

VIA EMAIL: baplegate@seminolecountyfl.gov

A Bryant Applegate
County Attorney's Office
Seminole County Government
1101 East First Street
Sanford, FL 32771

Re: Request for Amendment to Rural Boundary Line

Dear Bryant,

Please consider this request from Strawberry Lane, LLC for approval by the Seminole County ("County") Board of County Commissioners (the "Board") to amend the County's Rural Boundary Line established in Section 5.2 of the Seminole County Home Rule Charter ("Charter") to remove the parcels set forth in **Exhibit "A"** at the northeastern corner of Florida Avenue and Deleon Street in the Black Hammock, collectively known as Pappy's Patch, from the Rural Area.

Section 5.2B of the Charter provides:

The Board of County Commissioners may remove property from the "Rural Area" and amend the Rural Boundary accordingly, by ordinance whenever, in the opinion of the Board, such a change is necessary. Nothing herein shall authorize the County Commission to expand the "Rural Area" beyond the area contained in the above referenced legal description. (Ord. No. 2004- 36 § 3, eff. 11-03-04).

There is no formal application for removal of a property from the "Rural Area" under the Charter alone. Because we are not currently requesting a change to the Property's Future Land Use Designation or zoning, a standalone hearing on an ordinance for approval of an amendment to the Rural Area is procedurally appropriate and property owners in the Rural Area have the right to request the same.

As evidence of the right of property owners to request removal of properties from the Rural Area established by the Charter, attached as **Exhibit "B"** is the 2004 staff report for approving an ordinance amending the County's Home Rule Charter, through referendum vote, to designate an Urban/Rural Boundary, establish a Rural Area and provide that the Seminole County Comprehensive Plan shall control Land Use within said Rural Area ("Charter Staff Report"). Part of that 2004 Charter Staff Report noted in relevant part that the Charter Amendment, if approved (as it ultimately was), would:

1. Allow the Board of County Commissioners to “remove property from the “Rural Area” and amend the “Urban/Rural Boundary by ordinance” (“Item 1”);
2. “[N]ot prevent municipalities right to annex” properties within the Rural Boundary (“Item 2”)

As to Item 1 above, the County has removed two properties from the Rural Area without a concurrent Future Land Use or rezoning change.

On August 27, 2013, the Board held a public hearing (the “2013 BOCC Hearing”). Two of the current BOCC members, Commissioner Robert Dallari and Commissioner Lee Constantine, “consider[ed] an Ordinance revising the Rural Area Boundary Line as established in the Seminole County Home Rule Charter, affecting 4.51+/-1 acres” known as the “Mermel Property.” (*See* Meeting Minutes of the 2013 BOCC Hearing attached hereto as **Exhibit “C”** (the “Minutes”), pp. 14-15). Nicole Guillet, the County’s then-serving Development Services Director, addressed the BOCC at the 2013 BOCC Hearing on said ordinance. (*See id.*). According to the Minutes, Ms. Guillet made the following statements:

1. “[S]he spoke to several people to try to determine the basis for the actual boundary line, **but there is nothing in the history that clearly explains how the boundary line was established.**” (The Minutes, p. 15) (emphasis added);
2. “The [Mermel Property] is within the boundary.” (The Minutes, p. 15);
3. “She reviewed the Board’s authority to move the boundary line. **There were no criteria established in either the ballot language or the Charter Amendment establishing under what circumstances they could move the line.**” (The Minutes, p. 15) (emphasis added);
4. “Upon inquiry by Chairman, Dallari, **Ms. Guillet advised there were no criteria when the rural area was amended in 2006.**... She stated she doesn’t think it will set a precedent in the sense that if the line is moved the Board will be obligated to grant any other request to move it.” (The Minutes; p. 17) (emphasis added);
5. “Upon further inquiry of Chairman Dallari, Ms. Guillet explained that if the Board elected to move the line under these circumstances, they would be giving significant guidance with regard to any future requests for movement of the line.” (The Minutes, p. 17); and
6. “Ms. Guillet displayed an information section (received and filed) of the Charter Amendment Ballot issue that discusses creating a process for the Board to consider revisions to the boundary line.” (The Minutes, p. 18).

Ultimately, the Board passed Ordinance No. 2013-25 removing the Mermel Property from the Rural Area and revising the Charter Rural Boundary accordingly. (*See* the Minutes, pp. 30-31).

Since the designation of the Charter Rural Boundary, the County has only approved an amendment to the Charter Rural Boundary on two occasions: (1) Ordinance No. 2006-54, which was adopted by the Board on July 25, 2006, and took effect on August 3, 2006, removing the Rook Property from the Rural Area and amending the Charter Rural Boundary accordingly; and (2) Ordinance No. 2013-25, removing the Mermel Property from the Rural Area and amending the Charter Rural Boundary accordingly. Both the removal of the Rook Property and the Mermel Property were heard by the Board without a Planning and Zoning Commission hearing. The removal of the Rook Property from the Rural Area was the result of a lawsuit settlement. (*See* the Minutes, pp. 15, 17).

Interestingly, both parcels that have been removed from the Rural area by the Board without a concurrent land use amendment application adjoin this Property across Deleon Street. Any decision to reject the request herein would appear to be both arbitrary and capricious.

As to Item 2 above, the right to annex is “necessary” because the Charter currently only regulates the future land use designations of all “Rural Lands, regardless of whether some or all of the Rural Lands are located within a municipality.” Thus, if a property is removed from the Rural Area per the Charter alone, the County no longer controls the land use designations on such property. Therefore, the decision to keep a piece of property in the Rural Area or release it is ultimately a decision of whether the County should undertake the review of the Comprehensive Plan future land use map or whether it should be conducted by a municipality.

The Charter Staff Report also noted that “the Board recognizes that changing circumstances may require alternation of the Rural Area, without need of further charter amendment, by county ordinance.” Circumstances have certainly changed in the last seventeen years, and even in the eight years since the Board removed the Mermel property.

Local governments have a statutory and constitutional responsibility to recognize and protect the property rights of its citizenry. Those rights include due process.

The Board has the ultimate power to approve or deny amendments to the Charter Rural Boundary. A biased or predetermined outcome on this matter based on statements from any one of the commissioners of any elected local board violates due process.

Unfortunately, the ability for any landowner, and most certainly any entity owned or controlled by Christopher Dorworth, to have a fair shot at removing property from the Rural Area has been called into question. All current Commissioners have made statements indicating an adversity to amending the densities in the land established to be in the Charter Rural Area under Ordinance 2004-036 under any

circumstance, thereby ensuring any applicant's efforts to prove the removal "necessary" to be a fruitless endeavor. The statements are below:

1. District 1 Commissioner, Robert Dallari: "...I am saying is that I will uphold the wishes of the people and the wishes of the people that we've heard very clear, that I'm sure you have too, is that the rural boundary needs to be left intact per the charter, and the charter per the voters says there is one house per one acre, per three acres, per five acres, per ten acres, and that's what I support."¹
2. District 2 Commissioner, Jay Zembower: "I think once you open that door – you take that piece of property out of the rural area – then everyone else is going to want to do the same thing."
3. District 3 Commissioner, Lee Constantine (the self-proclaimed "Defender of the Rural Boundary"): "There's no 'but' when it comes to the Rural Boundary in Seminole County. The voters approved the Rural Boundary in 2004 and that's how it should stay." He has gone on further to state: "I can assure you that as long as I am there I will fight any development that is to the detriment of the rural boundary."
4. District 4 Commissioner, Amy Lockhart: "For me, it's set...." "I'm sure that there will be pressures on that boundary in the coming years. ... At this point, I don't see any situation where I would be willing to move it. The citizens of the county are the ones who put it in place and it should be up to them."
5. District 5 Commissioner, Andria Herr: Mike Lafferty Interviewing Commissioner Herr: "If you are a county commissioner and someone came to you, came to the board with a request for a land use change within the rural boundary beyond what they currently have would you support that?" Ms. Herr: "No. It's not consistent with the will of the voters." Ms. Herr also executed that certain *Pledge to Preserve Rural Seminole County* whereby Commissioner Herr pledged "to the citizens that if elected I will oppose any efforts to change land use to increase density in the Seminole County rural boundary area."

Section 5.2's necessity "standard" lacks meaning when a Board publicly vows to deny any applications to amend the Charter Rural Boundary before even considering the merits of any such applications. Moreover, Commissioner Dallari's public statement on the Rural Boundary is factually

¹ Commissioner Dallari also used the image of the applicant entity's manager, Christopher Dorworth, a private citizen, in a campaign commercial decrying another development.

incorrect. The Charter does not set forth any land use or zoning categories. The Charter makes no reference to any house sizes, one acre lots, three acre lots, five acre lots, or ten acre lots in the Rural Area.

All five County Commissioners have issued public statements that make impossible any fair due process in considering a change to densities of land in the Rural Area. The acrimonious nature of this case, and the prejudicial statements, oaths and verbal and written commitments to never increase density in the Rural Area ensures that a fair hearing cannot take place if the Property remains in the Charter Rural Area with final County oversight. By removing the Property from the Rural Area, the Board will afford the developer with the opportunity to receive constitutionally guaranteed fair due process, rather than ensuring litigation is the only means of achieving the same. Thus, the Commission should abdicate authority over land use decision making in the Rural Area so that my client may receive what the Florida Constitution grants him.

While separate requests to remove other properties from the Rural Area have been made by this firm in the past, separate and unrelated litigation was used as a basis for denial of the opportunity to present to the Board. Given that no litigation yet exists between the County and these Properties, we request to be heard by the Board on the next agenda for removal of this Property from the Rural Area.

Additionally, should the Rural Boundary be struck by Judge Rowe in the River Cross & Christopher Dorworth v. Seminole County case, please accept this as our request to not have these parcels be included in any Charter Rural Areas the Commission may try to establish moving forward. This written request for removal would predate any new ordinance or rule that creates a new rural area or establishes actual criteria for removal of any property from the same, and therefore attempts to further impede property rights would not survive judicial scrutiny.

Thank you for your time and consideration. We look forward to a hearing before the Board of County Commissioners and their removal of the Property from the Rural Area on the next available agenda.

Very truly yours,



Tara L. Tedrow

TLT/lak
Attachments

EXHIBIT "A"

PARCEL IDENTIFICATION NO.: 25-20-31-5BA-0000-0330

The East half of Lot 33, VAN ARSDALE OSBORNE BROKERAGE CO'S. ADDITION TO BLACK HAMMOCK, according to the plat thereof as recorded in Plat Book 1, page 31, Public Records of Seminole County, Florida.

PARCEL IDENTIFICATION NO.: 25-20-31-5BA-0000-033A

Lot 33 less the East one-half thereof, VAN ARSDALE OSBORNE BROKERAGE CO'S. ADDITION TO BLACK HAMMOCK, according to the plat thereof as recorded in Plat Book 1, page 31, Public Records of Seminole County, Florida.

PARCEL IDENTIFICATION NO.: 25-20-31-5BA-0000-0340

The East half of Lot 34, VAN ARSDALE OSBORNE BROKERAGE CO'S. ADDITION TO BLACK HAMMOCK, according to the plat thereof as recorded in Plat Book 1, page 31, Public Records of Seminole County, Florida.

PARCEL IDENTIFICATION NO.: 25-20-31-5BA-0000-0530

The East half of Lot 53, VAN ARSDALE OSBORNE BROKERAGE CO'S. ADDITION TO BLACK HAMMOCK, according to the plat thereof as recorded in Plat Book 1, page 31, Public Records of Seminole County, Florida.

PARCEL IDENTIFICATION NO.: 25-20-31-5BA-0000-053A

Lot 53 less the East one-half thereof, VAN ARSDALE OSBORNE BROKERAGE CO'S. ADDITION TO BLACK HAMMOCK, according to the plat thereof as recorded in Plat Book 1, page 31, Public Records of Seminole County, Florida.

PARCEL IDENTIFICATION NO.: 25-20-31-5BA-0000-0540

The East half of Lot 54, VAN ARSDALE OSBORNE BROKERAGE CO'S. ADDITION TO BLACK HAMMOCK, according to the plat thereof as recorded in Plat Book 1, page 31, Public Records of Seminole County, Florida.

PARCEL IDENTIFICATION NO.: 25-20-31-5BA-0000-054A

Lot 54 less the East one-half thereof, VAN ARSDALE OSBORNE BROKERAGE CO'S. ADDITION TO BLACK HAMMOCK, according to the plat thereof as recorded in Plat Book 1, page 31, Public Records of Seminole County, Florida.

PARCEL IDENTIFICATION NO.: 25-20-31-5BA-0000-0550

The East half of Lot 55, VAN ARSDALE OSBORNE BROKERAGE CO'S. ADDITION TO BLACK HAMMOCK, according to the plat thereof as recorded in Plat Book 1, page 31, Public Records of Seminole County, Florida.

PARCEL IDENTIFICATION NO.: 25-20-31-5BA-0000-055A

Lot 55 less the East one-half thereof, VAN ARSDALE OSBORNE BROKERAGE CO'S. ADDITION TO BLACK HAMMOCK, according to the plat thereof as recorded in Plat Book 1, page 31, Public Records of Seminole County, Florida.

PARCEL IDENTIFICATION NO.: 25-20-31-5BA-0000-0560

The East half of Lot 56, VAN ARSDALE OSBORNE BROKERAGE CO'S. ADDITION TO BLACK HAMMOCK, according to the plat thereof as recorded in Plat Book 1, page 31, Public Records of Seminole County, Florida.

PARCEL IDENTIFICATION NO.: 25-20-31-5BA-0000-056A

Lot 56 less the East one-half thereof, VAN ARSDALE OSBORNE BROKERAGE CO'S. ADDITION TO BLACK HAMMOCK, according to the plat thereof as recorded in Plat Book 1, page 31, Public Records of Seminole County, Florida.

PARCEL IDs: 25-20-31-5BA-0000-036A
25-20-31-5BA-0000-0360

LOT 36, VAN ARSDALE OSBORNE BROKER CO'S ADDITION TO BLACK HAMMOCK, according to the plat thereof, as recorded in Plat Book 1, Page 31, Public Records of Seminole County, Florida.

PARCEL ID: 25-20-31-5BA-0000-034A

LOT 34 less the East one-half of thereof, VAN ARSDALE OSBORNE BROKERAGE CO'S ADDITION TO BLACK HAMMOCK, according to the plat thereof, as recorded in Plat Book 1, Page 31, Public Records of Seminole County, Florida.

Item # 54

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: HOME RULE CHARTER AMENDMENT

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Donald S. Fisher CONTACT: April Boswell EXT. 7339

Agenda Date <u>08/10/04</u>	Regular <input type="checkbox"/>	Consent <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input type="checkbox"/>		Public Hearing – 7:00 <input checked="" type="checkbox"/>	

MOTION/RECOMMENDATION:

Approve the ordinance proposing amendments to the Seminole County Home Rule Charter, through referendum vote, that will designate an Urban/Rural Boundary, establish a Rural Area and provide that the Seminole County Comprehensive Plan shall control Land Use within said Rural Area.

District: Countywide

April Boswell, Senior Planner

BACKGROUND:

At its meeting of July 27, 2004, the Board of County Commissioners authorized advertisement for a public hearing to consider an ordinance proposing amendments to the Seminole County Home Rule Charter, through referendum vote, that will establish an Urban/Rural Boundary, define Rural Lands and provide authority to amend said boundary and land use determination authority for all Rural Lands to the Board of County Commissioners. The proposed ordinance provides a mechanism officialized in the Home Rule Charter by which the integrity of the Rural Lands in the eastern portion of Seminole County will be maintained, therefore, furthering objectives set out in the Urban/Rural Boundary first established in 1991.

