

**BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

REGULAR MEETING

August 21, 2007

COUNTY COMMISSIONERS

Welton G. Cadwell, Chairman
Jennifer Hill, Vice Chairman
Elaine Renick, District #2
Debbie Stivender, District #3
Linda Stewart, District #4

Cindy Hall, County Manager
Sanford A. Minkoff, County Attorney
James C. Watkins, Clerk to the Board

DISCLAIMER

This booklet has been prepared for the convenience of the Board of County Commissioners in discussing matters before them. Every effort has been made to include all items to be discussed at this Board of County Commissioners meeting, however, Commissioners may add items, which are not a part of this Agenda, or items may be removed from consideration. While it has been the goal to present error-free information, we do not represent that documentation is without errors or omissions.

In addition to regular Board meetings, the Board of County Commissioners may, from time to time, schedule a workshop during which they will receive information from staff, have discussions with staff and among themselves, and then proceed to give staff direction on the subject matter being discussed unless otherwise shown on the Agenda item. These discussions and workshops do not take the place of the formal public hearing process during which any member of the public may comment and formal action is taken.

The Board and staff welcome written comments prior to workshops and other meetings. If you have comments or questions regarding the subject matter of any Board action or workshop, please deliver your written comments to appropriate County staff or mail to the Board of County Commissioners, Post Office Box 7800, Tavares, FL 32778.

ITEMIZED AGENDA

August 21, 2007

9:00 A.M. Invocation

Pledge of Allegiance

I. AGENDA UPDATE

Discussion regarding proposed revisions to today's Agenda.

II. MINUTE APPROVAL

Tab 1 Approval of the following Minutes:
July 24, 2007 (Regular Minutes)

III. CLERK OF COURT'S CONSENT AGENDA

Tab 2 Approval of Clerk of Courts' Consent Agenda (Items 1 through 11)

1. 1. 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.

Recommendation: Acknowledge Receipt
2. Proof of publication of unclaimed moneys and payment to the Board for those moneys advertised less claims and publication costs.

Recommendation: Acknowledge Receipt
3. Before the Public Service Commission – In re: Application for increase in water and wastewater rates in Alachua, Brevard, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

Docket No. 060368, Order No. PSC-07-0598-PCO-WS, Issued July 25, 2007.

Order Denying Remaining Portion of OPC's Motion To Compel Discovery and Requiring Aqua Utilities Florida, Inc. To Provide Certain Discovery Responses By August 8, 2007.

Recommendation: Acknowledge Receipt
4. Copy of report No. 2008-006, an Operational Audit of Florida Bright Futures Scholarship Program for the fiscal year ended June 30, 2006.

Recommendation: Acknowledge Receipt
5. St. Johns River Water Management District Tentative Budget Submission for Fiscal Year 2007 - 2008 Budget, as required by Section 373.536 of the Florida Statutes. (CD provided)

Recommendation: Acknowledge Receipt
6. Copy of Ordinance 577-M from the City of Clermont which annexes a vacant parcel of land lying in Section 6, Township 23 South, Range 26 East, into the City limits of Clermont.

Recommendation: Acknowledge Receipt
7. Request to open delivery vs. payment account at Wachovia for the purchase of investments.

Recommendation: Acknowledge Receipt
8. Certified copy of Resolution 2007-07 identifying the Fiscal Year 2007/2008 meeting schedule for the Cascades at Groveland Community Development District, pursuant to Chapter 190, Florida Statutes.

Recommendation: Acknowledge Receipt

9. Southwest Florida Water Management District's Tentative Budget Submission for Fiscal Year 2007-2008 pursuant to Section 373.536(5), Florida Statutes.

Recommendation: Acknowledge Receipt

10. Before the Public Service Commission – In re: Application for increase in water and wastewater rates in Alachua, Brevard, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

Docket No. 060368-WS, Order No. PSC-07-0631-PCO-WS, Issued August 1, 2007.

Order Granting Intervention by Bill McCollum, Attorney General, State of Florida.

Recommendation: Acknowledge Receipt

11. Request to participate in a settlement made between Unum and the state of New York Attorney General for incentive payments paid to brokers. In exchange for the payment of \$556.58, the County agrees to sign a general release from any future claims against Unum in this matter.

Recommendation: Approval to Sign Release and Accept Payment

IV. COUNTY MANAGER'S CONSENT AGENDA (Tab 3 through Tab 18)

Budget

Tab 3

Approve Budget Change Requests:

