

BOARD ACTION

July 22, 2008

APPROVED	Tab 1. Request from Budget to approve Resolution No. 106 to amend the General Fund in order to receive unanticipated revenue for Fiscal Year 2007-2008 in the amount of \$8,513 deposited into Reimbursements and provide appropriations for the disbursement for Improvements Other Than Buildings. Lake County has received a reimbursement from Sprint Nextel for costs incurred by the County pursuant to the Frequency Reconfiguration Agreement approved by the Lake County Board of County Commissioners in September 2007. In August 2004, the Federal Communications Commission issued a Report and Order modifying its rules governing the 800 MHz band for the purpose of reconfiguring the 800 MHz band to minimize harmful interference to public safety radio. This reimbursement is Sprint Nextel's share of the cost to reconfigure Lake County affected frequency allocations.	KRUEGER
APPROVED	Tab 2. Request from Community Services for approval of the Shirley Conroy Rural Area Capital Assistance Support Grant between the Florida Commission for the Transportation Disadvantaged and the Lake County Board of County Commissioners.	SMITH
APPROVED	Tab 3. Request from Community Services for approval of distribution of Byrne grant funds among local jurisdictions applying for funding. 2. Signature of Chairman on original letters of support. 3. Approval for submission of applications for the Sheriff for additional technology improvement for Lake County Detention Center and Fully Equipped DUI/Traffic Control trailer 4. Signature on grant documents including application, certificate of acceptance, EEO certifications and subsequent grant documents.	SMITH
APPROVED	Tab 4. Request from Conservation and Compliance for approval of Satisfaction & Release of Fine, Owners Name: Phillip Howard Westlake, Case# 2005010025.	WELSTEAD
APPROVED	Tab 5. Request from Conservation and Compliance for approval of Satisfaction & Release of Fine, Property Owners: Robert G. Richardson & Rose M. Gonzalez, Case# CEB 314-00.	WELSTEAD
APPROVED	Tab 6. Request from Information Technology for approval of payment in the amount of \$56,510.96 to ESRI for annual GIS software licensing maintenance.	EARLS

APPROVED	Tab 7. Request from Procurement for approval to (1) declare the items on the attached lists surplus to County needs, (2) authorize the removal of all of the items on the attached lists from the County's official fixed asset inventory system records, and (3) authorize the Procurement Services Director or designee to sign vehicle titles.	SCHWARTZMAN
APPROVED	Tab 8. Request from Procurement for approval of "piggybacking" a negotiated agreement for auctioneering services by Osceola County, RFP#06-224-RJ.	SCHWARTZMAN
APPROVED	Tab 9. Request from Tourism for approval to execute Local Arts Agency Report for Grant Number 08-8002 for the 2007 – 2008 program year awarded by the Florida Division of Cultural Affairs.	MIHALIC
APPROVED	ADDENDUM NO. 1-I. Request from Community Services for approval of the attached Execution Resolution No. 2008-107 for the Town of Howey-in-the-Hills and Resolution No. 2008-108 for the City of Minneola to participate in the Lake County Urban County Partnership with the Department of Housing and Urban Development (HUD).	SMITH
APPROVED	Tab 10. Request from County Attorney for approval of Purchase Agreement with Ellen Meisse for right-of-way needed regarding three parcels for CR 466 Road Widening Project. Commission District 5.	MINKOFF
APPROVED	Tab 11. Request from County Attorney for approval of Purchase Agreement with ZMSS, LLP, for right-of-way needed regarding CR 466 Road Widening Project. Commission District 5.	MINKOFF
APPROVED	Tab 12. Request from County Attorney for approval of Purchase Agreement with WRYP, LLC, for right-of-way needed regarding CR 466 Road Widening Project. Commission District 5.	MINKOFF

