

# **SEMINOLE COUNTY, FLORIDA**

*COUNTY SERVICES BUILDING  
1101 EAST FIRST STREET  
SANFORD, FLORIDA  
32771-1468*



## **Meeting Minutes**

**Tuesday, March 14, 2023**

**8:30 AM**

**BCC Chambers**

**Board of County Commissioners**

**Call to Order**

**Present:** Chairman (District 4) Amy Lockhart  
Vice Chairman (District 5) Andria Herr  
Commissioner (District 1) Bob Dallari  
Commissioner (District 2) Jay Zembower  
Commissioner (District 3) Lee Constantine

Additional Attendees: County Manager Darren Gray, Deputy County Attorney Paul Chipok, and Deputy Clerks Kyla Farrell and Chariti Guevara.

**Closed Attorney-Client Session**

Deputy County Attorney Paul Chipok announced the closed session as follows:

The Deputy County Attorney has requested a closed session with the BCC to take place today, March 14, 2023, at 8:30 a.m. The closed attorney-client session will be immediately preceding the morning session of the BCC meeting.

The limited purpose of this closed session is for a strategy session related to litigation expenditures pertaining to the case of the Seminole County v. Brandon Wesley Blake, Case #2022CC004794.

The closed session is being held pursuant to Section 286.011(8), Florida Statutes, and is expected to last approximately thirty minutes. The closed session will be recorded by a certified court reporter. The transcript will be sealed until the conclusion of the litigation.

Attending the closed session will be: Chairman (District 4) Amy Lockhart, Vice Chairman (District 5) Andria Herr, Commissioner (District 1) Bob Dallari, Commissioner (District 2) Jay Zembower, Commissioner (District 3) Lee Constantine, County Attorney A. Bryant Applegate, Deputy County Attorney Paul Chipok, Assistant County Attorney Deziree Elliott, Deputy County Attorney Lynn Porter-Carlton, and County Manager Darren Gray.

At the conclusion of the meeting, the BCC will reopen the regular meeting with an announcement that the closed session has terminated.

Chairman Lockhart recessed the meeting at 8:32 a.m. to convene the closed attorney-client session, and reconvened the BCC meeting at 9:10 a.m.

**Invocation**

Pastor John Pierce, Ethnos Church Global, Sanford, gave the invocation.

**Pledge of Allegiance**

Chairman Lockhart led the Pledge of Allegiance.

County Attorney Bryant Applegate addressed the Board and announced his retirement effective September 7, 2023.

**CONSENT AGENDA – PUBLIC PARTICIPATION**

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Commissioner Constantine pulled Agenda Item 4, Final Plat for the Sylvan Estates Subdivision, for separate discussion.

With regard to public participation, no one spoke and public input was closed.

Motion by Commissioner Zembower, seconded by Vice Chairman Herr, to approve Consent Agenda Items 1-3, and 5; and Constitutional Officer's Items 6-7.

The motion carried by a unanimous vote.

### **County Manager's Consent Agenda (Items No. 1-5)**

#### **Community Services**

1. Approve the HOME Investment Partnership Program (HOME) ARP Allocation Plan in the amount of \$3,046,438 and subsequent forms to submit to HUD which will reduce homelessness and increase housing stability for qualifying citizens of Seminole County. Countywide (Stacey Smithwick, Community Development Division Manager) [2023-234](#)

#### **Development Services**

2. Approve the Final Plat for the Sandhill Farm of Geneva subdivision containing two (2) lots on 13.72 acres zoned A-5 (Rural Zoning Classification), located on the east side of County Road 426; (David Jourdenais, Applicant) District1 - Dallari (Annie Sillaway, Project Manager). [2023-163](#)
3. Approve the Minor Plat for the Pine Hollow Point subdivision containing one (1) commercial lot on 9.93 acres zoned PD (Planned Development), located at the intersection of W. S.R. 434 and Sanlando Road; (Shannon Surveying, Applicant) District3 - Constantine (Joy Giles, Project Manager) [2023-187](#)
4. Approve the Final Plat for the Sylvan Estates Subdivision containing twelve (12) single family residential lots on 4.80 acres zoned Planned Development, located on the south side of Sylvan Lake Drive, approximately ½ mile west of Orange Boulevard; (Winston Schwartz, Applicant) District5 - Herr (Joy Giles, Project Manager) [2023-205](#)

***Pulled for separate discussion.***

#### **Environmental Services**

5. Approve and authorize the Chairman to execute a Certificate of Public Convenience and Necessity for GLE Scrap Metal-Florida, Inc., effective from October 1, 2022 through September 30, 2023. Countywide (Oliver Bond, Solid Waste Division Manager) [2023-249](#)

