

**MINUTES  
LAKE COUNTY  
LOCAL PLANNING AGENCY**

**January 30, 2006**

The Lake County Local Planning Agency met on MONDAY, January 30, 2006 at 9:00 a.m. in Room 233 on the second floor of the Round Administration Building in Tavares, Florida. The Lake County Local Planning Agency considers comprehensive planning issues including amendments to Lake County's Comprehensive Plan.

**Members Present:**

David Jordan	District 1
Anne Dupee	District 2
Michael F. Carey	District 3
Richard Dunkel	District 4
Nadine Foley, Vice-Chairman	District 5
Sean Parks	At-Large Representative
Keith Schue, Secretary	At-Large Representative
Barbara Newman, Chairman	At-Large Representative
Becky Elswick	School Board Representative

**Staff Present:**

Sanford A. Minkoff, County Attorney  
Carol Stricklin, AICP, Director, Growth Management Department  
Amye King, AICP, Deputy Director, Growth Management Department  
Blanche Hardy, Director, Environmental Services  
Alfredo Massa, Senior Planner, Comprehensive Planning Division  
Shannon Suffron, Senior Planner, Comprehensive Planning Division  
Donna Bohrer, Office Associate III, Planning & Development Services Division

Barbara Newman, Chairman, called the meeting to order at 9:00 a.m. and noted that a quorum was present. She confirmed that Proof of Publication was on file in the Comprehensive Planning Division and that the meeting had been noticed pursuant to the Sunshine Statute.

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Amye King, Deputy Director Growth Management, said Blanche Hardy, Director of Environmental Services, was present and asked that the Public Facilities Elements be addressed first. Other topics include the Land Allocation Table, the Executive Summary and then the elements.

Nadine Foley asked about an exception to the mandatory connection policies in the Urban Land Use Series for lots with existing septic tanks or wells on five-acre lots. Ms. Hardy said the mandatory connection distance had been reduced to 300' to avoid an undue financial hardship on landowners.

In response to comments from Richard Dunkel, Ms. King said issues regarding antiquated lots that are too small for well and septic tanks are addressed in the Land Development Regulations (LDRs).

In response to Keith Schue, Ms. Foley said her suggestion would only address "existing" five-acre lots until they were developed. Ms. Hardy suggested, "subdivided or sold". There was a consensus of the LPA with Ms. Foley preference to have the exception restricted to "subdivided" because that is an increase in density.

Becky Elswick said capacity needed to be reserved for the public services that support the residential development, instead of using that capacity for more residential. Ms. King said that the new requirement for School Concurrency should address that issue for schools and it would be included in the Comprehensive Plans for the County and all the municipalities. Mr. Schue said failure to reserve sewer capacity for schools could lead to additional package plants and no one wanted to see that. Ms. Hardy said the Water Management District (WMD) would be involved in capacity issues for potable water.

There was additional discussion on the Mandatory Connection Policy.

In response to a question from Keith Schue, Ms. Hardy said public utilities would be regulated by the Public Service Commission (PSC) or they would be defined as a public utility within their regulations. She said this policy had not been intended to require a private development to "back-service" other developments. Mr. Schue asked about new developments on central utilities next to subdivisions that will remain on well and septic. Michael Carey thought that public utilities were owned by cities. Ms. Hardy said some private utilities could function as public utilities. David Jordan suggested defining public utilities by including "franchising through Chapter 180". Ms. King said staff would develop language to address this issue and to define public utilities.

Mr. Schue asked about policy to require nonpublic utilities to serve adjacent developments if they have sufficient capacity.

Ms. King summarized the LPAs consensus on defining private versus public utilities and said the rest remained unchanged. There was consensus by the LPA to encourage private utilities to provide service to adjacent developments if they have sufficient capacity available.

Ms. Dupee suggested the County require that 'dry lines' be installed at the time of construction when utilities will be available in the reasonably foreseeable future.

Ms. Hardy said in order for lines to remain viable they must be flooded; otherwise the dry lines would degrade in about two years. Mr. Schue suggested that the right-of-way should be reserved for utilities.

### **Public Comment**

Alex Kane, Heritage Green, concurred that dry lines degrade rapidly and said repairing those lines is more expensive than the original installation. He said that pressurizing the lines could create other problems. He commented that sometimes homeowners object to giving up their septic systems and paying for the sewer hook-up.

