

SEMINOLE COUNTY, FLORIDA

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



Meeting Minutes

Tuesday, February 28, 2023

9:00 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, Clerk of Court & Comptroller Grant Maloy, and Deputy Clerk Chariti Guevara.

Invocation

Pastor Robert Melhorn, Integrity Church, Orlando, gave the invocation.

Pledge of Allegiance

Chairman Lockhart led the Pledge of Allegiance.

AWARDS, PRESENTATIONS AND PROCLAMATIONS

County Manager Darren Gray announced staff is pulling Item #7, Artesian Well at Parkstone Plugging Options Presentation, for further research; and Future Agenda Item #33, Animal Abuse Registry, because the legislature is looking at that this session.

1. Proclamation - Proclaiming Technical Sergeant Danny McKinney , United States Air Force as Seminole County's February Veteran of the Month. [2023-149](#)
(Technical Sergeant Danny McKinney, United States Air Force)

Motion by Commissioner Dallari, seconded by Commissioner Zembower, to adopt the Proclamation proclaiming Technical Sergeant Danny McKinney, United States Air Force as Seminole County's February Veteran of the Month.

The motion carried by a unanimous vote.

2. Proclamation - Proclaiming the Week of March 5 - 11, 2023 as Women in Construction Week, in Seminole County, Florida (Jennifer Kline and Kristin Andreasen - National Association of Women in Construction) [2023-209](#)

Motion by Vice Chairman Herr, seconded by Commissioner Constantine, to adopt the Proclamation proclaiming the Week of March 5 - 11, 2023, as Women in Construction Week, in Seminole County, Florida.

The motion carried by a unanimous vote.

3. Proclamation - Proclaiming March 19 - 26, 2023 as National Agriculture Week in Seminole County, Florida (Morgan Pinkerton, Extension Agent) [2023-208](#)

Motion by Commissioner Zembower, seconded by Vice Chairman Herr, to adopt the Proclamation proclaiming March 19 - 26, 2023, as National Agriculture Week in Seminole County, Florida.

The motion carried by a unanimous vote.

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4. County Investment Advisor Report (Scott McIntyre, CFA - Senior Portfolio Manager, Managing Director Hilltop Securities Asset Management) [2023-207](#)

Motion by Commissioner Dallari, seconded by Vice Chairman Herr, to approve the implementation of the purchase recommendations of the Board's Financial Advisor based upon the report submitted today and recommend the Clerk implement said Board recommendations.

The motion carried by a unanimous vote.

5. Presentation - Committee on Aging (Shannon Campbell, Committee Chair) [2023-145](#)

Carrie Longworth, Community Assistance Division Manager, provided a brief update and introduced Ms. Campbell, who presented the item. There was a question-and-answer session with the Board.

Motion by Commissioner Constantine, seconded by Vice Chairman Herr, to authorize the County Manager to work with the Community Services Department and the Committee on Aging and come up with a game plan to communicate and work with the seniors.

Under discussion, Commissioner Dallari requested if a newsletter is put out that it be simple and direct and has larger font. Vice Chairman Herr noted that Medicare has guidelines on font size. Clerk Maloy advised the Clerk's Office has a guardianship fraud hotline that can also be included.

The motion carried by a unanimous vote.

6. Wellness Program and Benefits Update (Charles Cook, Alliant Benefits Consulting) [2023-197](#)

Christina Brandolini, Human Resources Director, gave a brief update and introduced Mr. Cook, who presented the item. There was a question-and-answer session with the Board.

Motion by Commissioner Constantine, seconded by Commissioner Dallari, to move forward with the recommendations for 2024 and 2025.

The motion carried by a unanimous vote.

7. Presentation - Artesian Well at Parkstone Plugging Options (Steve Riley, Senior Project Manager, Jacobs Engineering) [2023-216](#)

Pulled from the Agenda.

CONSENT AGENDA – PUBLIC PARTICIPATION

Chairman Lockhart requested Item #17, Arts and Culture Grant Agreement with Hagerty High School Band Booster Association, be pulled for separate discussion. Commissioner

Constantine requested Item #11, Affordable Housing Property List, be pulled for separate discussion.

