



SEMINOLE COUNTY, FLORIDA
Charter Review Commission
Meeting Agenda

Thursday, April 4, 2024

6:00 PM

BCC Chambers

Call to Order/Roll Call

Pledge of Allegiance

Approval of last meeting minutes

1. Minutes from Charter Review Commission Meetings on 3/7/2024 and 3/21/2024

Other Business

2. Verify and Approve DSK Law Monthly Invoice
3. Review Updated CRC Meeting Schedule
4. Presentation by Rick Durr, Parks and Recreation Director
5. Review and Consider Possible Charter Amendments
 - a. Review draft wording for a New Section of the Charter to include a requirement of a supermajority of the BCC to allow for the sale, lease, or disposition of county-owned parks, trails, and conservation area
 - b. Discuss amending section 5.2 (B) Rural Boundry removal by a supermajority of the BCC
 - c. Discuss amending Section 5.2 (C) Density or Intensity in rural areas can be changed by a supermajority of the BCC

Public Comment

Next scheduled meeting date

The next scheduled meeting of the Charter Review Commission is on April 17, 2024 at 6:00 PM

Adjournment

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Human Resources Division, ADA Coordinator, 48 hours in advance of the meeting at (407) 665-7940.



SEMINOLE COUNTY, FLORIDA

Agenda Memorandum

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

File Number: 2024-0387

Title:

Minutes from Charter Review Commission Meetings on 3/7/2024 and 3/21/2024

SEMINOLE COUNTY, FLORIDA

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



Meeting Minutes

Thursday, March 7, 2024

6:00 PM

BCC Chambers

Charter Review Commission

Call to Order/Roll Call**Present**

Sean Barth, Deborah Bauer (late), Scott Culp, Angela Fleming (late), Colleen Hufford, Tom O' Hanlon, Michelle Smith, John Horan, Nicole Martz, Marilyn Crotty, Robin Dehlinger, Russel "Rusty" Roberts, and John Richardson

Absent

Carissa Lawhun and Emily Tallman

Additional Attendees: Special Legal Counsel Attorney David Simmons, Assistant County Manager Meloney Koontz, Assistant County Attorney Robby McHugh, and Deputy Clerk Terri Porter

Pledge of Allegiance

Mr. Culp led the Pledge of Allegiance.

Approval of last meeting minutes

1. Minutes from Charter Review Commission Meeting on 2/15/2024

Motion by John Richardson, seconded by Robin Dehlinger, to approve the February 15, 2024, Charter Review Commission meeting minutes.

All members in attendance voted AYE.

Other Business

2. Verify and approve DSK Law Monthly Invoice.

Motion by Tom O'Hanlon, seconded by Michelle Smith, to approve the DSK Law Monthly Invoice.

All members in attendance voted AYE.

3. Review and Consider Possible Charter Amendments

Section 5.2(B) – Rural Boundary Removal by voters with 50% plus one (simple majority)

and

Section 5.2(C) - Change of Density or Intensity in Rural Areas changed by a super majority vote of the BCC

Motion by Nicole Martz, seconded by Tom O'Hanlon, to table discussion of items Section 5.2(B) and Section 5.2(C) today and bring back at a future meeting.

All members in attendance voted AYE.

Section 2.2(A) – Term Limits

Motion by Michelle Smith, seconded by Tom O’Hanlon to remove from the list Section 2.2(A) – Term Limits.

All members in attendance voted AYE, with the exception of John Richardson, who voted NAY.

Motion passes 12 to 1.

Section 5.4 – Create an Ethics Commission and Ethics Officer

Motion by Tom O’Hanlon, seconded by Michelle Smith, to remove from the list Section 5.4 – Create an ethics commission and ethics officer.

All members in attendance voted AYE, with the exception of Marilyn Crotty, who voted NAY.

Motion passes 12 to 1.

Section 5.1 – Casino Gambling

Motion by Nicole Martz, seconded by Tom O’Hanlon, to remove from the list Section 5.1 – Casino Gambling.

All members in attendance voted AYE.