Ms. Dupee was concerned about mandatory utility hook-ups. Mr. Schue said many of these issues could be avoided if urban areas are well-defined.

Mr. Schue thought larger developments should possibly be subject to a maximum distance requirement for utility hook-up. Ms. Hardy said additional definitions of developments might be needed to prevent them from being located one-foot beyond the mandatory hook-up distance. There was discussion about the size of developments and the mandatory hook up distance.

Mr. Parks said technical issues, such as dry lines, should be addressed by Ms. Hardy and that the industry standards should be used.

Mr. Jordan thought "deed disclosures" could help to address some of these issues, instead of regulating developers.

Mr. Carey agreed with the five-year requirement. He asked if a review could be added to determine if mandatory hook-ups were feasible depending on the design of the subdivision and other issues. Ms. Foley said this policy referred to new developments in Urban Land Uses. She said many of these issues would be avoided by concentrating higher densities closer to the municipalities. She added that the details would be covered in the ordinance and said policy needs to address the main principles.

Richard Dunkel said another option would be package plants built that could converted into lift stations.

Rob Kelly, representing the Citizens Coalition of Lake County (CCLC), thought some "unsuspecting buyer" problems could be avoided by requiring that the seller hook up to utilities before the home was sold.

Ms. Dupee suggested setting up an escrow account at the time of development.

Mr. Schue thought that any “relief” should be evaluated on individual home site basis and not apply to entire subdivisions. Ms. Foley thought this was too much detail.

Ms. King said this has been discussed at an earlier meeting and suggested checking the minutes. She said the cities, as utility providers, would have different ideas on these issues. Ms. Hardy said clear policy is important so the cities can plan. Ms. Foley suggested that these issues could be addressed in the Joint Planning Agreements (JPAs). Ms. King said the municipalities that provide utilities intend to have all septic systems within their corporate limits changed to central sewer. Ms. King said this would be sent to the cities for their review. Ms. Hardy suggested limiting the number of exemptions, so providers can afford to meet the requirements.

Shannon Suffron, Senior Planner, listed issues on which the LPA had agreed. The first issue was the exemption to mandatory utility connection for existing homes on five-acre lots until such time as the land is developed at higher densities. Second, was to investigate a feasibility study for a five-year hook-up for water and sewer in existing developments. Another issue was to look into a 1,000 foot requirement to preclude large developments from being able to avoid required utilities; look at the industry standards for dry lines; look at utilities regulated by the Public Service Commission (PSC), and to look at new developments and determine if they are able to provide utilities to adjacent developments on well and septic.

There was discussion about setting up a technical board to review environmental issues and the function of the Board of Adjustment (BOA) to issue variances. Ms. Hardy said the direction of the County was to have technical boards rather than regulatory boards. Her understanding was that other boards are covering those issues.

Mr. Kane said because sustainable development is constantly evolving, a technical advisory board might be able to help alert government to new technologies and to ensure policies aren't written that exclude those technologies.

Ms. Schue said there was a typographical error on line 5 in Policy 2.3 Potable Water. The word “requested” should be replaced with “required”.

Mr. Schue said the definition of environmentally sensitive lands in the Central Sewer Subelement should not refer to the “judgment of the secretary”. He also pointed out that the use of the word Federal in several places was incorrect. Ms. Foley thought the same problem was in the Recreation and Open Space Element (ROSE).

The Stormwater Element was deferred until appropriate staff was available.

There was a five-minute break.

There were no comments from the LPA on the Aquifer Recharge Sub-Element.

Mr. Schue said he and Ms. Hardy had discussed creating sub-elements for environmental

areas such as the Green Swamp, the Wekiva and perhaps the Emerald Marsh, and the Lake Apopka Sub-basin. He thought some of the comments from Morris-DePew as it relates to infrastructure should be considered for inclusion.

Mr. Dunkel agreed the Wekiva Area should be a separate element because of the specific State regulations for that area.

The LPA agreed with that suggestion. There was discussion on Public Facilities Policies for environmental lands. Ms. Foley thought a reference to the Lake Apopka Development Guidelines should be included in the Comprehensive Plan.