Motion by Commissioner Zembower, seconded by Vice Chairman Herr, to approve Consent Agenda Items #8-10, 12-16, 18-27; and Constitutional Officer's Item #28.

The motion carried by a unanimous vote.

County Manager's Consent Agenda (Items No. 8 - 27)

County Manager's Office

8. Approve and authorize the Chairman to execute the Resolution amending the Seminole County Administrative Code Section 3.15 (Code Enforcement). Countywide (Tricia Johnson, Deputy County Manager) [2022-7476](#)
- Resolution #2023-R-19**

Community Services

9. Adopt and authorize the Chairman to execute an Amended 2023 Resolution amending certain fees set forth in Section 20.26 of the Seminole County Administrative Code pertaining to fees and charges for services provided by the Seminole County Health Department. Countywide (Allison Thall, Community Services Director) [2023-168](#)
- Resolution #2023-R-20**
10. Approve and accept the HOME and Neighborhood Stabilization Program (NSP) monthly reports pursuant to Seminole County Resolution No. 2013R61, and Resolution No 2015R51 for the month of January 2023. Approve the quarterly Attainable Housing report pursuant to Ordinance No 2021-14. Countywide (Stacey Smithwick, Community Development Division Manager)..end [2023-147](#)
11. Approve and authorize the Chairman to execute a Resolution for the Affordable Housing Property List for disposition or use in conjunction with affordable housing purposes pursuant to section 125.379, Florida Statutes. Countywide (Stacey Smithwick, CD Division Manager) [2023-148](#)
- Pulled for separate discussion.***

Development Services

12. Approve the plat for the Brooks Lane Living subdivision containing three (3) lots on 9.397 acres zoned A-1 (Agriculture), located on the west side of Brooks Lane; (Geoffrey Summit, Applicant) District 1 - Dallari (Angi Gates, Project Manager)..end [2023-131](#)
- Division:

Environmental Services

13. Approve and authorize the Chairman to execute the Nonexclusive Access and Parking Easement with Central Florida Lending, LLC. -District 5 - Herr (Kim Ornberg, Environmental Services Director) [2023-118](#)

Leisure Services

14. Approve and authorize the Chairman to execute an agreement between Seminole County and ACA of Central Florida Inc., in the amount of \$7,400 as a fiscal year 2022/2023 Seminole County Arts and Culture Grant Program Awardee. Countywide (Jaquelin Massaline, Financial Business Administrator) [2023-198](#)
15. Approve and authorize the Chairman to execute an agreement between Seminole County and Steinway Society of Central Florida Inc., in the amount of \$15,000 as a fiscal year 2022/2023 Seminole County Arts and Cultural Grant Awardee. Countywide (Jaquelin Massaline, Financial Business Administrator) [2023-202](#)
16. Approve and authorize the Chairman to execute an agreement between Seminole County and Sanford Porchfest Corporation, in the amount of \$8,000 as a fiscal year 2022/2023 Seminole County Arts and Cultural Grant Awardee. Countywide (Jaquelin Massaline, Financial Business Administrator) [2023-203](#)
17. Approve and authorize the Chairman to execute an agreement between Seminole County and Hagerty High School Band Booster Association, Inc in the amount of \$6,995 as a fiscal year 2022/2023 Seminole County Arts and Culture Grant Program Awardee. Countywide (Jaquelin Massaline, Financial Business Administrator) [2023-200](#)

Pulled for separate discussion.

Public Works

18. Approve request to declare surplus of a Seminole County-owned 0.10-acre vacant lot, Parcel No. 25-19-30-5AG-0713-0020, on 5th Street, Sanford, using an in-house calculation of \$22,000 as the minimum bid. This calculation is based upon the Seminole County Property Appraisers' assessed value of the property. District5 - Herr (Jean Jreij, Public Works Director). [2023-162](#)

Resolution #2023-R-22

19. Approve and authorize the Chairman to execute a Mitigation Credit Agreement for the 5 Points - Central Blvd Project, to purchase forty-three / hundredths (0.43) Uniform Mitigation Assessment Method Wetland Credits for the purchase price of fifty-one thousand six hundred dollars and no cents (\$51,600.00). District4 - Lockhart (Jean Jreij, P.E., Public Works Director/County Engineer). [2023-188](#)

