



CITY COMMISSION

REGULAR MEETING AGENDA

MONDAY, SEPTEMBER 23, 2019 AT 6:30 PM

CITY HALL - COMMISSION CHAMBERS
1126 EAST STATE ROAD 434, WINTER SPRINGS, FLORIDA

CALL TO ORDER

Roll Call
Invocation
Pledge of Allegiance
Agenda Changes

AWARDS AND PRESENTATIONS

100. Not Used

INFORMATIONAL AGENDA

200. Current Development Projects Update

Attachments: Current Projects Map

PUBLIC INPUT

Anyone who wishes to speak during Public Input on any Agenda Item or subject matter will need to fill out a "Public Input" form. Individuals will limit their comments to three (3) minutes, and representatives of groups or homeowners' associations shall limit their comments to five (5) minutes, unless otherwise determined by the City Commission.

CONSENT AGENDA

300. Minutes From The Monday, September 9, 2019 City Commission Regular Meeting

Attachments: Minutes

PUBLIC HEARINGS AGENDA

400. FY 2019-2020 Final Operating Millage Rate

Attachments: Resolution 2019-16

401. FY 2019-2020 Final Budget

Attachments: Resolution 2019-17

402. The City Attorney And City Manager Request That The City Commission Consider Accepting The Districting Commission's Recommendation Regarding An Update Of The City Commission Voting District Boundaries Pursuant To Section 4.02 Of The City Charter, And Conduct Second Reading And Final Adoption Of Ordinance No. 2019-10 Approving The Recommendation.

*Attachments: Ordinance 2019-10
Exhibit A
Legal Advertisement
Resolution 2019-01
Approved Minutes of the May 24, 2019 Districting Commission Regular Meeting
Winter Springs Redistricting Consultants Report*

REGULAR AGENDA

500. State Road 434 Widening: Seminole County Commissioner Bob Dallari Presenting

*Attachments: Presentation
Resolution 2019-21*

501. Dream Finders Townhomes Contract Obligation

*Attachments: Preliminary Engineering Plans for Winter Springs Townhomes by Dream Finders Homes
Relevant Excerpts of Original Schrimsher Development Agreement – 2006 06 26
Relevant Excerpt of Final Engineering Plans for Main Street Associates Phase II Development
Future Development Commitment Agreement – 2010 11 10*

REPORTS

600. City Attorney Anthony A. Garganese, Esquire

601. City Manager Shawn Boyle

602. City Clerk Andrea Lorenzo-Luaces, MMC

603. Seat One Commissioner Jean Hovey

604. Seat Two Commissioner/Deputy Mayor Kevin Cannon

605. Seat Three Commissioner Ted Johnson

606. Seat Four Commissioner TiAnna Hale

607. Seat Five Commissioner Geoff Kendrick

608. Mayor Charles Lacey

PUBLIC INPUT

Anyone who wishes to speak during Public Input on any Agenda Item or subject matter will need to fill out a "Public Input" form. Individuals will limit their comments to three (3) minutes, and representatives of groups or homeowners' associations shall limit their comments to five (5) minutes, unless otherwise determined by the City Commission.

ADJOURNMENT

PUBLIC NOTICE

This is a Public Meeting, and the public is invited to attend and this Agenda is subject to change. Please be advised that one (1) or more Members of any of the City's Advisory Boards and Committees may be in attendance at this Meeting, and may participate in discussions.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City of Winter Springs at (407) 327-1800 "at least 48 hours prior to meeting, a written request by a physically handicapped person to attend the meeting, directed to the chairperson or director of such board, commission, agency, or authority" - per Section 286.26 *Florida Statutes*.

"If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based" - per Section 286.0105 *Florida Statutes*.



INFORMATIONAL AGENDA ITEM 200

CITY COMMISSION AGENDA | SEPTEMBER 23, 2019 | REGULAR MEETING

TITLE

Current Development Projects Update

SUMMARY

PROPOSED DEVELOPMENT PROJECTS			
PROJECT NAME	LOCATION	LAST ACTION ITEM	CURRENT STATUS
AITC Office Building	863 N US 17-92	N/A	Final Engineering & Aesthetic Plans are under Staff review.
Winter Springs Medical Office	E SR 434 – West of Hacienda Dr.	N/A	Final Engineering Plans are under Staff review. Aesthetic Plans are being prepared.
Beazer Homes Senior (55+) Condominium Project (The Gatherings at Winter Springs- 108 Units)	Town Center - West side of Tuskawilla, north of Blumberg	Special Exceptions approved by City Commission on 8/13/18.	Engineering & Aesthetic Plans to be prepared by the developer.
Iriye Suites Live-Work Community	Town Center	Special Exceptions & Development Agreement approved by City Commission on 1/28/19.	Final Engineering Plans are being prepared by the developer. Aesthetic Plans are under Staff review.
Wendy's	Town Center	N/A	Final Engineering Plans and Aesthetic Plans are under staff review.
Dream Finders Townhomes (Winter Springs Townhomes) - 114 Units	Town Center - East side of Michael Blake Blvd.	Preliminary Engineering approved by City Commission on 1/8/18.	Final Engineering and Aesthetic Plans are under Staff review.
The Studios at Tuscawilla	Vistawilla Drive	N/A	Final Engineering Plans are under Staff review. A Community Workshop was held on July 19, 2019.

Insight Partners, Inc Office and Warehouse Renovation	300 W SR 434	N/A	Final Engineering Plans are under Staff review.
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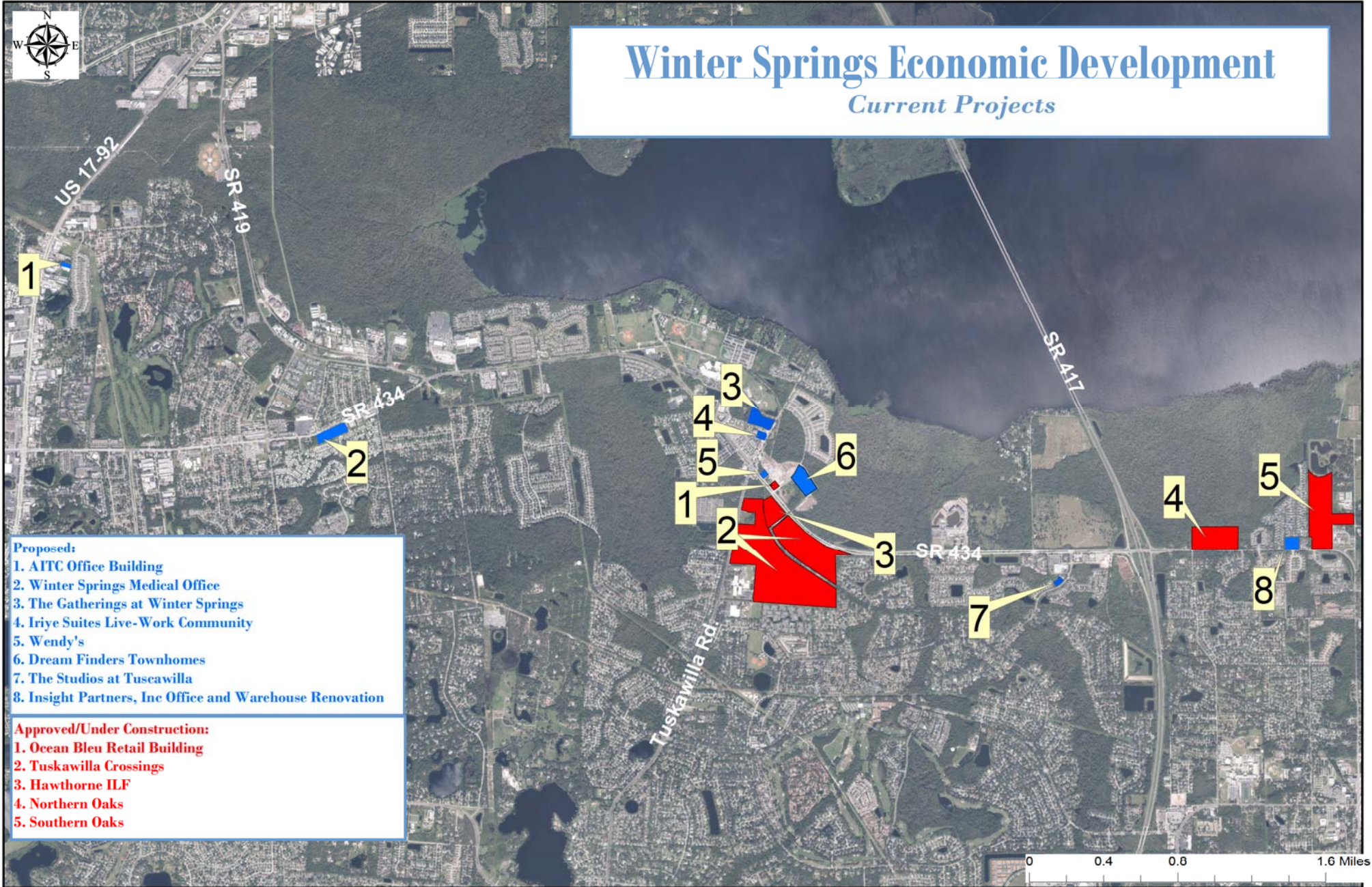
APPROVED DEVELOPMENT PROJECTS / UNDER CONSTRUCTION			
PROJECT NAME	LOCATION	LAST ACTION ITEM	CURRENT STATUS
Winter Springs Town Center Retail Building (Ocean Bleu)	Town Center	Final Engineering & Aesthetic Plans approved by City Commission on 6/10/2019.	Developer to schedule preconstruction meeting prior to starting work.
Tuskawilla Crossings: 379 single-family homes	Town Center	Final Engineering, Development Agreement & Aesthetics approved by City Commission on 4/24/17. Plat approved 8/13/2018. Phase 1 and Phase 2 Site work approved by City Commission.	Site work complete. Homes under construction.
Hawthorn ILF (Winter Springs Retirement Residence): 144 independent living suites	Town Center	Final Engineering, Aesthetic Review, & Development Agreement approved by City Commission on 1/22/18.	Site work under construction.
Northern Oaks: 35 single-family homes by Dream Finders Homes	North side of SR 434, East of SR 417	Final Engineering & Waivers approved by City Commission on 3/13/17. Preconstruction meeting held 10/17/17. Aesthetic Review approved by City Commission on 4/9/18. Plat is recorded.	Site work under construction. Building permits issued.
Southern Oaks: 54 single-family homes	West of DeLeon St. & North of SR 434	Final Engineering, Aesthetic Review, & Development Agreement approved on 6/22/15. Plat is recorded. City Commission accepted site work on 8/14/17.	Site work complete. Homes under construction.

RECOMMENDATION

Staff recommends the City Commission receive and review the information provided.

Winter Springs Economic Development

Current Projects



Proposed:

- 1. AITC Office Building
- 2. Winter Springs Medical Office
- 3. The Gatherings at Winter Springs
- 4. Iriye Suites Live-Work Community
- 5. Wendy's
- 6. Dream Finders Townhomes
- 7. The Studios at Tuskawilla
- 8. Insight Partners, Inc Office and Warehouse Renovation

Approved/Under Construction:

- 1. Ocean Bleu Retail Building
- 2. Tuskawilla Crossings
- 3. Hawthorne ILF
- 4. Northern Oaks
- 5. Southern Oaks



CITY COMMISSION

REGULAR MEETING MINUTES

MONDAY, SEPTEMBER 9, 2019 AT 6:30 PM

CITY HALL - COMMISSION CHAMBERS
1126 EAST STATE ROAD 434, WINTER SPRINGS, FLORIDA

CALL TO ORDER

The Regular Meeting of Monday, September 9, 2019 of the City Commission was called to Order by Mayor Charles Lacey at 6:37 p.m. in the Commission Chambers of the Municipal Building (City Hall, 1126 East State Road 434, Winter Springs, Florida 32708).

Roll Call:

Mayor Charles Lacey, present
Deputy Mayor Kevin Cannon, present
Commissioner Jean Hovey, present
Commissioner Ted Johnson, present
Commissioner TiAnna Hale, present
Commissioner Geoff Kendrick, present
City Manager Shawn Boyle, present
City Attorney Anthony A. Garganese, present
City Clerk Andrea Lorenzo-Luaces, present

A moment of silence was held, followed by the Pledge of Allegiance.

Mayor Lacey pointed out, "I would like to approve the Agenda, but with some changes. We are going to add an item '101' for a presentation on the [State Road] 434 Widening Project from – Mr. Bryant Smith."

Furthermore, Mayor Lacey suggested that regarding the Public Hearings Agenda Items, "Instead of '400', '401', and '402', we need to take it in order of '401', followed by '402', then followed by '400'." Furthermore, Mayor Lacey asked, "So with that, are there any other changes to the Agenda?"