Ms. Hardy said the County is in the permitting process to increase capacity at the landfill, to provide for the projected population for the time frame of this plan. She said other options, such as separation of some types of waste that could affect capacity are being looked at.

Ms. Hardy and Mr. Dunkel discussed issues regarding the ash from the incinerator. She said staff continues to look for uses for the ash.

In response to Mr. Parks, Ms. Hardy said the landfill has sufficient capacity for the next 25 years, however, that will take the landfill to capacity.

Mr. Schue said he would like to retain the second sentence in Policy 5.3, Monitoring Ash and Ms. Hardy said the County was required to do comply with what the policy stated.

Mr. Carey said there was language in the Comprehensive Plan which stated that the County would comply with applicable regulations and laws. Mr. Schue said that language would need to appear only at the beginning of the element.

There was a consensus of the LPA with Ms. Foley's suggestion to state that the County will comply with the mandatory ash monitoring.

There was agreement with Mr. Schue's suggestion that a reference to the Green Swamp should be incorporated in Policy 8.7.

There was discussion about transfer stations and the Green Swamp.

Ms. King said staff would review including the Green Swamp with the Wekiva in this sub-element.

Mr. Parks said he favored stricter or new enforcement against littering. Kevin McDonald, Assistant County Attorney, said the Comprehensive Plan could include the encouragement of enforcement of littering laws. There was consensus with that suggestion.

Mr. Kelly said Policy 6.10 states that there will be no solid waste facility located in the

Green Swamp. He was concerned that this should be consistent with Future Land Use Element (FLUE).

Ms. King said all of the sub-elements except Stormwater had been reviewed.

### **Land Allocation Table**

Alfredo Massa, Senior Planner, explained the methodology used to prepare the chart titled, Public and Commercial Projected Land Use Needs. He explained there were no benchmarks for comparison with this data.

In response to Mr. Dunkel's questions, Mr. Massa said this data included land within the municipal boundaries. Mr. Dunkel thought it was important to separate the municipalities from the County. Ms. King said the best available data was from the Property Appraiser and described some of its limitations. She said this was information staff would like to gather for the Evaluation and Appraisal Report (EAR). Mr. Massa said the cities' projections might not always be realistic.

In response to Mr. Schue's comments, Mr. Massa said the table was based on the current allocations of land used for schools, colleges and government, and factoring in the projected population, the chart shows the total acreage needed for those uses. He said only land with improvements had been used and he said the "Acreage Needs 2025" includes land which is currently being used for those purposes.

Mr. Massa explained the methodology used to calculate the workforce number. Ms. King said there is not a benchmark figure available so no trends can be predicted at this time.

Mr. Schue pointed out a numerical discrepancy in the table, and Mr. Massa said he would recheck the "Acreage Needed 2025" figure of 53,051.

Ms. King said the cities use trends to project their populations; not land allocation.

Mr. Dunkel thought the County should accept the cities figures because they will have the most growth.

Ms. King explained the methodology and said the same control numbers have been used by the Metropolitan Planning Organization (MPO) for school concurrency and other uses. She said it was important to set aside land for future needs. She explained how to calculate a building envelope, which is the acreage available after deducting the Level of Service (LOS) requirements. She said these figures are tools to be used for the Future Land Use Map (FLUM) but warned that they will not be 100% accurate.

Ms. Foley thought it would best to use the cities' higher numbers. Mr. Jordan said the Bureau of Economic and Business Research (BEBR) numbers should be used because their research is sound and they are used by many other agencies. Mr. Jordan asked if the County had to accommodate the projected population; wouldn't it be better to accept

only the population that will allow the County to preserve the resources they want. He asked if the County really did want a half-million residents. Ms. King said the law requires that the BEBR numbers be used. Mr. Massa said BEBR only projects population for the County not the individual cities. Ms. Elswick said directing densities closer to the cities like Orlando would facilitate services such as mass transportation.

Egor Emory, representing the Lake County Conservation Council (LCCC) agreed with Mr. Jordan's question regarding accommodating a half-million people. He thought the citizens should be able to decide how much growth they are willing to have and consideration should be given to the cost of growth.

Ms. Foley said the BEBR numbers have been accurate and she thought they would just have to plan for it as best as they can. Mr. Schue questioned if the County really "has to accept" that level of growth. Ms. King said the Florida Statutes require that governments plan to accommodate the projected populations. Mr. Schue said if the cities' population projections are high enough to accommodate growth, that he didn't think the County should have to adjust its densities in the unincorporated area.

