

Government Applications, LLC; and Royal
Battery Distributors, Inc.

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

Motion by Commissioner Dallari, seconded by Commissioner Henley, to approve the following:

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Sheriff's Office

37. Approve contribution of \$6,000 from the Sheriff's Law Enforcement Trust Fund to provide funding in support of "Project Graduation 2015," an alcohol and drug-free celebration for Seminole County high schools on graduation night. (A-0630-15)

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

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REGULAR AGENDA

Agenda Item #38 - A-0539-15

Rebecca Hammock, Planning & Development Division Manager, addressed the Board to present a request to consider a Release of Lien for Case #12-70-CEB on property located at 1870 Ranchland Trail, Longwood, Tax Parcel #30-20-30-300-0190-0000, Drew Mooty, Owner. Ms. Hammock reviewed the background timeline as outlined in the Agenda Memorandum and noted that a lien was imposed on April 24, 2014 on property located at 1880 Ranchland Trail, Longwood, Tax Parcel #30-20-30-300-0190-0000. She explained that pursuant to Florida Statutes, the lien was against the land where the violations existed and upon any other real or personal property owned by the Respondent; therefore, the lien also attached to the adjacent vacant property at 1870 Ranchland Trail.

Ms. Hammock advised that the property located at 1880 Ranchland Trail is still not in compliance and the vacant property located at 1870 Ranchland Trail is under contract for sale. The Applicant is requesting a Release of Lien for the vacant property because he is attempting to sell that property in order to have funds to bring the property located at 1880 Ranchland Trail into compliance and pay back taxes. Ms. Hammock stated that staff is recommending denial since the property where the violations exist still remains out of compliance. She did point out that if the Board does decide to grant the requested Release of Lien, a lien will still remain on 1880 Ranchland Trail providing the County some assurance that the property will be brought into compliance.

Upon inquiry by Chairman Carey, Ms. Hammock confirmed that the request is to release the lien on 1870 Ranchland Trail and staff's recommendation is that the lien would remain on 1880 Ranchland Trail.

Speaker Request Form from David Sweet was received and filed.

Motion by Commissioner Henley, seconded by Commissioner Dallari, to approve a Release of Lien for Case #12-70-CEB on the vacant property located at 1870 Ranchland Trail, Longwood, Tax Parcel #30-20-30-300-0190-0000, owned by Drew Mooty contingent upon the Applicant bringing the property located at 1880 Ranchland Trail into compliance by requesting a building permit; and once the property is sold, paying the back taxes owed.

Under discussion and upon inquiry by Commissioner Dallari, Commissioner Henley suggested giving the Applicant 90 days to bring the property at 1880 Ranchland Trail into compliance. He suggested also giving the staff the authority to grant delays if there is a problem in the closing that calls for a delay rather than bringing it back to the Board.

Commissioner Henley stated the intent of the motion is that the Applicant will have the violations under control within the next 60 to 90 days; and if there is a problem with the closing, then staff would have the right to extend it past 90 days without coming back to the Board.

Chairman Carey stated she wanted to clarify that the motion is within the next 90 days, the Applicant will bring 1880 Ranchland Trail into compliance. She added if staff needs to extend the timeframe for closing purposes, then staff could continue to extend up to 180 days.

Upon inquiry by Commissioner Constantine, Commissioner Henley stated the Applicant has a contract offer on 1870 Ranchland Trail but he cannot close due to the lien.

Upon inquiry by Commissioner Constantine, David Sweet, 1985 East 4th Street, on behalf of the Applicant, addressed the Board to state the closing date cannot be set until a determination is made by the Board regarding the lien.

Commissioner Constantine confirmed that the intention is to release the lien on 1870 Ranchland Trail and the Applicant will get a contract and close on that property. Within the

timeframe, the Applicant will need to bring 1880 Ranchland Trail into compliance and pay the back taxes. He stated the lien will continue to accrue on 1880 Ranchland Trail. Commissioner Constantine questioned what the cost would be to bring 1880 Ranchland Trail into compliance. Ms. Hammock advised she does not have an estimate. She explained the Applicant is claiming he needs the proceeds of the sale of 1870 Ranchland Trail to bring 1880 Ranchland Trail into compliance. She stated 1880 Ranchland Trail does not have a Certificate of Occupancy and it appears it was converted to a residential structure; so staff's understanding is the Applicant would need to do a Change of Use and apply for current building permits. She stated the Applicant has not determined if that is the route he would like to go or if he is going to apply for an agricultural exemption.