1. Budget transfer – Request transfer of \$84,000 from stormwater MSTU fund reserves to purchase property from David McQuilling that qualifies for the Forest Hills/Lake Mack flood buy out program. Purchase was approved by the BCC on 4/3/07. Stormwater Project #STR05007. After this transfer, there will be a remaining balance of \$4,501,076.
2. Budget transfer – Request transfer of \$92,500 from stormwater MSTU fund reserves to purchase property from Lois Fonseca and Pamela Linderman that qualifies for the Forest Hills/Lake Mack flood buy out program. Purchase was approved by the BCC on 3/20/07. Stormwater Project #STR05007. After this transfer, there will be a remaining balance of \$4,408,576.
3. Budget transfer – To correct the org used when budgeting a transfer out of the General Fund. Transfers Outs are budgeted in 9093001 however when this transfer was budgeted it was inadvertently put in 9092001. These 2 org codes have different functions and therefore the transfer needs to be moved to the correct org code in order to provide proper reporting. Accounting correction only. Zero net effect on the General Fund
4. Budget transfer – Request transfer of \$626,136.00 to redistribute additional funding requested by the Sheriff at mid-year for law enforcement salary increases. Funding was added to the Law Enforcement Salary line only and needs to be distributed among Corrections, Bailiffs and School Resource Deputies. Funding was included in the Mid-Year Budget Amendment and is being redistributed among the Sheriff Transfer lines. Zero net effect on the General Fund.
5. Budget transfer – Request transfer funds of \$32,000 from Reserve for Operations to Other Professional Services. Due to the change in staffing at the Medical Examiner's Office, outside physicians have been brought in to provide services resulting in increased expenses. The additional funding should cover expenses through the end of the fiscal year. Funding is available in Reserve for Operations.

Community Services

- [Tab 4](#) Request the Board to release two mortgages (recorded in ORB 3328, Page 1073 and ORB 3356, Page 1113) to Lake County from Mary Perdue.

Environmental Services

- [Tab 5](#) Approve a resolution of the Board of County Commissioners of Lake County, Florida: replacing Resolution No. 1994-20 regarding the Pollution Recovery Fund; changing the name to Environmental Recovery Fund; providing for additional monies to be deposited into the Fund to be used to enhance Lake County's environmental resources; and providing for an effective date.

Growth Management

- [Tab 6](#) Property Owner: James L. & Toni M. Richardson, Code Case# 2005110021, Execution & Release of Fine - Commission District 3.
- [Tab 7](#) Approval of amended Interlocal Agreement between Lake County and the Town of Montverde removing the provision for payment of 15% of building and fire permit fees to the Town of Montverde.
- [Tab 8](#) Acceptance of Quit-Claim Deed by Mt. Plymouth Enterprises to Lake County for lands within the plat of Mt. Plymouth - Commission District 4.

Procurement

- [Tab 9](#) It is recommended that the Board (1) declare the items on the attached list surplus to County needs, (2) authorize the removal of all of the items on the attached list from the County's official fixed asset inventory system records, and (3) authorize the Procurement Services Director to sign vehicle titles.

Public Safety

- [Tab 10](#) Approval and execution of the Hazards Analysis Agreement between the State of Florida, Division of Emergency Management and Lake County, by the Lake County Board of County Commissioners.
- [Tab 11](#) Approval of a Resolution renaming Tiny Morse Boulevard to Auto Plex Way - Commission District 2.

Public Works

- [Tab 12](#) Approval and signature of Resolution to Advertise Public Hearing for Vacation Petition 1117, Arthur O. Neaf and Mary Neaf, to vacate rights of way in the Plat of Groveland Farms - Commission District 2.
- [Tab 13](#) Request authorization to accept the final plat for Wolfbranch Meadows and all areas dedicated to the public as shown on the Wolfbranch Meadows plat. Wolfbranch Meadows consists of 39 lots and is located in Section 19, Township 19 South, Range 28 East. Commission District 4.
- [Tab 14](#) Accept a performance and payment bond in the amount of \$3,591,436.92 as surety for a Developer's Agreement between Lake County and Groveland BFG Lakeshore, Ltd. regarding Hartle Road.
- [Tab 15](#) Request authorization to accept the final plat for Garden City Phase 1-D and all areas dedicated to the public as shown on the Garden City Phase 1-D plat. Garden City Phase 1-D consists of 26 lots and is located in Section 8, Township 22 South, Range 25 East. Commission District 2.

[Tab 16](#) Request authorization to accept the final plat for Hidden Forest at Silver Creek and all areas dedicated to the public as shown on the Hidden Forest at Silver Creek final plat, accept a letter of credit for performance in the amount of \$65,439.00, and execute a Developer's Agreement for Construction of Improvements between Lake County and Sosa Related Investment, Inc. Hidden Forest at Silver Creek consists of 135 lots and is located in Section 25, Township 24 South, Range 26 East. Commission District 2.

[Tab 17](#) Request authorization to accept the final plat for The Retreat at Silver Creek and all areas dedicated to the public as shown on The Retreat at Silver Creek final plat, accept a letter of credit for performance in the amount of \$47,905.00, and execute a Developer's Agreement for Construction of Improvements between Lake County and Ultimate Developers LLC. The Retreat at Silver Creek consists of 90 lots and is located in Section 25, Township 24 South, Range 26 East. Commission District 2.