Kevin McDonald, Assistant County Attorney, said the County Attorney's Office would not support any language requiring the County to appeal any development order that increases development or would reduce protection for environmentally sensitive lands. He said that position also applied to annexations. He said if the cities follow the proper procedures for annexations, the County has no legal standing or recourse.

Ms. Foley said they are going to have to depend on the JPAs and cooperation between the County and cities.

Mr. Carey said LPA decisions could accelerate growth in the cities more than they anticipate.

Mr. Schue said the intention was for the County to be more involved in discussing or negotiating with the cities about annexation or land use changes.

There was a lunch break and the LPA reconvened at 1:00 p.m.

### **Executive Summary**

Ms. Foley and Mr. Schue agreed to retain the word "trends" in the introduction. Ms. Foley agreed with the addition of "Protect Natural Resources and the Environment" to "The Vision". There was no objection from the LPA on these issues.

There was no objection to Mr. Jordan's suggestion to use "encourage" Affordable Housing instead of "provide options" in "The Vision".

On page 4 in Future Land Use, Mr. Jordan and Mr. Schue agreed on "an orderly and responsible allocation of land uses". Mr. Jordan thought there should not be an

assumption that “it should grow” and said he would like a “more neutral” position that was focused on what is best for the County.

Mr. Carey suggested adding “is to provide for” before “the character”.

Ms. King suggested that the phrase “character, type etc.” could be another subset.

In Housing, Mr. Carey suggested “The Goal ...principles that assure or encourage affordable, decent, safe, sanitary housing for all residents”. There was agreement to strike the second sentence.

Ms. Foley noted two minor changes in the Transportation paragraph.

Ms. Elswick referred to the first paragraph under “Planning Horizon 2025” and said that if it was intended to reflect the concerns of the citizens, she thought some important items were not included. Ms. King said a reference to the forthcoming optional elements could be added and said adding schools would be appropriate.

There was discussion about what should be the title of the ‘education element’. Ms. King said during the meetings on school concurrency meetings it was identified as “Public School Facilities”.

There was consensus to include “schools” in the “The Vision” and to include a reference in the currency paragraph as well. Ms. King said all of the Level of Services (LOS) standards would be listed under concurrency.

Ms. Elswick asked about including a reference to connectivity in the Recreation paragraph. Ms. King stated “connectivity” could be added there and to Transportation.

After some discussion with Mr. Schue, Ms. King suggested adding to the Conservation and FLUE a reference to the Wekiva and Green Swamp policies.

Ann Dupee made comments regarding “coordination” of Potable Water and Ms. King suggested that the Sanitary Sewer should read “coordinate and provision of”.

Mr. Schue suggested language be included regarding the protection of rural areas to reflect the concern of the citizens. Ms. King said the Executive Summary was “silent” on Urban and Rural because those terms have not yet been defined. Chairman Newman said this document was a ‘summary’ and didn’t think it was necessary to rewrite it because it was well written.

Mr. Carey discussed some of the challenges created because the State promotes growth and he cautioned against “change gives the illusion of progress”. He said the County should pressure the State to support the things that the State encourages the Counties to do. He added that the State should assume their responsibility to support the schools.

Ms. Foley said a summary of the EAR report should be sent to the Board of County Commissioners (BCC).

The LPA agreed with Ms. King's summary that an optional element paragraph be added and another paragraph to summarize issues that were still undecided.

Mr. Dunkel thought the BCC should decide which population projections should be used.

Ms. Dupee suggested that the BCC be presented with a chart of the proposed land uses.

Rob Kelly asked how the undecided issues would be resolved, such as "Open Space". Ms. King said that "Open Space" has been defined, however, how it is to be applied has not yet been decided.

Mr. Schue expressed concern that if some of the meanings change substantially, then this would change the entire plan. There was discussion on issues associated with the EAR comparison. Ms. King said the BCC presentation would be a summary. There was consensus by the LPA with her suggestion to include a 'summary box' of major issues.

Ms. King said the suggested changes would be incorporated as soon as possible and provided to the LPA.

#### **FUTURE LAND USE ELEMENT**

Ms. King said staff preferred to review this element goal by goal to ensure that all the concerns have been addressed before the EAR comparison is done.

