conversation should be had by a company, and he also expressed concerns for numbers 7a and 7b which related to prohibiting the display of products outside stores, along with the detail required for shopping cart corrals. He did not feel that the BCC should be designing these items in place of the property owner, and he reiterated his opinion that these should be corporate decisions.

Commr. Campione felt that this did not always result in aesthetically pleasing developments.

Commr. Breeden opined that Commissioner Blake’s concerns were valid but recalled a recent instance in the City of Leesburg where she opined that the aesthetics of a renovated big-box store building were substandard due to leaving the item to the corporation.

Commr. Parks noted that unless it was written into the code, development could build without always having to come before the BCC for a decision; furthermore, constituents may question why a building was allowed. He felt that the business’ sole obligation was to profit but that the BCC had a constituency to represent.

Commr. Blake indicated that he agreed when it regarded safety standards but that he had a concern for this item when it regarded the subjective nature of an appearance.

Commr. Parks thought that Commissioner Campione’s suggestion for number nine was appropriate; however, Commissioner Breeden expressed that she felt it was also subjective. Commissioner Parks opined that it could be reflective of the current discussion and relayed that he could only think of one parcel in the Golden Triangle area where there might be an outparcel.

Commr. Campione asked about site specific locations where this would be applicable.

Commr. Parks replied that it would be the Four Corners area and parts of US 27 and SR 50 that were in the unincorporated area.

Commr. Campione did not think that there would be old big-box stores in that area, and Commissioner Breeden felt that Four Corners was unlikely to be old enough to be affected by this provision.

Commr. Campione suggested amending number nine later if there were issues.

Commr. Breeden proposed indicating that the architectural design of the non-outparcel buildings would be taken into consideration.

Commr. Parks said that he was amicable to this and that if there was an issue, the BCC could modify the code to be clearer.

Commr. Breeden felt that this could be a slow process and that it could be a low priority.

Commr. Campione opined that Commissioner Breeden's suggested language would be appropriate. She indicated an interest in possibly revisiting this item in the future and using architectural diagrams to pinpoint desired aesthetics. She also suggested possibly considering this in the Mt. Plymouth-Sorrento area due to concerns about a gas station there.

Commr. Parks said that the County could potentially develop pictures of what styles were encouraged by the BCC.

On a motion by Commr. Parks, seconded by Commr. Sullivan and carried by a vote of 4-1, the Board approved to adopt and execute Ordinance 2019-67 creating Section 9.10.04, Lake County Code, Appendix E, Land Development Regulations, entitled "State Road 50 and US 27 Commercial Corridor Design Criteria" with the following changes: for page two, line eight, clarifying the area that the ordinance would be applied to; for page three, number three, indicating that either "a" or "b" would apply; for page four, number three, requiring a right of way minimum of ten feet; for page four, under number 4a, removing the term "be aesthetically compatible"; and for page six, number nine, replacing the word "compliment" with "take into consideration."

Commr. Blake voted no.

PUBLIC HEARINGS: REZONING

REZONING CONSENT AGENDA

Mr. McClendon displayed the advertisements for that day's rezoning cases on the overhead monitor in accordance with the Florida Statutes. He commented that there were eight cases on the rezoning agenda with two of those cases being on the rezoning consent agenda. He noted that Tabs 3 and 4 would be opened together, and that Tabs 5 and 6 would be opened together, but that separate motions would be requested for each tab. He said that staff requested that the BCC approve the rezoning consent agenda as presented.

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. Breeden 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. 2019-68

Rezoning Case # RZ-19-24-1

Camden Park PUD Amendment

Amend and replace Planned Unit Development (PUD) Ordinance #2016-48 with a new ordinance to extend the ordinance expiration date by two (2) years, and to establish a garage setback of twenty-five (25) feet.

Tab 2. Ordinance No. 2019-69

Rezoning Case # RZ-19-26-1

Caswell Property

Rezone 5.05 +/- acres from Agriculture (A) zoning to Rural Residential (R-1) zoning to facilitate the submission of a future lot split application to subdivide the subject property into two (2) parcels.

REZONING REGULAR AGENDA

Tab 3. Ordinance No. 2019-70

Rezoning Case # FLU-18-18-1

Vista Grand Property FLU Amendment – Adoption

Amend the Future Land Use Map (FLUM) to change the Future Land Use Category on approximately 4.315 +/- acres from Rural Transition Future Land Use Category to Urban Low Density Future Land Use Category.

Tab 4. Ordinance No. 2019-71

Rezoning Case # RZ-18-25-1

Vista Grand Property PUD Amendment

Rezone 4.315 +/- acres from Rural Residential District (R-1) to Medium Residential District (R-3) to accommodate a residential subdivision.

Tab 5. Ordinance No. 2019-72

Rezoning Case # FLU-19-02-4

Sorrento Pines FLUM – Adoption

Amend the Future Land Use Map (FLUM) to change the Future Land Use Category on approximately 200.45 +/- acres from Rural Transition Future Land Use Category to Planned Unit Development (PUD) Future Land Use Category.

Tab 6. Ordinance No. 2019-73

Rezoning Case # RZ-19-06-4

Sorrento Pines PUD

Rezone 200.45 +/- acres from Community Facility District (CFD) to Planned Unit Development (PUD) for a residential subdivision.

Tab 7. Ordinance No. 2019-74

Rezoning Case # RZ-19-05-4

Rhodes Property

Rezone property from R-6 (Urban Residential) to Planned Commercial (CP) and request exemption to central sewer connection requirement.

Tab 8. Ordinance No. 2019-75

Rezoning Case # RZ-19-16-1

Phillips Landing (aka 27 at O'Brian Rd.)

Amend Planned Unit Development (PUD) Ordinance 56-87 to remove 39.66 +/- acres (Alternate Key Numbers 1024617 and 3870955), to establish a new PUD ordinance consisting of the aforementioned alternate key numbers to accommodate development of a residential subdivision.

VISTA GRAND PROPERTY FLU AMENDMENT ADOPTION & PUD AMENDMENT

Mr. McClendon presented Tabs 3 and 4, Rezoning Case # FLU-18-18-1, Vista Grand Property FLU Amendment – Adoption, and Rezoning Case # RZ-18-25-1, Vista Grand Property PUD Amendment. He explained that the requests were located on the west side of Turkey Farm Road, north of Old Highway 50 in the City of Clermont area and in Commission District 1. He said that the tract size was just over four acres and that the future land use (FLU) map request was to amend the FLU map designation from Rural Transition to Urban Low; furthermore, the concurrent rezoning application sought to rezone the property from Rural Residential (R-1) to Medium Residential (R-3). He displayed maps of the area and noted the subject parcel's existing FLU of Rural Transition, along with the proposed Urban

Low FLU and the existing zoning. He pointed out that this property was the last piece of development in the area that had not been annexed by either the City of Clermont or the City of Minneola. He elaborated that land south of Old Highway 50 had been annexed by the City of Clermont and that the City of Minneola had annexed the neighborhood north of the subject property. He reiterated that the applicant sought to change the FLU from Rural Transition to Urban Low and stated that the Lake County Comprehensive Plan (Comp Plan) highly encouraged this type of infill growth, particularly when public facilities were available. He noted that the City of Minneola had the ability to serve the property with water but that they did not have sewer service in the area. He also stated that the Comp Plan required 25 percent open space for this application. He remarked that as part of this request, the Urban Low FLU required both central water and sewer, and there would be a sewer exemption tied to the rezoning request. He indicated that the rezoning request was to rezone the property from R-1 to R-3 to accommodate an 11 lot subdivision for about 2.5 units per acre. He opined that the request was consistent with the surrounding development that had occurred by the Cities of Clermont and Minneola. He displayed the layout of the proposed 11 lot subdivision and noted the open space retention. He read the requested action for the FLU component to find the request consistent with the Comp Plan and approve Rezoning Case # FLU-18-18-1. He also said that the request for the rezoning component was to find the request consistent with the Comp Plan and approve the case.

Mr. Jimmy Crawford, an attorney representing the applicant, said that they had been working with staff on this project since December 2018. He confirmed that they were requesting 11 lots on 4.3 acres and he showed a map of the overall area. He pointed out the Town of Montverde to the east, the City of Minneola which abutted the property to the north, and the City of Clermont to the south. He indicated that the subject property was a small area that had been excluded from annexations, and he highlighted the location of Plum Lake which was mostly wetlands. He also showed the excluded one to five acre parcels which were vestiges of the rural development that occurred decades earlier in the area. He pointed out a nearby subdivision of three units per acre which was approved by the City of Minneola and platted in the city, and he opined that this was an area of strong growth pressure exacerbated by the Hancock Road extension, the new turnpike interchange, the Hills of Minneola Development of Regional Impact (DRI), and the Community Redevelopment Area (CRA) approved by the City of Minneola. He commented that they had a letter of service from the City of Minneola, and he recalled that the City of Minneola had written a letter pertaining to the transmittal hearing about six months prior in which more time was requested; however, the Board had transmitted the request. He suggested that the area was no longer rural transition due to being between municipalities, and he noted that they had proposed a larger lot subdivision to accommodate the neighbors; additionally, there would be a buffer along Turkey Farm Road.

Commr. Breeden asked about the 15 foot buffer along Turkey Farm Road.

Mr. Crawford indicated that this was according to the code. He relayed his understanding that this was a straight zoning case and that the BCC was unable to impose additional restrictions within the zoning ordinance; however, he said that the applicant could provide a 25 foot buffer with additional planting.

The Chairman opened the public hearing.

Mr. Marcus Ledet, a resident on Turkey Farm Road, asked if this case was in Commission District 1 or 2. He indicated an understanding that the residents'

communications were to Commissioner Parks because he represented Commission District 2.

Mr. McClendon indicated that the case was within Commission District 1 according to the County's geographic information system (GIS) maps.

Commr. Campione clarified that all of the Commissioners received information submitted by the public.

Mr. Ledet felt that the area was zoned for a specific purpose and indicated a concern for changing the zoning for a small property that was surrounded by similar developments. He also expressed a concern for the subject property's consistency with the surrounding properties if it was rezoned.

Mr. Johnny Contreras, a resident adjacent to the subject property, felt that he and his neighbor had moved to the area in order to not have many surrounding individuals. He opined that the proposed development would not be aesthetically pleasing and that this portion of land did not need to grow to this degree.

Commr. Campione asked how large his lot was and how long he had lived there.

Mr. Contreras replied that his lot was about 150 feet by 350 feet and that he had lived there for 23 years.

Commr. Breeden inquired if he was on the side of the stormwater retention pond, and Mr. Contreras confirmed this. Commissioner Breeden noted that there was a development behind his property, and she asked about this and what he saw on that side.

Mr. Contreras clarified that he had two neighbors there and that they had a wooden fence.

Ms. Elaine Simmons, a resident across the street from the subject property, indicated her understanding that staff had compared the subject property to the Country Ridge and East Ridge neighborhoods, and she felt that they were different because they had sewer service. She expressed a concern for school overcrowding and for designating the area as rural transition when there was rural land on three sides of the property. She commented that there were currently 17 homes on Turkey Farm Road with an average of 2.6 acres each, and she thought that there were 13 homes on Old Highway 50 with an average of 2.35 acres each. She also indicated a concern for a dip in the road near the intersection of Turkey Farm Road and Old Highway 50 and for traffic accidents in the area. She suggested to split the subject property into one acre parcels.

