

BOARD ACTION

May 5, 2009

APPROVED	Tab 1. Minutes of April 7, 2009 (Regular Meeting), as amended.	KELLY
APPROVED	Tab 2. Clerk of Courts= Consent Agenda, as follows: <ol style="list-style-type: none">1. Request to acknowledge receipt of 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. 2. Request to acknowledge receipt of copy of Ordinance No. 2008-14, for voluntary annexation into the City of Minneola of approximately 87.44 acres of property generally located south of Citrus Grove Road and both east and west of Grassy Lake Road, rezoning the property from County "A" (Agriculture) to "PUD" (Planned Unit Development) within the City of Minneola. 3. Request to acknowledge receipt of Certificate of Authorized Officer of Covanta Lake, Inc., for the fiscal year ended December 31, 2008, stating that Covanta Lake II, Inc. is in compliance with all indenture covenants, pursuant to Section 8.04 of the Loan Agreement dated November 1, 1988, between Covanta Lake, Inc. and Lake County. 4. Request to acknowledge receipt of CD of the Southwest Florida Water Management District's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2008, in compliance with Sections 373.5071 and 373.536(6), Florida Statutes; and copy of the Southwest Florida Water Management District's Annual Local Government Financial Report for Fiscal Year 2007-2008. 5. Request to acknowledge receipt of Resolution No. 1610, from the City of Clermont, expressing its support for a referendum regarding a horseracing pari-mutuel wagering facility and cardroom with the City of Minneola. Done and Resolved by the City Council of the City of Clermont on the 14th day of April, 2009. 6. Request to acknowledge receipt of Notice Before the Florida Public Service Commission: Commission Conference Agenda Tuesday, April 21, 2009, 9:30 a.m. Betty Easley Conference Center Joseph P. Cresse Hearing Room148 Docket No. 080632-EU – Joint petition for approval of amended	KELLY

	<p>territorial agreement in Sumter, Lake, Marion, Citrus and Levy Counties by Sumter Electric Cooperative, Inc. and Progress Energy Florida, Inc. (Deferred from the February 10, 2009 Commission Conference, revised recommendation filed.)</p> <p>7. Request to acknowledge receipt of Notice Before the Florida Public Service Commission: Progress Energy Florida Docket No. 090079-EI Minimum Filing Requirements Section A – Executive Summary Schedules Projected Test Year 2010</p> <p>8. Request to acknowledge receipt of Notice Before the Florida Public Service Commission: In re: Order No. PSC-05-0945-S-EI Docket No. 050078-EI Progress Energy Florida, Inc.’s Synopsis of March 20, 2009 Rate Request, in accordance with Rule 25-22.0406(4)(a), F.A.C.</p>	
APPROVED	<p>Tab 3. Request from Community Services for approval to submit an electronic application for the Bureau of Justice Assistance FY 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG), in the amount of \$367,790; Designate Detective Corporal Todd Rowley as the Program Contact Person and Mr. Fletcher Smith, Community Services Director, as the Alternate Program Contact Person, designated by the Board to serve as day-to-day contact on program related matters, including completing this application, accepting the grant award, reporting, and other activities related to this grant (Program Contact Person and Alternate have the ability to bind Lake County to all terms and conditions related to this grant, including report requirements); and Authorize the Chairman to sign any related documents (as may be required).</p>	SMITH
APPROVED	<p>Tab 4. Request from Community Services for approval of Resolution No. 2009-59, to receive Florida Healthy Kids Corporation award, in the amount of \$3,000.00, as unanticipated revenue, to support Florida KidCare Outreach activities; and authorization for chairman or designee to sign contract and any support documents.</p>	SMITH
APPROVED	<p>Tab 5. Request from Employee Services for authorization to fill vacant Regional Branch Manager position at the Cagan Crossings Library.</p>	WALL