Ms. King discussed the number of goals in this element. Mr. Schue thought the Wekiva and the Green Swamp could be referenced in the objectives or there could be more than one goal. Ms. King said the consultant had created goals for the Wekiva and the Green Swamp but that created a formatting problem. Mr. Schue said there were inconsistencies in the tables on page 8 and 9 and he said he would provide comments in an electronic form to staff. Ms. Foley suggested three goals, Future Land Use, plus the Green Swamp and Wekiva goals. There was discussion about how a Rural Area Plan could affect the FLUE.

Mr. Schue and Ms. King discussed the definitions of conservation and recreation land uses. Ms. King said lands designated as Conservation were not intended for development at any density. Wetlands were not included because there can be a density transfer from those lands. Recreation lands are focused on active recreation.

Mr. Parks thought the LPA couldn't go too much forward without discussing rural lands. Ms. Foley suggested comparing the rural land use series to the Rural Land Plan and she thought they would be a close match. Mr. Jordan referred to the level of citizen concern about protection of rural areas; he thought it was important to not just prevent urban sprawl but to take a more "positive" approach and protect rural areas.

**MOTION by David Jordan, SECONDED by Sean Parks to push forward to recognize protection of rural lands as a component of the Comprehensive Plan in response to the public's request.**

Ms. Dupee thought the motion was premature particularly before the landowners' appearance before the LPA. She was also concerned about the economic impact.

Mr. Jordan restated the motion was intended to ask if the LPA wanted to agree to "look at" the Rural Area Plan; to accept the idea of rural area planning. It does not mean that they are going to implement the specific plan suggested by the presenter.

He repeated "beginning the process to implement". Mr. Parks suggested putting this topic on the next agenda.

Mr. Jordan thought they should "adopt the concept" and then go through the proposal line by line. He said he wanted to make the statement that he wants to do something to preserve the rural areas and he said that could be his motion.

Mr. Carey agreed that preserving the rural aspects of the County was critical but he agreed with Ms. Foley's suggestion.

Ms. King said many of the Rural Areas Plan policies are already included the FLUE, and many are in the overlay section and said she was confused by the motion.

Chairman Newman thought the Rural Areas Plan was to be used as a tool, just like other public comment. She didn't think a motion was needed to review this and she was opposed to a line by line review.

Rob Kelly said it was the intent of the Rural Areas Plan to recognize rural areas as being long term rural and not considered as areas waiting for urbanization.

Kathy Allison said she was a Paralegal with Akerman-Senterfitt. She said landowners are entitled to ask for a change in the land use designation on their property. She said there were other legal problems with that proposal.

Robert Curry supported the Rural Area Plan concept and commented that this plan would be reviewed in seven years and the LPA should consider what is appropriate and defensible. He said they have many options in regards to the Rural Area Plan.

Mr. Schue said they all agreed on the value of rural areas and he thought it was important to have a strategy to protect rural areas. He agreed with Mr. Jordan that the County should "take the things we want to say about rural places and put them in a special place in the Comprehensive Plan". He thought it was an appropriate response to the public comments that they have received.

Mr. Dunkel said if a meeting was held after hours, he thought more people from those groups that supported the Rural Area Plan would be present.

Ms. King said this could be a massive rewrite, staff is on a tight schedule and they need enough direction so material is ready for review at next meeting.

Mr. Jordan clarified his motion on the Rural Areas Plan as follows: that it gets a category in the Future Land Use Element as a goal and to recognize the rural districts/series. Then as we go along we can add to that taking this as a tool, just “give it Life” in and then add to it.

Ms. Foley said the motion’s intention is already in the FLUE.

Mr. Parks thought there should be an overlay and a special area plan for these areas and perhaps there should be a goal.

**FOR: Schue, Parks, Dunkel, Jordan**

**AGAINST: Dupee, Carey, Elswick, Newman, Foley**

**MOTION FAILED: 4-5**

David Jordan left the meeting.

There was a five-minute break.

During discussion regarding commercial, Ms. King said the Wekiva policies were not changing, however, the ‘red dots’ would be parcel based on the new FLUM.

Robert Curry made several comments on commercial uses.

Ms. King repeated that the Wekiva and Green Swamp policies would not change.