Mr. Ault, who had spoken earlier in the meeting, felt that the neighbors had been surrounded by development from the Cities of Clermont and Minneola and that it was inappropriate to place eleven homes on four acres there. He thought that the residents had moved there for quality of life and he opined that it would be appropriate to place three or four houses on the subject property. He expressed a concern that the current residents could experience a reduction in property values, and he recalled that the Lake County Planning and Zoning Board had voted against the request.

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

Mr. Crawford said that they located the pond and open space areas at the front of the proposed development to help insulate the larger lots in the area. He expressed that they could provide a vinyl fence for the northern property owner, and he relayed his understanding that the Country Ridge neighborhood did not have sewer service and used septic tanks; furthermore, they had 127 lots on 47 acres for 2.7 units per acre, which was denser than the current request. He mentioned that the City of Minneola properties to the south also did not

have sewer but that the City of Clermont properties had sewer. He requested the same property rights as the neighbors, remarked that staff had recommended approval, and felt that there had been a lack of competent substantial evidence to suggest that the request did not meet the requirements of the Comp Plan and the Land Development Regulations (LDRs). He requested the BCC's approval with the understanding that they would implement a 25 foot buffer rather than a 15 foot buffer.

Commr. Sullivan noted that in the past several years, growth had come and that there had been small pockets of property that met the Comp Plan requirements for being rural transition areas despite not being rural anymore. He acknowledged the residents' concerns but believed that this would likely be the best use of the property without overburdening the area.

Commr. Parks indicated that he would have to respect a letter of opposition that the City of Minneola had submitted, and he said that he was unsure if there had been a process to work with the neighbors and address issues such as buffering and the reduction of lots. He stated that he was opposed to the request.

Commr. Campione asked if the City of Minneola's opposition was based on them having a moratorium in place.

Commr. Parks confirmed this and he questioned whether the City would provide utilities to the subject property.

Commr. Breeden asked if the applicant could commit to having the retention pond contoured and landscaped.

Mr. Crawford indicated that they had a utility letter from the City of Minneola and that while the City did not support the rezoning, they would still supply it with utilities. He also confirmed that they could landscape and terrace the pond around the edges.

Commr. Campione expressed support for having one unit per acre and she thought that the larger parcels in the area helped to offset the neighborhood developments.

Commr. Breeden relayed her understanding that the City of Minneola's moratorium was still in place but that when it was lifted, they could potentially annex the subject property at a higher density than what was currently being requested. She felt that it was appropriate for Rural Transition and noted that there would only be one lot facing Turkey Farm Road. She also noted that there would be a buffer, a landscaped retention area, and fencing.

Commr. Campione asked if those conditions could be included in the PUD.

Ms. Marsh clarified that the rezoning was not for a PUD; rather, it would be from R-1 to R-3. She elaborated that this was a straight rezoning and could not be conditioned. She thought that a PUD ordinance required a minimum of 10 acres.

Commr. Parks inquired if there could be a zoning agreement, and Ms. Marsh said that it would be contract zoning and was unable to be done.

Mr. McClendon explained that there was an error on the agenda and that this case was a straight rezoning.

Commr. Campione asked to confirm that the current zoning was R-1, and Mr. McClendon said this was correct. Commissioner Campione also inquired if changing the FLU but leaving the property at R-1 would still allow one unit per acre, and Mr. McClendon confirmed this.

Commr. Sullivan expressed support for one unit per acre.

Commr. Blake felt that the request was reasonable when considering the surrounding area and said that he would be supporting the request.

Commr. Campione asked how many lots would be allowed in R-2 zoning.

Mr. McClendon stated that R-2 zoning allowed up to two dwelling units per acre and commented that the current request would equate to about 2.5 units per acre.

Commr. Campione then inquired if there was a minimum lot size with R-1 or if it was based on density.

Mr. McClendon said that it was based on density and that there were no lot size minimums or maximums.

Commr. Campione summarized that there could be four units with R-1 zoning, eight units with R-2 zoning, and up to eleven units with R-3 zoning.

Commr. Breeden expressed support for R-2 zoning.

Commr. Parks reiterated that he wanted to respect the City of Minneola's opposition. He disclosed that he had met with Mr. Crawford and also discussed the case with some residents. He felt that the process of working with the residents needed to occur to a more significant degree and expressed that he could not currently support 11 units.

Commr. Breeden remarked that she had spoken to Mr. Crawford and one resident on Turkey Farm Road, along with receiving emails about the case.

Commr. Blake and Commissioner Campione both disclosed that they had received emails from residents and had a conversation with Mr. Crawford.

Commr. Sullivan related that he had received emails about the case. He commented that after hearing testimony, he would prefer R-2 zoning. He asked if the applicant would have to come back if the BCC changed the FLU but denied the rezoning without prejudice.

Mr. Crawford thought that since the case was advertised for R-3 zoning, then a lesser zoning could be approved without the applicant having to reapply.

Ms. Marsh confirmed this and stated that the BCC could approve this if they were lowering the density. She then asked Mr. McClendon if R-2 zoning would be consistent with the FLU change to Urban Low, and Mr. McClendon confirmed that it would be consistent.

Commr. Parks inquired if R-1 zoning would be consistent with the FLU change to Urban Low, and Mr. McClendon said that it would also be consistent.

Commr. Campione asked about the maximum density for Rural Transition.

Mr. McClendon replied that it allowed densities down to one unit per acre but required 50 percent open space, some utility connection requirements, and a rezoning to PUD; however, he said that rezoning the subject property to a PUD would be inappropriate because it did not meet the acreage threshold for a PUD.

On a motion by Commr. Sullivan, seconded by Commr. Breeden and carried by a vote of 4-1, the Board approved Tab 3, Rezoning Case # FLU-18-18-1, Vista Grand Property FLU Amendment – Adoption.

Commr. Parks voted no.

Commr. Sullivan supported rezoning the property from R-1 to R-2 and noted that this would reduce the number of lots and require reconfiguring the property, though he thought that it could be more aesthetically pleasing to the neighbors and could be a good compromise.

Mr. Crawford confirmed that they would honor implementing a vinyl fence, a larger buffer, and landscaping along the stormwater retention pond.

On a motion by Commr. Sullivan, seconded by Commr. Breeden and carried by a vote of 3-2, the Board approved Tab 4, Rezoning Case # RZ-18-25-1 Vista Grand Property PUD Amendment, with the change to rezone the property from R-1 to R-2.

Commr. Campione and Commr. Parks voted no.

SORRENTO PINES FLUM – ADOPTION & PUD

Mr. McClendon presented Tab 5, Rezoning Case # FLU-19-02-4, Sorrento Pines FLUM – Adoption, and Tab 6, Rezoning Case # RZ-19-06-4, Sorrento Pines PUD. He commented that the subject property was located west of Rolling Oak Road, was adjacent to County Road (CR) 437, was in the Sorrento area, and was in Commission District 4. He also said that the request was to amend the FLU on about 200 acres from Rural Transition to PUD and to rezone the property from Community Facility District (CFD) to PUD. He displayed a map with the existing Rural Transition FLU and the current zoning of CFD. He relayed this information from the staff analysis pertaining to the FLU request: the proposed density was 1.74 dwelling units per acre; the PUD land category allowed the County to establish that density which would equal about a 348 lot subdivision; a rezoning application was submitted concurrently with this project to rezone the property from CFD to PUD; the Comp Plan encouraged the compatibility between densities and the development plan was consistent with the properties located to the north; the project was inconsistent with lower densities to the south and the west, which were large agricultural residential properties; the Comp Plan required central water and sewer to be connected to this development and the City of Eustis had indicated that they had the capacity and available to serve it; and the proposed development was consistent with the Comp Plan policies pertaining to the PUD FLU category. He displayed the revised concept plan for the proposed subdivision and noted that significant changes included large estate lots along CR 437 and to the south, along with a 200 foot landscape buffer on the southern and western sides. He relayed that staff requested that the Board find the requests consistent with the Comp Pan and approve Rezoning Cases # FLU-19-02-4 and # RZ-19-06-4.

Commr. Campione asked if CR 437 was the east and west dividing line between the Wekiva River Protection Area and other areas. She relayed her understanding that on the east side of CR 437, the density became one unit per twenty acres.

Mr. McClendon confirmed that this was correct for the FLU and explained that the Receiving Area A-1-20 was to the northeast from the subject property, and that the Mt. Plymouth-Sorrento Receiving Area was to the east and south which allowed up to 5.5 dwelling units per acre.

Commr. Breeden inquired about the current CFD, and Mr. McClendon responded that it was established for a solar farm.

Commr. Campione asked what the zoning was before the CFD went into effect, and thought that it may have been around one unit per acre or a PUD.

Mr. McClendon indicated that he could find this information.

Mr. Crawford, representing the applicant, clarified that the property was zoned CFD and was planned as a solar farm, which did not occur. He relayed his understanding that the CFD zoning allowed any CFD use on the property including an expansion of the nearby City of Eustis sewer plant. He commented that this case had previously been before the BCC and that the community and the Board had several chances to provide opinions, ask questions, and request changes; furthermore, the applicant had attempted to listen and accommodate those changes. He added that this included changes to the proposed ordinance, along with an errata sheet.

Ms. Cathy Hattaway, Planning Group Leader with Poulos and Bennett and representing the applicant, said that their request was for the BCC to adopt the FLU amendment and the rezoning ordinance which were both in the PUD category. She recalled that on July 30, 2019, the BCC voted to transmit the Comp Plan amendment to the Florida

Department of Economic Opportunity (DEO), who did not have any objections or comments. She added at that meeting, the applicant was requested to provide additional revisions to the plan when the PUD rezoning ordinance came before the Board. She explained that they had now established buffers of 200 feet north and east of Equestrian Trail and they were also committed to retaining trees around the perimeter. She displayed an aerial map and pointed out the location of a large pine tree stand which would be preserved, as well as trees along the perimeter parallel to Equestrian Trail and along the southern boundary of the property. She indicated that they were planning to retain 49 percent open space, with the minimum open space they were committing to being 45 percent; furthermore, the County's PUD regulations only required 25 percent open space. She stated that in this plan, they had 14 one acre lots to provide a transition between the lots on the north Sorrento Springs project and the other projects surrounding the property. She said that they had 10 one acre lots along CR 437 and four lots along the southern boundary. She indicated that they had implemented a cluster plan where smaller lots could be provided in a project while maintaining significant open space, and they placed smaller lots into the center area of the project. She elaborated that they were showing a representation of 50, 60, and 70 foot lot widths along with the one acre lots. She mentioned that there would not be attached homes in this community, townhomes, or multifamily apartments; additionally, there would be no connection to the Sorrento Springs development to the north and they had committed to dark sky lighting in their PUD plans. She remarked that there were some PUD conditions of approval which included bear management requirements, the buffer requirements, dedication of right of way and the construction of an eight foot sidewalk along the property on CR 437, and a requirement for central utilities. She then displayed a slide with information about residential design guidelines in the PUD, noting that all buildings must have a minimum of three of a variety of architectural features which included designs for the garages and front doors, along with the overall architectural design of the home. She elaborated that the second portion of their residential design guidelines affected the building materials of the homes and that the homes were required to have at least 35 percent of brick or stone in certain cases or a minimum of 30 percent in other cases. She displayed examples of small lot homes that could be provided on the 50 foot lot homes which could meet those design guidelines, and she mentioned that the larger lot homes would have more architectural articulation and refinement. She then listed these additional PUD requirements: require the HOA to maintain the open space areas in the perimeter and the pine stand in their natural condition; landscaping in the community would be Florida native vegetation; they clarified the 200 foot buffers; and they offered to provide a berm, fence and landscaping along CR 437 which would be similar to that which was adjacent to Sorrento Springs to the north. She summarized that the findings were that the proposed FLU was consistent with the Comp Plan and the state statutes governing Comp Plan amendments, that the proposed PUD zoning was consistent with the objectives and policies of the County's adopted Comp Plan, and that the proposed PUD met the requirements and was consistent with the LDRs. She requested for the BCC to approve their applications today.