County-owned Lands (Parks, Trails, and Conservation Areas)

Deborah Bauer stated they have a good ordinance now and she thinks there is a happy medium here. They just need to make it stronger so that it cannot be changed willy-nilly.

Motion by Deborah Bauer, seconded by Nicole Martz, to proceed with the idea of using the current ordinance that is in effect as a model to develop a Charter Amendment to send to the voters.

October 12, 2021 - The BCC approved Ordinance #2021-38 amending Part 3 (Natural Lands) of Chapter 190 Parks and Recreation of the Seminole County Code Section 190.77 to add a definition for supermajority; and adding Section 190.85 Disposition of designated Natural Lands by the Board of County Commissioners.

Under discussion, Mr. Horan clarified that they want to take the ordinance that they have right now and basically concretize it by putting it in the Charter. And the question that was asked by Rusty Roberts was are they now legislating and so forth, and Mr. Horan said that is exactly what they are doing because they are taking a legislative measure and putting it into a foundational document.

Ms. Crotty noted if they use the term “Natural Lands” as it is defined by the County, it seems it would include parks, trails and conservation areas that are owned by the County.

Attorney McHugh advised it would include the land currently in the natural lands inventory or lands that are later added to that inventory.

Attorney Simmons asked Ms. Bauer if her motion was to take the ordinance in verbatim and put it in the Charter. Ms. Bauer responded that she would rely on the County Attorney and County Staff, but the sentiment is to add a protection for their natural lands to the Charter and to do what they have to do to bring back a proposal for advancing a Charter Amendment based on the sentiments in the original ordinance.

Mr. Horan opined he does not want policy issues in a foundational document. Mr. O’Hanlon added there could be a lot of unintended consequences.

Attorney Simmons confirmed this ordinance requires a super majority of the county commissioners. He would like to include within his research, obviously with the County Attorney’s Office and Assistant County Manager Meloney Koontz, this issue of whether this ordinance is simply instructional to the BCC or is it obligatory. While it says this, he knows with respect to legislation, the existing legislature cannot bind the hands of a future legislature by simply saying, “You shall use this number of people to do a vote.” You may have your own rules within each house as to what it is going to take to pass something. Then there are certain constitutional limitations on what it takes, for example 60% to pass a constitutional amendment that is proposed, and then it goes to the voters to vote on, and he does not know with respect to a county ordinance whether it can tie the hands of a future county commission, so that they are limited by a super majority, or can a simple majority of the County Commission simply repeal or amend that ordinance.

Mr. Horan and Ms. Martz pointed out the motion is for drafting language consistent with a super majority ordinance. Ms. Bauer added she would like them to bring it back for discussion.

Attorney Simmons said he believes that they can get this drafted by the next meeting and get it to everyone before the meeting on the 21st.

Ms. Bauer commented she would like to call the question, and Chairman Horan agreed.

All members in attendance voted AYE, with the exception of Mr. Horan and Mr. O’Hanlon, who voted NAY.

Motion passes 11 to 2.

DISCUSSION SUMMARY***The following items were removed from the list:***

- Section 2.2(A) – Term Limits
- Section 5.4 – Create an ethics commission and ethics officer
- Section 5.1 – Casino Gambling

The following items remain on the list:

- Section 5.2(B) – Rural boundary removal by voters with 50% plus one (simple majority)
- Section 5.2(C) – Change of density or intensity in rural areas changed by a super majority vote of the BCC

The following will be brought back at the next meeting:

- Charter Amendment Language in connection with County-owned Natural Lands

Public Comment

None

Next scheduled meeting date

The next meeting will be held on Thursday, March 21, 2024, at 6:00 p.m.

Adjournment

There being no further business to come before the CRC, the Chairman declared the meeting adjourned at 7:52 p.m., this same date.

SEMINOLE COUNTY, FLORIDA

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



Meeting Minutes

Thursday, March 21, 2024

6:00 PM

BCC Chambers

Charter Review Commission

Call to Order/Roll Call

Present	Angela R. Fleming, Colleen Hufford, Emily Tallman, Michelle Smith, John Horan, Deborah Bauer, Nicole Martz, Marilyn E. Crotty, Robin Dehlinger, Russell "Rusty" Roberts, Scott Culp, Carissa Lawhun, and John Richardson
Absent	Tom O' Hanlon, and Sean Barth

Angela Fleming and John Horan attended virtually via Zoom.