In 1991, the Board of County Commissioners established an Urban/Rural Boundary which was incorporated into the Vision 2020 Comprehensive Plan. This Boundary established delineation between the Urban Services Area (land west of the Boundary) and the East Rural Area (land generally east of the Boundary). The East Rural Area was defined predominantly with three rural land use designations: Rural-3; Rural-5 and Rural-10, and three zoning classifications: Agriculture-3; Agriculture-5; and Agriculture-10, which limit densities to one dwelling unit per three, five and ten acres respectively. These designations were created to preserve rural

Reviewed by: _____
Co Atty: _____
DFS: _____
Other: _____
DCM: _____
CM: _____
File No. <u>PH700PDP06</u>

character, recognize an existing water and sewer service area in the Urban Services Area, and sustain a way of life prevailing in the East Rural Area, also defined as the Rural Lands. Subsequently, the Boundary was amended in 1994 and 1999.

The proposed ordinance provides language to amend the Charter that will: establish an Urban/ Rural Boundary; define Rural Lands; effectuate that the Future Land Use Element of the Seminole County Comprehensive Plan shall include a copy of the Rural Boundary Map and legal description of the Rural Area; that the Board of County Commissioners may remove property from the defined Rural Area and amend the Boundary by ordinance; and that the future land use designations in the Seminole County Comprehensive Plan shall control the density and intensity of development on all Rural Lands, as defined, regardless of whether some or all of the Rural Lands are located within a municipality.

Analysis of proposed Charter amendment:

- Will enhance the efforts to preserve rural character of the Rural Lands in eastern Seminole County
- Will continue to enable property owner's rights to develop
- Will not change the Urban/Rural boundary as currently drawn
- Will solidify the Urban/Rural Boundary and establish charter authority for amendment
- Will not prevent municipalities rights to annex
- Is consistent with the Seminole County Comprehensive Plan and Land Development Code

Charter Amendment Process:

1. The Board of County Commissioners authorized advertising of a public hearing for the enclosed ordinance for charter amendment at its July 27, 2004 meeting.
2. The Board of County Commissioners will consider the proposed charter amendment ordinance at the August 10, 2004 public hearing. If the Board approves the proposed ordinance, this authorizes a referendum vote.
3. The referendum ballot, as provided in the ordinance, will be voted on by electors November 2, 2004.
4. If a majority of voters approve the charter amendment, the following provisions will become effective November 3, 2004:
 - the Rural Boundary Map and legal description will be included in the Future Land Use Element of the Comprehensive Plan;
 - the Board of County Commissioners may remove property from the "Rural Area" and amend the Urban/Rural Boundary by ordinance and;
 - all changes to future land use designations for all Rural Lands must be approved by the Board of County Commissioners, whether the subject properties are incorporated or unincorporated, after the effective date.

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance.

District

Attachments: Ordinance

Rural Area Legal Description

Rural Boundary Map

AN ORDINANCE PROPOSING AMENDMENTS TO THE SEMINOLE COUNTY HOME RULE CHARTER; DESCRIBING PURPOSE AND INTENT; PROPOSING TO AMEND ARTICLE I, SECTION 1.4 OF THE HOME RULE CHARTER TO ALLOW CERTAIN COUNTY REGULATIONS TO SUPERSEDE CONFLICTING MUNICIPAL REGULATIONS; PROPOSING TO CREATE ARTICLE V, SECTION 1.2 OF THE HOME RULE CHARTER TO ESTABLISH A URBAN/RURAL BOUNDARY AND A RURAL AREA, DEFINE THE TERM RURAL LANDS, ALLOW THE BOARD OF COUNTY COMMISSIONERS TO REMOVE PROPERTY FROM THE RURAL AREA BY ORDINANCE, PROVIDE THAT THE FUTURE LAND USE DESIGNATIONS OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN CONTROL THE DENSITY AND INTENSITY OF DEVELOPMENT OF THE RURAL LANDS, REQUIRE COMMISSION APPROVAL OF ALL CHANGES TO THE FUTURE LAND USE DESIGNATIONS OF RURAL LANDS, REGARDLESS OF MUNICIPAL BOUNDARIES, PROVIDE FOR IMPLEMENTING ORDINANCES AND SUPERSEDING CONFLICTING MUNICIPAL ORDINANCES; PROVIDING FOR A REFERENDUM REGARDING THESE CHARTER AMENDMENTS; PROVIDING FOR CODIFICATION AND SEVERABILITY AND CONDITIONING THE EFFECTIVENESS OF THE PROPOSED CHARTER AMENDMENTS UPON VOTER APPROVAL AT A REFERENDUM.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Legislative Findings and Declaration of Intent.

(a) The Board of County Commissioners of Seminole County (the "Board") recognizes that the eastern portion of Seminole County is largely rural in character, consisting primarily of farms, agricultural uses and a limited number of residences. The Board further recognizes that the residents of the eastern portion of Seminole County have intentionally chosen a rural lifestyle, characterized by large residential lots, limited

traffic flow, few stoplights, little or no commercial development and limited urban amenities, such as water and sewer services. Many residents of this area have expressed to the Board their desire to maintain this rural lifestyle and rural landscape.

(b) It is essential to the preservation of the rural landscape and lifestyle to ensure that land development in this area does not exceed the intensity or density prescribed for rural development as indicated in Seminole County's existing land use designations.

(c) Overly intense or dense development will adversely impact existing drainage and roadway systems, some of which are already overtaxed. Further, certain properties in the eastern rural area are low lying with high water tables. As such, overly intense development of these properties would likely create adverse impacts and expense to neighboring properties.

(d) To preserve the existing rural lifestyle and rural landscape of eastern Seminole County there is a need to limit the provision of urban services and intensity of development. To accomplish that purpose, the Board has adopted and designated an Urban/Rural Boundary in the Seminole County Comprehensive Plan. Pursuant to the Comprehensive Plan, development on the eastern side of this boundary is subject to land use regulations limiting density and intensity of use and limiting the provision

of certain urban services, such as, for example and not as a limitation, central water and sewer systems.

(e) The Board wishes to recognize and adopt the Urban/Rural Boundary as part of the Home Rule Charter and create a "Rural Area" defined, in part, by the Urban/Rural Boundary.

(f) There are many properties located in the Rural Area which abut municipalities and are therefore subject to municipal annexation in the near future. It is the Board's intent to avoid future disputes between and among the County, the various municipalities and property owners regarding annexation and development of such properties. In that regard, the County seeks to clarify and preserve its authority over the density and intensity of development of all properties located in the Rural Area, regardless of whether such properties are within unincorporated Seminole County or a municipality.

(g) The Board recognizes that changing circumstances may require alteration of the Rural Area, without need of further charter amendment, by county ordinance.

(h) Pursuant to the Seminole County Home Rule Charter, Article IV, Section 4.2(C), the Board may propose a Charter amendment for referendum vote by passing an ordinance relating to such amendment by a majority vote of the Board.

Section 2. Amendment to Article I of the Seminole County Home Rule Charter. Article I, Section 1.4 of the Seminole County Home Rule Charter is hereby amended to read as follows:

Section 1.4. Relation to Municipal Ordinances.

Except as provided in Article V, Section 1.2 of this Charter, Municipal ordinances shall prevail over County ordinances to the extent of any conflict.

Section 3. Amendment to Article V of the Seminole County Home Rule Charter. Article V, Section 1.2 is hereby created to read as follows:

Section 1.2. Urban/Rural Boundary and Rural Area.

a. There is hereby established an Urban/Rural Boundary running in a generally north south direction as more specifically delineated on that certain map titled "Rural Boundary Map" and dated July 20, 2004, and a "Rural Area" as described in that certain legal description titled "Legal Description for Rural Area" and dated July 20, 2004, both of which are on file in the official records of the Clerk of the Board of County Commissioners. "Rural Lands", for the purpose of this Section, are those contained within the area depicted in the above referenced legal description. After the effective date of this section the Future Land Use Element of the Seminole County Comprehensive Plan shall include a copy of the map and legal description.

b. The Board of County Commissioners may remove property from the "Rural Area" and amend the Urban/Rural Boundary by ordinance whenever, in the opinion of the Board, such a change is necessary.

c. From and after the effective date of this section the future land use designations contained in the Seminole County Comprehensive Plan shall control the density and intensity of development on all Rural Lands, as that term is defined herein. The Board of County Commissioners must approve all changes to the future land use designations of all Rural Lands, regardless of whether some or all of the Rural Lands are located within a municipality.

d. The Board of County Commissioners may enact ordinances to implement this section. Municipal ordinances in conflict with this section or any implementing county ordinance are superseded to the extent of such conflict.

Section 4. Referendum.

(a) The Supervisor of Elections of Seminole County is hereby authorized and directed to place on the ballot for the General Election to be held on November 2, 2004, the following ballot title and question:

CHARTER AMENDMENT ESTABLISHING RURAL AREA AND
PREEMPTING MUNICIPAL COMPREHENSIVE LAND USE AUTHORITY
WITHIN RURAL AREA.

Shall the Home Rule Charter be amended to designate an Urban/Rural Boundary and create a "Rural Area" of the County, authorize future changes by County ordinance; provide that the Future Land Use Designations established in the Seminole County Comprehensive Plan shall apply to all lands, incorporated or unincorporated, within said "Rural Area", authorize implementing ordinances, and provide that the Charter and implementing ordinances supersede conflicting municipal ordinances.

Yes _____

No _____

(b) Notice of such referendum shall comply with all requirements of the Seminole County Home Rule Charter, Article IV, Section 4.2(c) and Chapter 100, Florida Statutes.

Section 5. Codification. Sections 2 and 3 of this Ordinance shall be codified in the Seminole County Home Rule Charter if approved by referendum. No other sections of this Ordinance shall be codified.

Section 6. Severability. If any provision of this Ordinance is for any reason held by a court to be unconstitutional, invalid, or void, it is the intent of the Board that such ruling shall not affect other provisions of this Ordinance which can be given affect without the invalid provision, and to such end, the provisions of this Ordinance are declared severable.

Section 7. Effective Date. Sections 1,4,5,6 and 7 of this Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners. Sections 2 and 3 of this Ordinance shall take effect on November 3, 2004 if approved by a majority of voters at referendum.

ENACTED this _____ day of _____, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
DARYL G. MCLAIN, Chairman

SPL/gn
07/27/04
P:\Users\slee\Ordinances\Urban Rural Boundary7.doc

Legal Description for Rural Area

July 20, 2004

The Rural Area is located in the Eastern portion of Seminole County, Florida, being more particularly described as:

Begin in Sec 1, Twp 20S, Rng 31E, at the intersection of the thread of the St. John's River, also being the Northerly boundary of Seminole County, with the Northeasterly shoreline of Lake Jesup, both being public navigable waterways, thence run Southerly and Southwesterly along said Easterly and Southeasterly shoreline of Lake Jesup to the NE Corner of the West 30 acres of Sec 33, Twp 20S, Rng 31E. Thence run Southerly along the East line of said West 30 acres to a point 60.00 feet North of the South line of Govt Lot 3, Sec 33, Twp 20S, Rng 31E. Thence run East along the North line of the South 60.00 feet of Govt Lots 3, 2, & 1 to a point 60.00 feet North of the NW Corner of Sec 3, Twp 21S, Rng 31E. Thence, South 60.00 feet to said NW Section Corner.

Thence South along the West line of said Section 3 to a point on the Northerly Right of Way of SR 434. Thence run Easterly along said Northerly Right of Way to the East line of Lot 19, Black Hammock, Plat Book 1, Page 31 of the Official Records of Seminole County, Florida. Thence run North along said East lot line to the NE Corner of said Lot 19. Thence continue North along the Northerly extension of the East line of said Lot 19 extended North to the North Right of Way of Florida Avenue. Thence run East along said North Right of Way to the Northerly extension of the West line of the NW ¼ of the SE ¼ of said Section 3. Thence run South along said West line to the SW Corner of the NW ¼ of the SE ¼ of Sec 3, Twp 21S, Rng 31E. Thence run East along the South line of the North ½ of the SE ¼ of said Section 3 to the East line of said Section 3.

Thence continue East along the South line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec 2, Twp 21S, Rng 31E to the SE Corner of said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2. Thence run the following courses through Black Hammock, Plat Book 1, Page 31 of the Official Records of Seminole County, Florida: Easterly across Canal Street Right of Way to the SW Corner of Lot 140; East along the South line of said lot to the SE Corner of Lot 140, Easterly across Elm Street Right of Way to the SW Corner of Lot 153, East along the South line of said lot to the SE Corner of Lot 153; Easterly across Kansas Street Right of Way to the SW Corner of Lot 236; East along the South line of said lot to the SE Corner of Lot 236; Easterly across Oklahoma Street Right of Way to the SW Corner of Lot 245; East along the South line of said lot to the SE Corner of Lot 245; Easterly across Orange Street Right of Way to the SW Corner of Lot 333; East along the South line of said lot to the SE Corner of Lot 333; Easterly across Stone Street Right of Way to the SW Corner of Lot 342; South along the West line of Lots 341, 340, 339 and 338 to the SW Corner of Lot 338; East along the South line of said lot to the SE Corner of Lot 338, Black Hammock, Plat Book 1, Page 31 of the Official Records of Seminole County, Florida, being the end of above referenced courses through said subdivision.

Thence Easterly across Van Arsdale Street Right of Way to the NW Corner of Lot 1, Swope's 2nd Addition to Black Hammock, Plat Book 3, Page 14 of the Official Records of Seminole County, Florida. Thence run Southerly 204.00 feet to the SW Corner of said Lot 1. Thence run Northeasterly along Southerly lot line of said Lot 1 a distance of 741.50 feet to the Easterly most point of said Lot 1. Thence, run Easterly along the North line of Sec 12, Twp 21S, Rng 31E to the NE Corner of said Section 12. Thence run South along the East line of said Section 12 a distance of 667.50 feet to the NW Corner of Lot 25, Lee's Iowa City, Plat Book 7, Page 35 of the Official Records of Seminole County, Florida. Thence continue South along the West line of Lots 25 & 30, said Plat of Lee's Iowa City, a distance of 1,979.90 feet to the SW Corner of said Lot 30. Thence run along the South line of Lot 31, said subdivision, for the following courses: West a distance of 631.50 feet; North a distance of 25.00 feet, and West a distance of 660.00 feet to the SW Corner of said Lot 31. Thence run Westerly across Van Arsdale Street Right of Way to the SE Corner of Lot 18, Swope's 2nd Addition to Black Hammock, Plat Book 3, Page 14 of the Official Records of Seminole County, Florida. Thence run North along the East line of said lot to the NE Corner of said Lot 18. Thence run West along the North line of said Lot 18 a distance of 330.00 feet. Thence run North to the North line of the South $\frac{3}{4}$ of Lot 17, said Swope's 2nd Addition to Black Hammock. Thence run West along said North line of the S $\frac{3}{4}$ a distance of 726.00 feet. Thence run South to the North line of said Lot 18. Thence, West along said North lot line to the NW Corner of said Lot 18. Thence run South along the West lot line to the SW Corner of said lot 18. Thence continue South along the Southerly extension of the West line of said Lot 18, across Cabbage Avenue Right of Way, to the North line of the South $\frac{1}{2}$ of Sec 12, Twp 21S, Rng 31E.