Commr. Parks noted that the management of the natural open space could be different than managing traditional open space and that it would be managed by the HOA.

Ms. Hattaway confirmed this and stated that there were required activities to maintain natural space, such as repelling invasive species.

Commr. Breeden supported requiring a land management plan using best management practices for the natural areas.

Commr. Parks indicated that he appreciated the native landscaping for the buffer areas that would be planted. He questioned if there would be native plants on the errata sheet, and Mr. Crawford said that it was included on the errata sheet.

Mr. McClendon explained that the CFD ordinance was enacted in 2011 and that it specifically allowed only a solar farm, and that in 2008, about 160 acres of the land was rezoned from Agriculture to PUD to allow up to 160 dwelling units. He commented that the current project would include an additional 40 acres.

Mr. Crawford displayed his proposed errata sheet and noted that the HOA shall be responsible for maintaining the open space that was retained in its natural state, and he mentioned that a land management plan could be added. He commented that a berm, fence or landscaping similar to that located on Sorrento Springs north of the property shall be installed and maintained along the CR 437 property boundary. He remarked that they had said that landscaping, buffering and screening shall be per the Comp Plan and LDRs, though they would be varying this in some instances to allow the existing vegetation and trees to remain. He said that regarding the traffic, they wanted to specifically state that they would enter into a proportional share agreement that was governed by a state statute, the Comp Plan, and the LDRs regarding any deficiencies in the road network. He opined that there were deficiencies in the road network but that they would not cause an exacerbated level of service due to the proposed request. He explained that if there were deficiencies, they were required under state statute to propose a plan to correct the deficiencies to an acceptable level of service, and that they could enter into an agreement with the County to pay their proportional share, noting that they would be paying the full cost of one of the improvements. He remarked that by doing this, they would ensure that they were going to help, and he opined that there were deficient levels of service in the area that would be better after they paid for or constructed the road improvements that they were required to do. He explained that a statute which indicated that if they entered into a proportional share agreement after the statute had been adopted into the Comp Plan and the LDRs, which it had, then this would be the method for addressing concurrency issues with traffic. He elaborated that once this was done, traffic would be taken out of consideration for zoning and that the Board would be unable to deny a request based on traffic if the applicant entered into a proportional share agreement. He also expressed an interest in writing this agreement into the PUD. He said that they would be willing to prohibit future inclusion in an ISBA but relayed his understanding that from discussions with the County Attorney, they likely could not include this. He recalled that when the case previously came before the Board on July 30, 2019 for transmittal of the FLU amendment, there was a motion to approve the transmittal with a request for the applicant to address the following items: the capacity standard; additional buffers; open space; the clause for water and sewer; landscaping; and architectural design standards. He said that for the capacity standard, the minutes from the July 30, 2019 BCC meeting indicated that traffic was being discussed and he felt that this had been addressed through the traffic impact analysis. He noted that there were improvements needed at the intersection of SR 46 and CR 44 and that to reach an acceptable level of service, SR 46 required a double left turn lane instead of a single left turn lane; furthermore, they would be 100 percent responsible for this as part of the proportional share agreement. He commented that Chapter 163.3180, Florida Statutes, indicated when the proportional share mitigation agreement had been satisfied, all transportation impacts from the stage or phase for which the mitigation was required or provided, shall be deemed fully mitigated. He elaborated that the statute also indicated that this did not prevent the BCC from

denying any rezoning or application for a development permit for any other reason. He reiterated that this statute was only effective if it was implemented into the County's Comp Plan and LDRs and that the County had done this according to Comp Plan Policy VIII-1.4.4, which stated that the LDRs shall establish a method of entering into proportional share agreements and referenced the statute. He also said that the LDRs indicated that for transportation concurrency, execution of a proportionate fair share agreement in accordance with Section 5.10.00 of the LDRs would meet the concurrency management review. He added that Section 5.10.00 was a detailed methodology for the proportionate share agreement and the procedure for entering into such an agreement, and he entered this information into the record. He explained that a change they had made resulting from a community meeting before they had applied was a reduction in density to 348 units for nearly 1.7 units per acre. He opined that because this was a large open space community and they were preserving natural open areas, there were road and utility construction limitations that placed an economic limit on their ability to lower their density any further for a conservation subdivision. He mentioned that they had reduced the number of units from about 400 units to 348 units to accommodate the neighbors and the traffic while still making an economically viable community. He added that they had eliminated attached and multifamily units which were allowed in the previous PUD that the BCC denied. He indicated that they had increased the buffers to 200 feet around the property except for the one acre lots and an area where there was a 100 foot buffer; however, this was next to the already developed Sorrento Springs property which was over 500 feet away. He stated that they had eliminated potential road connections to Sorrento Springs and that they had previously been included in the Country Greens Community Development District (CDD) but that it was mutually decided and approved by the BCC for the subject development to leave the CDD. He commented that he had a letter of support from the Country Greens CDD board which supported the proposed requests. He noted that the open space was at 49 percent in their plan but they committed to 45 percent in the PUD because it was not engineered yet and changes may be required. He said that for the clause for water and sewer, the County had been involved with the City of Eustis regarding annexations into rural areas; furthermore, he relayed his understanding that residents were concerned that they could be forcibly annexed in the future. He relayed that they had met with the City of Eustis previously due to BCC questions in the previous year, and they asked the City to serve this property without an annexation clause or covenant. He indicated an understanding that when each municipality in the county agreed to serve water and sewer or utilities outside their boundaries, they would ask for a covenant to annex when the property became legally available for annexation. He stated that the City of Eustis had indicated that they would not agree to remove the annexation covenant from their utility agreement, and their City Attorney had pointed out that there was no annexation or utility agreement for the Eustis City Council to vote on and that this would occur at the construction phase; however, he commented that they would request again for this clause to be removed. He then displayed a map of the area and noted the subject property and the city limits for the Cities of Eustis and Mount Dora. He explained that there were 33 properties over 4.4 miles between the City of Eustis and the subject property if the shortest annexation route was taken so that the subject property would be contiguous. He opined that an individual who had developed a home on between two and ten acres would not voluntarily annex into the city, and that the only way that the subject property could be annexed in the foreseeable future was with an ISBA with the City of Eustis that included the property and provided for non-contiguous

annexations. He added that both the City and the BCC would have to agree to do this, and he relayed his understanding that the agreement under current negotiation did not include this property nor would it allow non-contiguous annexations. He said that they had discussed landscaping and that architectural design standards had been included in the PUD. He mentioned that they had received a comment from the FWC which advised them that they were in a bear habitat and provided them with information to help manage this. He remarked that they had placed bear management criteria in the PUD and also required them to be included in the HOA documents for bear-proof trash cans paid for by the HOA, to disallow overnight trash, to require that pets must be on a leash, and that there would be signage throughout the community pertaining to human and bear interactions.

Commr. Parks thought that the language for Florida native landscaping on the errata sheet did not match the language in Ms. Hattaway's presentation, and Mr. Crawford confirmed that it would be included in the PUD.

Commr. Campione asked if any of the lots would be in the pine tree stand area.

Ms. Hattaway said that this was a preliminary site plan and that the intent was to stay out of that area.

Commr. Campione inquired if there could be language in the PUD requiring there to be no modification to the pine tree stand as a result of lot platting.

Ms. Hattaway displayed an image with the main body of trees and commented that the lots would be pulled back during final engineering. She added that there would be two roads through the area but that there was an intent to preserve open space in the area.

Mr. Crawford indicated that they would be amicable to language reading that "Except for required road connections, there shall be no disturbance to the pine stand."

The Chairman opened the public hearing.

Ms. Polly Beauregard, a resident of the Sorrento Springs subdivision, opposed the request and felt that there were too many homes in her current neighborhood. She opined that her development was similar to tract housing and said that she was considering moving from the area. She suggested having approximately one acre lots.

Mr. John Gerwe, a Lake County resident, asked if Sorrento Springs was grandfathered in and how it was considered to be part of the equation in the area.

Commr. Campione thought that it was open to interpretation if individuals considered Sorrento Springs to be part of the equation. She relayed her understanding that it was grandfathered in because it was a vested project that had already received zoning approvals before the land use changes were put into effect.

Mr. Gerwe asked to confirm if Sorrento Springs likely would have been built otherwise, and Commissioner Campione felt it could be agreed upon that it was built because it had vested rights. He then indicated an understanding that the subject property's sewer would go to a sewer plant that was behind the subject property, that the liquid was sprayed on a spray field, and that the sludge was trucked out daily because there was no line that went to the City of Eustis. He expressed a concern that there would be an increase of sewer trucks on the road. He also indicated a concern for a traffic increase, and he felt that CR 437 was in poor condition due to dump truck traffic and needed to be rebuilt. He recalled that in 2012, it was approved for CR 437 to be widened and realigned but that this did not occur; furthermore, he opined that this roadwork needed to be done for the requested subdivision to be built. He thought that the area was a good recharge area for the aquifer and he questioned if there would be detriments to the aquifer when adding additional homes. He relayed his understanding that

when this case was previously heard, Commissioner Sullivan had expressed that the totality and the character of the area should be considered, and he opined that this was agricultural. He supported managing progress and thought that bringing in condensed subdivisions to a rural setting was an issue for the existing residents.

Ms. Ginny Miller, a resident on Equestrian Trail, opposed uncontrolled explosive growth in rural communities. She displayed a chart regarding densities within the proposed community, and relayed her understanding that 96 percent of the proposed homesites would be situated on 0.19 acres or less and that this was different than 1.74 units per acre. She said that their community along CR 437 was near national forests and conservation lands, and she described the surrounding areas. She thought that Sorrento Springs was vested and owned the subject 200 acres where they planned to only add 161 homes with one home per acre; however, the property was sold and the new owner had previously proposed about 400 homes under the Rural Transition FLU. She relayed an understanding that Commissioner Campione had expressed that this was too many homes with too much density and did not fit the character of the surrounding area. She said that the owner was now proposing a 348 home PUD, and she showed a map of the proposed PUD with the plots. She felt that Sorrento Springs was an anomaly rather than a precedent and that this was being used to manipulate the land use designations. She displayed another map and opined that the proposed homes on 50, 60 and 70 foot wide lots were comparable to the joined housing and the smaller pieces in Sorrento Springs. She felt that when examining their standards of review, there was ample evidence that the proposed PUD was incompatible with the existing community. She relayed her understanding that the existing Rural Transition FLU would allow up to 200 homes to occupy the subject property and be compatible with the existing area.