Mayor Lacey then said, "Hearing none, may we adopt it as Amended." Deputy Mayor Kevin Cannon stated, "No objection." No one voiced any objections.

Mayor Lacey remarked, "Without objection, the Agenda stands adopted."

AWARDS AND PRESENTATIONS

100. Presentation of Check from Tusawilla Homeowner's Association for Purchase of New Police Canine

Chief of Police Chris Deisler spoke of the Police Department's K9 program.

Mr. Kevin McCann along with Ms. Sue Beveridge, Director, and Mr. Roger Monroe, Treasurer from the Board of Directors for the Tusawilla Homeowners Association (THOA) presented a check to the City in the amount of three thousand dollars (\$3,000.00) for a new K9.

Further comments.

Chief Deisler commented briefly on the importance of partnerships, and the great support from the Mayor and City Commission.

ADD-ON

101. State Road 434 Widening Project

Mr. Bryant Smith, III, P.E., CFM, City Engineer, Public Works Department gave an overview of the State Road 434 Widening Project, potential improvements, and working with Kittelson and Associates, Inc. Mr. Smith mentioned upcoming meetings and suggested that the City might be asked for a Resolution to show our support for the proposed improvements.

Deputy Mayor Cannon stated, "One of the concerns that I have is that the two (2) roundabouts that are being put in, benefit residents in Oviedo. I fail to see how they benefit any of the Winter Springs residents.

You have got Barclay Reserve, and you have also got further east of there, you have got Barrington Estates - Barclay Reserve, just to the right of that roundabout - in talking to residents out there, even when they put in the traffic signal on the corner because of the congestion of traffic in the morning, they can't even pull out to make a right turn; and they were complaining that the red light didn't stay red long enough because of the - distance from the red light for traffic to clear past Barrington, so that they could actually pull out.

So how is this going to help Barrington Estates? How is this going to help Barclay Reserve? How is this going to help Ladybug Academy there?"

Mr. Smith explained, "With the reduced speeds, it should increase those gaps as well as a multi-lane roundabout that should help increase those gaps as well. So, someone from Barrington [Estates] would need to turn right when they have that gap, they would then go through the roundabout and - come back the other direction."

Deputy Mayor Cannon then inquired, "What techniques are available out there to allow when traffic is queueing up bumper to bumper like it does every morning - rush-hour traffic, going to work, are there some sort of systems where when they have a line of cars that starts backing up, trying to get out of Barrington Estates or getting out of Barclay Reserve, some type of a yellow light comes on?" Deputy Mayor Cannon mentioned he had seen something like this on interstates, which helps space out traffic.

Next, Deputy Mayor Cannon inquired, "Is there some way to incorporate that for these other subdivisions because otherwise, I don't see our residents benefitting one bit from any of this."

Mr. Smith noted, "That can be relayed to Kittelson [and Associates, LLC]."

Deputy Mayor Cannon added, "They have got to synchronize the traffic signals on the east and the west side of [State Road] 417. Right now they're giving priority to the exit ramps and both of those signals need to be green simultaneously." Mr. Smith thought they would need to retime the signals.

Next, Deputy Mayor Cannon said, "In the morning rush hour traffic which is from east to west - the buses are loading on the north side. When they stop, they are going to just back the whole line of cars up all the way to the Townhouse basically. We have got to get when they come in, if you could ask them to be ready to answer that question for me on the school bus loading and unloading; because that really chokes up the traffic during rush hour; and it's the morning rush-hour when it is the worst." Mr. Smith said they could pass that information on.

Further discussion.

Deputy Mayor Cannon commended Mr. Smith on his work for the City and wished him well.

Remarks continued.

Commissioner Geoff Kendrick also complimented Mr. Smith on his contributions to the City.

Discussion followed regarding different aspects of this project as well as traffic to which Deputy Mayor Cannon noted his preference that the lights be synchronized sooner rather than later and hoped Mr. Smith could share this idea and/or advise Deputy Mayor Cannon who he could contact. Comments continued.

INFORMATIONAL AGENDA

200. Current Development Projects Update

This Agenda Item was not discussed.

201. East Central Florida Regional Planning Council Adopted Vision and Trend Analysis Updated Case Studies

There was no discussion on this Agenda Item.

202. Recycling and Solid Waste Education Initiative

No discussion.

203. MOU for School Safety Officer - Choices in Learning Charter School

This Agenda Item was not discussed.

PUBLIC INPUT

Mayor Lacey opened "Public Input".

Representative David Smith, Florida House of Representative, 1511 East State Road 434, Suite 2001, #264, Winter Springs, Florida: spoke of a Seminole County Legislative Delegation meeting this Friday from 1:00 p.m. to 4:00 p.m., at Seminole County and hoped residents and Elected Officials would attend.

Commissioner Jean Hovey mentioned that the educational system should also be considered.

Mr. Art Gallo, 199 Nandina Terrace, Winter Springs, Florida: commented about smart water technology, and potential cost savings.

Mayor Lacey stated, "We do have the presentation you gave and the Clerk will send it to out to the Commission in the next day."

With further remarks, Mr. Gallo hoped that the City would offer Waivers on water restrictions for residents who have installed a smart water system.

Deputy Mayor Cannon asked, "What do we need to do, to bring our Ordinance in line with the Florida Administrative Code - that there are no restrictions if you are using the reuse water in terms of when you can irrigate with it; and also, how would we go about adopting a Resolution or something, incentivizing people to go with the smart watering system and share in that cost share with Water Management and with the State. Should we put it on an Agenda?"

City Manager Shawn Boyle suggested that after tonight's meeting, we would be better able to look into this, noted his concern that there was adequate supply and demand, and thought it was a good idea. Manager Boyle then said "We'll certainly bring it back for everybody – if we have agreement up here.. I would just ask for a sixty (60) day delay so that we can study a few things."

Regarding the Florida Administrative Code, City Attorney Anthony A. Garganese said he could look into this also.

Deputy Mayor Cannon further mentioned he would like this matter brought back, to which Mayor Lacey asked, "Is there Consensus from the Commission to ask Anthony (Garganese) and the City Manager to look into the operational issues?" A sixty (60) day timeline was then suggested. Deputy Mayor Cannon added that if a little more time was needed, that was fine also. Commissioner Ted Johnson nodded in agreement. No objections were voiced. Mr. Gallo offered his assistance.

Furthermore, Commissioner Kendrick suggested this first be brought back as an Informational Agenda Item. Deputy Mayor Cannon added, "Sure."

Ms. Gina Shafer, Winter Springs Village, Winter Springs, Florida: thanked the City for the sandbags, commended Mr. Smith for removing a sign near the Blake Apartments, mentioned her concerns with drivers doing u-turns near the Starbucks on State Road 434 which often causes traffic back-ups; and asked that a "No u-turns" sign be placed in this area, as well as signage that advises drivers to not block the area. Ms. Shafer also asked how the questions for the survey were decided.

Mayor Lacey asked for clarification from Ms. Shafer and said, "When you are talking about a u-turn, you are talking about a u-turn eastbound, past the Starbucks, that comes back around to Starbucks and McDonald's?" Ms. Shafer responded, "Yes."

Manager Boyle introduced Mr. Christopher Schmidt, Director, Community Development Department to Ms. Shafer and said that Mr. Schmidt could answer any questions she had regarding the survey.

Mr. Matt Benton, 414 Cedarwood Court, Winter Springs, Florida: spoke of seeing some current and former Commissioners at a local restaurant earlier in the year, did not think the event was on the City calendar, and questioned why they and other officials were meeting.

Ms. Sheila Benton, 414 Cedarwood Court, Winter Springs, Florida: referenced the Florida Constitution, said that Elected Officials were to represent the people, and thought the City has been undermined since the end of January by a few citizens who were being disrespectful of the City Commission.

Mayor Lacey closed "Public Input".

CONSENT AGENDA

300. Debris and Refuse Hauler with Grapple Arm Purchase

There was no discussion on this Agenda Item.

301. Additional Funding for Wastewater Emergency Assistance Services from Veolia Water North America - South, LLC

No discussion.

302. Minutes from the Monday, August 12, 2019 City Commission Regular Meeting

This Agenda Item was not discussed.

Regarding the Consent Agenda, Mayor Lacey asked for a Motion for Approval.

“SO MOVED.” MOTION BY COMMISSIONER HALE. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.

VOTE:

COMMISSIONER JOHNSON: AYE

COMMISSIONER KENDRICK: AYE

DEPUTY MAYOR CANNON: AYE

COMMISSIONER HOVEY: AYE

COMMISSIONER HALE: AYE

MOTION CARRIED.

❖❖ **AGENDA NOTE: THE FOLLOWING PUBLIC HEARINGS AGENDA ITEMS WERE DISCUSSED IN THE ORDER AS DOCUMENTED.** ❖❖

PUBLIC HEARINGS AGENDA

401. FY 2019-2020 Tentative Millage Rate

Ms. Kelly Balagia, Director, Finance Department addressed the City Commission on this Agenda Item.

"I MOVE TO APPROVE RESOLUTION 2019-14 ESTABLISHING THE TENTATIVE FISCAL YEAR 2019 TO 2020 OPERATING MILLAGE RATE FOR THE CITY OF WINTER SPRINGS AT 2.4300 MILLS AND TO DISCONTINUE THE VOTED DEBT SERVICE MILLAGE RATE IN ITS ENTIRETY; ANNOUNCING THAT THE OPERATING MILLAGE RATE OF 2.4300 MILLS IS 6.72% GREATER THAN THE ROLLED-BACK RATE OF 2.2770 MILLS AND AUTHORIZING ADVERTISEMENT OF THE CITY'S INTENT TO HOLD PUBLIC HEARINGS TO ADOPT THE FINAL MILLAGE RATES AND BUDGET." MOTION BY DEPUTY MAYOR CANNON. SECONDED BY COMMISSIONER HALE.

DEPUTY MAYOR CANNON COMPLIMENTED MS. BALAGIA, MANAGER BOYLE, AND THE FINANCE DEPARTMENT FOR THE GREAT JOB THEY HAVE DONE.

Mayor Lacey opened "Public Input" for this Agenda Item.

No one spoke.

Mayor Lacey closed "Public Input" for this Agenda Item.

VOTE:

COMMISSIONER HOVEY: AYE

COMMISSIONER HALE: AYE

COMMISSIONER JOHNSON: AYE

COMMISSIONER KENDRICK: AYE

DEPUTY MAYOR CANNON: AYE

MOTION CARRIED.

402. FY 2019-2020 Tentative Budget

This Agenda Item was briefly addressed by Ms. Balagia.

Mayor Lacey opened "Public Input" for this Agenda Item.

No one addressed the City Commission at this time.

Mayor Lacey closed "Public Input" for this Agenda Item.

RELATED TO THE RECOMMENDATION NOTED IN THE AGENDA ITEM, "RESOLUTION 2019-15 ESTABLISHING THE TENTATIVE BUDGET FOR THE CITY OF WINTER SPRINGS FOR FISCAL YEAR 2019-2020 AND AUTHORIZING ADVERTISEMENT OF THE CITY'S INTENT TO HOLD PUBLIC HEARINGS TO ADOPT THE FINAL MILLAGE RATE AND BUDGET" - COMMISSIONER KENDRICK STATED, "MOTION TO APPROVE PUBLIC HEARINGS ITEM 402."

CONTINUING, COMMISSIONER KENDRICK ADDED FOR THE RECORD, "MOTION TO APPROVE A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR THE CITY OF WINTER SPRINGS FOR THE FISCAL YEAR COMMENCING ON OCTOBER 1ST, 2019 AND ENDING ON SEPTEMBER 30TH, 2020; PROVIDING FOR THE REPEAL [OF] PRIOR INCONSISTENT RESOLUTIONS; PROVIDING FOR THE SEVERABILITY; AND PROVIDING FOR THE EFFECTIVE DATE."

SECONDED BY DEPUTY MAYOR CANNON. DISCUSSION.

VOTE:

COMMISSIONER HALE: AYE

COMMISSIONER JOHNSON: AYE

COMMISSIONER KENDRICK: AYE

DEPUTY MAYOR CANNON: AYE

COMMISSIONER HOVEY: AYE

MOTION CARRIED.

400. The City Attorney and City Manager request that the City Commission consider accepting the Districting Commission’s recommendation regarding an update of the City Commission voting district boundaries pursuant to Section 4.02 of the City Charter, and conduct First Reading of Ordinance No. 2019-10 approving the recommendation.

IN TERMS OF THE FIRST READING OF ORDINANCE 2019-10 AND A MOTION TO READ BY ‘TITLE’ ONLY,” COMMISSIONER HOVEY STATED, “SO MOVED.” MOTION BY COMMISSIONER HOVEY. SECONDED BY DEPUTY MAYOR CANNON. DISCUSSION.

MOTION CARRIED UNANIMOUSLY WITH NO OBJECTIONS.