20. Approve and authorize the Chairman to execute a Resolution of Acceptance related to an offer of a donation of property owned by Paul V. Mellini, as Successor Trustee of the Jenco F. Paulucci Revocable Trust (0.588± acres). District5 - Herr (Jean Jreij, P.E., Public Works Director/County Engineer). [2023-174](#)

Resolution #2023-R-23

21. Approve and authorize the Chairman to execute a Corrective County Deed in favor of New Tribes Mission, Inc., n/k/a ETHNOS360, Inc. District5 - Herr (Jean Jreij, P.E., Public Works Director/County Engineer). [2023-186](#)

Resource Management

22. Ratify the agreement for Phase I and authorize the Chairman to execute a Resolution implementing the Budget Amendment Request (BAR) #23-028 in the Water & Sewer Capital Improvement Fund to transfer \$3,000,000 of Capital Improvement budget for Lockwood Blvd (Phase I and II). Pipe Replacement in the Carillon Subdivision along Old Lockwood Blvd and Lockwood Blvd. District1 Dallari (Timothy Jecks, Deputy CFO/ Budget Division Manager) - Environmental Services - Utilities [2023-140](#)

Resolution #2023-R-24

Agreement M-4970-23/RTB

23. Approve and authorize the Chairman to execute a Resolution implementing Budget Amendment Request (BAR) #23-030 in the ARPA Grant Fund Community Health Program to transfer \$172,000 of the existing budget for the purchase of a fleet vehicle and approve two additional grant-funded Case Manager FTE's for the program. Countywide (Timothy Jecks, Deputy CFO/Budget Division Manager) Requesting Department: Community Services [2023-156](#)

Resolution #2023-R-25

24. Approve and authorize the Chairman to execute a Resolution implementing Budget Amendment Request (BAR) #23-032 in the 2014 Infrastructure Sales Tax Fund to transfer \$976,470 from reserves for the newly established Silver Leaf Subdivision Drainage Project. District5 - Herr (Timothy Jecks, Deputy CFO / Budget Division Manager) - Requesting Department: Public Works [2023-172](#)

Resolution #2023-R-26

25. Approve and authorize the Chairman to execute a Resolution implementing Budget Amendment Request (BAR) #23-031 in the 2014 Infrastructure Sales Tax Fund to transfer \$330,054 from reserves for additional funding of the Little Wekiva River Restoration Project. Countywide (Timothy Jecks, Deputy CFO / Budget Division Manager) - Requesting Department: Public Works [2023-185](#)

Resolution #2023-R-27

26. Approve the ranking list and authorize staff to negotiate rates in accordance with Section 287.055, Florida Statutes, the Consultants Competitive Negotiation Act, and authorize the Purchasing and Contracts Division to execute one (1) agreement for PS-4626-22/GCM - CEI Services for Hillview Drive Drainage Improvements. (Diane Reed, Purchasing and Contracts Division Manager) Requesting Department/Division Public Works/Engineering [2023-137](#)
27. Award RFP-604473-22/TKH - Disaster Meal Services to Corwin's Personal Chef and Catering Services, Winter Springs, Hilton Altamonte Springs, Altamonte Springs, and Puff 'n Stuff Catering, LLC., Orlando and authorize the Purchasing and Contracts Division to execute the Agreements. The estimated annual usage is dependent on the emergency event. Countywide (Diane Reed, Purchasing and Contracts Division Manager) Requesting Department/Division - County Manager's Office/Emergency Management [2023-62](#)

Constitutional Officers – Consent Agenda

28. Expenditure Approval Lists dated January 31, and February 7, 2023; Payroll Approval List dated February 2, 2023; and the BCC Official Minutes dated January 24 and 26 (Special Meeting), 2023. (Jenny Spencer, CPA, CGFO, CFE, Director, Comptroller's Office) [2023-173](#)
- Item #28 was approved with the County Manager's Consent Agenda.