There was no objection to Ms. King’s summary that the FLUE would have one goal for Future Land Use, one for the Wekiva area and one for the Green Swamp with an option for additional goals.

There was agreement in Objective 1.0, to remove part of sentence beginning with ‘absorption’ and ending with ‘and Central Florida’. In 1.1, Mr. Schue said the maps from the current plan should be inserted. In 1.3, there was consensus to remove everything after the first sentence. In response to a question from Mr. Carey, Ms. King said staff considers the difference between active and passive recreation to be pervious and impervious surfaces. There was agreement with Ms. Dupee’s suggestion to include a reference to Blueways in 1.3.1. Mr. Schue suggested including local with state and federal in 1.3.1.

Mr. McDonald left the meeting.

In reference to 1.3.3, Ms. King said these regulations are currently in the LDRs. Ms. Marsh said case law indicates that a percentage of the land area should have zoning to allow for adult entertainment. She said the County Attorneys Office would be reviewing this distance requirement to evaluate how it affects the amount of land available with that zoning.

Ms. King said staff would review 1.4 to see if it was still applicable.

Ms. Suffron said some of the language in Objective 2 is inconsistent and said staff will be reviewing the comments of the consultants. Ms. King said under permitted uses that public, charter and private schools would be allowed. Ms. Elswick said the Board of Education thought schools should be located close to the students, however, many factors have to be considered when locating schools, especially large high schools. Mr. Dunkel thought that the concurrency group's decision would guide this issue

Robert Curry said that in reality private schools are a commercial endeavor.

Rob Kelly said policies in the current Plan prohibit schools in Core Conservation areas and he thought those policies should be retained.

Mr. Schue said the Wekiva policies only allow elementary schools in the higher density receiving area and he thought that a similar policy would be applicable to the Green Swamp.

Ms. King suggested that the school concurrency group make their recommendation. Mr. Schue suggested allowing schools in areas with at least one home per acre. Mr. Carey thought if there was a need for schools that they should be allowed.

Ms. King said she understood Mr. Schue's position, however, staff has recommended that this issue be decided through the concurrency process. Ms. Newman thought there had been agreement to wait on school concurrency. Ms. Dupee agreed and said the BCC had stated they would accept the school concurrency agreement. Mr. Schue said he would like the LPA to make a recommendation. Ms. King said this issue would come to the LPA before adoption of Comprehensive Plan. Ms. Dupee said there were enough government agencies already involved. Mr. Parks suggested they wait for the concurrency agreement but recognize the special concerns of the Green Swamp and the Wekiva Area. Ms. Elswick said those areas would not have the population levels that would require or support schools.

There was agreement to affirm the LPA's position to maintain existing Comprehensive Plan policies for Green Swamp and the Wekiva Area.

Robert Curry said there was one elementary school in the "receiving " area of the Wekiva.

Mr. Schue referred to the Medium Density Residential (MDR) category and the allowance for the conversion of existing residential to residential professional offices. He asked if that type of conversion should be included in other categories. Ms. King said it was included in the following category and said in higher densities where generally housing is multi-family not single-family homes. She said the very low-density areas might not have adequate roads to support the impact of home offices.

Mr. Schue suggested that more flexibility in the Low Density Residential (LDR) might allow for more innovative design and clustering. There was agreement to include duplexes and town homes with clustering.

In reference to the High Intensity Development District (HIDD), Mr. Schue questioned whether a 6-dwelling unit per acre minimum density could actually be applied to require that a land-owner develop at higher density. He said the title of the Neighborhood Activity Center (NAC) should be changed. Mr. Schue also suggested removing hotels and motels from the residential land uses and that they be included in the commercial districts. Ms. King said when the allowable zoning categories in each Future Land Use district are defined, some would require Planned Unit Developments (PUDs). There was discussion about the non-residential uses and mixed-use districts. There was discussion on the difference in terminology between the current Comprehensive Plan and those proposed for the new Plan.

Ms. King explained that the BCC had directed staff solicit comments and recommendations from the cities, the chambers, citizen's groups and landowners on the new Comprehensive Plan. She said these requests would be presented to the LPA.

The Chair adjourned the meeting at 4:30 p.m.

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Donna R. Bohrer  
Office Associate III

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Keith Schue  
Secretary