Ms. Joan Hill, a resident of Lake County, supported keeping the area rural at one house per acre. She relayed her understanding that the BCC had several published goals which included providing exceptional safety and emergency response services, and she felt that the Board needed to stay ahead of population growth to meet this goal. She stated her understanding that other BCC goals included to plan, develop and maintain high quality, safe, reliable transportation, along with delivering exceptional customer service and assuring fiscal responsibility. She asked the Board not to consider possible legal action from the applicant, and she opined that Board's concerns were with their constituents and that taxpayer dollars could be used to address legal action. She stated that another BCC goal was to control future costs for roads, schools, environment and law enforcement, which she opined could be accomplished by controlling growth. She read other goals to enhance quality of life for county residents, to improve water quality, and to reduce and prevent litter; furthermore, she thought that Sorrento Springs already sat atop the groundwater recharge area. She mentioned the Board's goal of ensuring that new residential development was well planned and that appropriate residential densities would be used to achieve compatible and complimentary land uses. She opined that the request was incompatible with the area and she displayed a map of the area. She expressed concern for traffic on CR 437, and she opined that Sorrento Springs was an anomaly. She felt that maintaining a density of one unit per acre would reduce the environmental impact, including runoff and pesticides. She indicated a concern for the pine trees on the subject property, along with well water and the lack of a guarantee that neighbors could be annexed by the City of Eustis.

Ms. Nancy Meers, a resident south of the subject property, questioned why there was no buffer on the south side on the property. She thought that with three people per home, there

could be 1,000 more people in a rural area where the surrounding properties were from 10 to 20 acres in size. She expressed a concern for the disturbance of livestock nearby and how new residents may feel about the area. She also thought that there could be more traffic and pollution. She felt that this would not be the lifestyle that residents had moved there for and that one unit per acre was crowded. She supported having one unit per two to five acres.

Ms. Theresa Sidwell, a resident of Sorrento, expressed interest in managing and controlling growth. She felt that the Mt. Plymouth-Sorrento area was distinctive, and she relayed her understanding that the area had been defined in the Comp Plan as a historically established community with unique character and warranted special attention to planning approaches that ensure the distinctive qualities are retained. She did not think that the applicant's plans would be consistent with the area, and she thought that the community could support one unit per acre. She expressed concern for the water system and she opined that the City of Eustis lacked the ability to support what they currently had; furthermore, she relayed her understanding that the RedTail and Sorrento Springs subdivisions had issues with water pressure. She thought that the City was having to truck out sludge from their treatment plant daily, and questioned how more homes could affect this. She also indicated a concern for water contamination and the health of the aquifer. She asked the Board to allow the community to remain distinctive.

Ms. Melinda Rodriguez, a resident of Lake County, felt that current residents had protected their water, trees, dark skies, street safety, home values, and the rural way of life. She opined that the houses around her, with the exception of Sorrento Springs, were rural. She expressed a concern for the owners' activities regarding the property, and she said that she had purchased her property for the quality of life there. She supported allowing one unit per acre and felt that the area was unique, and she expressed a concern for the ongoing nature of this case. She also opined that residents were not properly notified of the case, and she asked the BCC to listen to the residents.

Ms. Theresa Schill, a resident of Cross Tie Ranch, opined that it was unfair to schedule this hearing before Thanksgiving and Christmas. She thought that the community did not want homes on small pieces of property and that they wanted either one home per acre or larger lots. She expressed concerns for traffic on SR 44 resulting from the new homes. She felt that the community was peaceful and that residents did not want excess homes on small pieces of property; furthermore, she was concerned that this could set a future precedent for other areas.

Mr. Dexter Girard, a resident of Rolling Oak Estates, expressed concerns about traffic, infrastructure, and mitigating future hazards. He opined that the development did not fit the community due to the number of houses in a condensed area. He did not think that anyone was opposed to lots of one acre or more, and he asked the Board to consider this. He indicated opposition to condensed housing within the barrier of the subdivision.

Ms. Kayoko Girard, a resident of Rolling Oak Estates, indicated concerns for traffic, overcrowded schools, and natural resources. She thought that more people could possibly lead to an increased crime rate, and she mentioned that there was no city police in Sorrento. She also questioned the coverage and resources of the Lake County Sheriff's Office (LCSO) regarding the area. She relayed her understanding that residents would be amicable with one home per acre but that increased density could be an issue and affect their quality of life. She asked the Board to keep the area how it was.

Mr. Charlie Clayton, a co-owner of the subject property, said that they had attended meetings since 2017 and had tried to meet the needs and requests from neighbors and the BCC. He mentioned buffering, the lower number of units, the removal of multifamily units, the quality of the architecture, and the lot sizes. He indicated that they also tried to negotiate a utility deal with the City of Eustis to address concerns of annexations; furthermore, they had been willing to consider using the City of Mount Dora for utilities. He said that they had seen Sorrento Springs to be a natural transition into the subject property.

Mr. Ault asked to clarify if this was a rezoning or a Comp Plan amendment, and Commissioner Campione said that it was both. Mr. Ault relayed his understanding that in the Comp Plan, there was language indicating that before rezoning and changing the Comp Plan, the property needed to be consistent with the existing character of the area. He disagreed that 400 homes in a rural area would be consistent, and he thought that individuals did not want this type of development. He acknowledged that people may be coming to the State of Florida but felt that they did not need to live in three or four houses per acre. He expressed a concern for this neighborhood becoming a precedent and he opined that this had occurred near the Green Swamp. He relayed his understanding that since this was a Comp Plan amendment, it concerned policy rather than zoning, and he asked the Board for the policy to be to protect the rural character of Lake County.

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

Mr. Crawford opined that they had tried to improve upon the architecture in Sorrento Springs by instituting architectural guidelines to try to preserve the rural architecture of the houses. He mentioned that they had a capacity letter from the school district which indicated that there was capacity at all of the available schools for the development without borrowing from the neighboring districts. He mentioned the residents' concerns about sewer trucks and relayed his understanding that currently, the City of Eustis sewer plant had capacity of 292 million gallons per year with 556 million gallons per year of total capacity; furthermore, they were using 292 million which gave them 264 million gallons available, of which the proposed development would use 120 million. He thought that if there was one truck per day currently, there would be 1.3 or 1.4 trucks per day if the development was built. He opined that CR 437 was in an undesirable condition and noted that they would be required to make intersection improvements at their entrances and exits onto this road, which included turn lanes and either re-milling or rebuilding those sections of road. He relayed his understanding that the area was not a high recharge area on the map but that there were recharge areas in the upland sand locations. He stated an understanding that development on curb, gutter and underground storm sewers that emptied into a dry stormwater pond had been consistently shown to increase recharge rather than decrease it. He noted that several residents had expressed concerns that the lots would be too small, and he relayed his understanding that the clustered environmentally sensitive subdivision was encouraged by the Comp Plan. He displayed a map of the area and commented that they had proposed one acre lots along the edges and the 200 foot buffer everywhere else in a gated subdivision with interior small clustered lots and large open spaces, as opposed to the one acre lot subdivision using wells and septic tanks that the residents supported. He commented that from a planning perspective which was supported by the Comp Plan, they were asking for just under 1.7 units per acre, and he opined that this was not a great difference from one unit per acre. He elaborated that at one unit per acre, there would be three quarter to one acre lots, wells and septic tanks including 200 new septic tanks

in the Wekiva Study Area, environmental degradation, unlimited irrigation on the yards due to there being individual wells, and that the lots would be too large to mow but too small to farm. He felt that one acre lots were an issue for planning and said that they were attempting to be environmental sensitive at the lowest possible density. He clarified that 400 lots was for the previous proposal and that this number had been reduced. He also commented that there could either be large lots or a buffer on the south side. He indicated an understanding that at the southeast corner of the property, the County allowed 5.5 units per acre, and he felt that the surrounding area was rural but that it was mixed with urban development and densities. He did not think that there was evidence that this development would increase crime, but he relayed his understanding that they paid the Lake County Sheriff's fees. He indicated that they intended to change their plan to accommodate reasonable requests from the opposition, and he displayed a letter from the Chairman of the Country Greens CDD indicating that the CDD supported the rezoning and the land use plan amendment contingent upon them not seeking a connection or any use of the CDD's services, which they did not, as long as the request disallowed more than 348 lots and was substantially consistent with the plan before the Board. He also stated that he had seven other emails of support and entered them into the record. He opined that with this case, they had been working for over a year with the neighbors, the CDD, and the HOA next door; furthermore, with the additions from the BCC at the transmittal hearing and the changes that were offered today, the impact could be made minimal on the development. He opined that while they would add to the traffic, they would improve levels of service for the intersections around the property with the proportional share agreement.

Commr. Campione displayed an image of The Park at Wolf Branch Oaks neighborhood on Wolf Branch Road, and she thought that the lots were about a half-acre in size and that the density was around one unit per acre for the whole property. She elaborated that they used open space to give the neighborhood a rural feel and that they clustered the lots. She felt that conservation subdivisions could be developed with a rural feel but that if the lot sizes were too small and there were too many lots in a row, the impact of a rural conservation subdivision could be lost. She opined that The Park at Wolf Branch Oaks was unique and was possibly the closest neighborhood the County could get to when they were trying to balance a rural community with an equestrian feel and large 10 and 20 acre tracts interspersed with subdivisions. She commended the subject property owners but felt that there was a disconnect between what they wanted for their end product and what the community wanted. She opined that the owners had addressed many issues that were raised but that they could not address the number of units and the size of the lots. She supported smaller number of units that would be consistent with the zoning of one unit per acre before the solar farm was approved, in addition to having open space requirements so that the neighborhood would be clustered. She explained that there could be roughly half acre lots but also 40 to 45 percent open space, the pine tree stand could be saved, there could be large buffers, and the property could be distinctive. She felt that there was a need for different types of housing products at various price points in Lake County, though she opined that this was an area that should have a higher price point due to the uniqueness of the area. She also did not think that it should resemble a small subdivision with small condensed lots. She expressed a concern for the water and sewer requirement with the City of Eustis, and she thought that one possibility with a lower density would be that water and sewer would not be required; furthermore, it could be included in the ordinance that if they lowered their number of units, they could use well and septic tanks. She

added that they could also include in the ordinance that the condition of water and sewer could not be placed on an individual lot owner to annex to obtain these services. She felt that because the City of Eustis was in the business of being a utility provider, they should not be conditioning annexation based on connection to their facilities. She summarized her opinion that the number of units should be lower, that the lot sizes should be at least around a half acre, and that the open space should be around 40 to 50 percent. She said that because this was PUD land use request, these items could be included in the land use and would transfer over to the PUD ordinance where the Board could have additional conditions. She felt that the Board needed to designate a maximum number of units in the PUD land use and said that currently, 348 units were currently being proposed on 400 acres.

