

BOARD ACTION
October 26, 2004

APPROVED	<p>TAB 1 Request from Community Services for approval and signature on the contract between and the State Department of Health for operation of the Lake County Health Department during contract term 10/01/04 through 09/30/05.</p>	SMITH
APPROVED	<p>TAB 2 Request from Program Analysis & Contract Management for approval of the Florida Department of Transportation (FDOT) Joint Participation Agreement (JPA) for the Section 5311 Transportation Grant.</p>	HARLEY
APPROVED	<p>TAB 3 Request from Public Works for approval and authorization to accept the final plat for Martin's Landing and all areas dedicated to the public as shown on the Martin's Landing plat; accept a Letter of Credit for Maintenance in the amount of \$3,200.00; execute a Developer's Agreement for Maintenance of Improvements between Lake County and Jeffrey Martin, as owner of Martin Consultants; and execute Resolution 2004-180 accepting the following road into the County Road Maintenance System: Priebe Road (County Road Number 0836B "Part").</p>	STIVENDER
PULLED	<p>TAB 4 Request from Public Works for approval to notify residents of Lake County that the last day to have storm related debris at the curb for pickup will be November 7, 2004.</p>	STIVENDER
APPROVED	<p>TAB 5 Request from Public Works for approval to execute Lease Agreement, for Suite Number 6 (2,500 square feet) with Moore Properties, Et Al Corporation to replace the current lease expiring October 17, 2004, contingent upon approval of the final lease contract by the County Attorney.</p>	STIVENDER
APPROVED	<p>ADDENDUM NO. 1 WASTE-TO-ENERGY FACILITY AGREEMENTS</p> <p>Request by County Attorney for approval of Settlement Agreement (between Lake County, Florida and Covanta Lake II, Inc. and Covanta Energy Corporation) and Waste Disposal and Electricity Generating Agreement (between Covanta Lake II, Inc. and Lake County, Florida).</p> <p style="text-align: center;">-----</p> <p>Mr. Minkoff reviewed each Agreement and a "Comparison of Old Service Agreement and New WDA." Actual cash savings are estimated at \$2,645,751 per year for the remaining ten years of the contract, without the ash disposal fee; and estimated at \$3,737,621</p>	MINKOFF

	<p>annually for ten years with the ash disposal fee.</p> <p>The Agreements are expected to be fully executed by December 2004.</p>	
	PUBLIC HEARINGS - ROAD VACATIONS (TABS 6-9):	
CONTINUED TO 11/16/2004	<p>TAB 6 PUBLIC HEARING Petition Number 1028 approval and execution of Resolution by Florida Department of Environmental Protection Division of State Lands to vacate easement, located in Section 30 and 31, Township 17 South, Range 29 East, in the Lake Mack/Royal Trails area – Commission District 5.</p>	STIVENDER
APPROVED	<p>TAB 7 PUBLIC HEARING Petition No. 1030 approval and execution of Resolution 2004-176 by Keith Shamrock, Representative Bowen & Campione, P.A., to vacate a portion of an existing 50.00 foot right of way deed for a part of Lakeshore Drive, Number 5154, in exchange for a 50.00 foot wide deed that is consistent with the actual location of the paved roadway, located in Section 15 and 16, Township 19 South, Range 26 East, in the Tavares area, Commission District 3 and 4. (It was noted that Lakeshore Drive will not be changed or moved in any way; the intention of the request is to vacate an erroneous legal description and accept the replacement right of way deed.)</p>	STIVENDER
APPROVED	<p>TAB 8 PUBLIC HEARING Petition No. 1034 approval and execution of Resolution 2004-177 by Verde Ridge, Representative Donald W. McIntosh Associates, Inc., to vacate tracts and right of way in the Plat of Lake Highlands Company for the replat of Verde Ridge PUD, located in Section 15, Township 22 South, Range 26 East, in the Clermont area – Commission District 2. (Approved with the understanding that a legal easement will be granted along the boundary, as discussed.)</p>	STIVENDER
APPROVED	<p>TAB 9 PUBLIC HEARING Petition No. 1035 approval and execution of Resolution 2004-178 by William P. and Florence A. Lange to vacate a right of way reservation for C-435 on lots, in the Plat of Mt. Plymouth, located in Section 28, Township 19 South, Range 28 East, in the Sorrento area – Commission District 4.</p>	STIVENDER
POSTPONED	<p>TAB 10 Request for approval of the Joint Planning Agreement with the City of Leesburg. (The Lake County Local Planning Agency will review the Agreement in November 2004. The Agreement will be brought</p>	WELSTEAD