**Constitutional Officers – Consent Agenda**

6. Expenditure Approval Lists dated February 14 and 21, 2023; and Payroll Approval List dated February 16, 2023. (Jenny Spencer, CPA, CGFO, and CFE, Director, Comptroller’s Office) [2023-253](#)
7. Approve an amendment to the Supervisor of Elections FY23 Budget appropriating the 2022-23 Election Security Enhancement Grant for \$150,876 [2023-250](#)

**CONSENT AGENDA - PULLED FOR DISCUSSION/SEPARATE VOTE**

4. Approve the Final Plat for the Sylvan Estates Subdivision containing twelve (12) single family residential lots on 4.80 acres zoned Planned Development, located on the south side of Sylvan Lake Drive, approximately ½ mile west of Orange Boulevard; (Winston Schwartz, Applicant) District5 - Herr (Joy Giles, Project Manager) [2023-205](#)

Commissioner Constantine shared why he can't support this item which included the community's concern of flooding and substandard roads. Commissioner Dallari confirmed with Mr. Chipok that for a denial of a plat, the Board would need competent substantial evidence from a technical standpoint; and this plat meets all of the County's requirements. Jean Jreij, Public Works Director, addressed the Board and confirmed it was reviewed by the County Surveyor and meets all requirements. Commissioner Constantine stated this plat will cause greater damage in flooding and traffic in the particular area. Commissioner Zembower stated he has been assured that Commissioner Constantine's concerns will be addressed.

Motion by Commissioner Zembower, seconded by Vice Chairman Herr, to approve the Final Plat for the Sylvan Estates Subdivision containing twelve (12) single family residential lots on 4.80 acres zoned Planned Development, located on the south side of Sylvan Lake Drive, approximately 1/2 mile west of Orange Boulevard; Winston Schwartz, Applicant.

The motion carried 4 to 1 by the following vote:

Aye: District 4 Amy Lockhart, District 5 Andria Herr, District 1 Bob Dallari, and District 2 Jay Zembower

Nay: District 3 Lee Constantine

Chairman Lockhart recessed the meeting at 9:37 a.m., reconvening at 9:48 a.m.

Regarding Item 4, Mr. Chipok clarified each Commissioner always has a right to vote their mind even though, in the nature of plats, it is a technical vote. It would only be a possible legal issue if the item was denied. However, it's moot in this case because the item was ultimately approved.

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**WORK SESSION AGENDA**

8. Work Session - Orlando's Right Rail Update (John McReynolds, Universal Orlando, Maria Triscari, I-Drive Chamber of Commerce, Corey Hill, Kimley-Horn) [2023-275](#)

Mr. McReynolds, Ms. Triscari, and Mr. Hill addressed the Board and provided the update.

With regard to public participation, no one spoke, and public input was closed.

There were Board questions and comments. Commissioner Dallari stated he thinks it would behoove the Board to allow him to speak to the SunRail board to ask them to keep on moving forward to engage the FTA so they can make sure they are moving forward at the appropriate time.

Vice Chairman Herr asked if the ask today is for the Board's endorsement to continue on with a study that does not obligate the Board to participate in the cost of the study, nor does it obligate the Board to implement the results of the study that may have a positive impact in terms of expanding the use of SunRail and may spread the fixed cost of SunRail over 72 miles versus 61; that has the commitment of Universal Studios for \$13M in annual ticket sales, Universal Studios is backstopping that, donation of the land, and an estimated \$2M for Universal Studios to operate the station, which includes the capital cost to build the station as well as operation and maintenance, so none of that falls back on SunRail, which means it doesn't fall back on the citizens of Seminole County. Mr. Hill confirmed that was correct.

Chairman Lockhart confirmed there was a consensus of the Board to ask the County Manager in conjunction with the County Attorney's Office to craft a letter for the Board that could outline many of the commitments that Vice Chairman Herr established; and give Commissioner Dallari the authority to represent at the CFCRC meetings, and other meetings, that this Board is interested in gathering more information, particularly with the FTA.

9. Work Session - Seminole Forever (Richard Durr, Leisure Services Director) [2023-274](#)

Mr. Durr provided the presentation. Tim Jecks, Budget Division Manager, reviewed dedicated funding sources.

With regard to public participation, Paul Owens, Gabrielle Milch, Michael Cliburn, Nancy Prine, Jim Helmers, Cindy Haller, Tom Haller, Grey Wilson, Phyllis Hall, Nancy Harmon, Tim Jackson, Jay Exum, Fred Milch, Richard Creedon, Virginia Creedon, Bill Hyde, Nancy Dunn, Michele Dewey, Heather Wright, Charles Lee, and David Bear spoke.