Commr. Parks felt that density, lot sizes and open space were important parts of the discussion, and he opined that 200 one acre lots would not have any connectivity nor would any open space be conserved. He added that one acre lots could be sodded and that there could be fertilizers and management factors, and he also mentioned that there could be accessory dwelling units. He thought that this could be worse than some planning that could be put in place. He also opined that just because a lot was small, a home would not necessarily be cheap. He thought that the applicant was looking for wildlife connectivity, and he questioned if there could be fifty percent open space with one acre lots.

Commr. Campione suggested having half acre lots similar to The Park at Wolf Branch Oaks so that the lots would not be 50 feet wide; rather, they could be about 70 foot wide lots.

Commr. Parks asked how this could translate to a number of units.

Commr. Campione relayed her understanding that there could be 200 units on 400 acres with half acre lots and 50 percent open space.

Commr. Breeden expressed support for the conservation aspect of planning lots though thought that within a single development, there could be room for different size lots.

Commr. Campione proposed that if lot sizes were mixed, there could be 60, 70 and 100 foot lots. She expressed a concern that having many 50 foot wide lots in a row could feel like tract housing and opined that the 50 foot lots were too small.

Mr. Crawford clarified that the plan included 50, 60 and 70 foot wide lots mixed with one acre lots. He also stated that the Comp Plan required 25 percent open space and that if their lowest open space was 40 percent rather than 45 percent, then they could eliminate the 50 foot lots.

Commr. Breeden asked if they could keep the pine tree stand, and Mr. Crawford confirmed this except for the two roads and a walking trail.

Commr. Parks noted that this would be a reduction in open space.

Mr. Crawford said that it was only a five percent reduction and that the natural areas would remain.

Commr. Sullivan asked to confirm that if they went to 40 percent open space, then the 50 foot lots would be eliminated.

Mr. Crawford said that this was correct and that they had 103 50 foot lots on the plan currently, though they could be eliminated and that it would be a mix of 60, 70 and one acre lots with a minimum of 40 percent open space.

Commr. Breeden asked if they would be keeping the same number of lots.

Mr. Crawford confirmed this but noted that if they could not fit with the 40 percent open space, then they would lose lots; however, they would request for the PUD to allow up to 348 lots.

Commr. Campione reiterated her concern for the number of units.

Commr. Parks thought that they would likely be reducing the unit number.

Mr. Crawford said that this was possible but that they would try to have as many lots as they could because they were near the limit of obtaining water and sewer and they felt this was critical to the project.

Commr. Breeden did not think that she could support a request that would require septic tanks.

Commr. Sullivan agreed and opined that installing gutters and sewer was more efficient than open space. He expressed that he did not want reduced open space but that if it eliminated the 50 foot wide lots, then it could be a great compromise. He also thought that this was a good example of what could be done with a lot to meet rules and regulations. He felt that there was pressure for growth and that land was more valuable now than it had been. He opined that this item needed to be moved forward and that this could be a good plan if the 50 foot wide lots were eliminated and the open space was reduced to 40 percent.

Commr. Campione asked if there was consensus to include a provision that the City of Eustis or any utility provider providing water and sewer to this site could not condition annexation on this service.

Commr. Sullivan was unsure if this could be done legally.

Commr. Campione relayed her understanding that it could be included in the ordinance. She said that the current law was that an individual's acquiescence was required to force them to annex and she felt that this provision would be acknowledging the law. She mentioned that when issues had arose with Sorrento Springs and RedTail about one or two years prior, there was concern for how the County allowed them to be developed and connected to water and sewer but that it was not known that there was a clause indicating that they would have to be annexed. She felt that if this was not included in the ordinance, the BCC would be hiding the clause. She supported stating that it was the Board's position that in order to have water and sewer, one should not have to annex into the city limits.

Commr. Breeden expressed a concern that individuals may not receive water and sewer.

Mr. Crawford said that they had hired Ms. Alison Yurko, an attorney who specialized in this issue, and he entered a letter from Ms. Yurko into the record. He said that she had reviewed case law and that the law remained to be decided. He indicated that she had suggested a clause that she believed would be legal and could be upheld which read as "Owner agrees not to enter into any covenant with a municipality to annex which alters the prerequisites of a voluntary annexation under Florida Statute 171.044." He said that the City of Eustis may refuse to serve the development and that the City had indicated that they would refuse service if there was a complete prohibition on annexation. He said that they could accept the proposed language and then go to the City of Eustis and try to get them to agree to it.

Commr. Campione felt that the City of Eustis was the logical provider, though she noted that the City of Mount Dora's plan came around Wolf Branch Road and up to CR 437. She felt that it would not be significantly far.

Mr. Crawford opined that if the property was in the City of Eustis' 180 district, then they would have to serve it; however, the subject property was not in any city's 180 district. He thought that the City of Eustis could refuse to serve the property without any legal consequences; however, the mentioned clause could protect the owners from being

involuntarily annexed. He indicated that any annexation clause in a utility agreement would be reflected by a deed restriction or a notice in all of their deeds.

Commr. Campione thought that this language could address this issue but she still opined that there were too many units. She felt that less units should be considered and she supported going to 60 and 70 foot lots along with one acre lots with 40 percent open space. She believed that it would be a nice neighborhood if there were 200 units with 40 percent open space.

Commr. Breeden said that she was amicable with including the annexation language, and Commissioner Parks expressed support for those amendments.

Commr. Campione opined that it would be good for residents in the area to have this case be decided. She recalled that before the property was a solar farm, it was one unit per acre in density, and she thought that the neighbors had wondered how the property would develop. She opined that it was time for there to be certainty but cautioned against making a decision quickly. She felt that with 200 units and 40 percent open space, the expectations from before the solar farm was there would be met.

Commr. Campione passed the gavel to Commissioner Breeden and made a motion for approval of the FLU amendment to PUD with the following changes: a limitation on the number of units to 200; and on page two of the ordinance, under "Development Program," it would indicate "Residential (200 dwelling units at a maximum number of one dwelling unit per acre and 40 percent open space)."

The motion died due to lack of a second.

Commr. Breeden passed the gavel back to Commissioner Campione.

Commr. Blake relayed his understanding that the developer would not be amicable to 200 units and that there could be a number closer to what they desired.

Mr. Crawford said that eliminating the 50 foot lots may reduce their number of units and he explained that 348 units was chosen due to the water, sewer, road and open space limitations. He remarked that reducing the open space by five percent could lead to a corresponding reduction in units. He stated that 200 units would be unworkable unless wells and septic tanks were used, and that the applicant was opposed to this. He indicated that the number of units could be reduced by five or ten but that a reduction of fifty units would not work.

Commr. Parks relayed his understanding that there was no correlation with the five percent reduction in open space, and he thought that they would have less lots.

Ms. Hattaway said that if they changed the 50 foot lots to 60 foot lots, she thought that they would lose about 20 lots if they kept the 45 percent open space. She said that this could possibly be an acceptable compromise.

Commr. Campione noted that this would be 328 lots instead of 348 lots. She also asked if the Board had to state what the dwelling units per acre would be.

Mr. McClendon indicated that the dwelling units per acre did not have to be addressed in the Comp Plan.

Commr. Campione summarized that on page two of the FLU map ordinance, the only change would be the number of units because the open space would be left the same.

On a motion by Commr. Sullivan, seconded by Commr. Breeden and carried by a vote of 4-1, the Board approved Tab 5, Rezoning Case # FLU-19-02-4, Sorrento Pines FLUM – Adoption, with a maximum of 328 residential dwelling units and a requirement of 45 percent open space.

Commr. Campione voted no.

Commr. Campione recalled that items discussed earlier included the native plant requirement, the requirement for water and sewer service not to be conditioned on annexation, a land management plan for the pine tree stand that met best management practices to be overseen by the HOA, the elimination of 50 foot wide lots, and the buffer prescribed on the west and the south of the northwest corner of the property.

Mr. Crawford remarked that there were 200 foot buffers to the east and north of Equestrian Trail.

Commr. Campione noted that there were one acre lots on the southern portion.

Commr. Breeden thought that this could be either a 200 foot buffer or one acre lots.

Mr. Crawford clarified that they had proposed a 200 foot buffer along the southwestern portion adjacent to property located on the north and southeast side of Equestrian Trail. He also mentioned that all landscaping in buffered areas shall be native Florida vegetation. He thought that having flexibility for either a 200 foot buffer or one acre lots on the south could assist their design process but that it was amicable as written. He also requested that the exact annexation language presented earlier be used.

Ms. Marsh asked if this would include language indicating that no lots would encroach into the pine tree buffer, and Commissioner Campione recalled that this had been stated.

On a motion by Commr. Sullivan, seconded by Commr. Blake and carried by a vote of 4-1, the Board approved Tab 6, Rezoning Case # RZ-19-06-4, Sorrento Pines PUD with the following changes: the changes listed on the errata sheet; specific language that was presented regarding annexation; a land management plan must be included; prohibiting encroachment into the pine tree buffer; for there to be flexibility on the southern buffer for either one acre lots or a 200 foot buffer; and eliminating the 50 foot wide lots.

Commr. Campione voted no.

RHODES PROPERTY

Mr. McClendon presented Tab 7, Rezoning Case # RZ-19-05-4, Rhodes Property. He said that the property was at the southwest corner of CR 44 and Chain O' Lakes Road, that it was in Commission District 4, that the tract size was six acres, and that the request was to rezone the property from Urban Residential (R-6) to Planned Commercial (CP), including an exemption to central sewer. He displayed maps indicating the existing FLU of Urban Low and the existing zoning of R-6, and he remarked that pursuant to the Urban Low FLU, it was allowed for commercial neighborhood uses provided that it was within an urban collector and a corridor. He mentioned that CR 44 was classified as a major collector and that Chain O' Lakes Road functioned as an urban minor collector, though no such designation had been given by the Lake-Sumter Metropolitan Planning Organization (MPO) or the County. He relayed that there was a public sanitary sewer requirement as part of the Urban Low FLU and that the request included an exemption for this utility. He said that the CP ordinance would allow Neighborhood Commercial (C-1) uses, along with the use of recreational vehicle (RV) and boat storage. He stated that the CP was inconsistent with the southern and western uses; however, the ordinance prepared by staff included screening and other landscape buffers to mitigate potential impacts. He commented that the applicant had demonstrated the need for such use and that within the past five or more years, there had not been any rezoning applications in the area for residential development. He requested that the Board find the request consistent with the Comp Plan and approve Rezoning Case # RZ-19-05-4.

The Chairman opened the public hearing.

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

Commr. Campione thought that this could fill a need for storage and could compliment residential activity in the community there; furthermore, she did not think that it would be a detriment.

On a motion by Commr. Breeden, seconded by Commr. Blake and carried unanimously by a vote of 5-0, the Board approved Tab 7, Rezoning Case # RZ-19-05-4, Rhodes Property.

RECESS AND REASSEMBLY

The Chairman called a recess at 2:13 p.m. for 10 minutes.