Thence West along the North line of the S ½ of said Section 12 to the NW Corner of the SE ¼ of said Section 12. Thence run South along the West line of said SE ¼ a distance of 349.50 feet; N76-38-00W a distance of 329.00 feet; S13-07-00E a distance of 530.00 feet; N65-28-00E a distance of 219.20 feet. Thence run South along the West line of said SE ¼ a distance of 567.70 feet to the NW Corner of the SW ¼ of the SE ¼ of said Section 12. Thence run East along said North line of the SW ¼ of the SE ¼ a distance of 132.00 feet. Thence, South to the South line of the N ¼ of said SW ¼ of the SE ¼. Thence run West along South line of said N ¼ a distance of 132.00 feet to the West line of said SW ¼ of the SE ¼. Thence run South along the West line of said SW ¼ of the SE ¼ to the **South ¼ Corner of Sec 12, Twp 21S, Rng 31E**. Thence run South along the East line of the NE ¼ of the NW ¼ of Sec 13, Twp 21S, Rng 31E a distance of 1,316.16 feet. Thence, West along the South line of the NE ¼ of the NW ¼ of said Section 13 a distance of 1,310.32 feet to the SE Corner of Lockwood Boulevard Complex, Plat Book 48, Page 17 of the Official Records of Seminole County, Florida. Thence run the following courses: S89-34-53W along the South line of said subdivision a distance of 820.11 feet to the SW Corner of Lot 2; N00-52-30W along the West line of said lot 2 a distance of 662.32 feet to the NW Corner of said Lot 2; S89-41-03W along the North line of said subdivision a distance of 550.03 feet to the West line of the NW ¼ of the NW ¼ of Sec 13, Twp 21S, Rng 31E.

Thence South along the West line of said Section 13 to the Northerly Right of Way of CR 419. Thence run Southeasterly along the Southwesterly boundaries of Riverside Landings First Amendment, Plat Book 63, Pages 64-66, Riverside Landings, Plat Book 55, Pages 1-2, and River Oaks Reserve Commercial, Plat Book 63, Pages 20-21, all recorded in the Official Records of Seminole County, Florida, to the Southerly most point of said River Oaks Reserve Commercial. Thence continue Southeasterly along said Northerly Right of Way of CR 419 to the East line of the NW ¼ of the NE ¼ of Sec 24, **Twp 21S, Rng 31E**. Thence departing said Right of Way, run Northerly along said East line of the NW ¼ of the NE ¼ of Section 24 to the NE Corner of the NW ¼ of the NE ¼ of said Section 24. Thence, continue Northerly along the East line of the SW ¼ of the SE ¼ of Sec 13, **Twp 21S, Rng 31E** a distance of 1320 feet more or less to the Southeasterly Right of Way of Willingham Road as recorded in Plat Book 6, Page 10 of the Official Records of Seminole County, Florida. Thence, Northeasterly along said Right of Way to the East Line of said Section 13.

Thence, Southerly along the East line of said Section 13 a distance of 660 feet plus or minus to the South line of the North ½ of the NW ¼ of the SW ¼ of Sec 18, **Twp 21S, Rng 32E**. Thence, run Easterly along said South line to the SE Corner of the NE ¼ of the NW ¼ of the SW ¼ of said Section 18, said point being on the South line of Willingham Acres (an unrecorded subdivision). Thence, continue Easterly along the South line of the North ½ of the NE ¼ of the SW ¼ of said Section 18 to the East line of the SW ¼ of Section 18. Thence run Northerly along said East line to the Southerly Right of Way of said Willingham Road. Thence, run Easterly along said Southerly Right

of Way of Willingham Road to the NW Corner of Sanctuary Phase 1, Village 4, as recorded in Plat Book 58, Pages 85-90 of the Official Records of Seminole County, Florida. Thence, continue Easterly along the Northerly line of the subdivision to the NE Corner of said subdivision, also being the NW Corner of Sanctuary Phase 2, Villages 7 and 8, as recorded in Plat Book 63, Pages 70-83 of the Official Records of Seminole County, Florida.

Thence, continue Easterly along the Northerly line of said Phase 2, Villages 7 and 8, to its NE Corner. Thence, run S00-59-27E along the Easterly boundary of said subdivision and Westerly Right of Way of said Willingham Road 1246.29 feet. Thence, departing said Right of Way, continue along said subdivision boundary the following courses: S89-13-27W a distance of 459.52 feet; S04-03-44E a distance of 500.82 feet; S89-13-27W a distance of 1524.20 feet; S00-58-45E a distance of 855.08 feet to the Southern most Corner of Sanctuary Phase 2, Villages 7 & 8, also being the NE Corner of Sanctuary Phase 2, Village 10 as recorded in Plat Book 63, Page 35-42 of the Official Records of Seminole County, Florida. Thence, continue along said boundary of Phase 2, Village 10 the following courses: S00-26-46E a distance of 1328.77 feet; S89-14-36W a distance of 1324.20 feet; s00-19-28E a distance of 700.89 feet to the southern most Corner of said Phase 2, Village 10.

Thence, departing said subdivision boundary, run Easterly along the North line of the West 165.00 feet of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec 20, Twp 21S, Rge 32E a distance of 165.00 feet. Thence, Southerly along the East line of the West 165.00 feet of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec 20, Twp 21S, Rge 32E to the Southerly Right of Way of County Road 419. Thence, run Northwesterly along said Right of Way to the East line of the West $\frac{7}{8}$ of the East $\frac{1}{2}$ of Sec 19, Twp 21S, Rng 32E. Thence, departing said Right of Way, run Southerly along said East line to the NE Corner of the West $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 19. Thence, run N85-51-30E along the South line of Lake Eva Estates (an unrecorded subdivision) a distance of 2000.93 feet to the SE Corner of said Lake Eva Estates. Thence, run N12-25-35W along the East boundary of Lake Eva Estates a distance of 595.53 feet. Thence, departing said subdivision boundary, continue N12-25-35W a distance of 1080 feet more or less to the Southerly Right of Way of CR 419. Thence, run Southeasterly along said Right of Way to the West line of the East $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec 20, Twp 21S, Rge 32E. Thence, run Southerly on said West line to the South line of the East $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$. Thence run Easterly on said South line to the West boundary of Townsite of North Chuluota as recorded in Plat Book 2, Pages 54-58 of the Official Records of Seminole County, Florida. Thence, run Northerly on said West boundary to the NW Corner of said North Chuluota. Thence, run Easterly along the Northerly boundary of said North Chuluota to the SW Corner of Lake Lenelle Woods as recorded in Plat Book 37, Pages 67-69 of the Official Records of Seminole County, Florida.

Thence, run along the boundary of said Lake Lenelle Woods the following courses: N00-00-21W a distance of 1131.60 feet; S89-50-55E a distance of 143.67 feet; N00-00-21W a distance of 606.40 feet; N89-50-55W a distance of 593.67 feet; N00-00-21W a distance of 399.90 feet; S89-51-06W a distance of 450.00 feet; N00-00-21W a distance of 483.00 feet; N89-51-06E a distance of 450.00 feet; N89-51-06E a distance of 936.41 feet. Thence continue N89-51-06E on an extension of said subdivision boundary, across Jacob's Trail Right of Way, a distance of 100.00 feet to a point on the West boundary of Osprey Lakes Phase 1 as recorded in Plat Book 60, Pages 38-45 of the Official Records of Seminole County, Florida. Thence, run along the boundary of said Osprey Lakes Phase 1 the following courses: N89-54-05E a distance of 25.00 feet; N00-08-38E a distance of 383.95 feet; N54-30-00E a distance of 2524.44 feet to the Northern most Corner of said Osprey Lakes Phase 1 said corner being the Northwesterly Corner of Osprey Lakes Phase 3 as recorded in Plat Book 62, Pages 4-6 of the Official Records of Seminole County, Florida.

Thence, continue along the boundary of said Osprey Lakes Phase 3 the following courses: N54-30-00E a distance of 184.63 feet; N90-00-00E a distance of 721.00 feet; S00-00-00E a distance of 1,988.08 feet to the SE Corner of the SW $\frac{1}{4}$ of Sec 16, Twp 21S, Rng 32E. Thence, departing said boundary, run Easterly on the South line of said Section 16 to the Northeasterly Corner of Osprey Lakes Phase 2 as recorded in Plat Book 62, Pages 1-3 of the Official Records of Seminole County, Florida. Thence run S00-00-49W along the Easterly boundary of said Osprey Lakes Phase 2 a distance of 1332.68 feet to the SE Corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec 21, Twp 21S, Rng 32E. Thence, run S88-58-07E along the South line of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 21 a distance of 1302.25 feet to a point 25.00 feet West of the East line of the NE $\frac{1}{4}$ of Sec 21, Twp 21S, Rng 32E. Thence run Southerly along a line parallel to and 25.00 feet West of said East line to the Easterly extension of the Northerly Right of Way of Brumley Road (being a 50' Right of Way).

Thence Westerly along said Northerly Right of Way to the Southerly extension of the Easterly Right of Way of Avenue H. Thence, Southerly along said Easterly Right of Way a distance of 500 feet more or less to the Northwesterly Corner of Estates on Lake Mills as recorded in Plat Book 60, Pages 85-92 of the Official Records of Seminole County, Florida. Thence, continue along the westerly Boundary of said Estates of Lake Mills and the Easterly Right of Way of Avenue H the following courses: S03-00-24E a distance of 165.41 feet; S00-55-07E a distance of 314.50 feet; thru a curve concave to the Northwest an arc distance of 70.66 feet. Thence departing said Right of Way and continuing on said Estates on Lake Mills boundary the following courses: S00-46-27E 155.97 feet; S01-06-36E a distance of 727.01 feet; S00-57-02E a distance of 709.22 feet; S01-13-59E a distance of 73.56 feet; S01-02-19E a distance of 1929.43 feet to the South line of the North $\frac{1}{2}$ of Sec 28, Twp 21S, Rng 32E.

Thence, run Westerly along said South line to the Easterly Right of Way line of SR 13 (per SRD Right of Way Map; also shown in the Townsite of North Chuluota, Plat Book 2, Pages 54-58). Thence, Southerly along said Easterly Right of Way to the South line of the SW $\frac{1}{4}$ of Sec 28, Twp 21S, Rng 32E. Thence, run Westerly along the South line to the SW Corner of said Section. Thence, run Northerly along the West line of said Section 28 to the South boundary of Townsite of North Chuluota as recorded in Plat Book 2, Pages 54-58 of the Official Records of Seminole County, Florida. Thence, run West along said subdivision to the SW Corner of said Townsite of North Chuluota. Thence, run Northerly along the Westerly boundary of said Townsite of North Chuluota to the SW Corner of Lot 5, Block 54 of said Townsite of North Chuluota. Thence, run West a distance of 50.00 feet. Thence run North to the Southeasterly shoreline of North Horseshoe Lake. Thence, run Easterly along said shoreline to a point on the Westerly boundary of said Townsite of North Chuluota. Thence, Northerly along said boundary to a point 100.00 feet South of the NE Corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec 29, Twp 21S, Rng 32E.

Thence, Westerly along a line 100 feet South of and parallel to the North line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 29 to a point on the Westerly line of said SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$. Thence, Southerly on said Westerly line to the SW Corner of said SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$. Thence, Westerly along the North line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 29 to the NW Corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$. Thence, Southerly along the Westerly line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ to the NE Corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 29. Thence, Westerly on the North line of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ to the NW Corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$. Thence, Southerly on the West line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 29 to the North line of the SW $\frac{1}{4}$ of said Section 29. Thence, Westerly on the North line of the SW $\frac{1}{4}$ of said Section 29 to the NE Corner of the Westerly 22 acres of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 29. Thence, Southerly along the Easterly line of the Westerly 22 acres of said NE $\frac{1}{4}$ to the North line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 29. Thence, run Westerly along said North line to the NW Corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 29. Thence, run Southerly along the West line of said SE $\frac{1}{4}$ to the SW Corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 29.

Thence, run Westerly on the South line to the SW Corner of said Section 29. Thence, continue Westerly on the South line of Sec 30, Twp 21S, Rng 32E a distance of 3,400 feet plus or minus to the thread of the Econlockhatchee River. Thence, run Southerly along the thread of said river to the South line of Sec 31, Twp 21S, Rng 32E, also being the Southern most boundary of Seminole County. Thence run along the boundary of Seminole County (per Florida Statutes Chapter 6511, No. 91, the "Creation of Seminole County") the following courses: Easterly along said Southern most boundary, also being the Southerly line of Twp 21S, Rng 32E and Twp 21S, Rng 33E, to the thread of the St. John's River and the Easterly most point of Seminole County, located within Sec 35, Twp 21S, Rng 33E; Northwesterly along the thread of said river, also being the Eastern boundary of Seminole County, to and through Lake Harney, returning to the thread of the St. John's River; continue Northwesterly and then Southwesterly along the thread of said river, being the Eastern and Northern boundary of Seminole County, to the Point of Beginning of the Rural Boundary Description.

ECONOMIC IMPACT STATEMENT

DATE: August 3, 2004

DEPT./DIVISION: Planning

CONTACT PERSON: April Boswell

EXTENSION: 7339

DESCRIBE PROJECT/PROPOSAL: Ordinance to amend the Seminole County Home Rule Charter that will designate an Urban/Rural Boundary, establish a Rural Area and provide that the Seminole County Comprehensive Plan shall control Land Use within said Rural Area.

DESCRIBE THE DIRECT ECONOMIC IMPACT OF THE PROJECT/ PROPOSAL UPON THE OPERATION OF THE COUNTY:

There will be no direct economic impact because no land use or zoning designation is being changed, therefore this will not require additional operations for the County. Landowners in the Rural Area are afforded the same land the same land use and zoning rights as they had prior to the enactment of this amendment.

DESCRIBE THE DIRECT ECONOMIC IMPACT OF THE PROJECT/ PROPOSAL UPON THE PROPERTY OWNERS/TAX PAYERS/CITIZENS WHO ARE EXPECTED TO BE AFFECTED:

There will be no direct economic impact because no land use or zoning designation is being changed, therefore this does not take away any rights or change any existing land use or zoning designation of any landowners in the Rural Area.