	back to the Board of County Commissioners after that review.)	
	PUBLIC HEARINGS - REZONINGS - AGENDA NO. 1-15:	
APPROVED	<p>Rezoning Agenda No. 1 Rezoning Case PH#50-04-4 CQ Enterprises; Leslie Campione Tracking #53-04-CP; R-6 to CP Ordinance 2004-69</p>	
APPROVED	<p>Rezoning Agenda No. 2 Rezoning Case PH#62-04-5 B2 Cattle Venture, LLC; Steven J. Richey, P.A. Tracking #68-04-PUD/AMD; Amend PUD Ordinance #14-92 Ordinance 2004-70 (The motion was to include language from the school system regarding the gap fee.) (During discussion after the motion, Commissioner Hanson requested that the developer, in regards to design, cluster in any manner that will protect the resource to the greatest extent, particularly where the oak trees are.)</p>	
APPROVED	<p>Rezoning Agenda No. 3 Rezoning Case PH#59-04-5 Kevin & Nancy Allen Tracking #63-04-Z; CFD to A Ordinance 2004-71</p>	
APPROVED	<p>Rezoning Agenda No. 4 Rezoning Case PH#58-04-4 Dubsdread Contracting & Development; Bruce G. Duncan, P.A. Tracking #62-04-MP; A to MP Ordinance 2004-72 (Commissioner Hanson declared a conflict and completed Form 8B, Memorandum of Voting conflict for County, Municipal, and Other Local Public Officers. She abstained from discussion and the vote.) (The motion included adding language regarding water and sewer, when they are available; and that the applicant would agree to the most stringent language, either out of the Lake County or the Mount Dora LDRs (Land Development Regulations) in regards to development of the parcel, including the berm with vegetation on the back; including the request for 100,000 square feet rather than 80,000 square feet.)</p>	
APPROVED	<p>Rezoning Agenda No. 5 Rezoning Case PH#57-04-4 Robert & Ollivene Sullivan; Cecelia Bonifay, Esq.; Thomas Daly c/o Daly Design Tracking #61-04-PUD/AMD; Amend PUD Ordinance 1995-37 Amendment to the initial Sullivan Ranch PUD, Ordinance 1995-37 to recognize the elimination of the golf course and to recognize the</p>	

	<p>addition of 100 dwelling units.</p> <p>Ordinance 2004-73</p> <p>(Note: Cecelia Bonifay presented a “new version” of the proposed ordinance and the following requests refer to the numbering in that document. On Page 4, II. Public Facilities, A. Storm Water, Ms. Bonifay asked to add a new number 6 with language that the applicant would move the northern/northwest retention pond, shown on the conceptual plan, further to the east and preserve the tree canopy in that corner; additionally, that there would not be a berm around that corner which might trap the water. She stated that additionally, there would be an affirmation that the applicant will meet or exceed all the criteria of the St. Johns River Water Management District (SJRWMD) regarding run off. She stated that, under II. No. 4, the applicant would change the wording to: as a minimum, a 96-hour/25-year frequency storm shall be used as the storm water calculation for this area. Commissioner Cadwell pointed out that language should be strong regarding the regulations of the SJRWMD.)</p> <p>(The motion by Commissioner Hanson included the revised language as agreed upon by Ms. Andrea Burr and Ms. Cecelia Bonifay; and including new language proposed by the school system regarding the gap fee funding.)</p>	
APPROVED	<p>Rezoning Agenda No. 6</p> <p>Rezoning Case PH#53-04-3</p> <p>Baywood Forest, Inc./Al Plasterek/Donald Maheux</p> <p>Tracking #57-04-Z; CFD to R-7</p> <p>Ordinance 2004-74</p>	
APPROVED	<p>Rezoning Agenda No. 7</p> <p>Rezoning Case PH#55-04-3</p> <p>R. Dewey Burnsed; Valerie Fuchs, Esq.</p> <p>Tracking #59-04-Z; A to R-1</p> <p>Ordinance 2004-75</p>	
POSTPONED UNTIL 11/16/2004.	<p>Rezoning Agenda No. 8</p> <p>Rezoning Case PH#56-04-3</p> <p>Long & Scott Farms; Cecelia Bonifay, Esq., Tracking #60-04-CFD</p> <p>(Commr. Cadwell requested that Ms. Bonifay address res judicata on November 16, 2004, as to whether or not the case will be heard by the Board. The motion to postpone included a requirement that the applicant hold a meeting with the community members in the interim.)</p>	
APPROVED	<p>Rezoning Agenda No. 9</p> <p>Rezoning Case PH#61-04-1</p> <p>Jad Daye & Inmad Nasnas; Rudolph Rode</p> <p>Tracking #70-04-Z; R-1-6 + CUP#912-1 to R-4</p> <p>Ordinance 2004-76</p> <p>(Mr. Rode has a letter of acceptance from the School Board that the \$2,000 gap fee will apply to 32 units. He agreed to the new gap fee of \$7,286 for the additional 13 to 15 units.)</p>	