PHILLIPS LANDING (AKA 27 AT O'BRIAN ROAD)

Mr. McClendon presented Tab 8, Rezoning Case # RZ-19-16-1, Phillips Landing (aka 27 at O'Brian Rd.). He explained that this property was located on the east side of O'Brian Road, north of US 27, and west of SR 19, in the City of Groveland area and in Commission District 1. He commented that the tract size of this parcel was nearly 40 acres in size and that the request was to amend an existing PUD ordinance to remove approximately 40 acres to establish a new PUD in order to develop a residential subdivision. He displayed maps of the area and noted that the existing FLU on the property was Urban Medium and that the existing zoning was PUD. He mentioned that the existing PUD was consistent with the Comp Plan which encouraged infill growth within existing urbanized areas, and the Comp Plan also allowed residential uses of a maximum density of seven dwelling units per acre within the Urban Medium FLU category. He thought that it would be a 153 lot subdivision, and he mentioned that the Comp Plan required a PUD rezoning for any application over 50 or more dwelling units. He related that the Urban FLU series required utility connections and that the City of Groveland had the capacity and ability to serve this project. He showed the concept plan and noted that an errata sheet was handed out which included an update for design standards. He requested that the Board find the request consistent with the Comp Plan and approve Rezoning Case # RZ-19-16-1.

The Chairman opened the public hearing.

Mr. Fish said that the City had communicated with the applicant since early summer 2019. He indicated that because it was in the City of Groveland service area per the ISBA, they wanted to bring the property into the City and conduct the planning under their new Comp Plan. He mentioned that the property was located in an area by the Florida Turnpike interchange, which their Comp Plan had designated as a core area with densities and mixed uses in support of the employment center at Christopher C. Ford Commerce Park. He indicated that the City had previously opposed the request but commented that they now did not oppose or support the request but had reached out to the County for joint planning in the area. He indicated that the City's goal was to serve all of these properties with all public services and that they were seeking consistency with their new Comp Plan. He opined that the applicant could continue with the County for a certain level of entitlements for the zoning, or they could work with the City and receive a more robust set of entitlements that would be more reactive to the regional economy.

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

Mr. Tim Green, President of Green Consulting Group and representing the applicant, said that they had first met with the City of Groveland to annex this property on February 1,

2019. He elaborated that they were told at that time that the City could not annex the property because their ISBA did not take it to the second step with the joint planning agreement. He relayed his understanding that the City could annex non-contiguous industrial or commercial properties but not non-contiguous residential properties. He said that they then applied to Lake County, that they needed utilities from the City, and that they could extend utilities to the site. He did not believe that the City could currently annex this property because it was not contiguous, and said that this was why they did not apply for annexation from the City. He said that the City had asked that in their utility service agreement, if they would be eligible for annexation at the time of plat, then they would annex into the city at that point. He added that the City wanted to avoid a situation where someone wanted to purchase a home and would have a mandatory annexation. He stated that the property had an FLU of Urban Medium for up to seven units per acre and that the proposed density had been increased from 3.1 units per acre to 4.41 units per acre due to a request from the City. He said that school concurrency review had indicated that there was capacity, and he mentioned that they had a 65 foot loss of elevation across the property with a wetland in the northeast corner. He elaborated that this caused issues with having commercial or industrial uses on the site and that it dropped from 150 feet of elevation to 85 feet by the wetlands. He thought that this could support the Christopher C. Ford Commerce Park and would be the highest residential density within a mile of the commerce park. He felt that it would accommodate a type of housing in the area that was not currently being provided, and he relayed that they would be single family homes. He then related that they agreed to include architectural standards in the PUD ordinance.

Commr. Campione asked if the City of Groveland had agreed that the property was not contiguous and was unable to be annexed.

Mr. Brent Spain, an attorney representing the applicant, explained that they had ongoing conversations with the City and that the Groveland City Attorney had indicated that they did not oppose this rezoning obtaining approval in the county. He said that the City had asked for a commitment to submit a request for annexation with the City at least 180 days prior to the sale of any individual lot or home within the PUD, subject to compliance with Chapter 171, Florida Statutes, or the then existing ISBA, as may be applicable. He relayed that the City Attorney and the applicant had agreed to this language and that it would not require the City to annex the property, though the City wanted a provision in the PUD to memorialize this discussion between parties. He felt that there could be an issue if this was not done prior to the sale of lots or homes due to having to annex multiple property owners; furthermore, when the property was under unified ownership with the applicant, they could file that request and the City could accept or deny it. He said that they supported the staff recommendation and that they believed that the request was consistent with the Comp Plan and the LDRs.

Commr. Campione asked who the developer would be and also for a description of the property once it was developed.

Mr. Green showed the concept plan and described the development as having smaller lots and being more affordable, though opined that it would not be workforce housing. He elaborated that the lots would be 40 foot by 120 foot that were originally 50 feet by 120 feet, and the City of Groveland asked them to change them to 40 feet. He noted that the City's goal was for this development to be part of the City of Groveland and the City wanted a higher density. He relayed his understanding that the City had this programmed for when they went through the joint planning agreement process with the County. He commented that the City

had encouraged a higher density with multifamily housing but opined that the subject property did not accommodate large buildings on flat areas.

Commr. Sullivan inquired if there had been consideration for industrial or commercial zoning.

Mr. Green denied this but relayed that the Lake County Planning and Zoning Board had voted 6-0 to deny the request and suggested that the site be industrial; however, he indicated an understanding that industrial uses were not allowed under the Urban Medium FLU. He said that the site did not touch US 27 and that it was adjacent to the Florida's Turnpike ramp.

Commr. Parks asked if an image could be displayed to show the property's location relationship to US 27. He also asked about a parcel south of the subject property.

Mr. McClendon showed a map of the area and pointed out the property's location. He said that the property south of the subject property was Urban Medium and was zoned Agriculture.

Mr. Green relayed that the area was slated for seven units per acre in the County's Comp Plan.

Commr. Parks suggested ensuring that there was a buffer if the development was built and commercial uses were built on US 27 afterward.

Mr. Green confirmed that they had a 25 foot buffer on the concept plan and in the ordinance.

Commr. Campione inquired if there were other 45 foot housing products in the City of Groveland, and Mr. Green said that it was in the City's new plan. Commissioner Campione thought that she had seen some areas with these homes not far from the Groveland City Hall. She questioned if 40 foot wide lots would be the city's brand.

Mr. Fish thought that the reflected density numbers were in the direction that the City wanted to go. He noted that the City's new Comp Plan included design criteria that would be progressive for building communities rather than subdivisions.

Commr. Campione questioned the timing of this request and noted that the City could not annex the property because it was not contiguous and the City did not have its design criteria in place. She relayed her understanding that they would not plat until the development would be annexed.

Mr. Green stated that they would go through the County's process and would likely plat in Lake County, though they would not sell a lot until they were eligible to annex into the City of Groveland.

Commr. Campione asked if the County would have to amend the ISBA to include the subject property.

Mr. Green said that it was in the ISBA but that there was no joint planning agreement. He relayed his understanding that the second step in the ISBA was for the County to have a joint planning agreement that could support the City of Groveland's density of 18 units per acre in the county because after this was done, the City could annex non-contiguous residential properties. He remarked that this step did not occur and that the property could not be annexed; however, they wanted to develop in Lake County under the current Comp Plan with the area's density of seven units per acre. He mentioned that their density would be less due to single family residential homes being done on the site.

Commr. Campione expressed that she did not see a correlation between the industry in the area and the standards that they were hoping to establish. She thought that the property

owner could possibly work with the City of Groveland for input on design standards and that this could be incorporated into a rezoning.

Commr. Breeden asked who recommended these design standards.

Mr. Green indicated that the County had done this. He also said that the density was urban because they would be in the City of Groveland and that it was the City's desire to have urban density there.

Commr. Campione did not think that the area felt urban yet.

Mr. Green thought that it was an appropriate location and that it would be the highest density within a mile of the Christopher C. Ford Commerce Park. He indicated an understanding that no one had come forward to develop higher density housing for the workers who may not want to drive on US 27 for miles to get to work. He also reiterated that it was not workforce housing and noted that anyone could live there.

Commr. Campione mentioned that she did not see any parks on the plan.

Mr. Green clarified that there was a park area in the open space but that there would not be a significant park area with 150 lots. He noted that there was 25 percent open space and that there would be buffers for wetlands that they were protecting. He said that there was one entrance off O'Brian Road that had been indicated by County staff.

Commr. Campione asked if the housing would be two stories, and Mr. Green said that some likely would be.

Commr. Parks inquired if there were 40 foot wide lots in the City of Groveland.

Mr. Fish replied that the City was contemplating higher densities around the Florida's Turnpike interchange and that they were considering multifamily housing. He elaborated that they were not considering the typical apartments in Lake County but rather the densities in Orange County. He indicated a belief that the economics near the interchange would support this, and he remarked that this was the kind of economic base for the ad valorem tax that the City was seeking. He felt that they had ample single family homes spread out and that they wanted to preserve as much nature as possible; furthermore, this was why they were considering significant densities in the subject location. He said that it was contemplated to be denser than the current request, and he stated that the applicant could pursue the process through the County and could enhance those entitlements through the City.

Mr. Green mentioned that 18 units per acre on 39 acres would be 702 residences on the subject property; however, he expressed a concern for obtaining the support to approve this.

Commr. Parks asked if the City would have residential design standards.

Mr. Fish confirmed this and noted that it would be for architectural design, the layout of the community, and the amenities built into the community, along with a mix of uses. He said that the City could be flexible on lot sizes as long as performance standards were met.

Commr. Parks asked if the applicant could agree to adhere to those design guidelines.

Mr. Green said that they would develop with Lake County standards and annex the property with a notice to the owners that they would be annexed. He noted that the town development was larger than a 39 acre property and that there were single family residential homes within that region. He thought that the City was considering it to be a regional design of 200 or 300 acres, and he expressed a desire not to be contrary to that plan. He relayed his understanding that the plan had single family residential, multifamily residential, retail and stores, and that it was a new town center-type referred to as the Town land use. He elaborated that this was to create another central point of the City of Groveland by the turnpike and that it was regional rather than parcel by parcel.

Commr. Parks thought that was a good location for higher density but expressed a concern that the City could later indicate that they had a different standard and ask why it was not upheld.

Mr. Green said that he could not promise to meet the City's standards because they were transmitted to DEO on the previous night and that the plan reached beyond the City's current boundaries to the ISBA area. He noted that there would be joint land use plan review to decide where higher density would go in the County because it could not yet be in the city. He reiterated that they reduced the lot size from 50 feet to 40 feet to accommodate the City's request and that they were using the County's land use which had been there since 2008; additionally, they were using the County's design criteria, PUD requirements, and other items. He indicated that the request had met all the standards for the County.

Commr. Campione said that the County had provided some standard design criteria that could benefit a typical single family house but she was unsure how this could be done on a 40 foot wide lot without two stories. She thought that the County should refine this criteria to avoid something that would be unattractive in a prominent location. She felt that it could be challenging to build narrow homes on small lots, and she was unsure if some attractive neighborhoods with these homes were due to local governments who put rules in place or if the developers had addressed it. She expressed interest in the County ensuring that its first high density 40 foot wide lot subdivision was visually attractive. She asked if the case could be brought back in 30 days to include some small home language to make the development look pleasing.