IDENTIFY ANY POTENTIAL INDIRECT ECONOMIC IMPACTS, POSITIVE OR NEGATIVE WHICH MIGHT OCCUR AS A RESULT OF THE PROJECT PROPOSAL:

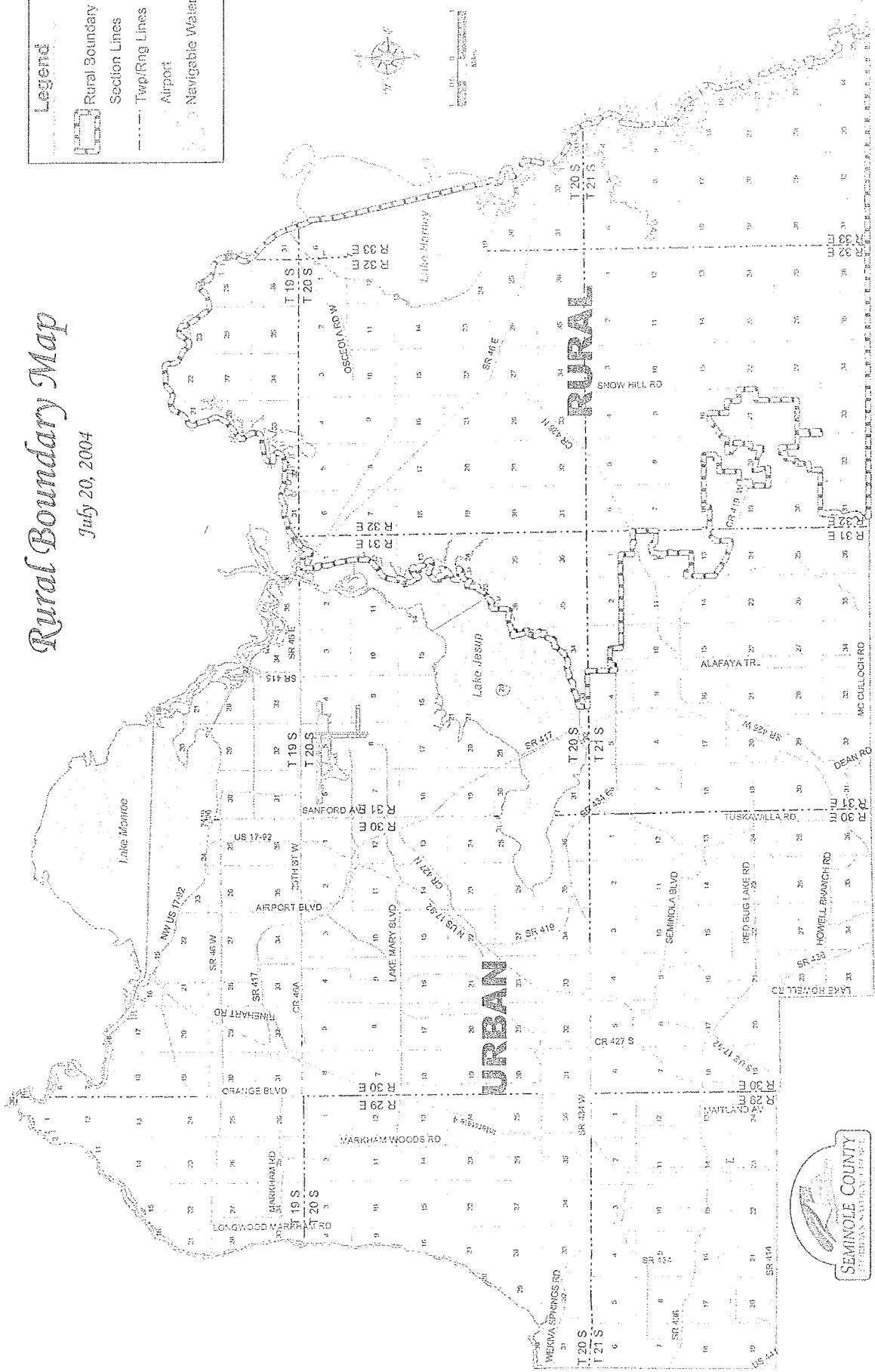
There will not be any indirect negative economic impacts, since no land use or zoning designations are changing. Everything will remain the way it is now for properties in the rural area.

Rural Boundary Map

July 20, 2004

Legend

-  Rural Boundary
-  Section Lines
-  Twp/Ring Lines
-  Airport
-  Navigable Water



Seminole County Community Development Department - Planning and Zoning Division - 100 N. E. Alafaya Blvd., Suite 200, Tallahassee, FL 32301

BOARD OF COUNTY COMMISSIONERS**SEMINOLE COUNTY, FLORIDA****AUGUST 27, 2013**

The following is a non-verbatim transcript of the **BOARD OF COUNTY COMMISSIONERS MEETING OF SEMINOLE COUNTY, FLORIDA**, held at 9:30 a.m., on Tuesday, August 27, 2013, in Room 1028 of the **SEMINOLE COUNTY SERVICES BUILDING** at **SANFORD, FLORIDA**, the usual place of meeting of said Board.

Present:

Chairman Robert Dallari (District 1)
Vice Chairman John Horan (District 2)
Commissioner Lee Constantine (District 3)
Commissioner Carlton Henley (District 4)
Commissioner Brenda Carey (District 5)
Clerk of Circuit Court Maryanne Morse
County Manager Jim Hartmann
County Attorney Bryant Applegate
Deputy Clerk Jane Spencer

Dr. Dwayne Mercer, First Baptist Church, Oviedo, gave the Invocation.

Commissioner Henley led the Pledge of Allegiance.

Chairman Dallari announced that SGTV will be providing a Spotlight on Seminole County Business video. Commissioner Carey stated she believes this is a great idea and hopes they will have a video at every meeting.

Seminole Business Spotlight - Symantec Corporation video was presented.

Chairman Dallari thanked staff and stated it would be advantageous if they could spotlight a company in the upcoming meetings.

—

AWARDS AND PRESENTATIONS

Ryan Cunningham, Kittelson and Associates, addressed the Board to present the SR 46 Corridor Safety Study presentation. Mr. Cunningham discussed the Study Corridor and the Study Purpose. He explained the Study

Goal and Study Process. With regard to Historical Crash Analysis, Mr. Cunningham reviewed the Crash reports obtained from Seminole County and the Florida Department of Transportation graph; Crash Trends, Contributing Factors; and the 2007 to 2011 Roadway Departure Crashes chart.

Mr. Cunningham displayed and discussed several Corridor Crash Maps. He explained how the corridor was separated into segments and intersections for location-specific analysis. He reviewed Potential Safety Countermeasures, Crash Prediction Scenarios, Existing Scenario Crash Prediction, Future "No Build" Scenario Crash Prediction, and the Countermeasure Evaluation by Benefit, Cost and Priority. He displayed the Countermeasure Evaluation chart regarding Mullet Lake Park Road to Avenue C and explained how they use the Cost per Crash Reduced number to help organize the countermeasures into three tiers.

Mr. Cunningham noted that the "Build" Scenario - Tier I Benefit/Cost Analysis slide contains a sample of four different locations while the report presents the information for the corridor as a whole. By having a group of countermeasures, a project crash modification factor, and a location, they can come up with a project benefit for each location. They looked at that for the corridor as a whole and summed those up. When they summed those up, they put together a summary table of Tier I, Tier II and Tier III projects. Mr. Cunningham reviewed the Project Benefits slide and pointed out that the Benefits/Cost ratio continues to go down as the cost of the improvements goes up. Mr. Cunningham concluded his presentation by detailing three Recommendations.

Commissioner Carey stated that when they looked at widening Markham Woods Road, they did an analysis and determined the real issue was mostly rear-end accidents because of left-hand turn movement. By doing left turn lanes, they have hardly had any accidents on Markham Woods Road since; and they saved enough money in one section to do it for the entire section of

road. She believes the Tier I approach is great and they can continue to evaluate and see if it is working.

Commissioner Horan stated the Tier I investment and the return on it actually could have a caterwauling effect in the sense this particular study is laid against an overall study that is being done right now concerning the widening and the general improvement of all of State Road 46 out to I-95. This study wanted to focus surgically on how they leverage the cost of safety improvements rather than just the movement of traffic and the connectivity of the even-numbered roads up and down the state. He believes this study graphically shows that not only do you have a great return on investment for a relevantly small investment in safety improvement but also you could postpone indefinitely the need for spending an enormous amount of money for the total cost of widening State Road 46. Commissioner Horan stated this was a great study and he hopes FDOT (Florida Department of Transportation) takes a very careful look at it and understands that at the local level, they are the ones that have to take a look at what those particular dollars mean in terms of public safety.

Commissioner Carey stated that she knows the limits of this study only went to SR 426. She has requested several times that FDOT look at that section of SR 46 that goes underwater when they have a tropical storm. She stated there were some minor improvements and stabilization when the road went underwater. She requested that Brett Blackadar, County Engineer, address the issue of whether FDOT is doing anything with some of the money that is saved to do some improvements so they don't have that issue in the future.

Brett Blackadar, County Engineer, addressed the Board to explain when FDOT did resurfacing in the area, they did raise the road to above the level where the waters were for Tropical Storm Fay. If that same event happened, it would not overtop the road now. He went on to point out that if there was a widening project in the future that went all of the way to

Brevard County, they would be reconstructing that entire bridge in that area and raising it up. Until then, there are not any plans to do an interim bridge. Tropical Storm Fay was the highest water they had recorded in that area as long as FDOT has been keeping records and was an unusual event. He believes the road is about eight inches higher now.

At the request of Chairman Dallari, Mr. Cunningham discussed the recommendations that came out of the quasi-study that was done by the community of Geneva.

Chairman Dallari confirmed with Mr. Blackadar that the next step is the PD&E (Project Development and Environmental) study. Discussion ensued with regard to the PD&E study. Upon further inquiry by Chairman Dallari, Mr. Blackadar explained they are looking at a timeframe for a public hearing. He stated this study is kind of a side study to look at the interim. The PD&E study still has to address the long-term needs. He advised they have made a recommendation, which is in the MetroPlan draft priority list, of two tiers to the project (interim safety improvements and long-term widening) so when the traffic volume does justify it down the road, they can relook at the widening. The PD&E study will make similar recommendations of Phase I and Phase II.

Chairman Dallari pointed out that in order to get to I-95, you have to go into another county. The other county has to have the will to do this as well. If they just take it to the county line, there is a bottleneck. Chairman Dallari stated he believes it makes a lot of sense to do Tier I and then to re-evaluate. To him, to widen the road at this time doesn't make sense from the information that he has seen. He believes if you are going to widen the road, it needs to be coordinated with other surrounding counties so there is not a bottleneck at the county line.

Commissioner Horan suggested with regard to the PD&E study, that if they structure it in such a way that you have a very concrete cost benefit analysis (as this study that is focused on safety shows), even though they

may be focusing on a totally different type of goal and objective, he believes it is a much more useful public policy document for the Board. He suggested to Mr. Blackadar that when he is talking to these people, he hopes he expresses those concerns as well. Mr. Blackadar explained that they are doing the PD&E study by FHWA standards because they want the project to be available for federal funds through MetroPlan and there are certain requirements that they have to follow to present that.

Chairman Dallari stated this study needs to be presented to the people doing the PD&E and they need to understand that Tier I is really where the low lying fruit is.

Shad Smith, Assistant County Engineer, addressed the Board to state that the PD&E study is being done by URS, and they are including the Safety study as part of that. He explained there will be two different steps or phases of the PD&E and the first is the safety improvements. The future volumes will be the next step when it is warranted.

PUBLIC PARTICIPATION

Dick Creedon, 1172 Apache Drive, addressed the Board to advise the community in Geneva totally supports all of the recommendations in Tier I and Tier II of the Safety study. He stated they adamantly oppose at this time anything in Tier III, especially the widening of the road. He requested a modification in Tier II and described a very sharp dangerous turn eastbound on SR 46 at Cochran Road. Mr. Creedon requested that the County consider acquiring a small piece of the triangular section of land at the northwest corner of Cochran Road and SR 46 so the turn would be more easily negotiated. He added when and if it comes to the point the road might be considered to be widened all of the way to I-95 that they use a model of what was done on the Wekiva Parkway, where the three counties came together and had the Memorandum of Understanding, so they will not end up with something that would be truncated and just hanging out like the end of a limb for many years.

Chairman Dallari requested that Mr. Blackadar take note of Mr. Creedon's two comments, the one about the sharp turn and the other one about the MOU.

COUNTY MANAGER'S CONSENT AGENDA

Jim Hartmann, County Manager, addressed the Board to advise that under the Consent Agenda he is pulling Item #16, Renewal of Non-Exclusive Franchise Agreement for Commercial Solid Waste Collection Service with Progressive Waste Solutions of FL. With regard to the Regular Agenda, he is pulling Item #35, Jobs Growth Incentive (JGI) Funding Agreement with IZON, LLC.

Chairman Dallari stated he has no problem with Item 27, Supplemental Amendment Number 1 to a Locally Funded Agreement with FDOT, but he wants to be sure the item comes back to the Board for the ownership issue. Brett Blackadar, County Engineer, explained that the action by the Board today authorizes the Locally Funded Agreement with FDOT to go to the limits and they would start discussions with the property owners. The County is not actually purchasing the property yet. He stated if the property is purchased, they can talk to FDOT who will purchase the property in either their name or the County's name. The ownership discussion and what they use the property for can be down the road after the intersection permits are done. Chairman Dallari advised he is requesting this be brought back at a later date after ownership has been established. He believes since the County is paying for it, it should be in their name.

Motion by Commissioner Carey, seconded by Commissioner Horan, to authorize and approve the following:

County Manager's Office

Business Office

2. Approve and authorize the Chairman to execute Service Agreements, as shown on page _____, for the following Civil Traffic Hearing Officers for Year 2013/2014: Christopher Morrison, Charles J. Cino, John A. Pascucci and Ava Tunstall, effective the date of execution by the County and remaining in effect until September 30, 2014, unless terminated as set forth in the Agreement.

Community Services

Business Office

3. Approve and authorize the Chairman to execute the Ninth Renewal, Amendment and Restatement, as shown on page _____, of County of Volusia Interlocal Agreement for Provision of Medical Examiner Services for Seminole County.
4. Approve and authorize the Chairman to execute the Satisfactions of Second Mortgage, as shown on page _____, for the following households assisted under the County's SHIP/HOME Home Ownership Assistance Program and the Foreclosure Prevention Program: Milton Blanco; Eileen Brunelle; John H. and Janice L. Bryant; Agnes Caquias; Sharon A. Clark; Rafela Cortez and Secundido Camacho, Angela A. Curcio, Sheryl Ann Glover; Rajko Kojic and Nada Kojic, Doris I. Baity Mullins, Catherine M. Schiraldi, Ronnie Smith and Cynthia Smith, Curtis Watson and Jacalyn Watson, Irene Williams, and Earl Jack Williams, Jr. and Charles Collier.

Community Development Division

5. Approve and authorize the Chairman to execute the Neighborhood Stabilization Program Rental Property Donation and Acceptance Agreement, as shown on page _____, between Seminole County and Mount Olive Missionary Baptist Church to provide an additional residential rental property for expanding services to Low Income and Moderate Income residents.
6. Approve and authorize the Chairman to execute two Certification Forms, as shown on page _____, for the State Housing Initiatives Partnership Program (SHIP) Annual Performance Report (APR).
7. Approve and authorize the Director of Community Services to execute regulatory required HOME Agreements between qualified first time homebuyers and Seminole County when using HOME Investment Partnership Program grant funds.

Development Services**Planning & Development Division**

8. Adopt appropriate Resolution #2013-R-214, as shown on page _____, vacating and abandoning the East 7.00 feet of the West 14.00 foot platted Utility Easement on Lot 2, Block I, Lynnwood Revision, according to the plat thereof, as recorded in Plat Book 16, Pages 32 through 33, of the Public Records of Seminole County, Florida, more particularly known as 1074 Martex Drive; Audrey Mason & Ann Hasty.