CONSENT AGENDA – PULLED FOR DISCUSSION/SEPARATE VOTE

11. Approve and authorize the Chairman to execute a Resolution for the Affordable Housing Property List for disposition or use in conjunction with affordable housing purposes pursuant to section 125.379, Florida Statutes. Countywide (Stacey Smithwick, CD Division Manager) [2023-148](#)
- Commissioner Constantine stated he pulled this item for information purposes only to highlight for the public that the County is putting these properties on the surplus list which will then make them available for affordable housing development.

Allison Thall, Community Services Director, introduced Ms. Smithwick who provided information on the related parcels and the process of how they may be developed for affordable housing.

Motion by Commissioner Constantine, seconded by Commissioner Dallari, to approve and authorize the Chairman to execute appropriate Resolution #2023-R-21 for the Affordable Housing Property List for disposition or use in conjunction with affordable housing purposes pursuant to section 125.379, Florida Statutes.

The motion carried by a unanimous vote.

Resolution #2023-R-21

With regard to public participation on the Consent Agenda, no one spoke and public input was closed.

17. Approve and authorize the Chairman to execute an agreement between Seminole County and Hagerty High School Band Booster Association, Inc in the amount of \$6,995 as a fiscal year 2022/2023 Seminole County Arts and Culture Grant Program Awardee. Countywide (Jaquelin Massaline, Financial Business Administrator) [2023-200](#)

Chairman Lockhart stated years ago the Board decided to no longer give funds to United Arts but instead have staff manage those funds to perpetuate art programs throughout the community. The school district has a very robust fundraising and grant program for all the high school band programs, so she is a little concerned that they have now two years in a row contributed to the same high school for their band program. She does not believe that was the intent. It was to continue to get arts out into the greater community at large. She is bringing this up to see if the Board wants to give some direction to the County Manager and the team on this. There was Board discussion.

Motion by Vice Chairman Herr, seconded by Commissioner Zembower, to approve and authorize the Chairman to execute an agreement between Seminole County and Hagerty High School Band Booster Association, Inc., in the amount of \$6,995 as a Fiscal Year 2022/2023 Seminole County Arts and Culture Grant Program Awardee and then have staff come back with what they think is viable based on what was heard today in terms of how they either perpetuate this or not.

Under discussion, Mr. Gray recommended having staff look at the funding criteria and then bring that back to the Board for consideration on how they will distribute the funds next year.

The motion carried by a unanimous vote.

REGULAR AGENDA

29. Orlando Philharmonic Orchestra Annual Springs Concert Special Event Permit - The Music of the Beatles with Guest Artists of Classical Mystery Tour - Consider a Special Event Permit for the Orlando Philharmonic Orchestra Annual Springs Concert - the Music of the Beatles with Guest Artists of Classical Mystery Tour on April 1, 2023 located at 400 Woodbridge Road, Longwood; (Carl Rendek, Applicant, Authorized Agent) - District3 - Constantine (Mary Robinson, Project Manager) [2023-143](#)

Ms. Robinson addressed the Board and presented the request as outlined in the agenda memorandum.

Motion by Commissioner Constantine, seconded by Commissioner Zembower, to approve a Special Event Permit for the Orlando Philharmonic Orchestra Annual

Springs Concert - the Music of the Beatles with Guest Artists of Classical Mystery Tour on April 1, 2023, located at 400 Woodbridge Road, Longwood; (Carl Rendek, Applicant, Authorized Agent).

The motion carried by a unanimous vote.

30. Authorize the Tax Collector's Office to publish the 2022 Delinquent Tax Advertisement in the Orlando Sentinel newspaper at the quoted rate. [2023-196](#)
(Lorie Bailey Brown, Resource Management Director)

Chairman Lockhart confirmed with Mr. Gray the staff recommendation changed for this item. Ms. Bailey Brown presented the item. With changes recently made to Florida Statute 197.402, changing the statute language from selecting the newspaper to the Board making such notice as required in Chapter 50, staff has amended the recommendation from authorizing the Tax Collector to publish in a specific newspaper to recommending the Board authorize staff to deliver the quotes to the Tax Collector to advertise the delinquent taxes as provided in Chapter 50.