Additional Attendees: Special Legal Counsel Senator David Simmons, Assistant County Manager Meloney Koontz, Assistant County Attorney Robby McHugh, and Deputy Clerk Chariti Guevara.

Vice Chairman Michelle Smith chaired the meeting since Chairman John Horan attended virtually.

Pledge of Allegiance

Rusty Roberts led the Pledge of Allegiance.

Approval of last meeting minutes

Minutes for the March 7, 2024 Charter Review Commission Meeting were not finalized and available for review.

Motion by Scott Culp, seconded by Nicole Martz, to table approval of the March 7, 2024, Charter Review Commission Meeting minutes.

All members in attendance voted AYE.

Other Business

1. Review and Consider Possible Charter Amendments [2024-0321](#)
 - a. Review draft wording for a New Section of the Charter to include a requirement of a supermajority of the BCC to allow for the sale, lease, or disposition of county-owned parks, trails, and conservation areas
 - b. Receive an update on SB 1420 and if this bill impacts charter commission lead amendments that may preempt development orders
 - c. Discuss amending Section 5.2 (B) Rural boundary removal by voters with 50% plus 1
 - d. Discuss amending Section 5.2 (C) Density or intensity in rural areas can be changed by a supermajority of the BCC

Ms. Martz requested they change the order of review and address Item B first because SB 1420 may impact a portion of the proposals.

Motion by Nicole Martz, seconded by Deborah Bauer, to change the order of review and address Item B first.

All members in attendance vote AYE.

Attorney Simmons provided an update on SB 1420 and answered questions from the CRC. Discussion followed.

Upon inquiry of Ms. Bauer, Assistant County Attorney Robby McHugh explained per Seminole County Ordinance #2021-38, natural lands inventory is currently zoned with the designation of public lands and institutions. That was done as an effort to be comprehensive to prohibit a rezone of natural lands to a different zoning class unless there was a supermajority vote of the BCC. Mr. McHugh commented, however, it is up to interpretation whether future boards would be bound by that requirement.

Ms. Martz commented the natural lands ordinance was not codified into the land development regulations. She inquired if changing the requirements for a rezoning would be considered changing a land development regulation. The zoning map is part of the Land Development Code (LDC); and when you change the zoning map, you're changing the LDC. They would be preempting the ability to do that with a simple majority by requiring a supermajority. She is concerned there is a legitimate argument that they are changing a land development regulation by making it a supermajority requirement.

Ms. Martz stated proposed language of Charter Section 5.6(a) states natural lands are the properties that are described in a resolution adopted by the BCC. She inquired if that resolution currently exists. Mr. McHugh responded he believes there is an inventory list of natural lands. Ms. Martz requested that be confirmed since this Charter amendment is about what lands are being protected. She inquired if that resolution itself could be amended by a simple majority, thereby you could take all of the natural lands out of that resolution and completely defeat the whole provision by changing the resolution with a simple majority.

Mr. McHugh advised he would do research and come back with more information at the next meeting.

Ms. Bauer suggested it would be helpful to have county staff from natural lands or parks and recreation present to speak to the CRC on what the current definitions are that are being used by staff in regards to these lands. Mr. McHugh advised they would try to have Parks and Recreation Director Rick Durr and Development Services Director Rebecca Hammock present at the next meeting.

Ms. Bauer stated in looking at the ordinance that created the Seminole Forever program, it refers to lands that can be procured by the county using that program. She is concerned about the wording in the proposed language that natural lands limits the scope of the effect of the proposed wording, and she would want to see more clear delineation so that any land that is acquired as part of the Seminole Forever program is protected. Mr. McHugh responded he has discussed that with Attorney Simmons. Seminole Forever absorbs part of the natural lands program. Natural Lands are part of that broader Seminole Forever program, but the natural lands themselves are distinct from other properties that the county holds. If they were to move forward with something like this, they would need to make a slight adjustment to be broader to include other properties.