	(Mr. Rick Hartenstein stated, for the record, that today's action will abandon and revoke the CUP that called this a PUD.)	
APPROVED	Rezoning Agenda No. 10 Rezoning Case PH#64-04-2 SOSA Related Investments; Greg A. Beliveau, AICP, LPG Urban & Regional Planners Tracking #67-04-PUD/AMD; Amend PUD Ordinance 2004-47 Ordinance 2004-77	
APPROVED	Rezoning Agenda No. 11 Rezoning Case PH#63-04-3 GSH Development; Tim Green, ASLA, AICP, Green Consulting Group, Inc. Tracking #69-04-PUD/AMD; Amend PUD Ordinance 2003-54 Ordinance 2004-78	
APPROVED	Rezoning Agenda No. 12 Rezoning Case PH#54-04-2 Open Door Baptist Church; Brian R. Camp, Representative Tracking #58-04-CFD/AMD; Amend CFD Ordinance 106-89 Ordinance 2004-79	
APPROVED	Rezoning Agenda No. 13 Rezoning Case MSP#04/9/1-2 E.R. Jahna Industries, Inc.; Creative Environmental Solutions, Inc. Tracking #65-04-MSP/AMD; Amend CUP #863-2/3 to add 2,455 acres to the mining site boundary. Ordinance 2004-80	
APPROVED	Rezoning Agenda No. 14 Rezoning Case MSP#04/7/1-3 Florida Rock Industries; Steven J. Richey, P.A.; Chryl Ellinor, LPG Environmental & Permitting Services Tracking #50-04-MSP/AMD; Amend current MSP #03/3/2-3 to add 1,289 acres to the mining site boundary. Ordinance 2004-81 (The motion included the deletion of the last sentence of Item Q on Page 3 of the ordinance.)	
APPROVED	Rezoning Agenda No. 15 Rezoning Case PH#42-04-2 Chancery Lane, Ltd. Bailes Properties; Steven J. Richey Tracking #45-04-Z; R-6 to CP with C-2 uses. Ordinance 2004-82	
APPOINTED	TAB 11 Appointed Mr. Darren Eslinger to the vacant District 2 seat on the Board of Adjustment.	POOL
APPROVED	TAB 12 Request for approval of Cancellation and Release of Settlement	MINKOFF

	Agreement and Joinder and Consent to Cancellation and Release of Settlement Agreement between Banyan Construction (previously owned by Paradise Lakes), Department of Community Affairs (DCA) and Lake County.	
FOR YOUR INFORMATION	Commr. Stivender stated that she attended “POPS at the Point” which was presented October 17, 2004, by PALS (Performing Arts of Lake and Sumter) and the Lake County Economic Development & Tourism Department, and which featured the Orlando Philharmonic Orchestra. She stated that it was a great event and plans are being made to make this an annual event.	STIVENDER
FOR YOUR INFORMATION	Commr. Stivender stated that she received a letter from the Charlotte County Board of County Commissioners regarding a request for 100% financial/disaster assistance due to the hurricanes. By consensus of the Board, Commr. Stivender will send a letter to FAC (Florida Association of Counties) in support of 100% assistance for counties, such as Lake County and Charlotte County, which were devastated by the hurricanes.	STIVENDER
FOR YOUR INFORMATION	Commr. Stivender recognized the Environmental Services employees for their diligent efforts during the recent hurricanes.	STIVENDER
APPROVED	ADDENDUM NO. 1 Approved Proclamation 2004-179 proclaiming October 30, 2004, as Weatherization Day.	STIVENDER
APPROVED	ADDENDUM NO. 1 Approved the Employment Agreement between the Lake County Board of County Commissioners and William A. Neron (County Manager), clarifying that the County Manager will stay at the same salary; the contract is for one year; there is six-months’ severance involved in the contract.	MINKOFF
FOR YOUR INFORMATION	Commr. Hanson announced the schedule of broadcast times for the Open Space Forum which was held at Lake Sumter Community College on October 18. The program will air on LSCC-TV, Channel 13 (Comcast Cable): Monday, November 1 at 7:00 pm; Wednesday, November 3 at 2:00 pm; Thursday, November 4 at 2:00 pm; Friday, November 5 at 4:00 pm; Saturday, November 6 at 7:00 pm; Wednesday, November 10 at 6:00 pm; and Thursday, November 11 at 6:00 pm.	HANSON
FOR YOUR INFORMATION	Commr. Cadwell expressed, again, appreciation to Sandy Minkoff, County Attorney; Melanie Marsh, Assistant County Attorney and Jeff Cooper, Support Services Director, Program Analysis & Contract Management, for all their hard work on the Covanta incinerator agreement process.	CADWELL
FOR YOUR INFORMATION	Citizens were encouraged to vote on November 2 and were invited to vote early. Commr. Stivender noted that approximately 500 people per day have voted early at the Administration Building alone.	