Bill Kirchhoff, Sanford Herald, addressed the Board. He provided a Sanford Herald bid update (received and filed).

Chairman Lockhart stated they are looking for a motion on the recommendation to forward the quotes to the Tax Collector.

Motion by Commissioner Zembower, seconded by Vice Chairman Herr, to have staff continue to work on this and forward to the Tax Collector for them to take the appropriate action to advertise this in the appropriate publication(s).

The motion carried by a unanimous vote.

COUNTY MANAGER AND STAFF BRIEFINGS

Mr. Gray addressed the Board and provided an update on his first week as the new county manager.

COUNTY ATTORNEY BRIEFING

Request for Shade Meeting
Seminole Co. v. Brandon W. Blake
County Court Case #2022-CC-4794

Paul Chipok, Deputy County Attorney, advised, pursuant to Florida Statute 286.011(8), there will be a closed attorney-client meeting held during the March 14, 2023, BCC meeting. The closed meeting is estimated to last an hour and will start at approximately 2:00 p.m. The purpose of the meeting will be limited to a strategy session related to litigation expenses in the dog possession case, Seminole County vs. Brandon Blake. The County is trying to get custody of the dogs that were originally taken into evidence and are now being held at Animal Services.

*Update on 120 South Crystal View
Code Enforcement Case #16-94-CEB*

Desmond Morrell, Senior Assistant County Attorney, provided a briefing. A February 27, 2023, memo from Mr. Morrell to the Board was received and filed. He requested 60 days to continue to work with the family's attorney on possible remedies. There was Board discussion, and Chairman Lockhart suggested a maximum of 30 days instead of 60 with the option to bring it back to the Board before the 30 days if needed.

Motion by Commissioner Zembower, seconded by Commissioner Dallari, to authorize the County Attorney's Office to work with the property owner(s) and their attorney over the next 30 days; report back to the Board an affirmative action plan to move forward; and if something happens in between, report to the District Commissioner.

The motion carried by a unanimous vote.

Recess BCC Meeting Until 1:30 P.M.

Chairman Lockhart recessed the meeting at 10:57 a.m.

Reconvene Meeting at 1:30 P.M.

Chairman Lockhart reconvened the meeting at 1:30 p.m. with all Commissioners and all other Officials, with the exception of Clerk of Court and Comptroller Grant Maloy, who were present at the Opening Session.

ACCEPT PROOFS OF PUBLICATION

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

The motion carried by a unanimous vote.

PUBLIC HEARINGS - QUASI-JUDICIAL

Chairman Lockhart read the rules of procedure for this afternoon's public hearings. Mr. Chipok clarified these rules are currently in the BCC's operating and procedures manual.

Ex parte was submitted by all districts.

31. Yarborough Ranch Preliminary Subdivision Plan Appeal - Appeal of the Planning and Zoning approval of the Preliminary Subdivision Plan for Yarborough Ranch subdivision containing 300 residential lots on 1,313.64 +/- acres zoned A-5, Rural and A-10, Rural located on the east side of Snow Hill Road, approximately ¼ mile south of Old Mims Road; (Katrina Shadix for Bear Warriors United - Appellant); District2 - Zembower (Mary Moskowitz, Project Manager) [2023-133](#)

Taylor Larson, Digital Court Recorder, Milestone Reporting, was present to take a

verbatim record of the public hearing for the Appellant.

Ms. Moskowitz, Planning and Development, addressed the Board and presented the item as outlined in the agenda memorandum. She added this morning, staff received an email from Ms. Shadix with a hydrological report prepared by Peter Barile, Ph.D., which references a water treatment plant that has been withdrawn by the Applicant. That plan went to the Planning and Zoning Commission but was never before the BCC. There may also be a pre-application that shows half-acre lots, but that application was never submitted for public hearing. Commissioner Zembower confirmed with Mr. Chipok the date to appeal the 2008 Development Order (D.O.) has expired and the Board should only be considering the Preliminary Subdivision Plan (PSP). Mr. Chipok clarified the D.O. was created and adopted by the BCC in 2008 and was not appealed at that time. The next step according to Land Development Code Section 30.109 is to plat the property with the individual lots. The first procedural step in that is to go for a PSP, and that is the stage the Applicant/Property Owner is at now. It went to the Planning and Zoning Commission and was approved. That approval was appealed and is the issue before them.