APPROVED	Tab 6. Request from Environmental Utilities for approval of Funding Agreement between Lake County and Lake County Water Authority, to fund annual maintenance of Lake County Water Resource Atlas.	D. SMITH
APPROVED	Tab 7. Request from Procurement - It is recommended that the Board approve and execute term and supply contract to Advanced Commercial Contractors, Inc., Hewitt Contracting Company, Inc., and Cross Environmental Services, Inc., to provide demolition services throughout Lake County.	SCHWARTZMAN
APPROVED	Tab 8. Request from Public Safety Communications Technologies Division for approval and execution of Fund Resolution No. 2009-60 , for 2008 UASI funding of Mobile Communications Intel Repeater (Sustainment).	KAISER
APPROVED	Tab 9. Request from Public Safety Communications Technologies Division for approval of Fund Resolution No. 2009-61 , for 2008 UASI P25 Overlay Migration.	KAISER
APPROVED	Tab 10. Request from Public Safety for approval and execution of Modification No.1 to Agreement between Lake County and State of Florida, Division of Emergency Management, awarding funds for construction or improvement of Lake County Emergency Operations Center (EOC), under Chapter 2006-71, Laws of Florida (House Bill 7121), by Lake County Board of County Commissioners.	KAISER
APPROVED	Tab 11. Request from Public Safety for approval and execution of Modification No.1 to Agreement between Lake County and State of Florida, Division of Emergency Management, awarding funds for construction of Lake County Emergency Operations Center (EOC), under General Appropriation 2227A, by Lake County Board of County Commissioners.	KAISER
APPROVED	Tab 12. Request from Public Safety Communications Technologies Division for approval of submitted Change Order for Public Safety Interoperable Communications (PSIC) Grant Program and awarded Orlando Urban Area Security Initiative (UASI) Fund Resolution (approved under Tab 8) - P25 Overlay Migration funds. All funding is being provided through PSIC Grant and UASI Grant, as separate projects. No additional funds are necessary to complete Change Order. Change Order is contingent upon approval of State of Florida PSIC Grant contract, PSIC Fund Resolution, and UASI Fund Resolution Agenda Items on this Agenda.	KAISER

APPROVED	Tab 13. Request from Public Safety Communications Technologies Division for approval of submitted State of Florida contract and associated Fund Resolution No. 2009-67 , for award of \$3,000,000, to participate in Public Safety Interoperable Communications (PSIC) Grant Program. No funds are necessary to complete grant. Contract is contingent upon approval of Motorola Contract Change Order and Agenda Item on this Agenda.	KAISER
APPROVED	Tab 14. Request from Public Works for approval and execution of Amendment to Interlocal Agreement between Lake County and City of Mount Dora.	STIVENDER
APPROVED	Tab 15. Request from Public Works for approval and signature on Resolution No. 2009-62 , authorizing the posting of "STOP" signs with All Way plaques on Cedarwood Way (0163B), at the intersection of Woodcrest Way (0163) and at the intersection of Clear Creek Circle and Woodcrest Way, in the Four Corners area - Commissioners District 2.	STIVENDER
APPROVED	Tab 16. Request from Public Works for authorization to release performance bond, in the amount of \$3,591,436.92; and accept maintenance bond, in the amount of \$144,324.21, as surety for Developer's Agreement between Lake County and Groveland BFG Lakeshore, Ltd., regarding Hartle Road - Commission District 2.	STIVENDER
APPROVED	Tab 17. Request from Public Works for authorization to release cash funds for construction of improvements, in the amount of \$97,720.00, that was posted for Harbor Hills, Phase 6A. Harbor Hills, Phase 6A, consists of 70 lots and is located in Section 13, Township 18 South, Range 24 East - Commission District 5.	STIVENDER
APPROVED	Tab 19. Request from Tourism for approval of Proclamation No. 2009-63 , Designating May 9 – May 17, 2009 as National Tourism Week.	MIHALIC
APPROVED	Tab 21. Request from County Attorney for approval of Progress Energy Lighting Service Contract for Sheriff's Maintenance Facility, located at 1925 East McDonald Avenue, in Eustis; and authorization for Chairman to execute Lighting Service Contract document - Commission District 4.	MINKOFF
APPROVED	Tab 22. Approval and execution of Declaration of Restrictive Covenants for Phase I of Judicial Center Expansion Project - Commission District 3.	MINKOFF
APPROVED	Tab 23. Approval of Settlement Agreement - Big Pine Island Homeowners Association vs. Lake County - Commission District 5.	MINKOFF