Attorney Garganese read Ordinance 2019-10 by “Title” only and then addressed some of the aspects of the Agenda Item.

Comments followed on growth and boundaries, especially as it relates to District Two, and voting age population.

Deputy Mayor Cannon complimented the work of the East Central Florida Regional Planning Council who assisted with the technical data related to the Report that had been submitted.

Mayor Lacey opened “Public Input” for this Agenda Item.

Ms. Gina Shafer, Winter Springs Village Winter Springs, Florida: asked about recently approved projects, the qualifications of the Districting Commission Members, and her concerns with the voting population.

Discussion.

Mayor Lacey closed “Public Input” for this Agenda Item.

AS IT RELATED TO THE FIRST READING, OF ORDINANCE 2019-10, “MOTION TO APPROVE ORDINANCE 2019-10 AND ADOPTING THE MAP AND DESCRIPTION OF THE RECOMMENDED COMMISSION DISTRICTS FILED WITH THE CITY COMMISSION BY THE DISTRICTING COMMISSION, PURSUANT TO SECTION 4.02. OF THE WINTER SPRINGS’ CITY CHARTER.” MOTION BY DEPUTY MAYOR CANNON. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.

VOTE:

COMMISSIONER KENDRICK: AYE

DEPUTY MAYOR CANNON: AYE

COMMISSIONER HOVEY: AYE

COMMISSIONER HALE: AYE

COMMISSIONER JOHNSON: AYE

MOTION CARRIED.

REGULAR AGENDA

500. Advisory Selection Committee Ranking for RFQ 05-19 LR "Professional Services for Utilities Operations, Maintenance, and Management Services"

With Ms. Casey Howard, Director, IT and Administrative Services Department, and Mr. Smith, Ms. Lena Rivera, P.E., D.WRE, Director, Public Works and Utilities Departments addressed the Mayor and City Commission on this Agenda Item and the evaluation process related to RFQ 05-19 LR.

Mr. Rob Nicholas, Vice President Development – PPS, Veolia North America, 5071 Endview Pass, Brooksville, Florida: remarked, “Veolia is a company that manages, water, energy, and waste services for municipalities and industries in the United States.”

Continuing, Mr. Nicholas noted, “One of the things we did with City Staff was develop an action plan of how we would approach the utilities and go forward.

It’s somewhat like a roadmap and you can just follow it as it goes around. As Lena (Rivera) said, our number one priority is to offer – a job and protect the current employees who are involved in these utilities. We want to be able to retain them so we’re going to provide a competitive wage and benefit package, and we want to motivate them so they can do a better job.

Part of that is going to be training, part of that is going to be incentives that we provide for that training and for their effort. We’re going to help jumpstart the effort. One of the advantages of a larger company is we have a lot of resources that we can apply.”

Continuing, Mr. Nicholas noted, "When we have those resources, we will bring probably twenty (20) or more people to Winter Springs to help specialize in work on items; so, look at the lab, look at the maintenance, look at the operation of the water plant, look at odor control. All those items we've done very quickly, upfront with the schedule, but we've already gone over with Lena (Rivera) as we start.

We will immediately take responsibility for the compliance of the plant, whether that's compliance with the water regulations, the wastewater regulations, the reuse regulations, or the stormwater regulations.

We will also give you a fixed cost that forces the responsibility of managing the cost in the utilities of electric, chemicals, sludge, people, all on us. We feel comfortable doing that because we've got experienced people and senior technical personnel who can come help us overcome different problems and make sure that we meet those budgets and meet that compliance.

Those people are going to help us implement management programs. And, these are management programs that are tested through all our facilities. What that means is you've got something that's tried and true, that you're going to be able to help with the employees to manage the facilities better.

So, we will have a program to help lab quality assurance, quality control so you have a double check on how the water quality is. There will be a maintenance program, there will be an operations program, there will be line maintenance programs with the stormwater in the ponds.

Additionally, we're going to have a focused maintenance effort and by that I mean we are going to create a Maintenance Lead. That Maintenance Lead will have an electrician; he will have mechanics that are going to be assigned to manage the equipment. So, every piece of equipment will be listed, every piece of equipment will have a maintenance plan to it.

So much like your car, we're going to change the oil every 5,000 miles and by using a management program, we're going to be able to document so that we can. Part of the goal here is, to put you more in a review process with your management staff versus actually trying to do it."

Continuing, Mr. Nicholas noted, "Additionally, we have got some priority repairs that we have suggested to the City. Kevin (Jones) is going to go into that, in a minute. The key here is to try to make your wastewater plants last another five to seven (5-7) years. That way you have plenty of time to plan for the replacement or the repair of them as you go forward. But there's a little bit of work we need to do to make them last that long.

Next we're going to work on resolving the odor problems that have occurred both at the water plants and the wastewater plants; and we think particularly at the east wastewater plant, we've fixed that problem and the odor complaints according to Lena (Rivera) are down a lot; so, we haven't had as many."

Furthermore, Mr. Nicholas remarked, "Additionally, we're going to focus in on the water plants, particularly water plant #1 has had taste and odor problems so we're going to review that and find out exactly what's causing that problem, which we kind of know already is high hydrogen sulfide in your wells and how to remove that or remove it so that the water begins to taste good, doesn't have an odor.

We're going to work with future capital. One of things we bring is, is we have a lot of experience operating a whole lot of different types of water plants and wastewater plants.

As you go through construction, we will help you understand – what's it going to take to operate the plant, what's it going to take to maintain it, and is it a reliable piece of equipment. We have lots of experience in doing that and that's what we're going to help you with."

Last but not least is transparency. We talked about we're going to put you in a position to be able to review the types of work that we're doing, but what's going to be important is we're going to provide you information - that information can then easily be converted over so you can begin to educate the public."

Mr. Nicholas added, "One of the things I want to talk about is collaboration - with this contract to work between you and us we have to collaborate and work together; and we're really proud of the fact that over the last couple of months that we've been providing emergency services, everybody has worked together great. And, I just don't mean the City and Veolia. I mean the operator in the field, the maintenance man, the Utilities Supervisor, the Public Works Director, the City management team -we've all worked together in a very cooperative manner and so the results are pretty evident."

Mr. Kevin M. Jones, Technical Manager, Veolia North America, 14055 Riveredge Drive, Suite 240, Tampa, Florida: addressed the Mayor and City Commission regarding some repairs and processes, as he showed some images.

Discussion.

Deputy Mayor Cannon asked, "During the course of this next say five to seven (5 – 7) years, would you be willing or able to work with our design engineer team and our Utility Director, our Public Works Director, to provide some input and guidance as we look forward to what is going to be a very large capital expenditure for upgrading these two (2) water sewage treatment plants?"

Mr. Jones responded, "Absolutely. One of the primary focus of Veolia water is not just operations and maintenance, but to also provide input to designers, Engineers in shortcomings at 35/50/65% drawings that show shortcomings that we have learned of plant optimization and improvements - it's amazing how Engineers like to put the steps at the wrong end of a tank, as an example."

Deputy Mayor Cannon then stated, "I noticed that you were mentioned in the Flint River episode - and in Pittsburgh, so I want you to clarify for us what that was all about."

Continuing, Deputy Mayor Cannon added, "I would like to know what was your contract and what were you doing and when were you doing it and were you found to be in violation as an operating company by the State or EPA (Environmental Protection Agency) or whatever, so if you could cover that for me."

Mr. Jones responded, "There are various types of contracts; there are Consulting contracts, there's O & M (Operations and Management) contracts, there are Design-Build-Operate contracts.

Both with Flint and Pittsburgh, we were in a consulting role. With Flint, it was a one (1) month study in regards to TTHMs (Total Trihalomethanes), very similar to the issue you had here. A recommendation was made on how to control the TTHMs (Total Trihalomethanes), and that service was done over a thirty (30) day period.

In Pittsburgh, our term was about the middle of 2002, I think up through 2015. Again, that was a consulting role. Three (3) people providing consulting services to that utility for plant optimization; same way I described with the digesters and others; optimizing the plant performance, so they could reduce their operation cost; so, they could take those same dollars and put it back into their infrastructure, declining water sewer system and a wastewater plant.”

Deputy Mayor Cannon inquired, “Were you found guilty by any environmental agency of causing any harmful discharges or anything like that?”

Mr. Jones stated, “Absolutely not, absolutely not, in either case. Matter of fact, our scope of work was not even associated with any allegation.”

Further comments.

Mr. Jones pointed out, “Matter of fact, as a technical guy, that’s one thing our company prides itself on is maintaining compliance.”

Discussion.

Mayor Lacey commented, “We are trying to milk as much time as we can out of the current wastewater plants before we are looking at a large capital expenditure to rebuild them, and one of my concerns in hiring an O & M (Operations and Management) company would be whether they were incentivized to help us in that project of extending that term, or they might be incentivized if they’re in the design and construction aspect of the business to find problems.”

Further, Mayor Lacey asked, “What is Veolia’s interest as we go through that process?”

Mr. Nicholas remarked, “Our recommendation - this has been in discussions we have had with staff, is that you really want the O & M (Operations and Management) expertise. You have Engineers, you have construction companies you use all the time, and that’s typically what we do. We simply provide input to your Engineers; we help you with your negotiations or your design or your construction management. So, we tend to prefer that you hire the Engineer you want, you hire the Contractor you want. We’ll give you advice on things to look at or what to think about or what the experience has been.

So, we really believe in focusing on the O & M (Operations and Management) and not construction. If somebody needs us to fix something and that's what these capital priorities are, we'll do the construction - we are not a Design Firm, so we're never going to design your facilities. That's not what we do. We're an operations company and we're pretty proud of being an operations company."

Commissioner Hovey referenced some instances related to litigation.

Discussion continued.

Manager Boyle noted, "I think we can get five to seven (5 – 7) years out of it. In that time frame, I would like to sit down with Lena (Rivera) and begin the focus on, as I said in my Budget presentation, replacing probably the east plant first and I think that replacement, in my mind is going to be somewhere about five (5) years out when it's is actually constructed and brought on line.

I think at that point, if we can defer the west plant for a few more years before we have to bring it on line; now we've got something that the folks that live here can afford, and its' responsible from a city management standpoint to roll these assets out in a very linear fashion, but they're separated."

Manager Boyle added, "When we rebuild these plants and bring them on line, this Contract is probably going to be terminated and if we want to not be back in that business, we're going to have to have to re-write a completely different Contract."

Further discussion followed.

"I MAKE A MOTION THAT WE EXTEND THE MEETING UP UNTIL NINE O'CLOCK SO THAT WE CAN COMPLETE IT ALL THE WAY THROUGH REPORTS AND PUBLIC INPUT." MOTION BY DEPUTY MAYOR CANNON. REGARDING HIS MOTION, DEPUTY MAYOR CANNON CLARIFIED, "I MAKE A MOTION UNTIL NINE O'CLOCK." SECONDED BY COMMISSIONER KENDRICK. DISCUSSION.

COMMISSIONER HOVEY VOTED NAY. THE REST OF THE CITY COMMISSION WAS IN FAVOR.

MOTION CARRIED.

Manager Boyle further spoke of Water Treatment Plants, stormwater, and noted, "The negotiations that we're hoping to conclude, Kelly (Balagia) and I and Lena (Rivera), when it comes to the financials, if you guys move forward with it, is to operate these plants at or below what we're currently operating the plant, so the financial risk is minimal. It's a fixed cost; it's less or equal to what we're currently operating it at." Manager Boyle stated for the Record, "It's no one's negligence that these plants haven't been replaced, it's just time."

Remarks followed on personnel, incentives, stormwater, the shape of the facilities, and being prepared for any future storm events.

Commissioner Kendrick said to Mr. Nicholas, "Are you quite confident based on what Manager Shawn Boyle has said and what you have said and a couple of us have asked, that you can create – what you have done so far is amazing – but you can create an atmosphere where we can rest assured that we have that five to seven to ten (5 – 7 – 10) years combined with both plants, we have the time to put the resources at work in the best way we possibly can, the most efficiently and effectively."

Mr. Nicholas said, "Yes, I think we feel pretty comfortable; and we'll make a full assessment and give you all an assessment." Further remarks.

"I MAKE A MOTION THAT WE ACCEPT THE CITY ADVISORY SELECTION COMMITTEE'S RANKING OF VEOLIA WATER NORTH AMERICA – SOUTH, LLC AS THE TOP RANKED ENTITY UNDER RFQ #05-19 LR AND THAT WE AUTHORIZE THE CITY MANAGER AND CITY ATTORNEY TO ENTER INTO CONTRACTUAL NEGOTIATIONS WITH VEOLIA." MOTION BY DEPUTY MAYOR CANNON. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.