Commr. Breeden questioned if the Board could include language to incorporate elements of narrow home design.

Commr. Parks inquired how much the City had weighed in on the design of this development.

Mr. Fish replied that if the City was going to use these lot sizes, the neighborhood would have many amenities and an aesthetic quality with many trees. He opposed having one entrance and exit but thought that this was an engineering issue with the site. He thought that builders generally built these types of homes if local governments put policies in place that created an economic incentive to do so.

Mr. Spain said that the City had a new planning manager who came from Orange County, who had experience with 40 foot wide lots. He relayed that a recent development with 40 foot lots had been marketed as urban cottages and had sold out more quickly than some larger lot single family homes. He reiterated that the applicant's discussions with the City of Groveland started in February 2019 and that the applicant had approached the City, who indicated that they could provide the utilities but that they could not annex the property and the applicant would have to process it through the County. He elaborated that the applicant came to the County and that during the review process, the City expressed that they wanted a greater density. He remarked that the applicant had redesigned the plan to increase the density, and he opined that at the Lake County Planning and Zoning Board meeting, the City had raised some objections which had resulted in an unfavorable recommendation. He said that his firm was then retained and they reached out to the City to explain the history of the application process. He expressed a concern for the City then wanting the applicant to go through them and for the applicant to wait for their Comp Plan amendment, which could be three to six months in the future. He indicated that this was the City's vision of a town area and opined that the urban cottages had worked well in another town center. He related that the

owner of the subject property had additional property across O'Brian Road which was positioned for greater intensity and a greater mixture of uses. He mentioned that the City had indicated that they would not oppose the rezoning but wanted the applicant to memorialize their understanding that they would be committed to requesting to come into the city; furthermore, the applicant agreed to this condition. He said that he was unaware of anyone indicating issues with the design of the project such as the architectural style of the buildings. He asked for the BCC's support and stated that they would continue to work with both the County and the City on the project.

Commr. Parks asked if there had been any objections from the Groveland City Council that it may not fit their vision.

Mr. Spain responded that architectural renderings had not gone before the City because they would question why it was coming before them. He said that what had been expressed was that the City should not be coming in nine months later and requesting the applicant to come before the City's full review process; additionally, he thought that this was because they wanted to ensure that the development came into the city before this became an issue at a later date. He did not think that it would benefit the applicant to construct an undesirable product when the owner had additional property across the street and wanted a mixture of uses there.

Commr. Parks said that the BCC did not typically ask for a site plan review but questioned if they could request it in this case.

Ms. Marsh explained that their site plan review was typically an administrative function and that the Board could include it. She said that this was a PUD conditional zoning application and that it was up to the Board's discretion.

Commr. Parks thought that this could be a way to check the development and that the BCC had done this in a few cases.

Commr. Campione expressed support for this and summarized that the City of Groveland was deferring to the County because they did not want to hold up the application. She expressed a concern about approving something that could later be an issue, and she thought that the BCC should incorporate some architectural design into the overall plan. She added that the applicant could bring this back before the Board.

Mr. Spain indicated that this was amicable.

Commr. Breeden thanked the City of Groveland for weighing in because they had an opportunity to create a vision for their city.

On a motion by Commr. Sullivan, seconded by Commr. Breeden and carried unanimously by a vote of 5-0, the Board approved Tab 8, Rezoning Case # RZ-19-16-1, Phillips Landing (aka 27 at O'Brian Rd.) with the site plan amendments included and for the site plan to be contingent upon BCC approval, along with including the annexation language drafted by the applicant.

REGULAR AGENDA

PRESENTATION – ONE STOP PERMITTING PROCESS

Mr. Tony Lopresto, Director for the Office of Building Services, provided an overview of the one stop permitting process. He indicated that economic growth had increased along with the number of permits and businesses and that there was a 36 percent increase in single family residence permits over a few years. He also remarked that in September 2017, the county was hit by Hurricane Irma, noting that the number of permits and the office's activity increased. He said that the office started considering what they could do to be more efficient and how they could integrate the various departments to provide better customer service. He

elaborated that they noticed that when someone came in to apply for permits, they had to be helped by different staff. He said that they considered interoffice training so that as much service as possible could be provided in one central location, and he gave an example of centralizing the services with the Lake County Clerk of the Circuit Court and Comptroller. He said that they were also working with the Office of Planning and Zoning to expedite cases that did not require certain review. He noted that the Agency for Economic Prosperity worked to attract businesses and that the Office of Building Services did not want to be an issue for this. He commented that his office funded two fire inspectors for plan review so that they could keep things on the fifth floor of the Lake County Administration Building and that once an item went through a building plan review, it could then go through a fire plan review. He stated that their process had not significantly changed in about the past 20 years, while some software technology had improved but possibly was not being utilized to its greatest effect. He said that they met with other municipalities and visited other departments in Orange County and surrounding municipalities to consider their software programs and things they were doing. He indicated that the City of Palm Coast had the same software program as Lake County and it was seen that the City's upgrades could reduce staff levels. He said that his office evaluated its permitting and inspection process and that they saw the sustained growth rate trends, along with evaluating permit job values and staffing. He displayed a graph with the number of permits per year, noting that 2016 and 2017 were relatively flat but they saw over 5,100 more permits in 2018 than 2017 due to Hurricane Irma repairs, which then decreased in 2019 but was still substantially higher than in 2017. He showed another graph for single family permits and indicated that in 2018, there was a roughly 36 percent increase over 2017, with 2019 having a 47 percent increase over 2017. He showed data for the number of inspections per fiscal year and said that while the overall number of permits issued for 2019 were down, the number of single families was increasing and this was why there were over 75,000 inspections for 2019. He also displayed a chart for average construction job values. He showed a chart indicating his office's staffing and noted that there was a substantial number of staff added between fiscal year (FY) 2016, 2017 and 2018. He remarked that they went from about 39 staff in FY 2017 to 46 staff in FY 2019, and they projected that they would be at 48 staff with some interns that they wanted to bring in. He mentioned that they had four full time license investigators who provided services to all of the municipalities in the county. He elaborated that they assisted the population with construction complaints and that any criminal activity or fraud was forwarded to the State Attorney's Office. He added that the license investigators checked jobs at random and issued stop work orders if improper activity was found.

Mr. McClendon said that the Office of Planning and Zoning had seen an increase in building permits and that each building permit needed a zoning clearance or a zoning permit; furthermore, while the Office of Building Services had grown with those increases, the Office of Planning and Zoning had maintained its staff levels. He noted that staff had identified several key elements for how to improve. He said that for functional improvements, they now had an Office of Building Services and Office of Planning and Zoning liaison who would greet individuals, take their information immediately, and direct the resident to the proper counter or the expedited permitting room. He added that the office could now process notice of commencements for the Lake County Clerk of the Circuit Court and Comptroller's Office as part of their one stop permitting to keep customers in one location. He said that they had also improved their documents to be online, editable, consistent with current legislation, and

Americans with Disabilities Act (ADA) compliant. He stated that for public works, there was cross training and that items such as floodplain determination and lot grading could be routed through the Office of Building Services without having to send individuals to the Public Works Department. He indicated that earlier this year, the Mt. Plymouth-Sorrento CRA was moved under the Office of Planning and Zoning, and he said that the Florida Department of Health fees were also pulled from this office. He mentioned that they had also changed customer service window hours and were open early. He said that for the fifth floor of the Lake County Administration Building, they adjusted the workstations and supervisors had a dedicated place to oversee the entire floor. He felt that their conference room had been dated but noted that it now had a more professional look. He said that the Office of Planning and Zoning also shared resources with the Office of Building Services, along with improving the waiting area for productivity. He mentioned that they were also working on workplace safety improvements. He remarked that they had some phone improvements with a dedicated planning and zoning phone line, noting that they had over 50,000 phone calls per year with an additional 12,000 walk in customers. He felt that the cross training between departments had helped them become more efficient and that there was a reduction in wait times. He said that their "Meet Your Inspector" program had availability to provide seminars and webinars in their conference room and that they hoped to soon have dedicated cameras for plan reviews with remote customers. He stated that for technology, they were currently upgrading programs which could help with online permitting. He also expressed excitement for a new mapping application that was internally built by staff. He performed a demonstration of the application and noted that it could identify development cases around a specified address. He felt that this would make it easy for any resident to utilize and obtain information about a case, and he thanked the County's GIS staff for developing the application. He stated that this would apply to any conditional use permit (CUP), mining CUP, Lake County Board of Adjustment case, and site plans. He indicated that they were looking for feedback, and he showed a list of other items under consideration. He then showed a video about the one stop permitting process and other improvements.

Mr. Lopresto mentioned that they had performed a soft rollout of the system and that some people were given access to the new system. He said that recently, the office started using the new system to process individuals and that everyone was pleased with it. He said that they could provide an official opening date soon and that they hoped to start phasing out the old system within the next few months.

Commr. Breeden asked if they would be bringing this presentation to the Lake County League of Cities in January 2020, and Mr. Lopresto confirmed this.

Mr. Cole added that the need for one stop permitting had been discussed for a significant period of time, and he thanked Mr. John Molenda, Deputy County Manager, Mr. Lopresto, and Mr. McClendon. He said that they had been listening to what the BCC and their customers wanted to see happen and had identified opportunities for efficiencies and improvements. He felt that this had come a long way to enhance customer service and that it should speed up permit review.

APPOINTMENTS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

On a motion by Commr. Sullivan, seconded by Commr. Blake and carried unanimously by a vote of 5-0, the Board approved to appoint Mr. Michael Stephens as a resident that is a concerned citizen for affordable housing to the Affordable Housing Advisory Committee.

On a motion by Commr. Parks, seconded by Commr. Breeden and carried unanimously by a vote of 5-0, the Board approved to reappoint Mr. Steve Smith as a resident who is actively engaged as a not-for-profit provider of affordable housing to the Affordable Housing Advisory Committee.

On a motion by Commr. Breeden, seconded by Commr. Blake and carried unanimously by a vote of 5-0, the Board approved to reappoint Mr. Greg Beliveau as a resident that represents employers in Lake County to the Affordable Housing Advisory Committee.

Commr. Parks noted that there were two positions available for the committee which included a resident who was a representative of an area of labor engaged in homebuilding in connection with affordable housing, along with a resident who represents essential services personnel as defined in the Housing Assistance Plan (HAP).

Commr. Breeden asked if there were any ethical conflict waivers attached to these appointments.

On a motion by Commr. Parks, seconded by Commr. Breeden and carried unanimously by a vote of 5-0, the Board approved the corresponding ethical conflict waivers for Mr. Stephens, Mr. Smith and Mr. Beliveau, and Resolution 2019-168.

REPORTS

COUNTY MANAGER

GROVELAND FOUR MONUMENT

Mr. Cole recalled that in September 2019, the BCC had approved a contract for the construction and installation of a monument in honor of the Groveland Four in front of the Historic Lake County Courthouse. He elaborated that the bronze plaque that would be affixed to the granite base had been completed, and the granite was expected to be completed by the end of this month. He said that the next steps would be to pour the concrete pad and run electricity to the pad, which staff expected to be completed by the end of this month. He relayed that they were expecting that at the beginning of January 2020, they would be able to set a dedication date for late January or February 2020; furthermore, staff would coordinate with the calendars for the BCC and for families who were interested in attending.