Ms. Martz inquired if the word "dispose" in the proposed language was broad enough and what exactly it means. She inquired if it is defined in the ordinance, and Mr. McHugh confirmed it is not. Ms. Martz stated it would be a good idea to clarify the word "dispose." Attorney Simmons explained the term "transfer" in legal terminology is far broader than buy, sell, gift, or anything like that. He suggested "dispose or otherwise transfer" and also include in the language "all or any portion" to be broader. Ms. Martz requested adding a definition for dispose in the definition section. Ms. Crotty stated she would like the word "convert" included. Ms. Martz commented if they use the word "convert," they could take the zoning part out. If convert was a part of Paragraph B, instead of tying it to zoning, just converting might resolve the issue of the rezoning question. Ms. Martz stated they could define dispose and convert.

Motion by Scott Culp, seconded by Carissa Lawhun, to postpone making a decision on Items A and B to the next meeting.

All members in attendance voted AYE.

Attorney Simmons provided information on SB 1420 and Charter Sections 5.2 (B) and (C), Items C and D, and answered questions from the CRC. Discussion followed.

Ms. Bauer requested county staff research the Charter amendments to determine which, if any, were the result of proposals made by the County Commission as opposed to citizen initiative and/or the Charter Review Commission.

In regards to Section 5.2(B), Ms. Bauer inquired of Ms. Crotty if she was open to the idea of some other way to protect the rural boundary besides going to the voters. Ms. Crotty responded at a minimum it should be a supermajority vote of the BCC to remove land from the rural boundary, so under Section 5.2(B), she would be open to changing her recommendation to a supermajority vote.

Motion by Deborah Bauer, seconded by Colleen Hufford, to modify the language in Charter Section 5.2(B) to remove "rural boundary removal by the voters with 50% plus one" and add "rural boundary removal will require a supermajority vote of the BCC."

All members in attendance voted AYE.

Motion by Deborah Bauer, seconded by Carissa Lawhun, to table Items C and D pending an update provided by staff at the next meeting.

All members in attendance voted AYE.

Public Comment

There was no public comment.

Next scheduled meeting date

Ms. Koontz stated she would like everyone to understand where they are at on the meetings. They currently have meetings scheduled April 4 and April 17; public hearings, should they

move forward on an amendment, on May 2, 16, and June 6; and then there would be an opportunity for the CRC to come back and meet one time on June 20th and talk about anything they wanted to do and give their final resolutions to the BCC for the July 23rd BCC meeting so they can get them to the Supervisor of Elections in time. They can push the meeting a week and/or they can add meetings. She requested everyone think about that for discussion at the next meeting.

The next meeting is scheduled for April 7, 2024, at 6:00 p.m.

Adjournment

Motion by John Richardson, seconded by Scott Culp, to adjourn the meeting.

All members in attendance voted AYE.

There being no further business to come before the CRC, the Vice Chairman declared the meeting adjourned at 7:39 p.m., this same date.



SEMINOLE COUNTY, FLORIDA

Agenda Memorandum

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

File Number: 2024-0391

Title:

Verify and Approve DSK Law Monthly Invoice

DSK Law

de Beaubien · Simmons · Knight · Mantzaris · Neal

EST. 1976

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332 North Magnolia Avenue
Orlando, Florida 32802
Phone: 407-422-2454
Tax ID No. 59-2206392
www.dsklawgroup.com