DEPUTY MAYOR CANNON SUGGESTED THAT WHEN THE CONTRACT IS DRAWN UP, "I WANT TO MAKE SURE THAT WE HAVE OUTSIDE PERIODIC OVERSIGHT FOR TESTING OR WHATEVER, TO MAKE SURE THAT WE ARE PERIODICALLY CHECKING THE QUALITY MEASURES AND QUALITY STANDARDS, HOWEVER YOU WANT TO DO THAT OR IF THAT NEEDS TO BE IN THE CONTRACT OR NOT."

ATTORNEY GARGANESE SAID THEY WOULD CONSIDER THAT.

MAYOR LACEY NOTED, "I NEED TO MAKE SURE THAT THE COMMISSION AGREES WITH THAT. IS THERE CONCURRENCE FOR THE DIRECTION THAT DEPUTY MAYOR GAVE?" MEMBERS OF THE COMMISSION NODDED IN FAVOR. NO OBJECTIONS WERE VOICED.

VOTE:

DEPUTY MAYOR CANNON: AYE

COMMISSIONER HOVEY: NAY

COMMISSIONER HALE: AYE

COMMISSIONER JOHNSON: AYE

COMMISSIONER KENDRICK: AYE

MOTION CARRIED

Mayor Lacey then said, "Direction is given to Staff to negotiate a contract which we will see back here." In terms of an expected timeline, it was agreed that it would be brought to the first October 2019 City Commission Regular Meeting.

501. Appointment to Oak Forest Wall and Beautification District Advisory Committee

MOTION TO NOMINATE MR. HARRY ARTHUR TO SERVE ON THE SEAT THREE POSITION OF THE OAK FOREST WALL AND BEAUTIFICATION DISTRICT ADVISORY COMMITTEE. MOTION BY COMMISSIONER JOHNSON. SECONDED BY COMMISSIONER KENDRICK. DISCUSSION.

VOTE:

COMMISSIONER HOVEY: AYE

COMMISSIONER JOHNSON: AYE

COMMISSIONER KENDRICK: AYE

DEPUTY MAYOR CANNON: AYE

COMMISSIONER HALE: AYE

MOTION CARRIED.

REPORTS

600. City Attorney Anthony A. Garganese, Esquire

No Report.

601. City Manager Shawn Boyle

Manager Boyle thanked City Staff for their efforts related to recent Hurricane Dorian and also commended Chief Deisler on his leadership with this storm event.

602. City Clerk Andrea Lorenzo-Luaces, MMC

No Report was given.

603. Mayor Charles Lacey

No Report.

604. Seat One Commissioner Jean Hovey

Commissioner Hovey asked if the City of Winter Springs and/or Seminole County had any rules related to Airbnb's.

Brief remarks followed.

Next, Commissioner Hovey commented on the requirements to run for Elected Office in the City of Winter Springs and thought that any Candidates should also be “Fiscally accountable and responsible to the City” and suggested that, “All taxes that are owed to the County or State should be paid at the time they qualify for Election.”

Discussion followed on Candidate qualifications.

Mayor Lacey inquired of the City Commission, “Do you want to ask Anthony (Garganese) to look into this further and come back to the Commission?” Deputy Mayor Cannon and Commissioner Johnson stated, “I don’t.”

Mayor Lacey then asked, “Do we have Consensus not to do that? Is there objection to that?” Summarizing, Mayor Lacey noted, “I don’t think we have Consensus to proceed.”

605. Seat Two Commissioner/Deputy Mayor Kevin Cannon

Deputy Mayor Cannon spoke of Chief Deisler and Ms. Rivera and their Staff and complimented them all for their work during Hurricane Dorian, as well as Finance Staff and the Police Department’s Emergency Operations Center staff.

Furthermore, Deputy Mayor Cannon said, “We have an incredibly dedicated team of employees here in this City!”

Additionally, Deputy Mayor Cannon said, “Kudos to Shawn (Boyle) and the entire team!”

Chief Deisler offered his thanks for the acknowledgement and also commended the many employees and Department Directors who assisted during this storm event.

Deputy Mayor Cannon said to the Department Directors, “Please thank all your staff!”

606. Seat Three Commissioner Ted Johnson

Commissioner Johnson echoed the hard work of staff and also complimented the great communications efforts that he thought were very apparent during the Hurricane Dorian storm event.

Secondly, Commissioner Johnson referenced an article in a Sunday newspaper related to a story about a similar concern with the building of apartments in the City of Clermont and said that as a result, they instituted a Building Moratorium similar to what Winter Springs discussed earlier this year as well as community workshops to garner input.

607. Seat Four Commissioner TiAnna Hale

Commissioner TiAnna Hale spoke of Staff's efforts during the Dorian storm event and how impressed she was with how Staff handled the necessary work and also took care of residents. Commissioner Hale additionally mentioned the local Rotary, VFW (Veterans of Foreign Wars of the United States) and other organizations that are trying to help the people of the Bahamas who were so affected.

608. Seat Five Commissioner Geoff Kendrick

"MOTION TO EXTEND OUR MEETING UNTIL 9:05 P.M." MOTION BY COMMISSIONER KENDRICK. SECONDED BY DEPUTY MAYOR CANNON. DISCUSSION.

MOTION CARRIED UNANIMOUSLY.

Commissioner Kendrick noted that Wednesday of this week was the anniversary of "9/11".

On a related note, Commissioner Kendrick mentioned that this Wednesday, September 11th, he would be representing the City as well as being a PTA (Parent-Teachers Association) member when he attends a Keeth Elementary School PTA First Responders luncheon

Mr. (Bryant) Smith was then thanked by Commissioner Kendrick for his great contributions and service to the City of Winter Springs.

Next, Commissioner Kendrick referenced what Representative David Smith had brought up earlier during tonight's meeting regarding the upcoming Seminole County Legislative Delegation Meeting which will be held from 1:00 p.m. to 4:00 p.m., on Friday, September 13, 2019 at Seminole County.

Continuing his Report, Commissioner Kendrick noted an upcoming Tri-County League of Cities Meeting which the City of Oakland will host, on Thursday,, September 19, 2019. As the 2nd Vice President for the Tri-County League of Cities, Commissioner Kendrick pointed out that the Virgin Trains organization would present information on their infrastructure and routes and invited his fellow Elected Officials to attend this meeting.

As a member of the Florida League of Cities' Transportation and Intergovernmental Relations Committee, Commissioner Kendrick mentioned transportation funding and said that their Committee had much work to do.

Commissioner Kendrick then offered his thanks to City Staff for their work on various beautification projects around the City.

Concluding his Report, Commissioner Kendrick referenced comments during "Public Input" earlier in this meeting about a community organization, to which Commissioner Kendrick said that he wanted to clear the record and said that he was not a member of that group.

Deputy Mayor Cannon remarked that he serves on the Florida League of Cities' "Utilities, Natural Resources & Public Works" Policy Committee and spoke of a recent Court ruling related to the Land Acquisition Trust Fund that he thought might help with the expenditures for some conservation projects which would be helpful to Winter Springs. Deputy Mayor Cannon added that he would forward a copy of the Order with an update.

Related to recent concerns about crosswalk safety, Chief Deisler mentioned that he had been meeting with all the School Principals and had determined that crosswalks in the City were staffed appropriately.

ADJOURNMENT

Mayor Lacey adjourned the Regular Meeting at 9:05 p.m.

❖❖ **AGENDA NOTE: THE REST OF THE AGENDA AS NOTED NEXT WAS NOT DISCUSSED.** ❖❖

PUBLIC INPUT

RESPECTFULLY SUBMITTED:

ANDREA LORENZO-LUACES, MMC
CITY CLERK

APPROVED:

MAYOR CHARLES LACEY

NOTE: These Minutes were approved at the _____, 2019 City Commission Regular Meeting.



PUBLIC HEARINGS AGENDA ITEM 400

CITY COMMISSION AGENDA | SEPTEMBER 23, 2019 | REGULAR MEETING

TITLE

FY 2019-2020 Final Operating Millage Rate

SUMMARY

The City Manager is requesting that the City Commission hold a Public Hearing relative to the approval of Resolution 2019-16, which establishes the Final Operating Millage Rate for Fiscal Year 2019-2020 for the City of Winter Springs.

On September 9, 2019, the Commission adopted a tentative operating millage rate of 2.4300 mills. The voted debt service millage rate was discontinued. Tonight the Commission will set the final millage rate which cannot exceed the tentative millage rate.

The vote to adopt an operating millage rate of 2.4300 will only require a simple majority as it is less than the majority vote maximum millage rate.

The decision to levy an operating millage rate of 2.4300 mills as opposed to the rolled-back rate of 2.2770 mills results in additional ad valorem General Fund revenues of approximately \$369,795 (net of statutory discount).

The Property Appraiser mailed each property owner a TRIM notice prior to the first Public Hearing. Additionally, the budget calendar has been on the City's website since its approval in March and notice of the final public hearing was advertised on the City Hall electronic sign. Lastly, the statutorily required advertisements ran in the Orlando Sentinel on September 19, 2019. Upon approval and adoption of Resolution 2019-16, the final millage rates for fiscal year 2019-2020 will be communicated to the Seminole County Property Appraiser and the Seminole County Tax Collector as the millage rates to be levied by the City of Winter Springs for the 2019 tax year (Fiscal Year 2019-2020).

RECOMMENDATION

Staff recommends the City Commission adopt Resolution 2019-16 establishing the final operating millage rate at whatever rate the Commission deems appropriate for fiscal year 2019-2020 (not to exceed 2.4300 mills) and publicly announce the percentage by which the final operating millage rate is more than the rolled-back rate.

A sample motion which includes the necessary elements for statutory compliance follows:

I move to approve Resolution 2019-16 establishing the final operating millage rate at 2.4300 mills and publicly announce that the final operating millage rate is 6.72% more than the computed rolled-back rate of 2.2770 mills.

RESOLUTION 2019-16

A RESOLUTION OF THE CITY OF WINTER SPRINGS, FLORIDA, ADOPTING THE FINAL OPERATING MILLAGE RATE AND THE FINAL VOTED DEBT SERVICE MILLAGE RATE FOR THE CITY OF WINTER SPRINGS FOR THE FISCAL YEAR COMMENCING ON OCTOBER 1, 2019 AND ENDING ON SEPTEMBER 30, 2020; ANNOUNCING THE PERCENTAGE BY WHICH THE FINAL OPERATING MILLAGE RATE IS MORE THAN THE ROLLED-BACK RATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of Winter Springs of Seminole County, Florida, on September 23, 2019, adopted Fiscal Year 2019-2020 Final Millage Rate following a public hearing as required by Florida Statute 200.065;

WHEREAS, the City Commission of Winter Springs of Seminole County, Florida, held a public hearing as required by Florida Statute 200.065;

WHEREAS, the gross taxable value for operating purposes not exempt from taxation within Seminole County has been certified by the Seminole County Property Appraiser to the City of Winter Springs as \$2,517,669,920;

WHEREAS, the City Commission of Winter Springs desires to adopt the final operating millage rate and publicly announce the percent, if any, by which the final operating millage rate is more than or less than the rolled-back rate; and

WHEREAS, the City Commission of Winter Springs deems that this Resolution is in the best interest of the public health, safety, and welfare of the citizens of Winter Springs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, SEMINOLE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. **Incorporation of Recitals.** The foregoing recitals are deemed true and correct and are hereby fully incorporated by this reference.

Section 2. The City Commission adopts its final operating millage rate of 2.4300 mills for the fiscal year commencing October 1, 2019 and ending September 30, 2020. The voted debt millage rate has been discontinued.

Section 3. The final operating millage rate of 2.4300 mills is 6.72% more than the computed rolled-back rate of 2.2770 mills.

Section 4. Within three (3) days of the date of this Resolution, the Finance Director shall forward the Resolution adopting the final millage rate to the Seminole County Property Appraiser and the Seminole County Tax Collector.

Section 5. Within thirty (30) days of the date of this Resolution, the Finance Director shall certify compliance with Chapter 200, Florida Statutes by causing the Certification of Compliance, along with all necessary documentation, to be sent to the Property Tax Administration of the Department of Revenue.

Section 6. **Repeal of Prior Inconsistent Resolutions.** All prior resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict.

Section 7. **Severability.** If any section, subsection, sentence, clause, phrase, word, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto.

Section 8. **Effective Date.** This Resolution shall become effective immediately upon adoption by the City Commission of the City of Winter Springs, Florida.

RESOLVED by the City Commission of the City of Winter Springs, Florida, in a public hearing assembled on this 23rd day of September 2019.

Charles Lacey, Mayor

ATTEST:

Andrea Lorenzo-Luaces, City Clerk

**Approved as to legal form and sufficiency for
The City of Winter Springs only:**

Anthony A. Garganese, City Attorney



PUBLIC HEARINGS AGENDA ITEM 401

CITY COMMISSION AGENDA | SEPTEMBER 23, 2019 | REGULAR MEETING

TITLE

FY 2019-2020 Final Budget

SUMMARY

The purpose of this agenda item is to have the Commission consider the approval of Resolution 2019-17 establishing the final budget for fiscal year 2019-2020.