HOLIDAY OFFICE CLOSURES

Mr. Cole stated that Lake County offices would be closed on December 25, 2019 and January 1, 2020.

COMMISSIONERS REPORTS

COMMISSIONER SULLIVAN – DISTRICT 1

MERRY CHRISTMAS

Commr. Sullivan wished everyone a Merry Christmas. He said that it was an honor to participate in the City of Umatilla Christmas parade and escort three World War II veterans.

COMMISSIONER PARKS – DISTRICT 2

ACKNOWLEDGING WATER SAFETY

Commr. Parks thanked Mr. Molenda and Mr. Aaron Kissler, Administrator and Health Officer for the Florida Department of Health in Lake County, who had done a great job with the Lake County Water Safety Advisory Committee. He noted that they had put a plan in place to ask the Cities to become reengaged and for the County to have a Water Safety Day event. He mentioned that on average, four children drown in pools in Lake County yearly, along with other water related accidents on the lakes. He felt that this continued to be an issue but that these efforts were well worth it. He commented that there would be a request for the

Commissioners to reach out to the Cities within their districts to encourage them to participate. He indicated an interest in reemphasizing Water Safety Day and said that they had the United States (US) Coast Guard involved. He felt that this could holistically address water safety not only for pools and teaching children to swim, but also by addressing safety on the lakes.

VISIT TO VALENSA NUTRACEUTICALS

Commr. Parks thanked Valensa Nutraceuticals which he visited in the City of Eustis. He expressed that he was impressed with the technology they had and the people that worked there, and he encouraged the Commissioners to visit the company. He explained that the company extracted chemicals from plants that were grown in the State of Florida which went into medicines and nutraceuticals. He noted that they were one of only four companies in the country that extracted the chemicals in a certain way that was environmentally responsible and healthier than using chemicals for extraction. He felt that it was great to have them in Lake County.

HOLIDAY CELEBRATIONS

Commr. Parks thanked all of the cities for the Christmas and holiday celebrations and he said that this made Lake County a great place to live. He commented that he was in the City of Clermont parade and that he would be back in the City of Minneola parade next year.

THANKING FIRST RESPONDERS

Commr. Parks also thanked the first responders and wished them, including those who were working over the holidays, a safe and Merry Christmas.

COMMISSIONER BREEDEN – VICE CHAIRMAN AND DISTRICT 3

FLORIDA ASSOCIATION OF COUNTIES CALENDAR

Commr. Breeden said that for the new Florida Association of Counties (FAC) calendar, the month of April showcased Graham's U Pick Peaches in the City of Umatilla. She added that the photographer worked for Lake County and she relayed that Lake County had also been in the calendar last year.

LEESBURG CHRISTMAS PARADE

Commr. Breeden shared that she had participated in the City of Leesburg Christmas parade.

HAPPY HOLIDAYS

Commr. Breeden wished their constituents and staff a Merry Christmas, Happy Holidays and Happy New Year.

COMMISSIONER BLAKE – DISTRICT 5

UMATILLA CHRISTMAS PARADE

Commr. Blake said that he participated in the City of Umatilla Christmas parade. He also mentioned that he got to see Commissioner Sullivan with the World War II veterans.

FRUITLAND PARK CITY COMMISSION AND CR 466A

Commr. Blake stated that he had spoken to the Fruitland Park City Commission on Thursday, December 12, 2019, and that they had expressed a concern for getting CR 466A completed. He noted that he had explained the current situation with the Florida Department of Transportation (FDOT) and legislative funding requests for this type of project, along with the funding situation relative to the previous authorization of the penny sales tax and how it changed public works funding. He indicated that there was one mile left to be completed. He also thanked Mr. Fred Schneider for coming with him to the meeting and answering technical questions.

Commr. Campione asked that on the CR 466A project, was there any chance that the County could submit for a build grant or if there was any other option for funding. She also inquired about grants where the private sector contributed half of the funding or the local government contributed part of the funding.

Commr. Breeden expressed that she had been attempting to set a meeting with FDOT District 5 staff to discuss why funding had decreased and to ask if there was anything the County could do to help them find more funds.

Mr. Schneider explained that trip grants were 50/50 and that the private sector or the public agency could contribute up to 50 percent of the value. He said that this particular roadway was approximately three miles and that the first mile from US 27 to the west was done as a public/private partnership with The Villages. He added that considerable funding was legislative grants and impact fee dollars and that so far, about \$22 million had been put into the project with about half being from FDOT with the other half being from impact fees. He said that in the future, there could be additional funding opportunities from FDOT and that this was first on a list of priorities that the County had sent to the Lake-Sumter MPO. He noted that the Lake-Sumter MPO had a few other projects before this but that the project was increasing in level. He commented that the previous legislative appropriation was about \$450,000, and he hoped that FDOT would see this as a reason to contribute additional funding to help the County accomplish the CR 455 project. He said that this was the only project in the county's central district for this year and possibly next year.

Commr. Campione asked if the County's transportation impacts fees had increased.

Commr. Breeden thought that they had increased, and Mr. Schneider confirmed this.

INVITING VETERANS TO LEAD PLEDGE OF ALLEGIANCE

Commr. Blake shared that the Clay County BCC recently began inviting a local veteran to each commission meeting to lead the Pledge of Allegiance, and he thought that the Lake County BCC could consider doing this.

MERRY CHRISTMAS

Commr. Blake wished everyone a Merry Christmas.

COMMISSIONER CAMPIONE – CHAIRMAN AND DISTRICT 4

HOMELESSNESS PRESENTATION

Commr. Campione said that on Friday, December 13, 2019, she had attended a workshop presentation at the Sumter County Health Department which was hosted by the Mid Florida Homeless Coalition. She indicated that Mr. Iain De Jong, a renowned scholar and author on homelessness, gave a great presentation. She relayed that the presentation highlighted that individuals in the field, such as law enforcement and social workers, were the most able to possibly help people in those situations. She shared Mr. De Jong's information about these three stages of homelessness: a one-time occurrence; individuals who experience homelessness but still have hope of getting back into housing and who are amicable to assistance; and chronic homelessness where individuals adapt to being homeless. She commented that part of this issue corresponded with ordinances and enforcement mechanisms for preventing people from camping on parks and public lands. She expressed a concern for Lake County reaching a critical mass for homelessness and relayed that the Cities of Eustis and Leesburg were experiencing this issue. She commented that Mr. De Jong had indicated that there had to be permanent housing for individuals who were moved into a shelter, and she proposed possibly receiving input from nonprofit organizations who were engaged in this; furthermore, she thought that LifeStream Behavioral Center could assist mentally ill

individuals. She relayed her understanding that having vouchers for rapid rehousing provided by the US Department of Housing and Urban Development (HUD) could help people get into housing and start paying their own bills. She felt that before meeting with the Cities about a shelter, the County needed to work with the law enforcement agencies and discuss how they could manage the interaction on the front end to get people to move off the streets and into a shelter. She also thought that there could possibly be uniform countywide rules to address activities such as allowing sleeping in public parks. She added that Ms. Marsh had identified a law indicating that camping was unable to be prohibited if there was not a shelter for people to go to or if there was a lack of a designated place where those individuals could camp.

Commr. Parks asked if the County could prohibit camping on one of their properties.

Ms. Marsh explained that there was an Eleventh Circuit US Court of Appeals federal case involving the City of Orlando where the City prohibited camping on public property and were challenged. She elaborated that they had a 300 bed shelter and that the court informed them that because they had a 300 bed shelter that was not full on a daily basis, then they could prohibit camping; however, she mentioned that there was a line of cases that discussed if camping was prohibited on public property, then it would constitute cruel and unusual punishment under the US Constitution because it was a basic function and that if an individual did not have someplace else to go, then they could not be prohibited from sleeping in public places. She added that there was also a case from the City of Boise, Idaho, that was requested to go to the US Supreme Court, who denied the petition; however, the Ninth District US Court of Appeals was stricter and said that there may be a 300 bed shelter but that if there were more than 300 homeless individuals, then camping could not be prohibited even if there was space in the facility.

Commr. Parks asked how individuals could be prevented from going onto the property at night after it was closed.

Ms. Marsh felt that it was a difficult area to try to regulate.

Commr. Breeden was unsure if the county had this issue currently.

Commr. Campione relayed her understanding that some of the cities were having this issue. She proposed possibly working with the Cities to develop a uniform way of how to address the issue countywide, and she felt that it would have to coincide with either having a shelter in place or contracting with the City of Orlando to pay for some shelter beds there. She said that they could keep working on The Salvation Army's side of the issue but also explore how they could manage the needed units on the backend. She expressed a concern for there being no place to put someone after they had worked with The Salvation Army for 30 or 60 days. She thought that there would have to be funding set aside for rapid rehousing, and she mentioned that it had been discussed that The Salvation Army could also raise funding for this purpose. She relayed that Mr. De Jong had opined that if a shelter was built, it could be filled up and not really accomplish anything.

Commr. Parks thought that there was a misunderstanding during discussions about a possible crisis center, and he relayed his understanding that it would be holistic at different levels. He said that there were some Cities that had expressed interest in possibly providing intermediate housing.

Commr. Breeden said that this was similar to what Forward Paths Foundation was providing, though their funding was limited.

Commr. Campione relayed that Mr. De Jong had opined that transitional housing worked with reentry into society after an individual left corrections, along with people coming

out of healthcare facilities who had no place to go. She said that his opinion was that for someone coming out of a shelter, they should be moved into a supportive housing arrangement rather than transitional housing. She commented that Mr. De Jong had also stated that chronic homeless individuals liked to live among other homeless individuals and that offering them shelter may not be significantly appealing. She remarked that they would have to be helped to visualize that their current arrangement is possibly not where they need to stay. She expressed a concern for pledging taxpayer dollars for this purpose unless the County fully understood the activity, how it would work, and how it would be an effective approach. She noted that it would be helping people, and she relayed her understanding that this issue was growing across the country and that there was not a reason to think that it would stop. She said that she could continue working with Mr. Cole and Ms. Marsh to have a meeting before the city meeting, where the County could meet with some of the law enforcement agencies to receive input and build a consensus, along with finding out what was working for them and if there could be a uniform approach from an ordinance standpoint.

HAPPY HOLIDAYS

Commr. Campione wished everyone a Merry Christmas, Happy Holidays and Happy New Year.

LAKE COUNTY MEETING WITH CITY OF EUSTIS

Commr. Campione noted that the BCC would have a meeting on the following day at 5:30 p.m. at the Eustis Women's Club with the City of Eustis to discuss the interlocal service boundary ISBA with the City. She relayed her understanding that they would be discussing the City's proposal and that this would include the Pine Meadows property. She thought this item was worth addressing for the property owners there without holding up the larger ISBA, and she asked the Board to consider the items that they would want to be addressed.

ADJOURNMENT

There being no further business to be brought to the attention of the Board, the meeting was adjourned at 4:15 p.m.

LESLIE CAMPIONE, CHAIRMAN

ATTEST:

GARY J COONEY, CLERK