DIRECTED	<p>Tab 13. 10:00 A.M. - Receive Presentation and provide direction to staff concerning amendments/rewrite of Lake County Noise Ordinance. Mr. Ron Collodi, Code Enforcement Services Director, introduced the independent consultant, Mr. Gary Siebein, Senior Principal Consultant, Siebein Associates, Inc., who gave an extensive presentation regarding Acoustical Issues for Noise Ordinance Development in Lake County. The Board directed Mr. Sandy Minkoff, County Attorney, to bring back a new ordinance which would address how noise issues related to new development were dealt with and amendments to the County's noise ordinance, which would be multiple tier; and he will bring the Board the backup information as to how they came up with the decibel levels for different areas of the County.</p>	CADWELL
DENIED	<p>Tab 22. PUBLIC HEARING: Public Hearing on Vacation Petition No. 1126, John Simpson, to vacate a portion of right of way for Towerwood Drive, located in Section 26, Township 18S, Range 27E, in the Eustis area. and approval and execution of . Commission District 5. Commr. Cadwell suggested that they set up a meeting with the residents in that neighborhood and the Sheriff's Office within 60 days to discuss both the problems regarding the quality of the road and how the traffic was being handled.</p>	CADWELL
APPROVED	<p>Tab 19. PUBLIC HEARING: Approval of five (5) applications for funds from the Library Impact Fee Fund; signature of Interlocal Agreements for disbursement of Library Impact Fee funds to the City of Umatilla, the City of Minneola, the Town of Lady Lake, and the City of Mount Dora pending County Attorney approval; approval to commit Library Impact Fee Funds for the Cooper Memorial Library building project, said funds to be deposited with the LSCC Foundation; and approval of budget transfer 2008.9-495 in the amount of \$287,174 from Library Impact Fee Fund reserves and appropriation of funds.</p>	CADWELL
APPROVED	<p>Tab 20. PUBLIC HEARING: Adoption of Ordinance No. 2008-46 for Comprehensive Plan Amendment required by the Stipulated Settlement Agreement.</p>	CADWELL
PULLED	<p>Tab 21. PUBLIC HEARING: Approve Final Study Recommendations from T.Y.Lin International for the Cherry Lake Road, Jalarmy Road and East Aphsawa Road Preliminary Engineering Study. Impact Fee Dist: 6, Commissioner Dist: # 2, Project Tracking #: W&R06021.</p>	CADWELL
	<p>PUBLIC HEARINGS:</p>	

	REZONING CONSENT AGENDA AS FOLLOWS:	
APPROVED	<p>Tab 1 – Ordinance No. 2008-47 Ralph Strickland Rezoning Case No. PH#22-08-4 Request approval to rezone approximately .45 acres from Urban Residential (R-6) to CP in order to continue limited commercial uses on the property.</p>	KING
APPROVED	<p>Tab 2 – Ordinance No. 2008-48 Fabiola R. Gillis Ivan Uribe Rezoning Case No. PH#34-08-2 Request approval to rezone a portion of the 1.7-acre site from Rural Residential (R-1) Zoning District to the Medium Residential (R-3) Zoning District to allow a Minor Lot Split.</p>	KING
POSTPONED UNTIL 8/6/08	<p>Tab 3 - GH Development, LLC Horgo Signature Homes Rezoning Case No. PH#59-06-3 Continued until 8/06/08 due to a survey discrepancy.</p>	KING
POSTPONED UNTIL 8/6/08	<p>Tab 4 – Robert J. Merritt Dirtworx Excavating, Inc. Case No. MSP#08/7/1-3 Continued until 8/6/08 due to a discrepancy discovered on the conceptual plan and Environmental Compliance’s request to provide comments on the project.</p>	KING
APPROVED	<p>Tab 5 – Ordinance No. 2008-49 Michael R. and Jennifer A. Gebhardt Christopher J. Shipley, Esq. Case No. PH #29-08-3 Request approval to change the Zoning from Community Commercial District (C-2) to Heavy Industrial District (HM).</p>	KING

APPROVED	<p>Tab 6 – Ordinance No. 2008-50 <u>Staff-Initiated Revocations</u></p> <p>(A) James P. Gills/Charles Hwang Case No. CUP#86/4/2-2 Staff initiated revocation of a CUP in CP (Planned Commercial) for construction of an RV park, due to the RV park was never constructed and operation never began. (52 +/-acres).</p> <p>(B) Larry Grimes/Clermont Baptist Church Case No. CUP#89/12/2-3 Staff-initiated revocation of a CUP in Agriculture for temporary asphalt plant, property was rezoned to CFD (Community Facility District) for establishment of a church in December, 2001. (10 +/-acres)</p> <p>(C) James & Mildred Bradford/Beatriz Cadena, et al Case No. CUP#93/1/3-2 Staff-initiated revocation of a CUP in Agriculture for placement of a mobile home for a caretaker’s residence, due to the mobile home being now classified as an accessory dwelling and in compliance with Section 10.01.06 of the Lake County Land Development Regulations. A CUP is no longer required. (5 +/-1ac)</p> <p>(D) Phoebe J. Mueller Staff-initiated revocation of a CUP in Agriculture for placement of a mobile home for the care of an infirm relative, due to the mobile home being removed and a residence was constructed on the property through a lot split application process. (10 + acres)</p>	KING
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<p>APPROVED</p>	<p>Tab 7 – Ordinance No. 2008-51 <u>Voluntary Revocations of Conditional Use Permits as follows:</u> (A) Dura Stress Inc. Case No. CUP#897-5 Voluntary revocation of a CUP in M-1 (Heavy Industrial) for placement of a mobile home on site for a caretaker’s residence for security reasons. Property has been sold and mobile home removed from the property.</p> <p>(B) WITHDRAWN</p> <p>(C) Henry Church Case No. CUP#97/6/1-4 Voluntary revocation of a CUP in Agriculture for placement of a mobile home for use as a caretaker’s / security guard living facility to assist in the care and maintenance of an existing greenhouse operation. The mobile home is no longer needed and has been removed from the site. (10 +/- acres)</p> <p>(D) Calvin and Lillian Holton Case No. CUP#99/8/3-2 Voluntary revocation of a CUP in Agriculture for temporary placement of a mobile home with an existing residence for the care of an infirm relative. The mobile home has been removed and the use is no longer needed. (1.05 +/-ac)</p> <p>(E) C. Agnew Thompson Case No. CUP#93/3/1-2 Voluntary revocation of a CUP in Agriculture for placement of a mobile home for a caretaker’s residence. CUP is no longer needed. (28 +ac)</p>	<p>KING</p>
	<p>REGULAR BCC AGENDA (CONT’D)</p>	
<p>APPROVED</p>	<p>Tab 14. Discuss and set millage rates to be included on TRIM notifications in accordance with the County Manager's recommended Fiscal Year 2008-09 budget. Approve public hearing dates and times for September 9, 2008 @ 5:05 p.m. and September 23, 2008 at 5:05 pm and approval to advertise these public hearings.</p>	<p>KRUEGER</p>
<p>APPROVED</p>	<p>Tab 15. Request from Community Services for approval of the Agency for Persons with Disabilities Med Waiver Services Agreement, Addendum “A.”</p>	<p>SMITH</p>