The proposed final budget was prepared at the direction of the Commission using an operating millage rate of 2.4300 mills. The total expenditures in the proposed final budget which include interfund transfers are \$51,470,066 and consist of the following:

General Fund \$19,101,792

Other Governmental Funds \$16,706,027

Enterprise Funds \$15,662,247

There have not been any revisions subsequent to the Tentative Budget (September 9th Public Hearing 401).

The proposed final city-wide budgets by fund type currently reflect the following appropriations to or from fund balance:

General Fund - \$137,115

Governmental Funds (exclusive of General Fund) - (\$5,551,568)

Enterprise Funds - (\$2,761,032)

The Property Appraiser mailed each property owner a TRIM notice prior to the first public hearing; notice of the final public hearing was advertised on the City Hall electronic sign, and the statutorily required advertisements ran in the Orlando Sentinel on September 19, 2019. The Tentative Budget has been posted on the City's website and within two weeks of adoption the Final Budget (unchanged from the Tentative) will also be published.

RECOMMENDATION

Staff recommends the City Commission approve the final budget for fiscal year 2019-2020 or amend it as deemed necessary and adopt Resolution 2019-17 establishing the final budget for fiscal year 2019-2020

A sample motion follows:

I move to approve Resolution 2019-17 establishing the final budget for the fiscal year commencing on October 1, 2019 and ending on September 30, 2020.

RESOLUTION 2019-17

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, FLORIDA, ADOPTING THE FINAL BUDGET FOR THE CITY OF WINTER SPRINGS FOR THE FISCAL YEAR COMMENCING ON OCTOBER 1, 2019 AND ENDING ON SEPTEMBER 30, 2020; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Springs of Seminole County, Florida, on September 23, 2019, held a public hearing as required by Florida Statute 200.065;

WHEREAS, the City Commission of the City of Winter Springs desires to adopt the final budget; and

WHEREAS, the City Commission of the City of Winter Springs deems that this Resolution is in the best interest of the public health, safety, and welfare of the citizens of Winter Springs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, SEMINOLE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. **Incorporation of Recitals.** The foregoing recitals are deemed true and correct and are hereby fully incorporated by this reference.

Section 2. Having previously adopted a final millage rate for the City of Winter Springs for fiscal year 2019-2020 the City Commission adopts its final budget as may be amended for the fiscal year commencing October 1, 2019 and ending September 30, 2019 as presented at its regular meeting assembled on the date of this Resolution with all amendments, if any, adopted at that meeting.

Section 3. The expenditures in the final budget are \$51,470,066 which includes interfund transfers and is comprised of the following: General Fund - \$19,101,792; Other Governmental Funds - \$16,706,027; and Enterprise Funds – \$15,662,247. The budget is based upon gross taxable value of \$2,517,669,920.

Section 4. Within three (3) days of the date of this Resolution, the Finance Director shall forward the Resolution adopting the final millage rate to the Seminole County Property Appraiser and the Seminole County Tax Collector.

Section 5. Within thirty (30) days of the date of this Resolution, the Finance Director will certify compliance with Chapter 200, Florida Statutes by causing the Certification of

Compliance, along with all necessary documentation, to be sent to the Property Tax Administration Program of the Department of Revenue.

Section 6. **Repeal of Prior Inconsistent Resolutions.** All prior resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict.

Section 7. **Severability.** If any section, subsection, sentence, clause, phrase, word, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto.

Section 8. **Effective Date.** This Resolution shall become effective immediately upon adoption by the City Commission of the City of Winter Springs, Florida.

RESOLVED by the City Commission of the City of Winter Springs, Florida, in a regular meeting assembled on this 23rd day of September 2019.

Charles Lacey, Mayor

ATTEST:

Andrea Lorenzo-Luaces, City Clerk

**Approved as to legal form and sufficiency for
The City of Winter Springs only:**

Anthony A. Garganese, City Attorney



PUBLIC HEARINGS AGENDA ITEM 402

CITY COMMISSION AGENDA | SEPTEMBER 23, 2019 | REGULAR MEETING

TITLE

The City Attorney and City Manager request that the City Commission consider accepting the Districting Commission's recommendation regarding an update of the City Commission voting district boundaries pursuant to Section 4.02 of the City Charter, and conduct Second Reading and final adoption of Ordinance No. 2019-10 approving the recommendation.

SUMMARY

Section 4.01(a) of the City Charter provides that there shall be a governing body composed of the mayor and five (5) commission members elected by the voters of the city as provided in this Charter. Not more than one (1) commission member shall reside in each of the five (5) commission districts provided for in Section 4.02 (a) of the Charter. The mayor shall be elected at large and may reside anywhere within the city.

Section 4.02 of the City Charter requires that the City Commission appoint a Districting Commission for purposes of examining whether adjustments must be made to the City Commission voting district boundaries. On January 28, 2019, the City Commission appointed a Districting Commission pursuant to Resolution No. 2019-01. Further, the City retained the services of the East Central Florida Regional Planning Council (ECFPC) to assist City staff with providing technical assistance to analyze the population and voting age population within the existing five City Commission districts, and to prepare a report and related maps. The City Attorney provided legal guidance.

On May 24, 2019, the Districting Commission timely examined the report prepared by the ECFPC and conducted a public hearing related to a proposed new City Commission Voting District Map. The Districting Commission recommended a revised City Commission Voting District Map which is attached as Exhibit "A" to Ordinance No. 2019-10. The proposed new map makes several adjustments to the boundaries of the existing City Commission Districts to account for population and voting age population changes since the last Districting Commission process in 2016. Based on legal guidelines regarding voting districts, the existing City Commission voting district boundaries are in essence being adjusted to rebalance population and voting age populations more equally within the five districts.

The City Commission shall adopt the redistricting ordinance at least one hundred twenty (120) days before the next city election, which is November 3, 2020. If the City Commission fails to either accept or reject the redistricting ordinance recommended by the Districting Commission, the report of the Districting Commission shall go into effect and have the same effect of an ordinance. The proposed redistricting ordinance may not be rejected for any reason except for failure to comply with the specifications listed in Section 4.02 (c) of this Charter or failure to comply with other local, state or federal law.

Section 4.02 provides:

Section 4.02. - Commission districts; adjustment of districts.

(a) *Number of districts.* The city commission of the City of Winter Springs, Florida, shall by separate ordinance divide the city into five (5) geographical commission districts.

(b) *Districting commission.* By the first day of February, 1991, the first day of February, 1992, and every three (3) years thereafter, the city commission shall appoint seven (7) city electors determined from the registration of the last regular election, one (1) to be appointed by each commissioner from their respective district, and two (2) appointed by the mayor from the city at large, who shall comprise the districting commission. Electors chosen shall not be employed by the city in any other capacity. The initial districting commission, creating and establishing the first commission districts, shall be appointed by each commissioner and the mayor from the city at large.

(c) *Report; specifications.* The districting commission shall file with the official designated by the city commission a report containing a recommended plan for establishment or adjustment of the commission district boundaries. The initial districting commission, creating and establishing the first commission districts, shall file such report within ninety (90) days of appointment. Thereafter, such reports shall be filed within one hundred twenty (120) days of appointment to the districting commission. The commission district boundaries shall comply with the following specifications:

(1) Each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the center lines of streets insofar as practical or possible, or other boundaries available.

(2) The districts shall be based upon the principle of equal and effective representation as required by the United States Constitution and as represented in the mathematical preciseness reached in the legislative apportionment of the state.

(3) The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the designated official, the report shall be treated as an ordinance introduced by a commissioner.

(d) *Support.* It shall be the responsibility of the city manager to provide staff assistance and technical data to the districting commission.

(e) *Procedure.* The procedure for the city commission's consideration of the report shall be the same as for other ordinances, provided that if a summary of the ordinances is published pursuant to this Charter and general law, it must include both the map and a description of the recommended districts.

(f) *Failure to enact ordinance.* The city commission shall adopt the redistricting ordinance at least one hundred twenty (120) days before the next city election. If the city commission fails to either accept or reject the redistricting ordinance, the report of the districting commission shall go into effect and have the same effect of an ordinance. The proposed redistricting ordinance may not be rejected for any reason except for failure to comply with the specifications listed in Section 4.02 (c) of this Charter or failure to comply with other local, state or federal law.

(g) *Effect of enactment.* The new commission districts and boundaries as of the date of enactment shall supersede previous commission districts and boundaries for all purposes; provided all incumbent commissioners shall continue to hold office for the entire term to which elected notwithstanding any change in commission district and boundaries.

The City Commission passed the Ordinance on First Reading on September 9, 2019.

RECOMMENDATION

The City Attorney and City Manager recommend that the City Commission consider accepting the recommendation made by the Districting Commission and adopt Ordinance No. 2019-10 on Second Reading.

ORDINANCE NO. 2019-10

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, SEMINOLE COUNTY, FLORIDA, ADOPTING THE MAP AND DESCRIPTION OF THE RECOMMENDED COMMISSION DISTRICTS FILED WITH THE CITY COMMISSION BY THE DISTRICTING COMMISSION PURSUANT TO SECTION 4.02 OF THE WINTER SPRINGS CITY CHARTER; PROVIDING FOR SEVERABILITY, REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Springs City Charter requires that the City be divided into five (5) geographic voting districts for purposes of electing a City Commissioner from each district; and

WHEREAS, in accordance with Section 4.02 of the City Charter, the City Commission is required to periodically appoint a districting commission to redraw the voting districts based on population and acceptable constitutional voting rights principals; and

WHEREAS, the Districting Commission is required by City Charter to recommend a voting district map to the City Commission for consideration; and

WHEREAS, the City Commission of the City of Winter Springs, Florida, hereby finds that the voting district map recommended by the Districting Commission on May 24, 2019 is acceptable and also finds that it is in the best interests of the citizens of Winter Springs to approve said map.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS HEREBY ORDAINS, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are fully incorporated herein by this reference.

Section 2. Voting District Map. Pursuant to Section 4.02 of the Winter Springs City Charter, the City Commission hereby approves the voting district map recommended by the Districting Commission. Said Voting District Map is attached hereto as **Exhibit "A"** and hereby fully incorporated herein by this reference.

Section 3. Future Elections. The Voting District Map approved hereunder shall be used by the City for all City Commission municipal elections occurring after the effective date of this ordinance.

Section 4. Filing of Voting District Map with City Clerk. The Voting District Map

shall not be codified into the City Charter or Code. However, a copy of the Voting District Map shall remain on file with the City Clerk's office for public inspection and/or copying.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 6. Repeal of Prior Inconsistent Ordinances and Resolutions. All prior inconsistent ordinances and resolutions adopted by the City Commission, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 7. Effective Date. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Springs, Florida, and pursuant to the City Charter.

ADOPTED by the City Commission of the City of Winter Springs, Florida, in a special meeting assembled on the ____ day of _____, 2019.

CHARLES LACEY
Mayor

ATTEST:

ANDREA LORENZO-LUACES
City Clerk

**Approved as to legal form and sufficiency for
the City of Winter Springs only**

Anthony A. Garganese, City Attorney

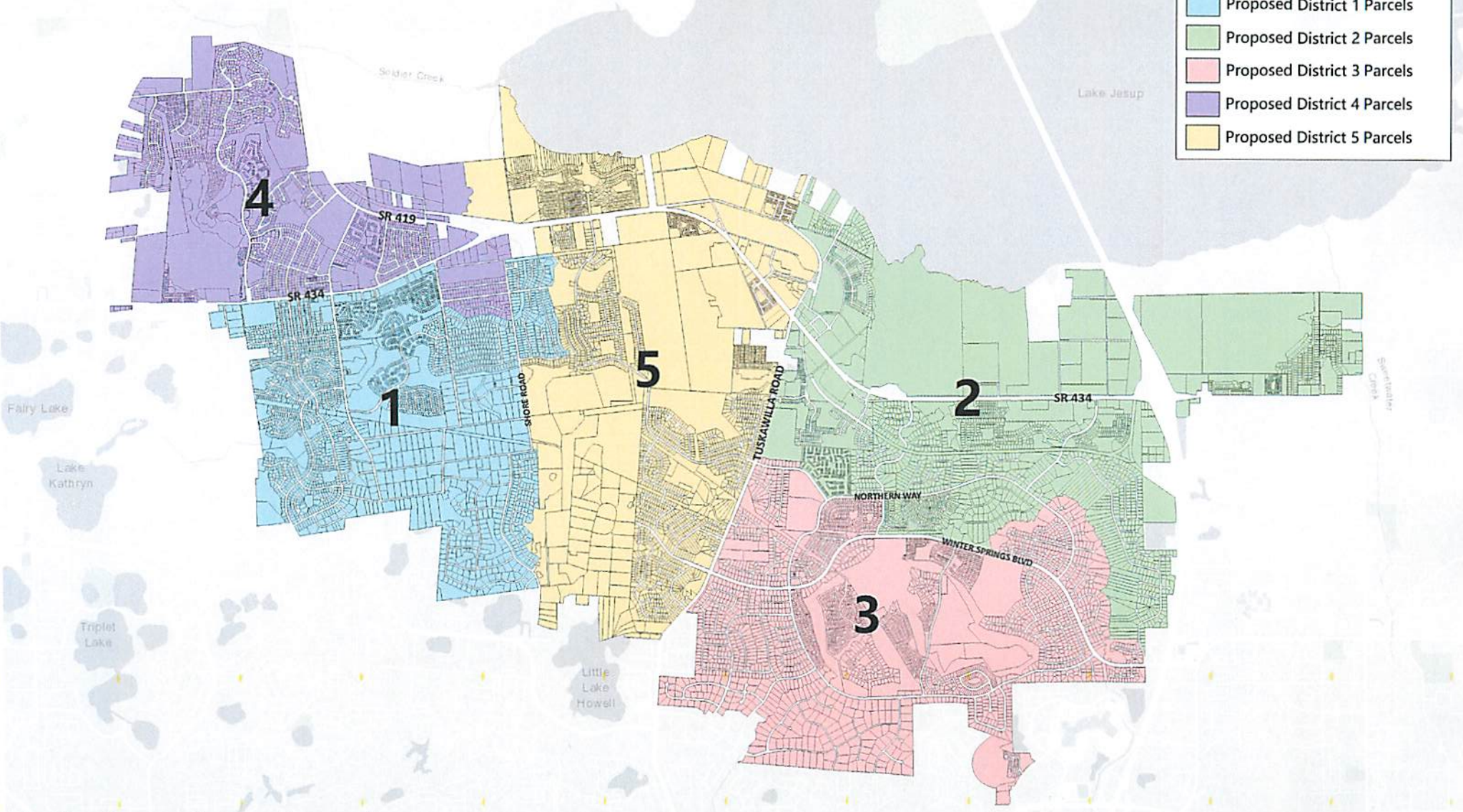
Legal Advertisements:
First Reading:
Second Reading:
Effective Date:

EXHIBIT
A
Ordinance No 2019-10



Proposed Voting Districts Map
City of Winter Springs, FL
May 24, 2019

- Proposed District 1 Parcels
- Proposed District 2 Parcels
- Proposed District 3 Parcels
- Proposed District 4 Parcels
- Proposed District 5 Parcels



RESOLUTION NUMBER 2019-01

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, FLORIDA PROVIDING FOR AN EFFECTIVE DATE FOR APPOINTMENTS TO THE 2019 WINTER SPRINGS DISTRICTING COMMISSION; PROVIDING A DUE DATE FOR A REPORT CONTAINING A RECOMMENDED PLAN FOR ADJUSTMENT OF COMMISSION DISTRICT BOUNDARIES; PROVIDING A DUE DATE FOR THE CITY COMMISSION TO ADOPT OR REJECT A REDISTRICTING ORDINANCE; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT RESOLUTIONS; SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Winter Springs, Florida was established by the Florida Legislature in 1959 and operates pursuant to its City Charter; and

WHEREAS, the City Charter requires that, every three (3) years, the City Commission appoint seven (7) city electors to comprise the districting commission for adjustment of the commission district boundaries; and

WHEREAS, the City Charter requires that the districting commission prepare a report containing a recommended plan for adjustment of the commission district boundaries; and

WHEREAS, the City Charter requires that the City Commission adopt or reject a redistricting ordinance at least one-hundred-twenty (120) days prior to the next city election;

WHEREAS, the next City election will be November 3, 2020 and as such, the City Commission must adopt or reject a redistricting ordinance by July 6, 2020;

WHEREAS, the City Commission desires to provide an open, objective, and deliberative process that will afford the public ample opportunity to participate in the districting review process; and

WHEREAS, the City Commission finds that this Resolution is in the best interests of the public health, safety, and welfare of the citizens of Winter Springs, Florida.

NOW, THEREFORE, BE IT RESOLVED that the City Commission of the City of Winter Springs, Florida as follows:

SECTION I. The following appointments have been made to the 2019 Districting Commission:

- 1) Seat One (Commissioner Jean Hovey): Ms. Mary Hoffman-Hughes
- 2) Seat Two (Deputy Mayor Kevin Cannon): Ms. Colleen Murphy

- 3) Seat Three (Commissioner Ted Johnson): Mr. Zoltan “Skip” Arok, Jr.
- 4) Seat Four (Commissioner TiAnna Hale): Mr. Robert Henderson
- 5) Seat Five (Commissioner Geoff Kendrick): *Ms. Joanne M. Krebs*
- 6) Mayoral Appointment (Mayor Charles Lacey): Mr. James Evans
- 7) Mayoral Appointment (Mayor Charles Lacey): Mr. Maurice Kaprow

SECTION II. All appointments to the 2019 Districting Commission shall take effect immediately upon the final passage and adoption of this Resolution by the City Commission. Vacancies on the 2019 Districting Commission occurring after the adoption of this Resolution shall be filled by appointment in accordance with the City Charter and without the necessity of modifying this Resolution.

SECTION III. The Districting Commission shall have until **May 28, 2019**, one-hundred-twenty (120) days from the effective date of this Resolution, to file with the City Manager a report containing a recommended plan for adjustment of the commission district boundaries. Pursuant to the City Charter, the City Commission shall have until **July 6, 2020**, which is one-hundred-twenty (120) days prior to the next city election, to adopt or reject a redistricting ordinance.

SECTION IV. The Districting Commission’s report shall be governed by the applicable provisions of the City Charter and other applicable law including, but not limited to, the provisions of the Voting Rights Act of 1965. In general and taking into account the current commission district boundaries, the City Charter requires that the commission district boundaries shall comply with the following specifications:

- (1) Each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the center lines of streets insofar as practical or possible, or other boundaries available.
- (2) The districts shall be based upon the principle of equal and effective representation as required by the United States Constitution and as represented in the mathematical preciseness reached in the legislative apportionment of the state.
- (3) The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the designated official, the report shall be treated as an ordinance introduced by a commissioner.

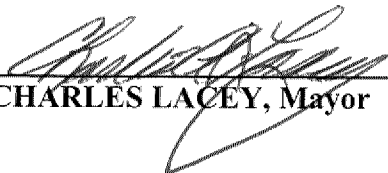
Additionally, to account for changes in population generated by new residential development since the previous 2016 Districting Commission recommendation approved by the City Commission pursuant to Ordinance No. 2016-02, on June 13, 2016, the technical assistance provided under Section V of this Resolution and the Districting Commission’s recommendation shall be guided not by the issuance of development permits, but rather by the actual number of certificates of occupancy granted by the City for new residential dwelling units not previously accounted when the City Commission approved Ordinance No. 2016-02 establishing the current commission district boundaries.

SECTION V. To the extent deemed reasonably necessary by the City Manager, the City Manager, City Clerk, and City Attorney, and their respective designees, shall provide technical assistance to the Districting Commission.

SECTION VI. This Resolution shall take effect immediately upon its final passage and adoption by the City Commission.

ADOPTED by the City Commission of the City of Winter Springs, Florida, in a Regular Meeting duly assembled on the 28th day of January, 2019.

In witness whereof, I have hereunto set my hand and caused this seal to be affixed.



CHARLES LACEY, Mayor

ATTEST:



ANDREA LORENZO-LUACES, City Clerk

**Approved as to legal form and sufficiency for
the City of Winter Springs, Florida only:**



ANTHONY A. GARGANESE, City Attorney

CITY OF WINTER SPRINGS, FLORIDA
MINUTES
DISTRICTING COMMISSION
REGULAR MEETING
MAY 24, 2019

CALL TO ORDER

The Regular Meeting of Friday, May 24, 2019 of the Districting Commission was called to Order at 5:00 p.m. by City Attorney Anthony A. Garganese in the Commission Chambers (City Hall, 1126 East State Road 434, Winter Springs, Florida 32708).

City Attorney Anthony A. Garganese gave a brief introduction of what would be addressed during this meeting.

Roll Call:

Mr. Zoltan "Skip" Arok, Jr., present
Mr. James Evans, present
Mr. Robert Henderson, present
Ms. Mary Hoffman-Hughes, present
Mr. Maurice Kaprow, present
Ms. Joanne M. Krebs, present
Mr. David Withee, present,
City Attorney Anthony A. Garganese, present
City Clerk Andrea Lorenzo-Luaces, present
Assistant to the City Clerk Christian Gowan, present

REGULAR AGENDA – PART I

500. Orientation For The 2019 Districting Commission Members

Attorney Garganese led the official Oath of Office that all Districting Commission Members took.

Next, Attorney Garganese noted that the City Clerk would provide the Oath of Office documents for everyone to sign.

501. Election For Chairperson Of The 2019 Districting Commission

Districting Commission Member Robert Henderson suggested for the Position of Chairperson, "I would Nominate Joanne Krebs."

No other Nominations were made.

Attorney Garganese then suggested a Motion be made for the Appointment of a Chairperson.

“I SO MOVE.” MOTION BY DISTRICTING COMMISSION MEMBER KAPROW. SECONDED. DISCUSSION.

MOTION CARRIED UNANIMOUSLY.

502. Election For Vice-Chairperson Of The 2019 Districting Commission

FOR THE POSITION OF VICE-CHAIRPERSON, “I WOULD LIKE TO NOMINATE RABBI MAURICE KAPROW.”

THERE WERE NO FURTHER NOMINATIONS VOICED.

MOTION BY DISTRICTING COMMISSION MEMBER EVANS. SECONDED BY DISTRICTING COMMISSION MEMBER HENDERSON. DISCUSSION.

VOTE:

CHAIRPERSON KREBS: AYE

VICE-CHAIRPERSON KAPROW: AYE

DISTRICTING COMMISSION MEMBER AROK, JR.: AYE

DISTRICTING COMMISSION MEMBER HENDERSON: AYE

DISTRICTING COMMISSION MEMBER WITHEE: AYE

DISTRICTING COMMISSION MEMBER EVANS: AYE

DISTRICTING COMMISSION MEMBER HOFFMAN-HUGHES: AYE

MOTION CARRIED.

AWARDS AND PRESENTATIONS

100. Not Used

INFORMATIONAL AGENDA

200. Not Used

❖❖ **AGENDA NOTE: THE REST OF THE AGENDA WAS DISCUSSED IN THE ORDER, AS DOCUMENTED.** ❖❖

CONSENT AGENDA

300. Not Used

PUBLIC HEARINGS AGENDA

400. Not Used

REGULAR AGENDA – PART II

500. Presenting The Districting Commission With A Recommendation For The 2019 City Commission District Boundaries, Reflecting the 2010 Census Population And Updated Development Data Since The 2010 Census Was Completed. The Districting Commission Must Forward A Recommendation To The City Manager For His Consideration By May 27, 2019.

Attorney Garganese gave an overview and pointed out, "Pursuant to the City Charter, Section 4.02, the City Commission is required to Appoint every three (3) years a Districting Commission whose sole purpose - is to review the City Commission's Districts and to make a recommendation to the City Commission regarding whether or not the District boundaries have to be modified."

Continuing, Attorney Garganese explained that for Winter Springs, each of the five (5) Commissioners are required to reside in a specific District.

Further comments followed on the timeline and process related to this current Districting Commission, boundaries, the traditional guidelines that should be followed when carving out the various Districts, and the criteria related to balancing population numbers, especially the "VAP" (Voting Age Population).

Attorney Garganese pointed out that overall, this was a very "Statistically driven process." Remarks continued.

Mr. PJ Smith, AICP, Senior GIS Analyst, Urban Designer, East Central Florida Regional Planning Council, 455 North Garland Avenue, Orlando, Florida: addressed the Districting Commission Members.

❖❖ **AGENDA NOTE: THE REST OF THE AGENDA WAS DISCUSSED IN THE ORDER, AS DOCUMENTED.** ❖❖

PUBLIC INPUT

Chairperson Krebs opened "Public Input".

No one addressed the Districting Commission at this time.

Chairperson Krebs closed "Public Input".

REGULAR AGENDA – PART II (CONTINUED)

500. Presenting The Districting Commission With A Recommendation For The 2019 City Commission District Boundaries, Reflecting the 2010 Census Population And Updated Development Data Since The 2010 Census Was Completed. The Districting Commission Must Forward A Recommendation To The City Manager For His Consideration By May 27, 2019.

A document entitled, "City Commission District Realignment May 2019" was provided to the Districting Commission Members to which Mr. Smith reviewed the different pages and various aspects, criteria, and data.

Continuing, Mr. Smith noted, "The Districts have two (2) primary criteria from a population and 'VAP' (Voting Age Population) perspective. The largest District can't be ten percent (10%) larger than the smallest District, in terms of population and 'VAP' (Voting Age Population), and then also for 'VAP' (Voting Age Population) and population, if you were to take the total population and divide it by five (5), that's really the optimal population for each District. No District can be greater or less than five percent (5%) greater than that value as well."