[Tab 18](#) Request authorization to accept the final plat for Serenity at Silver Creek and all areas dedicated to the public as shown on Serenity at Silver Creek final plat, accept a letter of credit for performance in the amount of \$60,357.00, and execute a Developer's Agreement for Construction of Improvements between Lake County and RR Tropical Investment Group Inc. Serenity at Silver Creek consists of 140 lots and is located in Section 25, Township 24 South, Range 26 East. Commission District 2.

V. COUNTY ATTORNEY'S CONSENT AGENDA (Tab 19 through Tab 21)

[Tab 19](#) Approval of Amendment to Lease Agreement Between Lake County and Eagle R & R, Inc. - Commission District 3.

[Tab 20](#) Approval of Amendment to Lease Agreement Between Lake County and Amerirus, Inc. - Commission District 3.

[Tab 21](#) Approval of the 7730 American Way Estoppel Certificate.

VI. COUNTY MANAGER'S DEPARTMENTAL BUSINESS

Community Services

[Tab 22](#) Lake County to provide \$6,000 in matching funds to support a grant award from HUD to the Mid-Florida Homeless Coalition in the amount of \$78,143 to support the continued operation of a four-county Management Information System. Authorization of BCC Chair to sign letter of support and commitment for \$6,000. Approval of related budget transfer in the amount of \$6,000 from the Welfare Hospital Services (HCRA) Account.

[Tab 23](#) For the Board to accept the FY 2006 Shelter Plus Care Agreement, authorize the Chairman to sign it, and direct the Lake County Housing Agency to implement the program covered under the Agreement. The Chairman is requested to sign the attached three copies of the Shelter Plus Care Agreement.

Public Works

[Tab 24](#) Request approval to place barricades on C.W. Harrell Rd., North of Sunburst Lane in the Clermont area. Commissioner District 2

[Tab 25](#) **To be heard at 9:00 a.m. or as soon thereafter:** Request authorization to accept the final plat for Plymouth Creek Estates and all areas dedicated to the public as shown on the Plymouth Creek Estates final plat, accept a letter of credit for performance in the amount of \$1,252,735.00, and execute a Developer's Agreement for Construction of Improvements between Lake County and Plymouth MB, LLC. Plymouth Creek consists of 72 lots and is located in Section 36, Township 19 South, Range 27 East. Commission District 4.

VII. PUBLIC HEARINGS

PUBLIC HEARING - 9:00 A.M. or As Soon Thereafter

[Tab 26](#) Hold public hearing, receive comments, approve public housing agency annual plan for fiscal year 2007 and reports covering fiscal year 2007 and authorize Chairman to sign and certify for submission.

[Tab 27](#) Approval of the ordinance amending sections of the Lake County code for clarification regarding citation issuance by Code Enforcement officers for Code violations.

[Tab 28](#) Public hearing for the approval of the 2008-2012 Road Impact Fee Transportation Construction Program, approval of the 2008-2012 Transportation Trust Fund Transportation Construction Program, and approval of the 2008-2012 Renewal Sales Tax Capital Projects - Roads Transportation Construction Program.

PUBLIC HEARING - 5:05 P.M. or As Soon Thereafter

[Tab 29](#) Approve ordinance amending Chapter 22, Lake County Code, Impact Fees, adopting an amended transportation impact fee rate schedule.

[Tab 30](#) Approve ordinance amending Chapter 22, Lake County Code, Impact Fees, amending general provisions.

VIII. OTHER BUSINESS

[Tab 31](#) Appointment affirmation of Lily Kliot to serve as Lady Lake Public Library's member representative on the Lake County Library Advisory Board to complete an unexpired term ending February 28, 2008.

[Tab 32](#) Appointment of members and Commissioner liaison to the newly created Lake County Arts and Cultural Alliance.

IX. REPORTS

A. **County Attorney**

B. **County Manager**

C. **Commissioner Hill - Vice Chairman and District #1**

D. **Commissioner Renick - District #2**

E. **Commissioner Stivender - District #3**

[Tab 33](#) Request Board approval to recognize September 16 through 22, 2007 as Constitution Week.

F. **Commissioner Stewart - District #4**

G. **Commissioner Cadwell - Chairman and District #5**

CITIZEN QUESTION AND COMMENT PERIOD

At this point in the meeting, the Board of County Commissioners will hear questions, comments, and concerns from the citizens of Lake County. Action will not be taken by the Board at this meeting but questions may be answered by staff or issues may be referred for appropriate staff action. If further action is necessary, the item may be placed on the agenda for further review and consideration.

NOTE: Zoning or code enforcement matters which may be coming before the Board at a later date should not be discussed until such time as they come before the Board in a public hearing.

The County Commission reserves the right to move any Agenda item to an earlier time during the day as its schedule permits, except in the case of items and appointments that have been advertised in a newspaper for a specific time.

Pursuant to the provisions of Chapter 286, Florida Statutes, Section 286.0105, if a person decides to appeal any decision made by the County Commission with respect to any matter considered at this Commission meeting, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record may include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities needing assistance to participate in any of these proceeding should contact the Department of Facilities Development and Management at (352) 343-9760, 48 hours in advance of the scheduled meeting.