Attorney Rebecca Wilson, Lowndes, on behalf of the Applicant Yarboroughs, addressed the Board and reviewed the three tracts and the approval of the 2008 D.O. and the current PSP. There were no questions from the Board.

Ms. Shadix addressed the Board and presented the appeal. Documents were distributed to the Board (received and filed). There were no questions from the Board.

Ms. Wilson clarified for the public that if the D.O. is taken away as Ms. Shadix is requesting, the development will not be limited to 300 units, they will get more.

There was a question-and-answer session between Commissioner Zembower and Peter Barile, Ph.D., the Appellant's expert, regarding his report.

With regard to public participation, the following spoke in support of the appeal: Kim Bucheit (documents received), Leon Flowers (documents received), Leslie Blackner, Joe Humphreys (documents received), Kailey Adams, George Sellery, Cathy Register, and Jonathan Aman.

Public Speaker Forms and Written Comment Forms were received and filed.

Ms. Wilson rebutted public comment.

Upon request of Chairman Lockhart, Mr. Chipok addressed the approval of the original 2008 D.O. and its validity. Mr. Chipok inquired of Rebecca Hammock, Development Services Director, when Section 30.109 was adopted; and Ms. Hammock advised it was adopted in 1992. Mr. Chipok confirmed with Ms. Hammock that LDC Section 30.109 is not rezoning, it is a section that allows the clustering of units on property, and it requires that at the time of the plat, the open space easement and the D.O. in relation to how the property is being clustered has to be adopted in accordance with the plat. Ms. Hammock advised there was a PSP also approved on February 6, 2008, by the

Planning and Zoning Commission. Mr. Chipok explained to the Board the recorded plat specifically references that the D.O. is incorporated and that the adopted open space easement was adopted and recorded in the official records at the same time. Under 30.109, the three documents are part of a "three-legged stool." In order to transfer the densities from the open space parcels to the receiving areas, all three of those documents are required under the LDC, which was adopted in 1992. He added that section was not challenged and was reviewed by DCA at one point and approved as being consistent with the Comprehensive Plan.

Chairman Lockhart closed public input.

There was Board discussion and a question-and-answer session with Mr. Chipok and staff.

Motion by Commissioner Zembower, seconded by Vice Chairman Herr, to deny the appeal, thereby upholding the Planning and Zoning approval of the Preliminary Subdivision Plan for Yarborough Ranch subdivision containing 300 residential lots on 1,313.64 +/- acres zoned A-5, Rural and A-10, Rural located on the east side of Snow Hill Road, approximately ¼ mile south of Old Mims Road; Katrina Shadix for Bear Warriors United - Appellant; as described in the proof of publication.

Under discussion, Commissioner Constantine suggested there is an opportunity for the County to pursue purchasing this land in conjunction with the State. Being that this is in the middle of the wildlife corridor, the State is providing hundreds of millions of dollars to purchase it if the County has a conservation program in place, which they will be discussing in a couple of weeks. There are also other opportunities to get different regional organizations involved in the purchase of this property. There was further Board discussion.

The motion carried by a unanimous vote.

Recess BCC Meeting

Chairman Lockhart recessed the meeting at 3:09 p.m., reconvening at 3:21 p.m.

32. Yarborough Ranch Preliminary Subdivision Plan Appeal - Appeal of the Planning and Zoning Commission approval of the Preliminary Subdivision Plan for Yarborough Ranch subdivision containing 300 residential lots on 1,313.64 +/- acres zoned A-5, Rural and A-10, Rural located on the east side of Snow Hill Road, approximately ¼ mile south of Old Mims Road; (Geneva Citizens Association, Inc - Appellant) District2 - Zembower (Mary Moskowitz, Project Manager) [2023-170](#)

Taylor Larson, Digital Court Recorder, Milestone Reporting, was present to take a verbatim record of the public hearing for the Appellant.