Public and Written Comment Forms were received and filed.

Public participation was followed by Board comments and questions for staff. Each

Commissioner discussed what they would like to see when this item is brought back to the Board.

Mr. Gray explained staff will start working with the County Attorney's Office and each of the Commissioners. They've already started working with the State and have meetings scheduled to start some dialogue. He has noted the citizens' concerns. This is a good time to look at it as they go into the budget. Staff will bring this back in the next couple of months with some funding options.

Commissioner Herr noted they heard a lot of feedback to "vote yes," so she thinks people are expecting a vote. She clarified the intention of this work session was to have open dialogue to get it to the best possible position to hear input and move forward. This is not kicking the can down the road, it's getting it right before they do it.

Chairman Lockhart recessed the meeting at 12:19 p.m., reconvening at 12:30 p.m. with the exception of Commissioners Dallari and Zembower.

10. Work Session - Big Econlockhatchee/Little Econlockhatchee Drainage Basin Study (Steve Sommerfeldt, P.E., Water Resources Division Manager, Inwood Consulting Engineers, Inc.) [2023-222](#)

Mr. Jreij introduced Mr. Sommerfeldt who provided the presentation.

Commissioner Dallari returned at 12:35 p.m. during the presentation, and Commissioner Constantine left at 1:03 p.m. during the presentation.

Questions were asked by the Board throughout the presentation, and comments from each Commissioner were shared after the presentation.

With regard to public participation, no one spoke, and public input was closed.

Chairman Lockhart advised the Board is interested in hearing what comes next.

Commissioner Zembower re-entered the meeting at 1:22 p.m.

Deputy Clerk Kyla Farrell was replaced by Deputy Clerk Chariti Guevara.

### **COUNTY MANAGER AND STAFF BRIEFINGS**

Mr. Gray reminded at the last meeting, William Watts, Boys Scout Troop 854, wanted to address the Board during public comment at the end of the meeting, but he had to leave before then due to the meeting running late. Mr. Gray advised Mr. Watts was present today. Mr. Watts addressed the Board and presented his proposed Eagle Scout Project of putting plaques of appreciation at the Criminal Justice Center for the two county citizens that have received Congressional Medals of Honor. There were Board comments in support. Mr. Gray and Mr. Applegate advised of their support to work with Mr. Watts on the project.

### **COUNTY ATTORNEY BRIEFING**

Mr. Chipok provided an update on Seminole Co. vs. Brandon Blake, dog possession cases.

In addition to the circuit civil case, there are also 43 citation cases because of the condition of the dogs, Citation #V22-001409, Case #2022-CO-770; and the rest of the citation numbers and case numbers run consecutively thereafter. Chairman Lockhart announced a viewer advisement on the pictures that will be shown of the dogs. Mr. Chipok advised the citation process is under the civil penalties process under the animal control ordinances, and there is a graduated schedule of fines. The total of all fines for the 43 citations is \$8,350. There is a hearing on the citations scheduled for May 12, 2023, in circuit court. Mr. Blake, through his attorney, has provided a proposed settlement offer to pay a total fine of \$500 and a plea of no contest to all of the citations. Mr. Chipok requested Board direction on how to proceed. There was Board consensus to reject the settlement offer. Deziree Elliot, Assistant County Attorney, displayed pictures of the dogs (received and filed). Mr. Chipok advised they will proceed on the citations with all due diligence. Upon the Chairman's inquiry, Mr. Chipok advised there were originally 38 living and four deceased dogs taken into custody, and two or three have since been euthanized.

### **Public Hearing Agenda**

#### **ACCEPT PROOFS OF PUBLICATION**

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

The motion carried by the following vote:

**Aye:** District 4 Amy Lockhart, District 5 Andria Herr, District 1 Bob Dallari, and Jay Zembower

**Absent:** District 3 Lee Constantine

#### **PUBLIC HEARINGS - QUASI-JUDICIAL**

Ex parte was submitted by Districts 1, 2, and 4 (received and filed.)

Commissioner Herr advised she will not be submitting any ex parte and will be abstaining from voting due to a conflict of interest that was identified when she met with the Applicant that they are a client of her firm. Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers was received and filed.