Seminole County
1101 E First Street
Sanford, FL 32771-1468

March 12, 2024
Invoice # 500684

For Legal Services Rendered Through 02/29/24

Re: 061602 Seminole County Charter Review Commission - 2024

Date	Atty	Description	Hours	Amount
02/01/24	CLB	Conference with DHS re upcoming meeting; Receive and review email from DHS re document to be included in working notebook; Update notebook for DHS review and utilization at upcoming meeting	0.30	36.00
02/01/24	DHS	Research and review multiple issues for which DHS was requested to provide advice on by CRC members; Prepare for and attend Seminole County CRC meeting	4.60	1,150.00
02/01/24	GCC	Phone conference with DHS re: further issues to be researched prior to Seminole County Charter Review	0.30	75.00
02/01/24	GCC	Prepare email to DHS re: case law on partisan versus nonpartisan Board of County Commissioner elections	0.20	50.00
02/01/24	GCC	Review of issues re: research on partisan versus non partisan Board of County Commissioner elections	0.70	175.00
02/01/24	GCC	Prepare documents re: locate Seminole County court case documents and Florida Statute 849 re gambling issues requested to be researched by CRC members	0.30	75.00
02/01/24	GCC	Review of issues re: Florida County charters' and policies relating to partisan or non-partisan elections and residency requirements	2.40	600.00

de Beaubien, Simmons, Knight, Mantzaris & Neal LLP

Client Ref: SEMICO - 061602
 Invoice # 500684

March 12, 2024
 Page 2

Date	Atty	Description	Hours	Amount
02/01/24	GCC	Conference with DHS re: review of issues and supporting case law relating to Seminole County Charter Review issues	0.50	125.00
02/02/24	DHS	Telephone conference with B. Cortes re the status and interplay of HB 1017 and the Seminole County Charter, as further impacted by the Seminole Tribe Gambling Compact; Receive and review e-mail from B. Cortes; Prepare re next meeting issues; Conferences with GCC	0.90	225.00
02/26/24	DHS	Review issue re gambling litigation	0.20	50.00
02/29/24	DHS	Receive and review article re status of the term limit bills in the Florida House and Florida Senate; Prepare e-mail re same	0.20	50.00

Summary of Services

		Rate	Hours	Amount
DHS	David H Simmons - Partner	250.00	5.90	1,475.00
CLB	Christina Buffington - Paralegal	120.00	0.30	36.00
GCC	Grant Couch - Associate	250.00	4.40	1,100.00
Total Fees			10.60	\$2,611.00

Current Due \$2,611.00

Previous Balance 14,731.00

Payments Since Last Bill -719.00

Total Due \$16,623.00

All Invoices Due Upon Receipt. Balance Subject to 12% Finance Charge.

Our Federal Tax ID #: 59-2206392



SEMINOLE COUNTY, FLORIDA

Agenda Memorandum

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

File Number: 2024-0392

Title:

Review Updated CRC Meeting Schedule

Seminole County Charter Review Commission

Remaining Public Meeting Dates

- APRIL 4, 2024
- APRIL 17, 2024
- MAY 2, 2024 – 1ST PUBLIC HEARING, IF NECESSARY
- MAY 16, 2024 – 2ND PUBLIC HEARING, IF NECESSARY
- JUNE 6, 2024 – 3RD PUBLIC HEARING, IF NECESSARY
- JUNE 20, 2024 – REVIEW AND FINALIZE PROPOSED AMENDMENT DOCUMENTS TO THE BCC
- JULY 1, 2024 – PROVIDE STAFF WITH CHARTER AMENDMENTS AND DOCUMENTATION FOR THE BCC AGENDA TO ENSURE PROPER ADVERTISEMENT
- JULY 4, 2024 - CRC MEETING CANCELED DUE TO HOLIDAY
- JULY 9, 2024 – BCC MEETING CANCELED
- JULY 23, 2024- BCC MEETING FOR THE BCC TO PLACE ON THE AGENDA AND BY RESOLUTION PLACE ON THE GENERAL ELECTION BALLOT (NO LATER THAN 90 DAYS PRIOR TO THE GENERAL ELECTION)
- AUGUST 13, 2023 – BCC MEETING CANCELED
- AUGUST 21, 2024 – DEADLINE TO PROVIDE TO THE SUPERVISOR OF ELECTIONS



SEMINOLE COUNTY, FLORIDA

Agenda Memorandum

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

File Number: 2024-0388

Title:

Presentation by Rick Durr, Parks and Recreation Director



SEMINOLE COUNTY, FLORIDA

Agenda Memorandum

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

File Number: 2024-0390

Title:

Review and Consider Possible Charter Amendments