PRESENTATION	<p><u>EMPLOYEE AWARDS</u></p> <p><u>Presentation of Award to Employees with Five Years of Service</u></p> <p>Kevin Allen, Roads Maintenance Operator Public Works/Road Ops/Maintenance Area II (Minneola)</p> <p>Susan Irby, Employee Services Manager Employee Services & Quality Improvement</p> <p>Katrina Spann, Right-of-Way Agent II Public Works/Engineering/Right-of-Way</p> <p><u>Presentation of Award to Employees with Ten Years of Service</u></p> <p>Philip Aldrich, Fire Lieutenant/EMT Public Safety/Fire Rescue</p> <p>Debbie Fore, Environmental & E-Cycling Coordinator Environmental Utilities/Slid Waste Programs</p> <p><u>Presentation of Award to Employees with Twenty Years of Service</u></p> <p>Walter Wood, Senior Hydrogeologist Environmental Utilities/Mosquito and Aquatic Plant Management</p> <p><u>Presentation of Award to Employee with Twenty-Five Years of Service</u></p> <p>Susan Nies, Office Associate IV Community Services/Probation Services</p> <p><u>Presentation of Award to Employee of the Quarter</u></p> <p>Ed O'Malley, Impact Fee Specialist Growth Management/Development Processing</p> <p><u>Presentation of Award to Supervisor of the Quarter</u></p> <p>Scott Grippin, Aquatic Biologist/Supervisor Environmental Utilities/Mosquito and Aquatic Plant Management</p>	CADWELL
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PRESENTATION	<p>Presentation to 2009 “Safety-on-the-Job” Kids Poster Contest Winners, in celebration of Lake County Board of County Commissioners proclamation of May 3-9, 2009 to be North American Occupational Safety and Health Week and May 6, 2009 to be Occupational Safety and Health Professional Day:</p> <p>Seth Brown, age 6 (Employee/Parent–Rebecca Brown, Office of Information Technology)</p> <p>Gavin Heffler, age 11 (Employees/Parents–John Heffler, Department of Community Services and Cindy Heffler, Department of Environmental Utilities)</p> <p>Tyler Marie Irby, age 5 (Employee/Parent – Susan Irby, Office of Employee Services and Quality Improvement)</p> <p>Isbel Ohlinger, age 5 (Employee/Parent–Nadine Ohlinger, Office of Employee Services and Quality Improvement)</p>	CADWELL
PRESENTATION	<p>Tab 24. Ms. Helena Osborne-Ponsi, VolunteerLAKE, gave the Board a brief overview of (1) VISTA initiatives; (2) Hands On Network/Points of Light Institute affiliation; and (3) The Annie E. Casey Foundation Neighboring Initiative.</p>	CADWELL
PRESENTATION	<p>Ms. Sheri Hutchinson, Public Information Officer, Lake County Health Department, gave the Board a brief update on the Swine Flu, informing them that there are no known cases of it in Lake County, at which time she reviewed precautions that people should take to avoid contracting it.</p>	CADWELL
APPROVED	<p>Tab 25. Request from Conservation and Compliance for approval of recommended BCC input to Water Alliance Visioning Survey.</p>	WELSTEAD
APPROVED	<p>Tab 26. Request from Public Safety for approval of submitted Motorola Service Agreement amendment (UASI Grant Fund Resolution to offset fiscal impact was approved under Tab 8.)</p>	KAISER
APPROVED	<p>Tab 27. PUBLIC HEARING: Request from Budget for approval of Amended Budget for FY 2008/09, to include mid-year budget amendment, and approval of Resolution No. 2009-64, adopting Supplemental Budget for FY 2008/09.</p>	CADWELL

APPROVED	Tab 20. Request from County Attorney for approval of amendment to lease agreement for Public Works office space, located at 437 Ardice Avenue, in Eustis, with the following language being stricken from Section 5 of said agreement: "...in the event a county owned building becomes available to COUNTY for occupancy during the term of said lease or renewal term for the purpose for which this space is being leased." - Commission District 4.	MINKOFF
DENIED	Tab 29. Request for approval of Resolution from City of Minneola, in support of a referendum for a Horseracing Pari-Mutuel Wagering Facility and Cardroom within the City of Minneola.	HALL
APPROVED	Tab 18. Request from Public Works for (1) Approval for addition of Dog Park in North Lake Community Park Master Plan; (2) Approval of installation of chain link fence, with gates, at Dog Park; (3) Approval to award contract, in the amount of \$17,634.00, to Fence-It (low bidder), located in Leesburg; and (4) Approval of BUA 2009-08.4, requesting transfer of funds from PEAR Park - 4006 to North Lake Community Park - Project 40002, to erect fencing - Commission District 5. The Board approved to have an issue involving the need for additional restrooms to be constructed at the park to go to the Parks, Recreation and Trails Advisory Board for a recommendation, before bringing it to the Board for a vote.	STIVENDER