APPROVED	Tab 16. Request from Community Services for approval to rescind the approval of Resolution Number 2008-74 and accept the Lake~Sumter MPO Resolution 2008-14 acknowledging that the Board of County Commissioners will be the recipient for the FTA funds.	SMITH
APPROVED	Tab 17. Request from Procurement for approval and execution of an agreement with RouteMatch Software, Inc. to purchase, furnish and install paratransit scheduling and dispatch software.	SCHWARTZMAN
APPROVED	Tab 18. Request from Public Works for approval of Amendment #4 to the agreement between Lake County and Kimley-Horn and Associates for additional services regarding “Expert Witness Testimony” for the Order of Take Hearings on CR 466. Commission District 5.	STIVENDER
POSTPONED	Tab 23. Appointment of individual to vacant at-large representative seat on the LPA to complete an unexpired term ending Jan 31, 2009.	CADWELL
POSTPONED	Tab 24. Appointment of representatives from the cities of Clermont, Leesburg, Minneola, and Fruitland Park to the Lake County Arts and Cultural Alliance.	CADWELL
APPROVED	<p>Tab 25. Appointment of the following individuals to upcoming vacant positions on the Lake County Impact Fee Committee for two year terms beginning August 7, 2008:</p> <p>Ray San Fratello (Chamber Alliance) Karen LeHeup-Smith (League of Cities) Jean Kaminski (Home Builders Association) Carol MacLeod (Superintendent of Schools or designee) Bill Benham (Agriculture Industry) Bill Calhoun, Nancy Lee Hulbert, and Richard Giacobe (Citizens-at-large)</p>	CADWELL
APPROVED	Tab 26. Direction as to whether Lake County would like to join with FAC and 15 other counties challenging the constitutionality of Chapter 2007-62 as to the requirement that counties provide office space and pay other costs for regional conflict counsel.	MINKOFF

DIRECTED	<p>Mr. Minkoff stated that he sent to the Board the staff recommendation regarding the expectation that Niagra would be granted the St. Johns River Water Management permit. He informed the Board that the three paths at this point were to do nothing; elect to go to the Board hearing and attempt to sway the St. Johns Board not to grant it in a political sense; or they could request a full administrative hearing, which essentially would begin a lawsuit against them to try to stop the issuance of the permit. He related that they would have to use outside counsel, estimating between \$250,000 and \$500,000 to challenge it. Commr. Cadwell recommended having Mr. Minkoff contact the other city attorneys that had utilities to see if they were interested in partnering with the County in this so that they would not have to bear it all alone. Mr. Minkoff stated he would talk to the other city attorneys and bring it back to the Board.</p>	MINKOFF
FOR YOUR INFORMATION	<p>Mr. Minkoff reported that beginning September 1, the Value Adjustment Board (VAB) makeup will change from three County Commissioners and two School Board members to two County Commissioners, one School Board member, and two citizens, and that one of the citizens would be appointed by the School Board and one by the Board of County Commissioners. He further explained that the Board has to appoint someone who owns homestead property in Lake County and cannot be a member or employee of any taxing authority nor can they represent property owners in any type of administrative or judicial review. Commr. Cadwell stated that they did not have time to advertise, so he recommended that Mr. Minkoff state what the qualifications were and then have staff bring names back, and they will appoint someone from the public.</p>	MINKOFF