Ms. Moskowitz addressed the Board and presented the item as outlined in the agenda memorandum.

Ms. Wilson addressed the Board and reviewed the PSP. There were no questions from the Board.

Commissioner Herr inquired what is on the other side of the development in the honeycomb area, not the Econ side. Ms. Moskowitz advised it is a high-recharge overlay district, which restricts the amount of impervious surface that can be there. If there was development in the honeycomb-shaped area, there are specific requirements in Chapter 57 that must be met about the types of impervious surfaces that are allowed. Since there is no development in the high-charge area, staff didn't even look at that.

Attorney Jacob Schumer, Shepard, Smith, Kohlmyer & Hand, on behalf of the Appellant, addressed the Board and presented the appeal. Documents and case law were presented and distributed to the Board (received and filed). Richard Creedon, Geneva Citizens Association, was permitted to speak for the remaining two minutes of the Appellant's allotted 15-minute presentation and again for three minutes during public comment.

There was a question-and-answer session between the Board and Mr. Schumer.

Mr. Chipok provided a legal opinion on the case law presented by Mr. Schumer and reviewed the plat approved in 2008.

With regard to public participation, the following spoke in support of the appeal: Peter Barile, Ph.D.; Scott Laughlin; Maria McKinnen; Melissa Boyer; Dr. Stanley Stone; Eva McDonald (documents received); Virginia Creedon; Isaac Abdelmessih (documents received); Richard Creedon, Joe Humphreys; Leslie Blackner; Kim Bucheit (documents received); and Cindy Haller.

Public Speaker Forms and Written Comment Forms were received and filed.

Chairman Lockhart closed public input.

Ms. Wilson rebutted public comment. She introduced into the record a March 26, 2008, letter from St. Johns River Water Management District to Imogene Yarborough re: Open Space Credit - Creek Side Acres, Seminole County Development Order 07-5500040 (received and filed).

Motion by Commissioner Zembower, seconded by Vice Chairman Herr, to deny the appeal, thereby upholding the Planning and Zoning Commission approval of the Preliminary Subdivision Plan for Yarborough Ranch subdivision containing 300 residential lots on 1,313.64 +/- acres zoned A-5, Rural and A-10, Rural located on the east side of Snow Hill Road, approximately ¼ mile south of Old Mims Road; Geneva Citizens Association, Inc - Appellant; as described in the proof of publication.

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

Commissioner Zembower briefly spoke about the possibility of the County purchasing this property.

Motion by Commissioner Zembower, seconded by Vice Chairman Herr, to authorize staff to consider and review and bring back the feasibility of purchasing the property once any appeal process has ended.

There was Board discussion, Vice Chairman Herr made a friendly amendment to the motion which Commissioner Zembower accepted. Chairman Lockhart summarized the amendment that staff can judicially and concurrently over the next 30 days begin the preliminary gathering of information.

The motion carried by a unanimous vote.

Recess BCC Meeting

Chairman Lockhart recessed the meeting at 5:03 p.m., reconvening at 5:17 p.m.

COUNTY ATTORNEY'S REPORT

Mr. Chipok stated the closed session he requested during the morning session was requested for 2:00 p.m. because there are two work sessions that morning, but it can be moved to the morning if that is the pleasure of the Board. There was brief discussion. Mr. Chipok advised the closed session needs to be advertised for the specific time, and he proposes to schedule it at 11:00 a.m.

Motion by Commissioner Constantine, seconded by Commissioner Zembower, to amend the time to 11:00 a.m. There was no call for a vote on the motion.

Meloney Koontz, Assistant County Manager, suggested holding it at 8:30 a.m. so it will be done before the BCC meeting starting at 9:00 a.m. Discussion ensued.

Motion by Commissioner Dallari, seconded by Commissioner Zembower, to approve holding the closed session at 8:30 a.m.

The motion carried by a unanimous vote.

COUNTY MANAGER'S REPORT

No report.

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

District 1:

No report.