<p>FOR YOUR INFORMATION</p>	<p>Commr. Hill informed the Board that she had a working weekend with the Metropolitan Planning Organization Advisory Council in Tampa and that it was very intense and took them from the Federal, State, and local level, not only with regard to transportation issues, but also the County's authority and responsibilities regarding an MPO. She noted that she would be preparing a full report, which she will present to the LSMPO at an upcoming meeting.</p> <p>-----</p> <p>Commr. Hill stated that the Board recently had a major discussion regarding the Wekiva Parkway, with regard to tolls, and questioned whether the Board would be agreeable to holding a joint meeting with the Seminole County Commission and discuss the possibility of both counties having a seat on the Expressway Authority, so that they are not on the tail end of decisions that are being made or not made, when issues arise. She indicated that she did not think the County has ever had a joint meeting with Seminole County.</p> <p>Commr. Stewart interjected that Lake County is not getting in on the tail end of any discussions with the Expressway Authority, noting that the County is currently in discussions with them and is on top of all the issues. She stated that the Expressway Authority is very open to hearing what Lake County has to say about the Wekiva Parkway and that Seminole County's issues with the Expressway Authority are different than Lake County's issues, which she elaborated on.</p> <p>The Chairman noted that he would get together with Mr. T. J. Fish, Executive Director of the Lake-Sumter Metropolitan Planning Organization, and Ms. Cindy Hall, County Manager, regarding Commr. Hill's suggestion.</p>	<p>HILL</p>
<p>FOR YOUR INFORMATION</p>	<p>Commr. Renick discussed some maneuvers that have been taking place at a tactical training camp in south Lake County, noting that they died down for a while, but have started back up with a vengeance. She stated that explosions from the camp shook windows five miles away.</p> <p>It was noted that the Sheriff's Office is aware of it and has sent some deputies to the site to investigate the matter.</p>	<p>RENICK</p>

FOR YOUR
INFORMATION

Commr. Conner informed the Board that, with the help of Mr. Jim Myers, Finance Director, City of Eustis, the new Executive Director for the Florida Sports Commission, Mr. Sam Starke, is going to speak at the Lake County League of Cities' Luncheon and staff is trying to heighten awareness about the County's new North Lake Park. He stated that Lake County's Superintendent of Schools, Ms. Susan Moxley, is graciously allowing her athletic director to attend that luncheon, so that they can make the School System aware of some of the opportunities that are out there.

Commr. Conner stated that he asked the County Manager to give the Board a timeline on when they are going to be presented with information on Phase II of the Downtown Tavares Construction Projects and that he is anticipating she will be giving them that timeline very soon.

Commr. Conner remarked that he had asked the Board at their last meeting what the process was for making recommendations on budget suggestions and was informed by the Chairman that he just needed to put them in writing and hand them out, at which time he distributed a packet containing a memorandum from him to the County Manager, along with some suggestions that he has on the budget, noting that he hoped the Board would get a flavor for what is going on in other parts of the State, indicating that they are going to be in for some challenging times, as they go through the budget process this year.

The Chairman thanked Commr. Conner for his suggestions.

CONNER

<p>FOR YOUR INFORMATION</p>	<p>Commr. Stewart informed the Board that, when the County first entered into the contract with Motorola, there were some questions about the Procurement process and asked that it be explained again, noting that the State indicated the County did a good job on it and that she would like to make it a matter of public record.</p> <p>Mr. Greg Holcomb, Communications Technologies Director, Public Safety Department, addressed the Board and informed them that, when the County went through the Procurement process, utilizing its guidelines, it narrowed the selection down to one company and from that the County went through a negotiation process. He stated that the County received a lot of public scrutiny, claiming that the process was not a true “bid” process, however, noted that staff followed the guidelines of Lake County and Procurement Services, but they did not do a bid, because they did not have enough qualified applicants to bid it. He noted that the State informed the County in writing that the process they used met the competitive process of both the Federal and State guidelines and the County could procure and proceed forward with a grant under those guidelines.</p> <p>Commr. Stewart stated that she feels very confident in the company that was chosen, because the other company has had some considerable problems and people who have used them have sued the company for not producing what they promised. She feels staff definitely made a wise choice for the County.</p>	<p>STEWART</p>
<p>APPROVED</p>	<p><u>Tab 30.</u> Resolution No. 2009-65, regarding Department of Health rule making in the Wekiva Study Area, as amended, with the word “reimburse”, on Page 2, Lines 13 and 22, of the Resolution being changed to “pay”.</p>	<p>STEWART</p>
<p>APPROVED</p>	<p><u>Tab 31.</u> Proclamation No. 2009-66, proclaiming May 3 through May 9, 2009 as National County Government Week.</p>	<p>CADWELL</p>