Environmental Services**Solid Waste Management Division**

9. Approve and authorize the Chairman to execute a Certificate of Public Convenience and Necessity, as shown on page _____, for Comfort House, Inc., effective from October 1, 2013 through September 30, 2014.
10. Approve and authorize the Chairman to execute a Certificate of Public Convenience and Necessity, as shown on page _____, for Conex Recycling Corporation, effective from October 1, 2013 through September 30, 2014.
11. Approve and authorize the Chairman to execute a Certificate of Public Convenience and Necessity, as shown on page _____, for

- GLE Scrap Metal-Florida, Inc., effective from October 1, 2013 through September 30, 2014.
12. Approve and authorize the Chairman to execute a Certificate of Public Convenience and Necessity, as shown on page _____, for Keller Outdoor, Inc., effective from October 1, 2013 through September 30, 2014.
 13. Approve and authorize the Chairman to execute a Certificate of Public Convenience and Necessity, as shown on page _____, for SP Recycling Southeast, LLC, effective from October 1, 2013 through September 30, 2014.
 14. Approve and authorize the Chairman to execute a Certificate of Public Convenience and Necessity, as shown on page _____, for USA Services Of Florida, Inc., effective from October 1, 2013 through September 30, 2014.
 15. Approve and authorize the Chairman to execute a Certificate of Public Convenience and Necessity, as shown on page _____, for Perma-Fix of Florida, effective from August 27, 2013 through September 30, 2014.
 16. **Pulled from the agenda** request for renewal of Non-Exclusive Franchise Agreement for Commercial Solid Waste Collection Service with Progressive Waste Solutions of FL, Inc., from October 1, 2013 to September 30, 2014.
 17. Renewal of Non-Exclusive Franchise Agreement for Commercial Solid Waste Collection Service with WCA of Florida, LLC, from October 1, 2013 to September 30, 2014.
 18. Renewal of Non-Exclusive Franchise Agreement for Commercial Solid Waste Collection Service with Waste Management Inc. of Florida, from October 1, 2013 to September 30, 2014.
 19. Adopt appropriate Resolution #2013-R-215, as shown on page _____, amending Section 18.5 of the Seminole County Administrative Code to remove the names of private companies that provide residential solid waste collection service; providing an effective date.

Leisure Services

Greenways & Natural Lands Division

20. Approve and authorize the Chairman to execute the first amendment, as shown on page _____, to the Agreement between Seminole County and the City of Sanford relating to contribution of Boater Improvement funds to support design and permitting for transient slip construction and improvement of the Sanford Marina entered into on December 13, 2011. This amendment requests the completion date be extended to December 12, 2013.

Tourism Development Division

21. Approve and authorize the Chairman to execute an Agreement, as shown on page _____, with Orlando Sanford International, Inc. and Central Florida Zoological Society, Inc. in the amount of \$2,500 per year for a period of three years for the sponsorship of the Avigator Space at the Orlando Sanford International Airport.

Public Works**Engineering Division**

22. Adopt appropriate Resolution #2013-R-216, as shown on page _____, and authorize the Chairman to execute an Aesthetic, Lighting, Hardscape, Mast Arms and Fire Suppression System Agreement, as shown on page _____, between the State of Florida, Department of Transportation, and Seminole County for the Ultimate Interstate 4 Project; FDOT - FM#s 242484-6, 242592-2-52-01 and 242592-3-52-01.
23. Adopt appropriate Resolution #2013-R-217, as shown on page _____, and authorize the Chairman to execute an Off System Construction and Maintenance Agreement, as shown on page _____, between the State of Florida, Department of Transportation, and Seminole County in conjunction with the reconstruction of State Road 400 (Interstate 4) from the Orange County Line to one mile north/east of State Road 434; FDOT - FM#s 242484-6, 242592-2-52-01 and 242592-3-52-01.
24. Approve and authorize the release of a Right-of-Way Utilization Permit Maintenance Bond #3339601 in the amount of \$4,141.50 submitted for roadway improvements to Douglas Avenue and Commerce Park in conjunction with the Silver Springs Square Project.
25. Approve and authorize the release of a Private Road Maintenance Bond #584350S in the amount of \$27,082 submitted for road and drainage infrastructure in conjunction with the Bella Tuscany Project.
26. Approve and authorize the release of a Private Road Maintenance Bond #58673038 in the amount of \$188,922.28 submitted for roads and drainage infrastructure in conjunction with the Preserve at Eagle Lake Project.
27. Adopt appropriate Resolution #2013-R-218, as shown on page _____, and authorize the Chairman to execute Supplemental Amendment Number 1 to a Locally Funded Agreement with the State of Florida, Department of Transportation, to add the acquisition of right-of-way for the construction of intersection improvements at State Road 434 and Ronald Reagan Boulevard (County Road 427); FDOT - Financial Management Number 240233-(4/5)-(4B/41/43)-01).

Resource Management**Business Office**

28. Approve and authorize the Chairman to execute First Amendment, as shown on page _____, increasing the Provider Service Agreement with Colonial Counseling Associates, Inc. from \$120,960 to \$163,834 to cover the costs of providing additional services in support of the FY 2012-13 Adult Drug Treatment Court Expansion and Enhancement Grant.

Purchasing & Contracts Division

29. Revise Award of IFB-601738-13/GMG, Term Contract, as shown on page _____, for Roadway Markings, Striping and Brick Texture Surfacing to Fausnight Stripe and Line, Inc., Longwood, and Oglesby Construction, Inc., Sanford; and authorize the Purchasing and Contracts Division to execute the Agreements.

30. Award IFB-601770-13/GMG, Term Contract, as shown on page _____, for Liquid Chemical Feed Systems Repair, Maintenance, Support, and Installation Services to Odyssey Manufacturing Co., Tampa for an estimated total annual amount of \$426,500; and authorize the Purchasing and Contracts Division to execute the Agreement.
31. Award RFP-601745-13/TLR, Term Contract, as shown on page _____, for Pest Control Services to Apex Pest Control, Inc., Orlando in the amount of \$33,696 annually, and authorize the Purchasing & Contracts Division to execute the agreement.

Districts 1, 2, 3, 4 and 5 voted AYE.

CONSTITUTIONAL OFFICER'S CONSENT AGENDA

Motion by Commissioner Carey, seconded by Commissioner Henley, to approve and authorize the following:

Clerk's Office

32. Expenditure Approval Lists, as shown on page _____, dated July 22 and 29, 2013; and Payroll Approval List, as shown on page _____, dated August 1, 2013; and approval of the BCC Official Minutes dated July 23, 2013; and noting, for information only, the following Clerk's "received and filed":

1. Amendment #1, as shown on page _____, to Work Order #8 to PS-1666-07.
2. Amendment #2, as shown on page _____, to RFP-601461-12.
3. Recovery House Lease, as shown on page _____, for property located at 591 Lake Minnie Drive per Purchase Agreement approval on June 11, 2013.
4. Work Order #4, as shown on page _____, to CC-8199-12.
5. Title Opinion, as shown on page _____, for replat of Elm Acres.
6. Conditional Utility Agreement, as shown on page _____, for Potable and Reclaimed Water Service with The Shtark Investment Group LLC for the project known as Savta Reserve.
7. Amendment #1, as shown on page _____, to PS-7333-12.
8. Work Order #18, as shown on page _____, to PS-5438-10.
9. BOA Development Order #13-30000028, as shown on page _____, Craig & Connie Chuhaloff variance.
10. Work Order #3, as shown on page _____, to PS-7643-12.
11. Amendment #1, as shown on page _____, to RFP-CS01-12.

12. Work Order #19, as shown on page _____, to CC-5075-10.
13. Work Orders #33, #34, #35, #36 and #37, as shown on page _____, to RFP-8312-12.
14. Performance Bond #SBA 851255, as shown on page _____, in the amount of \$186,478.20, Surety Bond and Power of Attorney for Contract CC-8548-13 (Approved by BCC on 6/25/13).
15. Amendment #1, as shown on page _____, to RFP-7423-13.
16. Work Orders #5 and #6, as shown on page _____, to CC-8199-12.
17. Order Acknowledging Transfer to Government Authority and Cancelling Water and Wastewater Certificates before the Florida Public Service Commission regarding Docket #130050-WS.
18. Performance Bond #1020598, as shown on page _____, in the amount of \$39,545 for the project known as Versailles.
19. Amendment #2, as shown on page _____, to Work Order #2 to PS-5473-10.
20. Memorandum, as shown on page _____, to Jim Hartmann, County Manager, from Gloria Eby through Alan Wheeler and Kim Ornberg, Public Works, regarding Unauthorized Commitment for restoration project in Lake Jesup.
21. M-8817-13 Basic Agreement, as shown on page _____, Paul J. Ford Company.
22. Closeout, as shown on page _____, for CC-8003-12.
23. Amendment #4, as shown on page _____, to Work Order #3 to RFQ-5888-10.
24. Work Order #7, as shown on page _____, to CC-8199-12.
25. Work Order #20, as shown on page _____, to CC-5075-10.
26. Developers Commitment Agreement, as shown on page _____, for L&L Acres.
27. Amendment #3, as shown on page _____, to Work Order #68 to PS-1529-06.
28. Amendment #1, as shown on page _____, to Work Order #102 to PS-5120-02.
29. Amendment #1, as shown on page _____, to Work Order #101 to PS-5120-02.

30. Amendment #1, as shown on page _____, to Work Order #100 to PS-5120-02.
31. Amendment #1, as shown on page _____, to Work Order #99 to PS-5120-02.
32. Amendment #1, as shown on page _____, to Work Order #98 to PS-5120-02.
33. Amendment #1, as shown on page _____, to Work Order #97 to PS-5120-02.
34. Amendment #1, as shown on page _____, to Work Order #95 to PS-5120-02.
35. Amendment #1, as shown on page _____, to Work Order #94 to PS-5120-02.
36. Tennis Developmental Instructor Agreement, as shown on page _____, Hien Nguyen.
37. RFP-601734-13 Term Contract, as shown on page _____, Accomtec.
38. Work Order #6, as shown on page _____, to RFP-CS01-12.
39. Closeout, as shown on page _____, for CC-8255-13.
40. Bids as follows: RFP-601711-13; RFP-601690-13 plus CD; IFB-601778-13; IFB-601770-13; and PS-8595-13.

Districts 1, 2, 3, 4 and 5 voted AYE.

REGULAR AGENDA

Tom Tomerlin, Interim Economic Development Director, addressed the Board to present the request to approve the Jobs Growth Incentive (JGI) Funding Agreement with Florida Marking Products, LLC, and an Interlocal Agreement with the City of Longwood addressing the City's contribution to the JGI incentive. Mr. Tomerlin pointed out that Florida Marking Products will be growing 25 new jobs into the community in addition to the 15 existing jobs. He explained that the job growth incentive award of \$50,000 will be split evenly with the City of Longwood. The City of Longwood approved the Interlocal Agreement to fund their \$25,000 part on July 15, 2013.

Mr. Tomerlin introduced Kevin Bennett, Director of Florida Marking Products.

Motion by Commissioner Carey, seconded by Commissioner Horan, to approve Jobs Growth Incentive (JGI) Funding Agreement, as shown on page _____, with Florida Marking Products, LLC, providing an incentive in the amount of \$50,000 for the creation of 25 jobs; and an Interlocal Agreement, as shown on page _____, with the City of Longwood addressing the City's contribution to the JGI incentive (\$25,000).

Districts 1, 2, 3, 4 and 5 voted AYE.

Mr. Tomerlin presented the request to approve the Jobs Growth Incentive (JGI) Funding Agreement with American Builders Supply, Inc. and the Interlocal Agreement between Seminole County and the City of Sanford, addressing the City's contribution to the JGI incentive. He explained that American Builders currently employs 291 people and are poised to grow 103 new jobs to man a truss manufacturing facility on airport property that they will lease from Orlando-Sanford International Airport. He explained that the job growth incentive award of \$206,000 will be split evenly with the City of Sanford and that the City of Sanford approved this item at their regular Board meeting last night. American Builders Supply is estimated to make a capital expenditure into the community of about \$2.9 million in support of this project. Discussion ensued with regard to the \$2.9 million capital expenditure.

Commissioner Carey stated that after the economic downturn, the Board encouraged staff to work with existing businesses to try and encourage them to not only stay in the community but to grow their businesses. She believes this is a perfect example of that.

Mr. Tomerlin introduced Shaun Heelan, Chief Financial Officer for American Builders Supply.

Motion by Commissioner Carey, seconded by Commissioner Henley, to approve Jobs Growth Incentive (JGI) Funding Agreement, as shown on page _____, between Seminole County and American Builders Supply, Inc., providing a total incentive in the amount of \$206,000 for the creation of 103 jobs; and the Interlocal Agreement, as shown on page _____, between Seminole County and the City of Sanford, addressing the City's contribution to the JGI incentive (\$103,000).

Districts 1, 2, 3, 4 and 5 voted AYE.

Chairman Dallari announced that Item #35, Request to approve the Jobs Growth Incentive (JGI) Funding Agreement with IZON, LLC, and an Interlocal Agreement with the City of Lake Mary addressing the City's contribution to the JGI incentive was **pulled from the agenda**.

Chairman Dallari recessed the meeting at 10:15 a.m., reconvening at 1:30 p.m., with all Commissioners and all other Officials, with the exception of Deputy Clerk Jane Spencer, who was replaced by Deputy Clerk Eva Roach, who were present at the Opening Session.

PROOFS OF PUBLICATION

Motion by Commissioner Carey, seconded by Commissioner Henley to authorize the filing of the proofs of publication for this meeting's scheduled public hearings into the Official Record.

Districts 1, 2, 3, 4 and 5 voted AYE.

PUBLIC HEARINGS

ORDINANCE REVISING RURAL AREA BOUNDARY LINE

Proof of publication, as shown on page _____, calling for a public hearing to consider an Ordinance revising the Rural Area Boundary Line as established in the Seminole County Home Rule Charter, affecting 4.51+/- acres; and associated Agreement between Seminole County, City of Winter

Springs, and American Land Investments of Central Florida, LLC, received and filed.

Nicole Guillet, Development Services Director, addressed the Board to advise this request is related to the Mermel property (4.51 acres) which is the subject of the proposed ordinance. She advised the rural area boundary was established by referendum in 2004. She said she spoke to several people to try to determine the basis for the actual boundary lines, but there is nothing in the history that clearly explains how the boundary line was established. This particular piece of property is within the boundary. Ms. Guillet displayed the Home Rule Charter language and the ballot language (both received and filed) establishing the rural area. She reviewed the Board's authority to move the boundary line. There were no criteria established in either the ballot language or the Charter Amendment establishing under what circumstances they could move the line. The rural line north of the Mermel property was moved by the Board in 2006 and that was the result of a lawsuit settlement.

Ms. Guillet stated the Mermel property is 4.5 acres and is surrounded by city properties that could be developed at a higher-intensity use. An industrial warehouse is located north of this property, and the adjacent property is a much higher-intensity use than is expected within the rural area. The other surrounding uses within the cities are higher-intensity residential uses. She explained the purpose of moving this property out of the rural boundary.

Ms. Guillet displayed and reviewed the subdivision layout (received and filed) showing the subdivision being within the City of Winter Springs and the City of Oviedo. The City of Winter Springs considered the first reading of the annexation ordinance to annex the subject parcel in July and will consider the second reading in September. She described the subdivision and advised the proposed use for this property is retention open space with no vertical construction. The tri-party agreement contains

clause that specifically prohibits the use of the 4.5 acres as part of the density calculation. It has no impact of adding additional lots and it doesn't give them any additional density if the property is moved out of the rural area to be incorporated into the subdivision. The allowable density is about 3.5 units per acre; and at 2.5 units per acre, they are significantly below where they would be permitted to develop in the cities of Oviedo and Winter Springs. They could take this piece of property off the table and accommodate their retention and recreation elsewhere on the site in order to accomplish the same yield of lots. They would have to reduce the lot size and it would be a smaller-lot subdivision than what is proposed now if they moved the retention off this site.