Additionally, Mr. Smith explained, "You'll see in the summary, disproportionate population growth on the eastern side of the City is really going to force those boundaries just a little bit to the west. From a pragmatic perspective, my goal and our goal when doing this analysis was to really simplify - to do as small a number of edits as possible, and to keep those edits contiguous with roadways or rivers, just primary linear aspects of your City and I think you'll see that we've done that; and even consolidated one of your Districts in particular, quite well – so that could actually be a District improvement."

Further comments.

On page 8, referring to the “Realignment Summary”, it was noted that a reference was mislabeled. Attorney Garganese pointed out, “‘3E’ should be ‘3D’”. Furthermore, Attorney Garganese suggested, “On the recommendation, we can clean that up. It’s only on the map that it says ‘3E’, you have ‘3D’ everywhere else. The charts and the title is correct.”

Referring to the different Districts, Mr. Smith explained, “One of the major reasons why we added the Town Center down to the south, into that District, I believe, District Five (5), is because this major roadway right here is a very nice boundary; that’s a very good contiguous boundary and kind of similar to the District over to the west, there weren’t the proper number of units in any of those developments to move them over without it looking a little bit awkward. So, that’s why that Town Center piece went down to the south and southwest.”

Vice-Chairperson Maurice Kaprow referred to the top of page 9 and said, “The wording reads, ‘The following population counts, VAP counts and deviations resulted from the five alterations made to the voting district.’ There were not five, there were only four.” Mr. Smith agreed with this.

Discussion continued.

Regarding some property on the east side of Tuskawilla Road which was currently under development, Mr. Smith was asked if that had been included in this Districting Report or would it be for the next Districting Commission.

Mr. Smith explained he had a cut-off deadline and that particular development would be included next time, and added, “I can get you the date of that.”

Comments continued that with the proposed modifications, the current Commissioners would still reside in their current Districts.

“I WOULD MOVE THAT THIS COMMISSION RECOMMENDS TO THE CITY COMMISSION THE ADOPTION OF THIS PROPOSAL AS PRESENTED.” MOTION BY VICE-CHAIRPERSON KAPROW. SECONDED BY DISTRICTING COMMISSION MEMBER HENDERSON. DISCUSSION.

VOTE:

DISTRICTING COMMISSION MEMBER WITHEE: AYE

VICE-CHAIRPERSON KAPROW: AYE

CHAIRPERSON KREBS: AYE

DISTRICTING COMMISSION MEMBER HOFFMAN-HUGHES: AYE

DISTRICTING COMMISSION MEMBER EVANS: AYE

DISTRICTING COMMISSION MEMBER HENDERSON: AYE

DISTRICTING COMMISSION MEMBER AROK, JR.: AYE

MOTION CARRIED.

Mr. Smith was complimented for the work he did.

Attorney Garganese said to Chairperson Krebs, "Since the board has made its recommendation, I would ask that this Commission - authorize you to execute the Minutes of this meeting, because there will no longer be a reason for the Commission to meet; and it will have done its' job and be dissolved as of this evening. So, I would ask that the Members authorize you to Approve and sign the Minutes."

"I WOULD MOVE TO SO AUTHORIZE THAT THE CHAIRPERSON JOANNE KREBS, BE AUTHORIZED TO GO AHEAD AND SIGN THE MINUTES." MOTION BY DISTRICTING COMMISSION MEMBER HENDERSON. SECONDED. DISCUSSION.

MOTION CARRIED UNANIMOUSLY.

Chairperson Krebs then asked Attorney Garganese if he would be changing the couple of scrivener's errors before the Report goes to the City Commission.

Attorney Garganese responded, "We'll go ahead and correct those scrivener's errors in the Report. In addition, we will take our standard Ordinance that we have used to adopt the map, because the map has to be adopted by Ordinance; so, we'll take the final map, we'll attach it to the Ordinance and then the Ordinance will be presented to the City Commission for consideration."

600. REPORTS

No Reports were given.

PUBLIC INPUT

Chairperson Krebs opened "Public Input".

No one spoke.

Chairperson Krebs closed "Public Input".

ADJOURNMENT

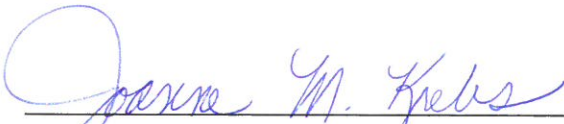
Chairperson Krebs adjourned the Regular Meeting at approximately 5:38 p.m.

RESPECTFULLY SUBMITTED:



ANDREA LORENZO-LUACES
CITY CLERK

APPROVED:



JOANNE M. KREBS, CHAIRPERSON
DISTRICTING COMMISSION

NOTE: These Minutes were approved on July 9, 2019 by Chairperson Joanne M. Krebs as delegated by the Districting Commission.



City of Winter Springs

City Commission District Realignment

May 2019



Report compiled by the East Central Florida Regional Planning Council with technical and historical guidance from staff at the City of Winter Springs

I. Introduction & Report Summary

Per Section 2.04 of the City of Winter Springs Charter, the City is required to analyze its Commission Districts every three years to account for changes in population and voting age population (VAP) within each district.

Pursuant to federal law (see *White v. Register*, 412 U.S. 755, 764 [1973], and *Brown v. Thomas*, 462 U.S. 835, 842 [1983]), voting districts must be nearly equivalent in population, with a deviation of no more than 10% in population (and voting age population) between the largest and smallest districts within a jurisdiction. Moreover, districts cannot be 5% larger or smaller than the “optimal” district population, as described later in this report. An overall range of less than 10% is considered an acceptable “minor deviation”.

As discussed later in this report, disproportionate population growth on the eastern side of the City has greatly increased the population of District 2 relative to the other four voting districts. This disproportionate population growth has caused the current (2019) populations of the five voting districts to exceed the acceptable “minor deviation” of 10%. This requires the City to redraw its district boundaries.

II. Baseline Population Data

On May 9, 2016, a report from the City’s Community Development Department (see appendix 1) tabulated the population of each voting district using the 2010 U.S. Census as a baseline. The report recommended that the City make one adjustment to the districts, referenced in the report as “Trotwood to Tuscora”. The new 2016 population and VAP totals for the districts following this adjustment were as follows.

District	Baseline 2016 Population	Baseline 2016 VAP
1	6,911	5,438
2	7,369	5,784
3	7,407	5,893
4	7,193	5,358
5	6,987	5,307

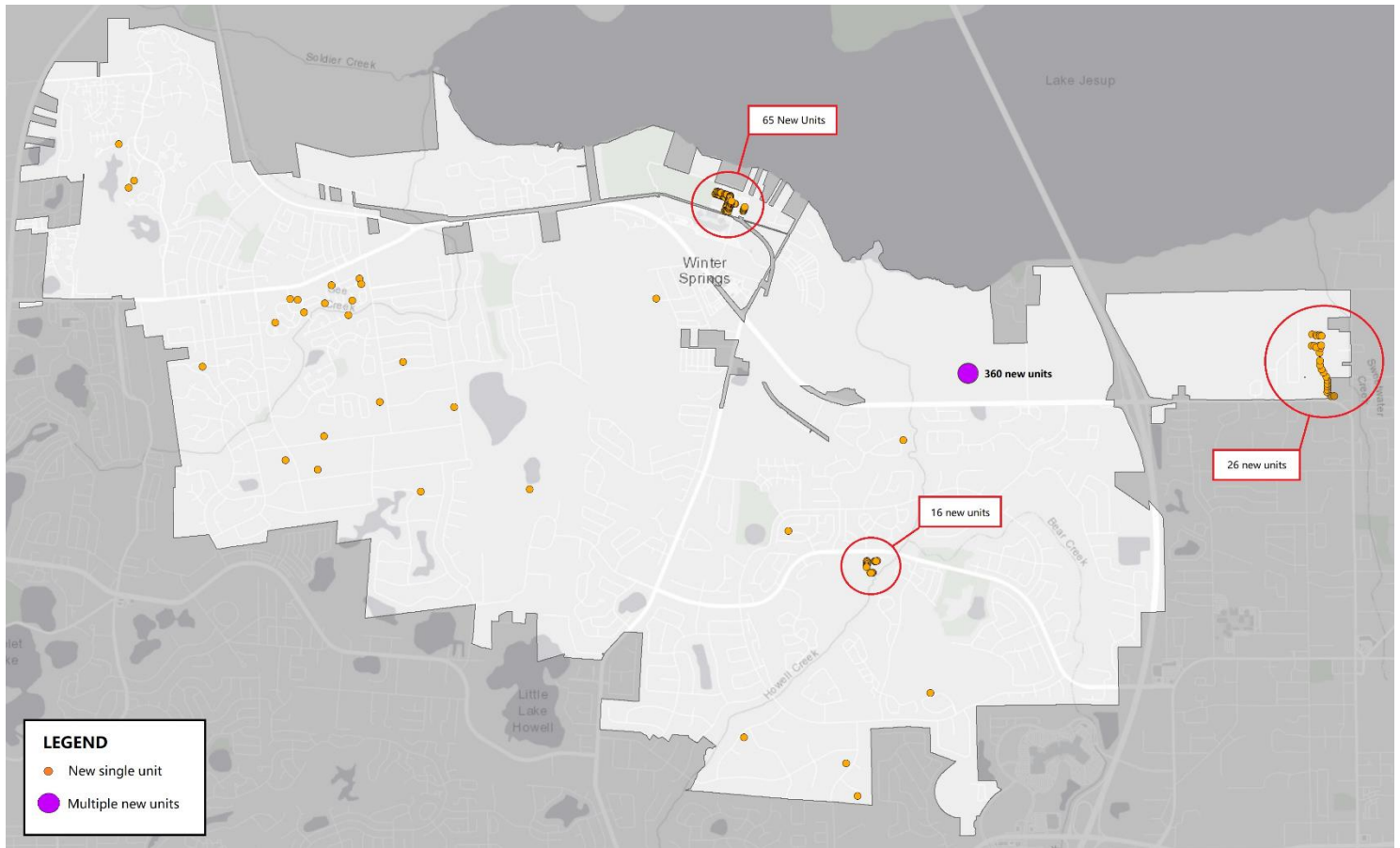
Source: 2016 Community Development Department Report, 5/9/2016

The 2019 project team used these district population counts as a baseline in this report.

III. Current Population Analysis (2016 – 2019 Growth)

The project team began its 2019 population analysis utilizing the 2016 district population and VAP counts determined by the Community Planning Department as a baseline. The project team then adopted the methodology used in 2016, determining new population counts utilizing data on the number of new residential units built in each district.

The City of Winter Springs provided the ECFRPC project team with Certificate of Occupancy data from May 2016 to May 2019 to determine the new population counts for each voting district. Utilizing this data, the following map (and associated data tables) were developed. GIS data is available upon request.



To ensure the accuracy of the data, the project team reviewed the 2016 population report to determine if any residential units were being double-counted as part of the 2019 analysis. The Certificate of Occupancy data included units from Tuscany Place, RiZe, Seven Oaks, and the Orange Avenue annex that were included in the 2016 analysis. These units were not included in the 2019 population count.

No other special circumstances were encountered and all tabular excel data can be requested from staff.

Current Population Extrapolation

To determine the 2019 district populations, the project team utilized the same methodology adopted in 2016. This involved multiplying the number of new units in each district by the U.S. Census’ most current Seminole County figure for persons per household (2.76), as well as the voting age population (VAP) percentage present within the Census Block Group of each new residential unit.

The voting age population (VAP) within each Census Block Group within the City is shown below. The figure utilized from this table was the voting age population percentage, labeled VAP %.

Block Group	Over 18	Under 18	VAP%	Total Pop.	VAP
Block Group 121170213071	1330	164	0.890	1494	1330
Block Group 121170213131	2727	618	0.815	3345	2727
Block Group 121170213132	1157	562	0.673	1719	1157
Block Group 121170213064	1644	248	0.869	1892	1644
Block Group 121170214031	611	173	0.779	784	611
Block Group 121170213133	1283	590	0.685	1873	1283
Block Group 121170214042	1053	135	0.886	1188	1053
Block Group 121170214033	1802	495	0.785	2297	1802
Block Group 121170214011	642	146	0.815	788	642
Block Group 121170214014	2176	514	0.809	2690	2176
Block Group 121170214044	682	479	0.587	1161	682
Block Group 121170214041	2390	489	0.830	2879	2390
Block Group 121170214034	875	161	0.845	1036	875
Block Group 121170213062	2386	704	0.772	3090	2386
Block Group 121170221012	2392	575	0.806	2967	2392
Block Group 121170214013	1338	314	0.810	1652	1338
Block Group 121170214012	1560	192	0.890	1752	1560
Block Group 121170214043	1710	440	0.795	2150	1710
Block Group 121170221011	491	160	0.754	651	491
Block Group 121170213073	2734	854	0.762	3588	2734
Block Group 121170213063	842	194	0.813	1036	842
Block Group 121170213061	2181	548	0.799	2729	2181
Block Group 121170214032	3696	1079	0.774	4775	3696

Source: 2013-17 ACS, U.S. Census

The project team next took the new unit data (created in GIS format) and added a new data column for “Census Block Group” to determine how many new units were in each of the Census Block Groups present in the City.