<p>FOR YOUR INFORMATION</p>	<p>Commr. Cadwell stated that the document that has been prepared by staff for the upcoming Comprehensive Plan Workshop is several hundred pages and suggested that the Commissioners go through it, prior to the workshop, and tab the things that they would like to discuss, rather than having staff go through the entire document.</p> <p style="text-align: center;">-----</p> <p>Commr. Cadwell informed the Board that he brought up the issue of impact fees, because after the Legislative Session was over, he was told that the language contained in the Statute that was passed was not written by the Homebuilders Association, but by trial lawyers, which concerns him. He stated that, between now and July of this year, staff will be making a recommendation to the Board regarding the matter and suggested that the County suspend collecting the fees until the Impact Fee Committee has had a chance to address concerns they have about it.</p> <p>Discussion occurred regarding an individual in Leesburg who is trying to open a restaurant and the fact that the Board would like to try to help him and his partners get it open and then they can talk about how to handle the matter from this point forward.</p> <p>The County Attorney was authorized to draw up an agreement between the County and said individuals, allowing them to spread their impact fees out over a period of time, and to draw up an Ordinance allowing commercial/industrial businesses in the County to spread their impact fees out over a period of time, as well, rather than paying them in one lump sum.</p>	<p>CADWELL</p>
<p>FOR YOUR INFORMATION</p>	<p>Commr. Conner brought to the attention of the Board the fact that he assumed the County was planting drought tolerant grass and shrubs at all of its projects, but has been informed that St. Augustine grass has been planted at the Parking Garage, rather than Bahia.</p> <p>The County Manager stated that she would look into the matter and bring a report back to the Board at a later date.</p>	<p>CONNER</p>

CITIZEN QUESTION AND COMMENT PERIOD

Ms. Leslie Campione, Attorney, representing several homeowners in The Vistas subdivision, in Clermont, addressed the Board regarding the fact that they voted at the April 7, 2009 Board Meeting to permanently close Vista Del Lago Boulevard, via an earthen berm, violating the individual rights and wishes of the homeowners that she was representing, noting that, when they purchased their homes, they were guaranteed use of said road and are concerned about what might happen during an emergency situation. She stated that a lawsuit against The Vistas Homeowners Association by individual homeowners to have the berm removed will likely prevail, but the homeowners will have to go through the time and expense of filing a lawsuit and the obstruction will have been placed there as a result of the Board's actions. She pleaded with the Board to reconsider the action that was taken at the April 7th Board Meeting, noting that the homeowners have a right to ingress and egress of their property via said road. She stated that it is a public safety issue and threatened a lawsuit, if the action they took on April 7th was not reversed.

The County Attorney stated that the only alternative he could suggest, other than litigating the issue, would be for the residents to hold a secret ballot vote, so that the Board could be absolutely certain about what they wanted, however, noted that he did not feel the Board should discuss the matter any further, when they were being threatened with a lawsuit.

It was noted that the Board had received a letter from Ms. Campione, prior to this meeting, containing the comments that she made to the Board this date and threatening the lawsuit that she alluded to.

Mr. Tony Vanzant, representing the R. C. Dunn Oil Company in Groveland, addressed the Board stating that they have been in business in the Groveland area for 30 years and are concerned about the fact that they were outbid by a larger firm, although a contract has not yet been awarded. He stated that they are presently doing business with the County, as well as some of the cities in the County, and wanted to get the Board's position on dealing with minority businesses in the County, noting that there is a possibility that, if they are not awarded the bid he alluded to, some people are going to be without jobs.

The Board suggested that Mr. Vanzant speak with Mr. Barnett Schwartzman, Procurement Services Director, to find out what happened with his company's bid, noting that they do not get involved with the bid process.

	<p>Ms. Pam Janelle, East Lake County Chamber of Commerce, addressed the Board and thanked them for the time and thought they put into the Resolution regarding performance based septic treatment systems, noting that they have learned a lot about such systems. She informed Commr. Stewart that she was very impressed to hear her say that citizens should make a decision based on accurate information and that she backed her 100% on it and would offer whatever services the Chamber could provide to help her accomplish it in their community.</p> <p style="text-align: center;">-----</p> <p>Mr. Keith Schue, a resident of the Mt. Plymouth/Sorrento area, addressed the Board and also thanked them for approving the Resolution that Ms. Janelle alluded to, noting that it takes the County in the direction of addressing the septic tank issue in a productive way. With regard to the issue of water conservation, he suggested that a cistern be constructed at the Parking Garage to collect rainwater, which would save on water consumption quite a bit and would meet almost all of the outdoor watering needs of this vicinity. He encouraged the Board to explore the idea.</p>	
APPROVED	Tab 28. PUBLIC HEARING: Open Air Vendors in Non-Residential Zoning Districts Ordinance No. 2009-25 , as presented.	CADWELL