Ms. Guillet displayed and reviewed a list of Permitted Uses (received and filed) on this site if the property stays in the rural area. She referred to the tri-party agreement and stated there is not a lot of guidance of how to deal with moving the rural line. Ms. Guillet stated she took a look at this property so she could understand what value it adds to the rural area, why it would be important to keep it in the rural area, and any special circumstances that would have a bearing on the Board's decision regarding moving the line. She displayed an aerial view (provided in the backup) of the Mermel property and explained why she feels the rural boundary was configured in a way that it wraps around the city limits of Winter Springs. The property owner has agreed to some significant limitations on this property through the tri-party agreement. She reviewed the limitations as outlined in the agenda memorandum. The property owner has also committed to recording restrictive covenants in addition to the agreement that would incorporate the limitations.

Ms. Guillet stated under the tri-party agreement, the property owner and the City of Winter Springs have also committed to assign land use and zoning designations consistent with those restrictions. The County's obligation under that agreement is to consider moving the rural boundary

line. She stated the City of Winter Springs approved the tri-party agreement on August 26, 2013, and the City of Oviedo approved the Preliminary Subdivision Plan (PSP) on August 5, 2013. She said based on the circumstances that she discussed with the Board, the surrounding uses, the configuration of this property in relationship to the rural area, and the restrictions agreed upon for this site, staff is recommending approval of the tri-party agreement as well as the ordinance removing this parcel of land from the rural area.

At the request of Chairman Dallari, Ms. Guillet reviewed the list of restrictions. She explained how the deed restrictions are going to be handled if the agreement and ordinance are approved.

Upon inquiry by Chairman Dallari, Ms. Guillet advised there were no criteria when the rural area was amended in 2006. She stated she understands that that was accomplished to settle a lawsuit. She stated she doesn't think it will set a precedent in the sense that if the line is moved the Board will be obligated to grant any other request to move it. The most significant set of circumstances in this case are the restrictions, the proximity of this to urban development, the configuration and the value of this piece of property to the rural area.

Upon further inquiry by Chairman Dallari, Ms. Guillet explained that if the Board elected to move the line under these circumstances, they would be giving significant guidance with regard to any future requests for movement of the line.

Chairman Dallari stated he feels it is interesting to see that they are finally putting together criteria of what would happen if the line is considered to be moved.

Upon inquiry by Commissioner Carey, Ms. Guillet displayed and reviewed a breakdown (Site Data Sheet) of the overall density and the lot sizes in Oviedo and Winter Springs. Commissioner Carey stated she has said for years that they have the rural line and nobody has thought about

transitioning from four units per acre to one per three acres or even one to one. She said it was clear to her that in reading the ballot language, the voters recognized that there may be a requirement for change in circumstances. She stated she feels that ponds and the like enhance the rural area.

Ms. Guillet displayed an informational section (received and filed) of the Charter Amendment Ballot issue that discusses creating a process for the Board to consider revisions to the boundary line.

Dwight Saathoff, American Land Investments of Central Florida, addressed the Board to provide a little background of the Southern Oaks project. He displayed an aerial map (received and filed) of the site and stated the site is approximately one mile from SR 417 and adjacent to SR 434 and is surrounded by urban-style development except for the 4.5-acre rural parcel. The balance is within the city boundaries and zoned for at least 3.5 units per acre. He explained how he measures density and how they got where they are today with this project. He displayed copies of photographs (received and filed) showing the heavy vegetation from the street. He said he has no intention of touching the vegetation along the street and the 3½- to 4-acre lake that he is planning to construct behind the vegetation will start about 20 feet from the edge of the street. He added he doesn't expect that there will be a lot of difference in visibility or view of the property from what is seen in the pictures. This parcel is not adjacent to a rural homestead and will not be impacted by someone living in the rural area. There are no wetlands on the property. The studies that were submitted to the cities reflect that there are no threatened or endangered species on this property.

Mr. Saathoff stated this property does not lie in an area of archeological potential, it is not in a cone of influence that affects the drinking well, and it is not in the environmentally sensitive lands overlay. This property is serviceable by central water and sewer. This

property is neither in the preservation/managed lands area nor in the Geneva freshwater lens. They are not in a high recharge area or in the Econ Protection Area. He reviewed some background regarding how they came about purchasing this property and how it got in the rural area. He stated he believes he has the right to use the property in a fashion that is consistent with the current County Future Land Use, which is R-3. He reviewed the allowable uses and what can be built on the property. Mr. Saathoff displayed and reviewed the aerial map and discussed the designations in the rural area. He displayed an aerial map (received and filed) showing single family homes near the Black Hammock reserve. He discussed the deed restrictions and stated that of the 10 to 15 current uses, they are restricting down to just two or three uses. The use of this rural piece will end up being less intense and less impactful than many of the people living in the rural area. He said he feels that this will be a high-end project and the houses will be around \$500,000 or \$600,000. He added he has redesigned the parking spaces near the tot lot to take them out of the rural piece of the property. If the City of Winter Springs will allow them to use pervious material for any parking that might be along the edge or inside the rural piece, they will use it.

Paul Partyka, 292 Solaris Wharf Street, addressed the Board to speak in favor of revising the rural boundary line. He said he is a former mayor and commissioner of Winter Springs and the President of the Oviedo/Winter Springs Chamber of Commerce. It was a matter of time that that exit on SR 434 would instigate and start to be the catalyst for future development. The Black Hammock rural area is a fine community with Class A schools. What the citizens are looking for is quality development that is compatible with the area. It has to be where they can use the countryside to take care of the nature aspects of the area. They want a wonderful community that is going to be an asset to the entire area, a magnet for future people

to move in. He asked the Board to approve the project, but make sure it is done properly.

Marc Zipper, 297 Chiswell Place, addressed the Board to state he has lived in Seminole County for almost 30 years and he is in complete support of the project. He said he feels that the people living around the area will be very happy with the end result.

The names of David Buckmaster, Heather Fatz, Robert Skubial, Diana Skubial, Mark Ricketts, Linda Landau, Keith Landau, and Phyllis Rose were called to speak in favor of the project and it was determined that they were not in attendance.

Sandra Schantini, John Shantini, Vince Woile, Heather Woile, Julie Webb, Donald E. Downs, and Teresa Downs addressed the Board to state they are in support of the project.

The names of Matthew Tafoya, David Shook, Larry Scherer, Christopher Fiorenza, and Meussa Beyer were called to speak in favor of the project and it was determined that they were not in attendance.

Jerry Hardesty, 3016 Harbour Landing Way, addressed the Board to state he has lived in the area for 62 years and he has seen a lot of changes during this time. He said he is interested in what is going on in this county. He added he has looked at this project and believes the developer is trying to build something that will be good for the future.

John Daloise, 2020 Citrus Cove Dr., addressed the Board to state he strongly supports this project as this is the type of project he wants in his community. He asked the Board to approve the project.

Gary Singer, 205 Spring Lake Hills Drive, addressed the Board to speak in support of this project. He urges the Board to support this project as well as the tri-party agreement. The project doesn't have any negative impacts and he urges the Board to approve same.

Jeffrey Gindi, 550 Lake Markham Road, addressed the Board to state he is in support of the project. He said he feels the Board has a

responsibility to provide this kind of housing and development because there will be a demand for these types of homes as companies in Lake Mary will be adding thousands of jobs in this area.

Fred Lonsdale, 1025 Wellington Court, addressed the Board to state he has been a Seminole County resident for over 30 years and he is in support of the project as long as things are done according to commitments made today.

Chairman Dallari recessed the meeting at 2:30 p.m., reconvening at 2:37 p.m.

Michael Presutti, 980 Elm St., addressed the Board to state the rural boundary was established so there would be no more development. He said he has heard today is that there are two reasons to avoid the rural boundary and those are out of necessity and the other is out of change of circumstances. He said he has not heard anything at all based upon on those reasons. There is no indication that those have changed since the rural boundary was established. He said this project will be built with or without the change of the rural boundary. A precedent should never be established because there is a purpose for that. The Board's purpose is to make sure that everything goes according to plan. The purpose of the Rural Boundary is to keep from having any more urban sprawl going on in the area. If the rural boundary is changed, it will cause all kinds of problems in the future.

Richard Groskey, 2465 Stone Street, addressed the Board to speak in opposition to the request. He discussed the developers growing in Altamonte Springs, getting away from the development by moving to Black Hammock, why build more when the County has thousands of buildings that are empty, and to stalemate the development until the economy picks up.

Angie Williams, 1320 Hammock St., addressed the Board to state she lives in the Black Hammock area and has lived there for 25 years. She stated she voted in 2004 for the rural boundaries as there was a purpose to

keep it rural. There is something special about this place and they need to keep it that way.

Edward Brancaccio, 1610 Barr St., addressed the Board to state he also lives in the Black Hammock. He stated he believes that it will set a precedent if the developer is given this property and it will balloon out.

Lisa Zembower, 127 Big Oak Bend, addressed the Board to read a letter (not received and filed) on behalf of her husband, William J. Zembower, Chuluota Community Association, speaking in opposition to the project.

Don Kiolbasa, 600 Pine Grand Ave., addressed the Board to state his feelings on this are mixed. He stated his conclusion is why would they need 4½ acres for retention, tot lot and parking along the side of the road. He added he has neighbors that have to wait 20 minutes to get across SR 434 and he would like to know how much more they are going to add to that road. He asked the Board to protect residents and not help the developers.

Greg Gammage, 2300 Orange St., did not speak but is in opposition.

Nancy Harmon, 752 Pioneer Way, addressed the Board to state she agrees that this is a good opportunity for the County to establish a process that would, in the future, be able to allow them to make decisions of this nature regarding the rural boundary. She stated she feels that a precedent is set if the County creates a process changing the rural boundary to allow the developer to make a part of the land non-rural for the benefit of the community. She said there is a lot of benefit being in the rural environment and it keeps their community balanced. She added she doesn't understand why this property is being requested to be taken out of the rural boundary when everything that they are asking to do is based upon what is allowed in the rural boundary. She said she is having a problem understanding why this property has to be taken out of the rural boundary.

Deborah Schafer, 1740 Brumley Road, addressed the Board to state they have fought for the rural boundary for 18 years. She read a quote from the

newspaper that was made by a commissioner. She displayed a site plan (received and filed) and stated a boundary is now in place after a long, drawn-out process and there is nothing flawed about the rural boundary. When all of this was trying to be developed, the residents tried to get more in the rural boundary in the 2006 amendment. She pointed out on the site plan the location of the pond and reviewed the proposed development. She added she doesn't think any of the residents are against property rights in the rural boundary. She concluded that she doesn't believe that the voters didn't understand the necessity to move the rural boundary. She asked the Board to vote no.

Paul Ozolnieks, 1450 Florida Ave., addressed the Board to state he doesn't understand what part of "no" that the developers don't understand. He stated they do not need development in the Black Hammock area. He referred to the type of animals that are in the Black Hammock area and stated they will not have them if this development goes through.

Simon Laming, 2901 Elm St., addressed the Board to speak in opposition to changing the rural zoning.

Wanda Laming, 2901 Elm St., addressed the Board to speak in opposition to the project. She stated her main concern is the traffic in the area and the impact it will have.

William Turman, 1310 Hammock St., addressed the Board to state Winter Springs is going to do whatever they want with the property. He referred to the subdivision site plan and stated the real issue is whether the blue portion on the map retains the rural boundary or is given to Winter Springs through annexation or the Rural Boundary is removed. He said he is against the project as he feels they are setting a precedent. He added all they are talking about is removing the natural areas and developing subdivisions. The real issue is whether they can build this subdivision in the yellow portion on the map and still retain that property within the rural area and still do what they want to do. He displayed a Future Land

Use map showing the rural boundary area and stated it was amended in 2010 and it is totally different from what is being discussed.

Carol Patenaude, 966 Florida Ave., addressed the Board to state the issue she has is what's inside the rural boundary (retention pond and tot lot). She said she believes that under the rural boundary charter, the boundary remains in place unless there is necessity to move that boundary. The developer is requesting that a retention pond be placed in that area so they can keep the number of houses that they intend to build in Southern Oaks and she is not sure if she understands how that benefits the residents. She said a precedent will be set and cautioned that erosion starts with a little trickle and then it continues and continues until a river is raging through. She stated approving this request will not serve the interest of the residents and she urged the Board to vote no.

Lori Hildmeyer, 3585 Canal St., addressed the Board to state that she is not in support of the request.

Don Peterson, 3585 Canal St., addressed the Board to display a large aerial map (received and filed) showing properties abutting the Urban Rural Boundary. He stated he is here to ask the Board to not change the rules to benefit one person or a group. He said this is not about one tiny piece of the rural boundary, it is about the whole rural boundary. He discussed four properties and the property to the north within the rural boundary. The residents are not against the development but against changing the rural boundary. He made comments relative to whether or not the surrounding areas are going to be developed with retention ponds put on the rural side, how changing the rules will affect the density in Southern Oaks, a letter from the County Manager stating certain uses are not allowed, the ordinance and tri-party agreement only affecting their specific site, and transition taking place outside the boundary. He submitted a Petition, as shown on page _____, from area residents who do not want the rural boundary changed. He asked the Board to vote no on this

as it is the right thing to do for the rural constituents. Mr. Peterson explained the boundary line meanders because people opted out or opted in, but very few of them opted out. He said he would like to know what the change is that is so important that mandates moving the boundary.

Roberto Gaier, 2220 Orange St., addressed the Board to state he represents the Black Hammock Association and he is here to voice the concerns of the residents in the rural area. He stated he is here to provide additional guidance and wisdom to the elected officials. The rural boundary is here to stay and it is as sacred as the boundary of the County line and the U.S.A. borders. Changes to the rural boundary can only be done in the interest and benefit of all the citizens of Seminole County. Changes for the sole benefit of a very few or private entities are not admissible and are intolerable. Lifting the line of the rural area will just create a slew of problems and consequences with ripple effects, and it will open the flood gates of unimaginable destruction and consequences. The residents that voted to be in the rural boundary like that lifestyle.

Fabiana Zollo, 2170 Elm St., addressed the Board to express her concern about this small tract of land in the rural boundary being deemed outside the boundary. She stated over 60% of the residents voted for the rural boundary and they will be upset that the Board did not abide by their vote.

Victoria Dubia, 1650 Barr St., addressed the Board to state she just settled in the rural area believing that it was protected and the boundaries would not change. She asked the Board to not change boundary as a precedent will be set.

Gary Vest, President of Seminole Woods Community Association, addressed the Board to speak against changing the rural boundary. He said he represents approximately 256 homeowners of 5-acre parcels or larger in Seminole Woods. He stated he doesn't have a problem with the development, but he feels the Board does not need to change the boundary. He added any

change made to the rural boundary will have dramatic precedent effect in the future.

Daniel Levitt, 1000 Rich Point Cove, addressed the Board to state he is in favor of leaving the rural area the way it is.