Chairman Carey stated before the lien is released, the Applicant has got to bring 1880 Ranchland Trail into compliance. The motion is contingent upon bringing 1880 Ranchland Trail into compliance within 90 days, with staff having the ability to extend that up to 180 days, as well as the back taxes being paid for both parcels as a proceed of this closing.

Ms. Guillet advised that while she understands where the Board is trying to go and appreciates it, logistically, she thinks it is a problem because the Applicant needs the proceeds of the sale of 1870 Ranchland Trail to bring 1880 Ranchland Trail into compliance. They cannot close until the

lien is released, so the Board will have released the lien in order for the Applicant to get the proceeds. She opined making the release of the lien contingent upon bringing the other side into compliance is logistically problematic.

Ms. Guillet stated this is a situation where there will still be an encumbrance on a piece of property. She recommended the Board release the lien on 1870 Ranchland Trail and maintain the lien on 1880 Ranchland Trail. Then they will still have a guarantee or some sort of encumbrance to try to get 1880 into compliance. Ms. Guillet stated logistically, what is being suggested will not work because they will need to release the lien before they can get the proceeds to bring the other property into compliance. Commissioner Henley stated that is exactly what his motion accomplishes; it releases the lien on one.

Chairman Carey questioned whether Commissioner Henley's intent was that the release of lien would be contingent upon bringing 1880 Ranchland Trail into compliance. Commissioner Henley confirmed that is his intent because bringing it into compliance means that the Applicant will apply for a permit on 1880 Ranchland Trail.

Upon inquiry by Chairman Carey, Mr. Sweet stated the Applicant applied for a building permit in 2013. He advised the plans did pass, but due to other things that occurred after that, the building permit expired.

Chairman Carey stated the issue is that the Applicant has turned a pole barn into a home without a building permit, and

that is a big problem in Seminole County. She stated she understands the intent of Commissioner Henley's motion is that the Applicant remedy that before the lien is released on 1870 Ranchland Trail. She stated the Applicant's contract will have to be subject to 1880 Ranchland Trail being in compliance in order for the lien on 1870 Ranchland Trail to be released.

Commissioner Dallari stated that is not what Commissioner Henley said.

Commissioner Henley reiterated that his intent is to release the lien on 1870 Ranchland Trail provided the Applicant pays the back taxes and brings 1880 into compliance by applying for a permit. Then the Applicant can come back to the Board regarding the amount of the lien that this Board is not releasing at this time.

Chairman Carey noted applying for a building permit will not bring the 1880 Ranchland Trail property into compliance but it will start the function. She restated the motion is to release the lien on 1870 Ranchland Trail, and leave the lien on 1880 Ranchland Trail, and it is contingent upon the Applicant paying the back taxes and applying for a building permit prior to the lien being released. Ms. Hammock stated her understanding from speaking with Commissioner Henley was the motion was to release the lien on 1870 Ranchland Trail and then anticipate with the sale of the property that then the Applicant would bring 1880 Ranchland Trail into compliance.

Chairman Carey stated the Applicant needed to apply for the building permit. The Applicant can bring the property

into compliance after the fact but he has to get a permit. She reiterated the Applicant needs to pay the back taxes and apply for a building permit. He can "final out" his building permit after the fact, and 1870 will be released so that he can close on 1870. He can take the money and bring 1880 into compliance. She stated if the Applicant needs to come back and talk to the Board about anything else on the 1880 property, that will be a subject for a separate day.

Commissioner Constantine reiterated that Commissioner Henley stated the Applicant would have 90 days to bring the property into compliance after the release. Chairman Carey stated after the Board releases the lien, the "horse is out of the gate." She stated the lien is still on 1880, but if they release the lien on 1870 in order for the Applicant to sell the property and he sells it and still has not brought 1880 into compliance, they cannot go back and unwind the sale on 1870. She stated that all the Applicant has to do is apply for the building permit and pay the taxes to which **the seconder agreed.**

Ms. Hammock stated her understanding was the Applicant cannot pay the back taxes until the sale of 1870 has gone through. Chairman Carey stated that is not the motion on the floor. She added they can escrow the taxes on a sale and work through that.

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