11. Food Fare Fern Park Special Exception - Continued from the 2/14/2023 BCC Meeting - Consider a Special Exception for an alcoholic beverage establishment in the C-2 zoning district on 0.81 acre, located on the east side of US Highway 17-92, south of South Street; (BS2022-10) (Cory Sitler, Applicant) District4 - Lockhart (Hilary Padin, Project Manager). [2023-244](#)

Ms. Padin presented the item as outlined in the agenda memorandum. Trey Vick, Applicant, addressed the Board, and reviewed his presentation (received and filed).

With regard to public participation, no one spoke and public input was closed.

Motion by Commissioner Zembower, seconded by Commissioner Dallari, to approve a Special Exception for an alcoholic beverage establishment in the C-2 zoning district on 0.81 acre, located on the east side of US Highway 17-92, south of South Street; (BS2022-10); Cory Sitler, Applicant; as described in the proof of publication.

The motion carried by the following vote:

**Aye:** District 4 Amy Lockhart, District 1 Bob Dallari, and Jay Zembower

**Absent:** District 3 Lee Constantine

**Abstain:** District 5 Andria Herr

### **COUNTY ATTORNEY'S REPORT**

No report.

### **COUNTY MANAGER'S REPORT**

No report.

### **DISTRICT COMMISSIONER REPORTS 5, 1, 2, 3 and 4**

#### **District 5:**

Commissioner Herr wished the City of Lake Mary a happy 50th anniversary.

#### **District 1:**

Commissioner Dallari commented there is a project going on in Orange County that he would like each Commissioner to be briefed on by staff (document received and filed).

The Commissioner advised SunRail had a Saturday service ride with 18 trains and over 10,000 passengers.

Commissioner Dallari advised the Central Florida Commission on the Homeless has issued a study (received and filed).

Commissioner Dallari advised the Central Florida Zoo has completed a draft master plan.

The Commissioner thanked Public Works Director Jean Jreij and Fire Chief Kinley for meeting with him regarding the 434 roundabouts.

Commissioner Dallari attended the unveiling of a historical marker for actress Hedy Lamarr at Red Bug Lake Park. He discussed Ms. Lamarr's career and other accomplishments. She retired and died in Casselberry.

#### **District 2:**

Commissioner Zembower advised he received a letter from Johnny Popwell, citizen, thanking the Board for staff member Joe Jenkins, Leisure Services.

The Commissioner invited everyone to the Brightwater Estate on April 1st at 3:00 p.m. for

reading of a proclamation and unveiling of a historical marker.

Commissioner Zembower reported on the Orlando Sanford International Airport board meeting, AHAC meeting, and the Medical Examiners Board meeting. The Medical Examiners Board is making headway on the cost of a new office for the medical examiner. Marion County staff is supposed to bring back an RFI for the board to review.

Commissioner Zembower thanked Jimmie Beach, Stormwater Division Manger, and his team for their work after Hurricane Ian and the floods.

### **CHAIRMAN'S REPORT**

Motion by Commissioner Dallari, seconded by Commissioner Zembower, to appoint Genevieve Baranuk-Delgado to the Committee on Aging as a mental health representative for a three-year term expiring December 31, 2025.

The motion carried by the following vote:

**Aye:** District 4 Amy Lockhart, District 5 Andria Herr, District 1 Bob Dallari, and Jay Zembower

**Absent:** District 3 Lee Constantine

Chairman Lockhart advised unless something has changed, the language on historical markers is supposed to come to the BCC on the consent agenda for approval.

### **COMMUNICATIONS AND/OR REPORTS**

1. Memo via email dated February 24, 2023 from Nadia Todor, Budget Officer, City of Oviedo re: City of Oviedo's Community Redevelopment Agency (CRA) FY 2022/23 Budget Amendment Resolution No. 150-23.
2. Letter dated March 3, 2023 from Linda Radun, Citizen, to BCC and County Manager Darren Gray re: Animal Cruelty Database/Registry.

### **FUTURE AGENDA ITEMS**

12. Future Agenda Item Request - Historical Commission Crow Funding [2023-279](#)  
(Commissioner Zembower)

Commissioner Zembower reviewed his request. There was Board discussion. Mr. Gray advised staff will be prepared for a full presentation at the next meeting.

### **PUBLIC COMMENT (Items not Related to the Agenda)**

Teresa Engels addressed the Board to express concerns of excessive speeding on her street. Commissioner Herr advised her office and the County Manager's Office will be contacting Ms. Engels.

**ADJOURN BCC MEETING**

There being no further business to come before the Board, the Chairman declared the meeting adjourned at 2:11 p.m., this same date.

**APPROVED by the BCC:**

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date

**ATTEST:**

\_\_\_\_\_  
Clerk of Court and Comptroller  
AS Clerk to the BCC