Kevin Bernard, 209 Chestnut Ridge St., addressed the Board to state if the Board votes in favor of the applicant, then they need to be prepared to change the slogan of Seminole County as he feels that a price of \$500,000 to \$600,000 homes is not a natural choice.

No one else spoke in support or in opposition.

Speaker Request and Written Comment Forms were received and filed.

Randy Morris, 756 Keeling Pike, addressed the Board to explain how he got involved and to discuss the motivation for requesting the change in the boundary. He stated the applicant to put six to eight houses on the Mermel property and it was changed by the applicant to use the property appropriately in a way which he thought would work within the rural boundary. He stated the applicant, nor the City of Winter Springs, concur with Ms. Guillet's letter to the City that objected using the property as part of the Planned Unit Development (PUD). This property will annex into the City of Winter Springs in two weeks. When this property is annexed, the applicant will go forward with the Preliminary Site Plan (PSP) approval. The only way it will be stopped is with a lawsuit. Every use going into the new plan, after meeting with staff and residents, has been taken out that is objectionable and not permitted in the rural area now. If this goes to court, it will become a very difficult legal argument in relation to the zoning uses. The applicant has worked for over two months with staff to come up with an interlocal agreement that would set a precedent in the future. The tri-party agreement would move the boundary under certain conditions that goes with the title of the land and it cannot be undone. This property will be used for the purposes that it can be used for right now.

Mr. Morris stated if the applicant moves the pond in the current PD, it will lower the valuation of the houses, the community will be radically changed, and it won't be a Class A development. This type of development is going to add to the tax base and not take away from it. There were 19 public hearings held with the Cities of Oviedo and Winter Springs and the votes have mostly been unanimous in both jurisdictions.

Upon inquiry by Commissioner Horan, Mr. Morris explained why they need to annex this into Winter Springs.

Upon inquiry by Commissioner Carey, Bryant Applegate, County Attorney, explained why the property can't be left in the rural boundary with the applicant using it as a retention pond.

Ms. Guillet informed Commissioner Carey that staff's starting point was to try to protect the integrity of the rural area. In relation to the overall project, which is a two-unit-per-acre residential subdivision, the retention pond and tot lot are components of that and are not permitted individual separate uses. They are a component of the overarching residential use, and a two-unit-per-acre residential subdivision wouldn't be consistent with the rural designation. Ms. Guillet stated that the Charter Amendment doesn't establish a boundary that can never be moved, but vests the authority over land-use approvals with the BCC, whether it is in a city or in unincorporated Seminole County. Staff's concern is if the Board interprets the rural area and the Rural Land Use Designations to permit a retention pond and a tot lot that would accommodate a two-unit-per-acre subdivision, they would be corrupting the rural designations and creating a more damaging precedent.

Upon inquiry by Commissioner Carey, Ms. Guillet advised that staff feels that they will be protecting the rural boundary integrity by taking this piece of property out and putting on deed restrictions. Mr. Applegate stated he and Ms. Guillet determined that the best way to protect the integrity of the rural area was to ensure that this development was

considered as a whole and not piece it out. He added he feels that this is an incredible agreement to protect the rural area. Ms. Guillet added regulating the use of this land has to be reasonable and fair in the least restrictive means. This is compatible with the rural area under this proposal.

Mr. Morris stated they have tried to present a very rational compromise that goes with the land that defends the rural boundary rather than any other option.

Commissioner Henley asked staff if they felt that the conditions placed in the agreement will protect the rural boundary more than not changing it. Ms. Guillet explained why she feels the agreement will protect the boundary.

Ms. Guillet explained for Chairman Dallari why staff feels this is unique.

Commissioner Henley stated the County always faces the threat of being sued over decisions. He stated if it is true that this is a unique situation that will probably never be duplicated, he fails to see how that is going to strengthen them on a situation that is not similar to this. Mr. Morris explained what action would be taken if the applicant is stopped from going forward.

Commissioner Henley stated he feels that some of the restrictions are good, but it seems to him that if the Board approves this, they will weaken their position. The more something is done, the easier it becomes. He said he is afraid that they are watching the beginning of a demise of the rural area and he hopes that is not true. When the Board first discussed the rural area boundary, representatives from Winter Springs and Oviedo had concerns with the statement that would allow the BCC to change the boundary if it was in the benefit of the public. Both cities are now asking that it be changed. Commissioner Henley explained that the language was placed in the ballot so that if it became necessary for the good of the people to

change the boundary, the BCC could make that adjustment without having to pay for another referendum. He said he appreciates the efforts the applicant has made in trying to come up with something that is acceptable. It is not the responsibility of the BCC to make all the businessmen profitable. He stated it concerns him that the Board may be weakening themselves more by agreeing to the second change than if they send a message that this Board is not going to voluntarily change that line unless it benefits the citizens and he fails to see how it benefits them. He added he feels the Board is obligated to defend the decision of the voters.

Commissioner Horan stated he feels it is important that people understand, strategically and tactically, what they are trying to do within the law and within the Charter. He read Section 5.2c of the Charter and stated based on that language, he can understand staff's interpretation. He said he feels that the position would be different if a municipality was trying to take that provision and parley it into an annexation of 400 acres, connecting it to four acres. He added he agrees with the strategy that is being proposed. He said he feels this is a good solution to the problem and he will be voting for approval of the agreement and ordinance.

Chairman Dallari stated he takes the rural boundary extremely serious and he has every intention of protecting it. He said if the Board votes against this project, they will have a short-term win as this is extremely unique. He added his concern is if the Board denies this, they will have to go to court and sue the City of Winter Springs. He said he believes they will lose as he doesn't feel that the Judge is going to see that this is going to be in conflict. In looking at the geographic boundary of the road, it does make sense that it should be squared off. The rural area does have retention ponds, but because that pond is associated with that development, it has to have the same density as the whole development.

Therefore, they are putting the rural area in jeopardy by not allowing this pond to be outside that rural area.

Commissioner Carey stated she does think that this is a unique situation and what staff has proposed is a reasonable solution. She said she doesn't want to do something that is going to cause them to open up the whole boundary for discussion as that could potentially happen. She added she feels that by taking staff's recommendations, putting deed restrictions on it, by not allowing this piece of property to be used for the density calculation, and everything else that everyone has agreed to in the agreement is a reasonable solution. This is a reasonable way to allow this project and not end up in a lawsuit. Therefore, she will be supporting the request.

Commissioner Henley stated he feels that Mr. Saathoff is right that the easy land is gone and that is why all eyes are on the rural area because that is where the opportunities are. He said whether or not the Board is concerned about a lawsuit, eventually it is going to get there one way or the other. He added perhaps the Board's intent in the beginning was wrong when they put the language in that allows them to change it, if necessary, in the future. It might have been better protected if they left that out to where it would take a referendum to change it.

Commissioner Constantine stated he was a citizen in 2004 when he voted for the rural boundary. He stated he feels the developer is going to do the best job he can to make the best project he can. The question is what will they gain by moving the boundary. He said he personally feels that moving the rural boundary will do nothing for the county or the citizens. He added he feels the developer will put together a quality project that they can be proud of, but it doesn't help them in moving the rural boundary. Therefore, he will be voting against the project.

Motion by Commissioner Horan, seconded by Commissioner Carey to approve the Agreement, as shown on page _____, between Seminole County,

City of Winter Springs and American Land Investments of Central Florida, LLC, related to the Mermel property, as described in the proof of publication, American Land Investments of Central Florida, LLC.

Districts 1, 2 and 5 voted AYE.

Commissioners Constantine and Henley voted NAY.

- - -

Motion by Commissioner Horan, seconded by Commissioner Carey to adopt Ordinance #2013-25, as shown on page _____, revising the Rural Area Boundary Line as established in the Seminole County Home Rule Charter, affecting 4.51+/- acres, as described in the proof of publication, American Land Investments of Central Florida, LLC.

Districts 1, 2 and 5 voted AYE.

Commissioners Constantine and Henley voted NAY.

Chairman Dallari recessed the meeting at 4:16 p.m., reconvening at 4:26 p.m., with Clerk of Court Maryanne Morse entering late.

FLORIDA AVENUE RIGHT-OF-WAY VACATE

Continuation of a public hearing to consider request to vacate and abandon a portion of the public right-of-way known as Florida Avenue; approximately 1/8 mile north of SR 434 and west of DeLeon Street, as described in the proof of publication, as shown on page _____, Dwight Saathoff.

Brian Walker, Development Services, addressed the Board to advise the subject right-of-way is not needed for public access and the proposed vacate will not hinder access to adjacent properties. The applicable utility companies and staff have no objections to the request.

Maryanne Morse, Clerk of Court, reentered the meeting at this time.

Mr. Walker stated staff recommends approval of the request to vacate.

Dwight Saathoff, applicant, stated they applied for this request in August and staff asked them to make a donation of five feet of right-of-way

along the boundary of DeLeon Street. Those deeds have been executed and recorded. The 25 foot right-of-way was created in 1910 and a railroad may have used it at one time. The railroad is no longer there and the right-of-way goes in the back of Barrington Estates HOA. Roughly half of the right-of-way is wetland along the western side as well as 50% of the area in question.

Commissioner Horan confirmed with Mr. Saathoff that the easement is approximately 4,200 square feet, the ditch is supposed to provide flood control for the benefit of the Black Hammock area, and over half of the vacate area is within the jurisdiction of Winter Springs.

Don Peterson, 3585 Canal Street, stated he doesn't see any benefit of flood drainage on that canal that will help Black Hammock. He stated he found out that the actual measurement of the Florida Avenue extension is 1,274 feet long and has a 50-foot width with two 20-foot swales equaling a 90-foot right-of-way. He stated the right-of-way used to be the Atlantic Coastline railroad and discussed the track requiring 50 feet of bed with two swales, some of the rails still being in the ground, the extension for future use as a road and not for utilities, the wetlands in the area, and the developer needing this road to make his subdivision work so he can sell it to a builder for top dollar.

Mr. Peterson stated giving this right-of-way to the developer will allow slope for the retention pond on the south side and this will allow the developer to make five premium lakefront lots. Increasing the lot depth by 20 or so feet will allow the developer to place 1.5 houses on the road. He explained there is already a traffic problem at SR 434 and DeLeon and it is fixable now, but it won't be later. A traffic signal is not the answer, but changing the layout of DeLeon and Hammock Lane and SR 434 is an answer. A drawing on poster board showing the change of the layout was received and filed. He stated using the Florida Avenue extension as a road is the perfect solution. The Florida Department of Transportation (FDOT)

and the City of Winter Springs liked that idea. He added as more and more development occurs to the east, more traffic will be coming to the intersection. He submitted a Petition, as shown on page _____, from citizens opposing the vacate request. He displayed another poster board (received and filed) showing a drawing of the layout of Florida Avenue extension going to SR 434. He concluded that there are no wetlands at the end of Florida Avenue to the west. He asked the Board to not give the road away for free.

Upon inquiry by Commissioner Carey, Mr. Peterson advised he has a document from the County stating that the right-of-way is 50 feet and he can provide it to the Board. Commissioner Carey stated the survey indicates that the right-of-way is 25 feet. If this vacate goes forward, they will be vacating 25 feet.

Upon inquiry by Commissioners Henley and Carey, Brett Blackadar, County Engineer, addressed the Board to advise staff has discussed the layout with the City of Winter Springs. The County doesn't own the property south of Florida Avenue and there would have to be a taking of private property to make that connection. Significant wetland mitigation would have to occur. Staff had discussions with the City of Winter Springs and FDOT, and most likely FDOT would not approve another connection on SR 434. A lot of hurdles would have to be made to make that connection happen.

Upon inquiry by Commissioner Henley, Mr. Blackadar advised the one thing that the City of Winter Springs is working on with FDOT is a traffic signal at DeLeon. That would probably be justified in the future. Putting in another connection may hinder the chances of getting a signal at DeLeon.

Roberto Gaier, 2220 Orange Street, recommended postponing this item so it can be looked into thoroughly. He stated he feels the Board is giving away a piece of land worth in excess of \$600,000. He asked that the Board

not give the property away but to price it fairly so they can give back to the citizens the money they deserve.

Lisa Zembower, 127 Big Oak Bend, read a letter that deals with vacating the easement.

Carol Patenaude, 966 Florida Ave., displayed a map (received and filed) showing the Florida Avenue extension. She stated she doesn't condone giving away something that belongs to the citizens without full consideration. She asked the Board to leave the right-of-way open.

Upon inquiry by Commissioner Carey, Ms. Guillet advised she understands that there might be a perception that this is part of the right-of-way for the Florida Scenic Trail because there is an old map indicating this is part of that system. She indicated that the current alignment for the Florida Scenic Trail is south of this particular vacate, and representatives from DEP said that the southern route, not the one that runs along Florida Avenue, is the preferred route. They have abandoned the concept of using smaller loops for an existing concept that would take it out of this right-of-way. At one time, it was considered to be part of the system but is no longer in DEP's plan for the Florida Scenic Trail.

Upon inquiry by Commissioner Carey, Ms. Guillet advised that staff confirmed with DEP that they have no interest in this piece of property if it is vacated.

Nancy Harmon, 752 Pioneer Way, stated her taxes and the value of her house goes up every year. If the County wants the developer to have this land, then they should pay for it. She said she has no problem with the applicant having a development, but she resents the fact that the Board would give away property that is a value to them and not to her.

Melanie Freire, 3063 Freedom Trail, addressed the Board to read a letter that she wrote into the record. She requested that this item be continued as she doesn't feel the Board has accurate information to make an informed decision at this time. She said she has seen a traffic report

that was paid for by the developer. This area is going to be profoundly impacted by the Southern Oaks development. She added Florida Avenue is very dangerous when turning left from Hammock Lane onto SR 434 at certain times of the day. She said she is trying to get the UCF Civil Engineering Department to donate a traffic study of this area that the developer has not studied.

No one else spoke in support or in opposition.

Speaker Request and Written Comments Forms were received and filed.

Randy Morris stated it is 25 feet of right-of-way. The applicant has done surveys, title work and legal-description work.

Upon inquiry by Mr. Morris, Mr. Applegate advised the title work and survey are clear and staff has reviewed them.

Mr. Morris displayed and reviewed a site plan (received and filed) showing the dry area. He stated a traffic study was done and was reviewed by FDOT, the Cities of Winter Springs and Oviedo as well as the County. He displayed and reviewed a Traffic Crash Summary (received and filed) for SR 434/Hammock Lane; Hammock Lane/DeLeon Street, and Florida Avenue/DeLeon Street. He submitted and reviewed the Florida National Scenic Trail Routing Analysis Overview and an aerial map showing the Daily Traffic Volumes on Florida Avenue-DeLeon Street. This is a standard request and the applicant will not gain anything on this. He stated the purpose of the vacate request is to close off the subdivision. He said he spoke to the past president of the Florida Trail Association and the engineer who did the study for the Cross Florida Trail. He referenced a 2004 document on the County website that shows an alternate proposal that was never accepted. It was rejected by the consultant and the State as they were doing the Florida Scenic Trail. The Florida Scenic Trail became the Cross Seminole Trail to the south. They would never build parallel trails within $\frac{1}{4}$ of a mile of each other. The overlay for the Cross Seminole Trail became

the Cross Florida Trail as well as the Florida Scenic Trail and it runs all the way through the county until it becomes a natural scenic trail.

Commissioner Henley stated there have been several presentations by the trails organization to MetroPlan and there is a lot going on dealing with the connectivity of all the trails. The Governor vetoed the proposal for funding them. He stated he feels that if they vacate property, it is generally around 25 feet to 30 feet and it is divided between two adjoining land owners.