District 2:

Commissioner Zembower reported the Medical Examiners Board is having discussion about a new Medical Examiner's office. That board requested he bring to the Commissioners a proposal and commitment to fund over \$5 million towards a new office. However, there are not any capital estimates of what it will take to put in the building, and Lake County is proposing to possibly donate a piece of property for it. He believes it was too early for the funding request. They will be meeting on April 10th to have a more direct estimate of what the proposed cost will be. He will then be bringing that back with staff.

The Historic Commission has sent a letter to the Board related to the Crowe funding that is available. The Historical Society is requesting those funds to complete their due diligence they are required to do for the Bill Nygren Carriage Collection. He would like consensus to bring that forward as a future agenda item request. Commissioner Constantine confirmed with Mr. Chipok there was no prohibition on the Historical Commission using those funds for the carriage collection. There was no objection from the Board on submitting the future agenda item request.

District 3:

Commissioner Constantine advised Laura Kelley, Central Florida Expressway Authority, has retired. He requested they do a resolution in her honor. Vice Chairman Herr advised she has the notes to do this and it was on her list, and Commissioner Constantine agreed. Chairman Lockhart clarified the motion is to bring forward through the regular proclamation/resolution process something for Laura Kelley honoring her for her time and service.

Motion by Commissioner Constantine, seconded by Vice Chairman Herr, to bring forward through the regular proclamation/resolution process something for Laura Kelley, Central Florida Expressway Authority, honoring her for her time and service.

The motion carried by a unanimous vote.

District 5:

Vice Chairman Herr requested everyone keep the Goldsboro community in their thoughts for the loss of two very young children who died in a traffic collision in front of the Rescue Outreach Mission.

District 4:

Chairman Lockhart stated she would like to talk about the opportunity of utilizing dedicated funds from some of the monies recently received through legal clawbacks to be allocated towards Rosenwald because there are some funding gaps. She would like the Board to talk with staff and consider how those funds could be used for Rosenwald.

CHAIRMAN'S REPORT**COMMUNICATIONS AND/OR REPORTS**

1. Letter received February 22, 2023, to Seminole County Customer Services, Division of Landfill, from Dan Hoffmann, Outdoor Designs FL, re: Opposition to Seminole County Landfill upcoming fee of \$19.00 per ton for clean fill.

2. Letter dated February 16, 2023, to Board of County Commissioners from Traci Houchin, Sanford City Clerk, re: Notice of Public Hearing regarding adoption of Ordinance #2023-4725 annexing 19.90 acres between East Lake Mary Boulevard and Pine Way and between Sipes Avenue and Loon Lane.
3. Letter dated February 16, 2023, to Board of County Commissioners from Traci Houchin, Sanford City Clerk, re: Notice of Public Hearing regarding adoption of Ordinance #2023-4726 annexing 3.72 acres between Marquette Avenue and East Lake Mary Boulevard and between Skyway Drive and Sipes Avenue.

FUTURE AGENDA ITEMS

33. Future Agenda Item Requests - Future Land Use Designation for Wheatley Acres and Animal Abuse Registry. (Commissioner Dallari) [2023-218](#)

Wheatley Acres FLU Designation Request

Commissioner Dallari advised he requested this item because residents have reached out to him regarding rezoning the property.

Ms. Hammock reviewed the subject property, the rezoning request, and the process to put it on the agenda. It can be brought back as a work session, presentation, or a public hearing for ordinance depending on the Board's direction. There was Board discussion. Mr. Gray recommended bringing it back as a presentation first. No objections were voiced.

Animal Abuse Registry

As announced by Mr. Gray in the morning, this item was pulled due to the legislature looking at it this session.

PUBLIC COMMENT (Items not Related to the Agenda)

1. Alan Epstein addressed the Board and stated he has already spoken to Commissioner Dallari about his concern.
2. Dr. Nallan Chari expressed concerns regarding drainage on his property (document received). Commissioner Constantine requested the County Manager work with staff and Dr. Chari.

Public Comment Forms were received and filed.

ADJOURN BCC MEETING

There being no further business to come before the Board, the Chairman declared the meeting adjourned at 5:50 p.m., this same date.

APPROVED by the BCC:

Chairman

Date

ATTEST:

Clerk of Court and Comptroller
AS Clerk to the BCC