Upon inquiry by Commissioner Henley, Mr. Morris advised there are a lot of trees and vegetation on both sides of Florida Avenue and it is half wetlands. He said they will not be disturbing any of that. He stated there will be one lot on the upland and the rest would be backyards.

Upon further inquiry by Commissioner Henley, Mr. Saathaff advised both cities have strict tree ordinances and they will be in full compliance with them. Mr. Morris stated the property is less than $\frac{1}{2}$ an acre and they will be using a small portion of it for one lot. Mr. Saathoff stated they are also granting the County a drainage easement. He added this is not surplus property and nothing is being given away.

At the request of Chairman Dallari, Ms. Guillet reviewed the memo from DEP relating to the trail. She also addressed the issue of the County selling rights-of-way and owning property fee simple.

Commissioner Carey commented that the County vacates rights-of-way and utility easements all the time in order to benefit the citizens.

An e-mail from Richard Durr relating to the Florida Trail was received and filed.

Motion by Commissioner Horan, seconded by Commissioner Carey to adopt appropriate Resolution #2013-R-219, as shown on page _____, vacating and abandoning a portion of the public right-of-way known as Florida Avenue; approximately 1/8 mile north of SR 434 and west of DeLeon Street, as described in the proof of publication, Dwight Saathoff.

Districts 1, 2, 3, 4 and 5 voted AYE.

Ex parte communications from Commissioner Carey for Items #36, Revising the Rural Boundary Line, and #37, Florida Avenue vacate, were received and filed.

BOA APPEAL/Meritage Homes

Proof of publication, as shown on page _____, calling for a public hearing to consider an Appeal of the Board of Adjustment's (BOA) decision to deny the request for a (1) side- yard (east) setback variance from 6 feet to 5 feet and (2) a side yard (west) setback variance from 6 feet to 5 feet, for a single-family home in the PD (Planned Development) district for property located on the north side of Bella Vista Circle; approximately 200 feet west of the intersection of Roma Lane and Sand Lake Road, and particularly known as 1108 Bella Vista Circle, Meritage Homes, received and filed.

Jeff Hopper, Development Services, addressed the Board to present the request as outlined in the agenda memorandum. He stated the BOA denied the request based on information presented at the hearing. He reviewed some background regarding the variance request. Staff recommends that the BCC uphold the BOA's decision to deny the request.

Joseph Antequino, appellant, addressed the Board to explain why he is here today and why this request is so important to his family. He displayed and reviewed a plot plan (received and filed) of the proposed construction. He said this variance will allow his family to comfortably park their cars, protect them from the rain and elements, and allow them to have visitors without having them park on the street. He added he believes that this will increase the property value of his home. He said he spoke to some of the residents in the community and the first thing they talked about was drainage issues. He talked about all single-family homes in the community having larger footprints than his. Mr. Antequino discussed traffic issues. He affirmed that there will be no further variance

requests sought by Meritage Homes. He explained the reason why he feels the variance failed at the BOA hearing. He read a letter from Jeff Bissey speaking in favor of the request. An e-mail from Jeff Bissey speaking in support was received and filed. He submitted a Petition, as shown on page _____, from area residents supporting the variance. Maps showing the proposed site and the neighborhood were received and filed.

Tracy Reid-Thompson, 1631 Stargazer Terrace, addressed the Board to state she represents Meritage Homes. She stated she has seen the appellant go through a lot of challenges and it is her desire to close this community out quickly. She requested the Board approve the variance.

Lynn Kuschmann, 104 S. Interlachen Ave., addressed the Board to discuss the amount of time she spent with the appellant to find property for them. She stated as a Realtor, she feels that it would be better to have a car enclosure than a driveway at the side of the house. This home is a higher-end property and is consistent with other homes in the area. She discussed the different things that the Antequino family has gone through. She requested the Board consider approving the variance request.

Tally Helman, 1116 Bella Vista Circle, addressed the Board to state he lives on the eastern side of Lot 82. He stated he opposes overturning the decision regarding the variance as he believes that no other homes have been allotted this variance. He spoke with regard to the constant drainage issues in this area and Mr. Bissey speaking to him about what was going on with the variance.

Edward Pineiro, 1123 Bella Vista Circle, addressed the Board to point out that the house fits on the lot without the garage, no other house in the area requiring variances, drainage issues in the area are due to the swale, this variance could set a precedent, everyone in the neighborhood has abided by the setbacks, and there is no sinkhole near the residence but unstable soil. He stated he is totally against the request.

Jill Ogden, 1120 Bella Vista Circle, addressed the Board to state that generally, the two priorities in selecting a home are the location and the features of the home. She stated she is almost certain that every family that picked Bella Vista to live in picked the location because of the school district and probably had to compromise on some features.

No one else spoke in support or in opposition.

Speaker Request Forms were received and filed.

Mr. Antequino displayed the plan and reviewed what a tandem garage is. He addressed the drainage issues, the footprints of other homes and the sinkhole issue.

Upon inquiry by Commissioner Carey, Ms. Reid-Thompson advised this lot is not 100% covered in pavers. She stated when this home is built the pavers will be removed and grass will replace them.

Upon inquiry by Chairman Dallari, Ms. Guillet advised this is the first time she is aware of drainage issues in the area. Chairman Dallari requested staff to check into that issue at a later date.

Upon inquiry by Commissioner Horan, Ms. Guillet advised the setback requirement varies from zoning district to zoning district. She stated this is a PD and the setback standards are set as negotiated zoning criteria. The comparable straight-zoning district is R-1A and the side yard setbacks are 7½ feet.

District Commissioner Constantine stated he feels this is not about drainage but about the applicant not satisfying all six criteria under Section 30.43 of the Land Development Code (LDC).

Motion by Commissioner Constantine, seconded by Commissioner Henley to uphold the BOA's decision thereby, denying the request for a (1) side-yard (east) setback variance from 6 feet to 5 feet and (2) a side-yard (west) setback variance from 6 feet to 5 feet, for a single-family home in the PD (Planned Development) district for property located on the north side of Bella Vista Circle; approximately 200 feet west of the intersection of Roma

Lane and Sand Lake Road, and particularly known as 1108 Bella Vista Circle, as described in the proof of publication, Meritage Homes; Decision on Appeal, as shown on page _____.

Districts 1, 2, 3, 4 and 5 voted AYE.

CHAIRMAN' S REPORT

Chairman Dallari stated a financial fitness seminar was held on August 16, 2013 and he would like to thank the employees for putting that together.

Chairman Dallari stated he was asked by the Central Florida Sports Commission to write a letter of support for an application to bring in the NCAA (National Collegiate Athletic Association) Championship.

Motion by Commissioner Carey, seconded by Commissioner Horan to authorize the Chairman to execute a Letter, as shown on page _____, to the National Collegiate Athletic Association supporting the Central Florida Sports Commission's efforts in bringing the NCAA Division II & III Men's and Women's Tennis National Championships to Seminole County.

Districts 1, 2, 3, 4 and 5 voted AYE.

Chairman Dallari stated he received a request from Earnest Products to go after the tax credit program for PACE.

Nicole Guillet stated Earnest Products is asking the County to send a letter to Congressman John Mica supporting their desire to utilize a new market tax credit program.

Commissioner Carey stated when it was presented to the County to adopt the language that would allow people to utilize the PACE program, the County Attorney's recommendation was that the County not adopt that. It is a federal program that already exists, but the County would need to adopt it to allow people to be able to utilize the program. She said she doesn't

understand why the County would write a letter of support to Congressman Mica if they are not going to adopt it.

Chairman Dallari requested that Ms. Guillet and the County Attorney's Office review this further and bring it back at a later date.

Commissioner Horan stated there are two programs, one is the State program and the other is a Federal PACE program. He said he believes the one the County is being asked to opine on is the State program.

Chairman Dallari stated he believes the County will potentially be looking at some bonds in the next couple of months. He stated the investment banking team (Citigroup, Fifth Third, JP Morgan, Luke Capital, and Raymond James) have changed quite a bit and he would like to bring that back possibly putting it out to bid again.

Commissioner Carey stated the County trusts people to give them good financial advice and as people move around, they do not have a relationship with several of them.

Chairman Dallari requested the County Manager bring that back to the Board.

Mr. Hartmann stated the Board selected the teams for the current bond issue and they have been working on creating bond documents.

COMMUNICATIONS AND/OR REPORTS

The following Communications and/or Reports were received and filed:

1. Letter with attachment dated August 12, 2013, from Blanche Sherman, LYNX, to Chairman Robert Dallari RE: LYNX Quarterly Reports - as of June 30, 2013.
2. Copy of letter with attachment dated August 15, 2013, from Cathy Galavis, Department of Revenue, to David Johnson, Seminole County Property Appraiser's Office, RE: Changes to the Property Appraiser's budget. (C: BCC, County Manager, Resource Management)

- 3. Letter with attachment dated August 16, 2013, from Erin O'Donnell, City of Altamonte Springs, to Chairman Robert Dallari RE: Annexation of property into the City of Altamonte Springs located at 740 Orange Avenue. (C: BCC, County Manager, Development Services)

- 4. Letter with attachment dated August 16, 2013, from Erin O'Donnell, City of Altamonte Springs, to Chairman Robert Dallari RE: Annexation of properties into the City of Altamonte Springs located at 671 Hillview Drive and 685 Gateway Drive. (C: BCC, County Manager, Development Services)

-
-

DISTRICT COMMISSIONERS' REPORTS

Commissioner Henley stated he and staff are still discussing water issues at Myrtle Lake as they haven't been able to meet the criteria. They have been discussing this issue with the City of Longwood and the City is willing to provide it if they annex into the city. Everyone does not totally support the annexation.

Commissioner Henley stated he has met with a group of citizens from Winwood near Merritt Street and they are desirous of trying to improve their neighborhood, particularly the location to the SunRail Station. He said he discussed with citizens about doing a CRA and he told them that he felt it was a little premature for them to come to the Board. He added they have been meeting with the Central Florida Regional Planning Council (CFRPC) and they have helped the residents a great deal.

Commissioner Carey stated she submitted all of her ex parte communications into the record for this afternoon's public hearings.

Commissioner Carey stated a woman came into her office indicating that she had been trying to obtain a mortgage modification. She said the lady

received first-time home buyer assistance to buy her home. The lady has been trying for six months to obtain a sign-off from Community Services staff saying they would subordinate the County's position, and it was finally elevated to a supervisor after six months. She stated it has just been sitting there for the past six months as the County's policy isn't clear if they can or cannot subordinate on a mortgage modification. If someone is doing a mortgage modification and they are not taking any cash out of their home, and it is putting them in a better situation to stay in the home and not be foreclosed on, then there should not be an issue with the County subordinating the first-time homebuyer loan. She said she found out a lot of people have gone through this process. The woman has a medical hardship and she is now in a situation where the mortgage company is saying that this has been going on for over a year, and now she has to either reapply or they are going to foreclose on her home. Commissioner Carey said she has asked Mr. Applegate to intervene. She added if the County needs to clarify their policy, then that needs to be done immediately. Chairman Dallari requested that this issue be placed on the next agenda if the policy needs to be changed.

Commissioner Carey stated she attended the Florida Association of Counties (FAC) Board of Directors Strategic Planning session last week and this is the update to their Five-Year Plan. She complimented John Streitmatter for doing an excellent. She added Mr. Strietmatter will continue to work with the Strategic Planning Committee to finalize the next Five-Year Plan. The goal is to have a one-page Strategic Plan completed by June 2014 and to be voted on by the FAC Board of Directors at their annual meeting. She stated many of the counties have asked about FAC taking a position in federal focus. There are a lot of unfunded mandates that have come from the Federal Government. She added FAC has discussed this and she feels that what will come out of the committee is that FAC would be a

legislative advocate on the Federal level and pick up to three issues that would affect the counties throughout the State and to coordinate outreach at the national level through the Governor's office. Brian DeLoach is currently the President of FAC and is going to be running for the National Association of Counties Second Vice President next year. They have requested that one commissioner from each county consider attending the NACo Conference to support that. She said the swing states in those elections on a national level are Florida, California, Texas and New York.

Commissioner Carey stated there are a number FAC Enterprise Programs and she would like staff to take a hard look at these programs. She said she believes the counties that are participating in them are seeing great savings by utilizing some of these programs. She said she would like staff to review that further.

Upon inquiry by Chairman Dallari, Commissioner Carey advised she can provide the Board members a list of the Enterprise Programs.

Commissioner Carey stated there has been a lot of discussion relating to the impact of the Florida Retirement System (FRS) Program on the County's budget. She stated Senator Webster is planning to bring up the FRS reform during the upcoming session. She reviewed some of the interesting facts of the retirement system. She said the one interesting thing is an employee has five months to make their selection and if they do not choose a selection, they default into the Pension Plan. She added she believes the default should be in the Investment Plan rather the Pension Plan. She said it is interesting to know that approximately 54% of the new employees that are part of the FRS never make a choice and they automatically default into the Pension Plan, 25% choose to go into the Investment Plan, and 21% choose to go into the Pension Plan. The FRS Pension Plan is one of the most solvent in the country. She suggested that

the Cities, School Board and the County look at teaming up as a small group of representatives to go to Tallahassee to discuss the community issues at the same time.

Commissioner Carey stated starting October 1, 2013, a statewide Walk for Wellness Program will be promoted through the Florida Department of Health and the ultimate goal is to walk 2,000 miles. She said she has asked for additional information on that and she will provide that to everyone in the County.

Commissioner Constantine reported that FAC believes one of the issues that will create the biggest stir is medical marijuana.

Commissioner Constantine informed the Board that CALNO is meeting at the airport on September 4.

Commissioner Constantine stated Charity Challenge earned \$220,000 and the one thing that had never occurred before was the teams and sponsors were allowed to tell them where they wanted the money to go. A great deal of the money went to the North Seminole charities such as the faith-based African American Organizations.

COUNTY MANAGER' S REPORT

At the request of Mr. Hartmann, Ms. Guillet stated she doesn't believe the new market tax credit program is akin to the PACE program. This program targets investment- and low-income census tracts and they get a credit back over a seven-year period. Earnest Products is just outside of the census tract and is asking Congressman Mica's office to support their waiver.

Commissioner Carey stated she would like more information on this. Ms. Guillet stated she will bring it back in two weeks.

COUNTY ATTORNEY'S REPORT

No Report.

ITEMS FOR FUTURE AGENDA

Michelle Burnett, 510 Hwy 466, addressed the Board to introduce herself as the Community Service Representative for Florida Governmental Utility Authority (FGUA) and explained how they can maybe partner with Public Works and the utilities and what she is doing in other counties. She discussed the FGUA acquiring 71 water and wastewater systems across twelve Florida counties, being governed by interlocal agreements among member governments, that it is a unique public authority, what the FGUA Board is comprised of, and how they work closely with local governments and private utility owners. She said her role is to create relations with government bodies, community forums and the public, explained her availability to make educational presentations.

Upon inquiry by Chairman Dallari, Ms. Burnett advised she will contact the Board members to provide them with her information. She stated she will be working with other counties in conjunction with the Outreach Program.

There being no further business to come before the Board, the Chairman declared the meeting adjourned at 6:28 p.m., this same date.

ATTEST: _____ Clerk _____ Chairman
js/er