The table on the following page includes, by district, the number of new units added per Census Block Group and the total voting age population added.

District	Census Block Group	Block VAP%	New Units	VAP Added
1	121170214041	0.83	2	4.5816
1	121170214042	0.886	10	24.4536
1	121170214044	0.587	4	6.48048
1	121170221011	0.754	1	2.08104
Total	N/A	N/A	17	38

Summary

38 voting age residents added to District 1

District	Census Block Group	Block VAP%	New Units	VAP Added
2	121170214032	0.774	65	138.8556
2	121170213132	0.673	26	48.29448
2	121170213131	0.815	360	809.784
2	121170213061	0.799	1	2.20524
Total	N/A	N/A	452	999

Summary

999 voting age residents added to District 2

District	Census Block Group	Block VAP%	New Units	VAP Added
3	121170213073	0.762	1	2.10312
3	121170213071	0.89	2	4.9128
3	121170213064	0.869	16	38.37504
3	121170213063	0.813	1	2.24388
3	121170213061	0.799	1	2.20524
Total	N/A	N/A	21	50

Summary

50 voting age residents added to District 3

District	Census Block Group	Block VAP%	New Units	VAP Added
4	121170214014	0.809	3	6.69852
Total	N/A	N/A	3	7

Summary

7 voting age residents added to District 4

District	Census Block Group	Block VAP%	New Units	VAP Added
5	121170214041	0.83	1	2.2908
5	121170214034	0.845	1	2.3322
5	121170214032	0.774	1	2.13624
Total	N/A	N/A	3	7

Summary

7 voting age residents added to District 5

IV. New Population Totals (2019)

The table below shows the new population totals and the deviation from the optimal counts. Optimal counts are equal to the population divided by the number of districts (5).

District	Baseline 2016 Population	New Units 2016-19	2019 Population	Deviation from Optimal
1	6,911	17	6958	-6.6%
2	7,369	452	8617	15.7%
3	7,407	21	7465	0.2%
4	7,193	3	7201	-3.3%
5	6,987	3	6995	-6.1%

7447

District	Baseline 2016 VAP	New Units 2016-19	2019 VAP*	Deviation from Optimal
1	5,438	17	5476	-5.2%
2	5,784	452	6783	17.4%
3	5,893	21	5943	2.9%
4	5,358	3	5365	-7.1%
5	5,307	3	5314	-8.0%

5776

- *VAP's taken from the specific Census Block Group of each new unit.
- *VAP's utilize Census Block Group data from the 2013-2017 ACS update
- *Persons per household of 2.76 utilized (2013-17 ACS, Seminole County FL)

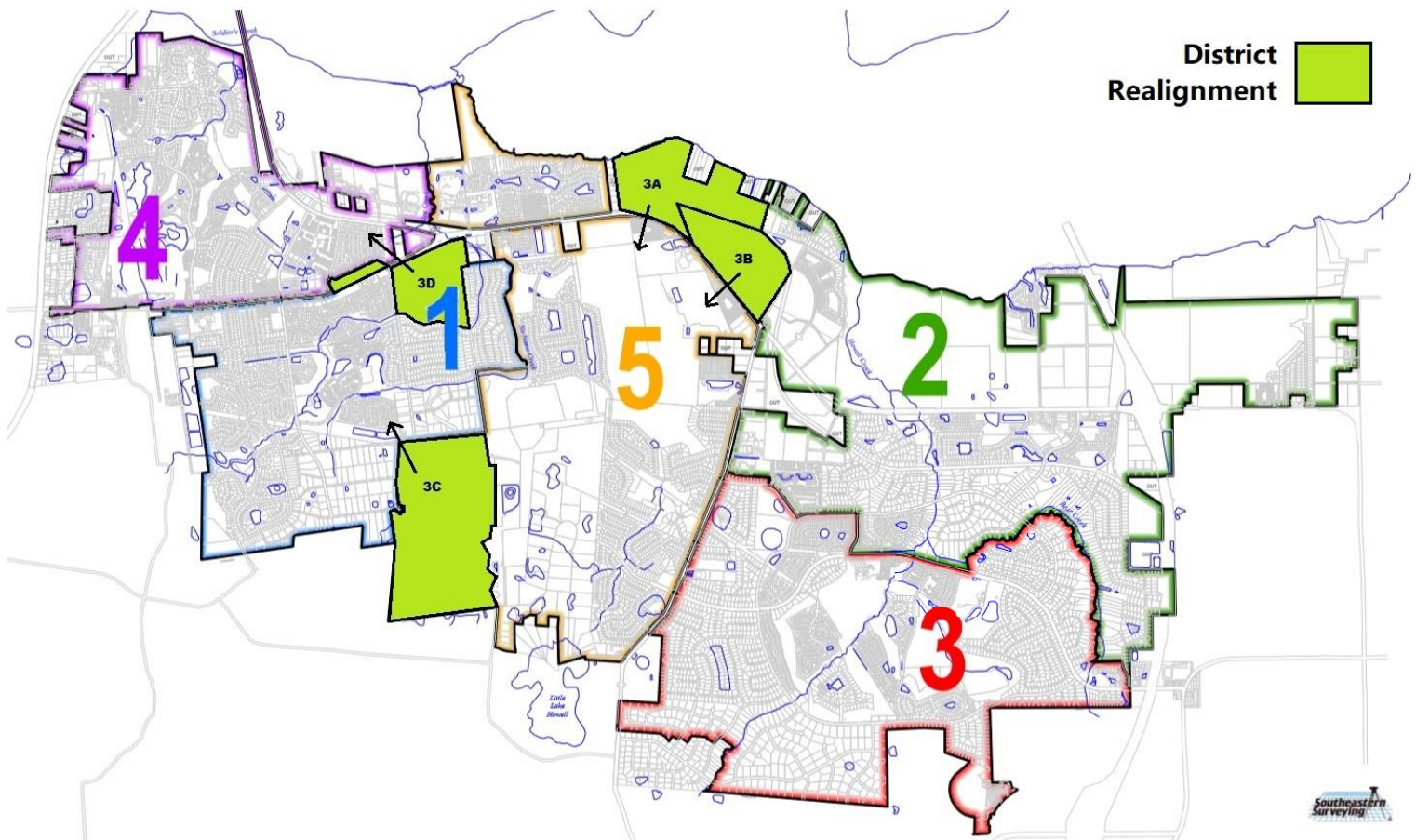
V. Federal District Requirements

As stated in the introduction, voting districts cannot be 5% larger or 5% smaller than the “optimal” district population, and the range between the largest district and the smallest district cannot exceed 10%. Both of these criteria are violated per the new population totals.

In short, population growth has disproportionately occurred in the eastern side of the City, so the districts must make a westerly shift.

VI. Proposed Districts

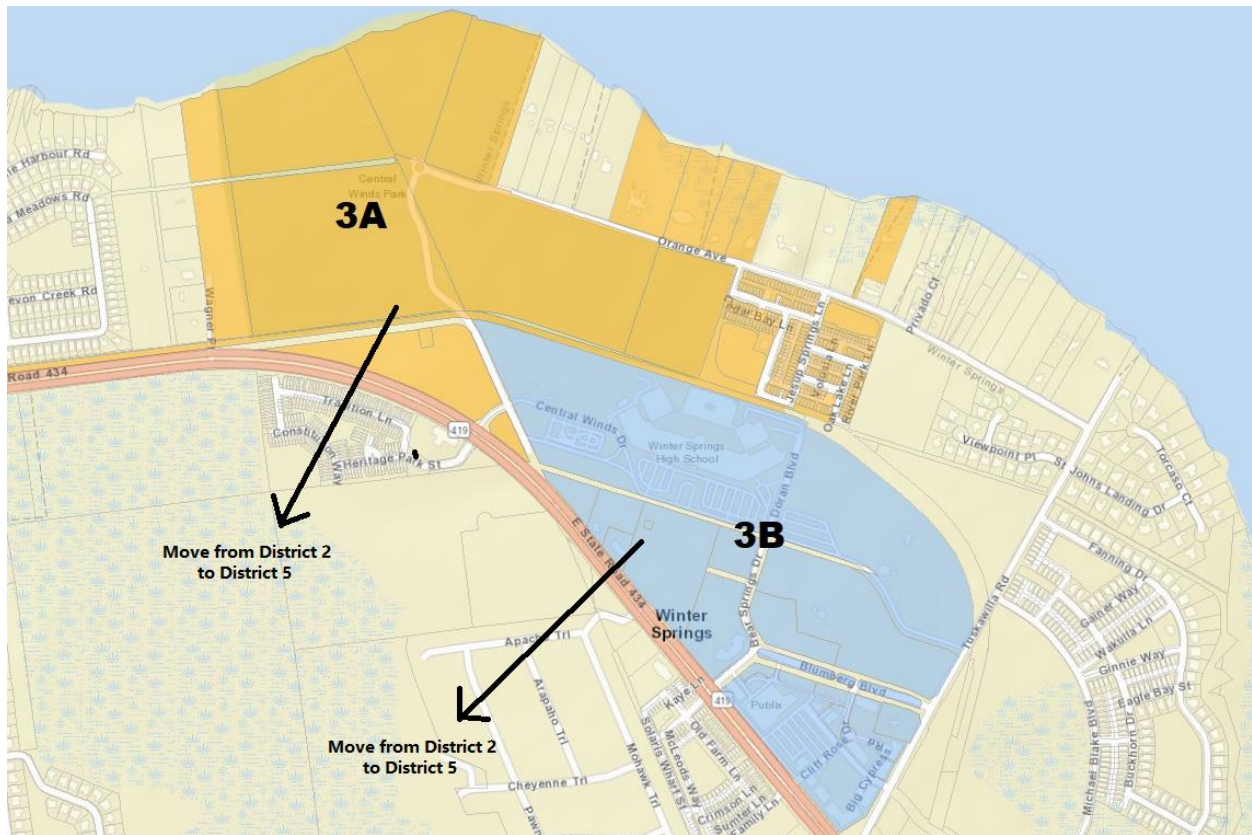
This section of the report includes a step-by-step analysis of the proposed changes to the district boundaries. Four changes are proposed in total and are shown on the map below.



The four alterations in the map depicted above are identified as 3A, 3B, 3C and 3D. The following four pages of this report detail the parcels involved in these realignments, the total population, the voting age population, and updated population counts.

Realignment Summary – 3A and 3B

The parcels on the map below are included in the 3A and 3B district realignments. The table below depicts the number of units, population, and voting age population added and removed from each district.



3A Population and VAP Realignment

District	2019 Population	3A - Jesup's Landing Alteration			
		New Units	Pop. Change	New Pop.	Deviation
1	6958			6958	-6.6%
2	8617	-173	-477	8140	9.3%
3	7465			7465	0.2%
4	7201			7201	-3.3%
5	6995	173	477	7472	0.3%
			7447		

District	2019 VAP*	3A - Jesup's Landing Alteration			
		New Units	VAP Change	New VAP	Deviation
1	5476			5476	-5.2%
2	6783	-173	-370	6413	11.0%
3	5943			5943	2.9%
4	5365			5365	-7.1%
5	5314	173	370	5684	-1.6%
			5776		

3B Population and VAP Realignment

District	Post-3A Pop.	3B - RiZe & Town Center Alteration			
		New Units	Pop. Change	New Pop.	Deviation
1	6958			6958	-6.6%
2	8140	-244	-674	7466	0.3%
3	7465			7465	0.2%
4	7201			7201	-3.3%
5	7472	244	674	8146	9.4%
			7447		

District	Post-3A VAP	3B - RiZe & Town Center Alteration			
		New Units	VAP Change	New VAP	Deviation
1	5476			5476	-5.2%
2	6413	-244	-521	5892	2.0%
3	5943			5943	2.9%
4	5365			5365	-7.1%
5	5684	244	521	6205	7.4%
			5776		

Realignment Summary – 3C

The parcels on the map below are included in the 3C district realignment. The table below depicts the number of units, population, and voting age population added and removed from each district.



3C Population and VAP Realignment

District	Post-3B Pop.	3C - Fisher Road Area Alteration			
		New Units	Pop. Change	New Pop.	Deviation
1	6958	267	737	7695	3.3%
2	7466			7466	0.3%
3	7465			7465	0.2%
4	7201			7201	-3.3%
5	8146	-267	-737	7409	-0.5%
		7447			

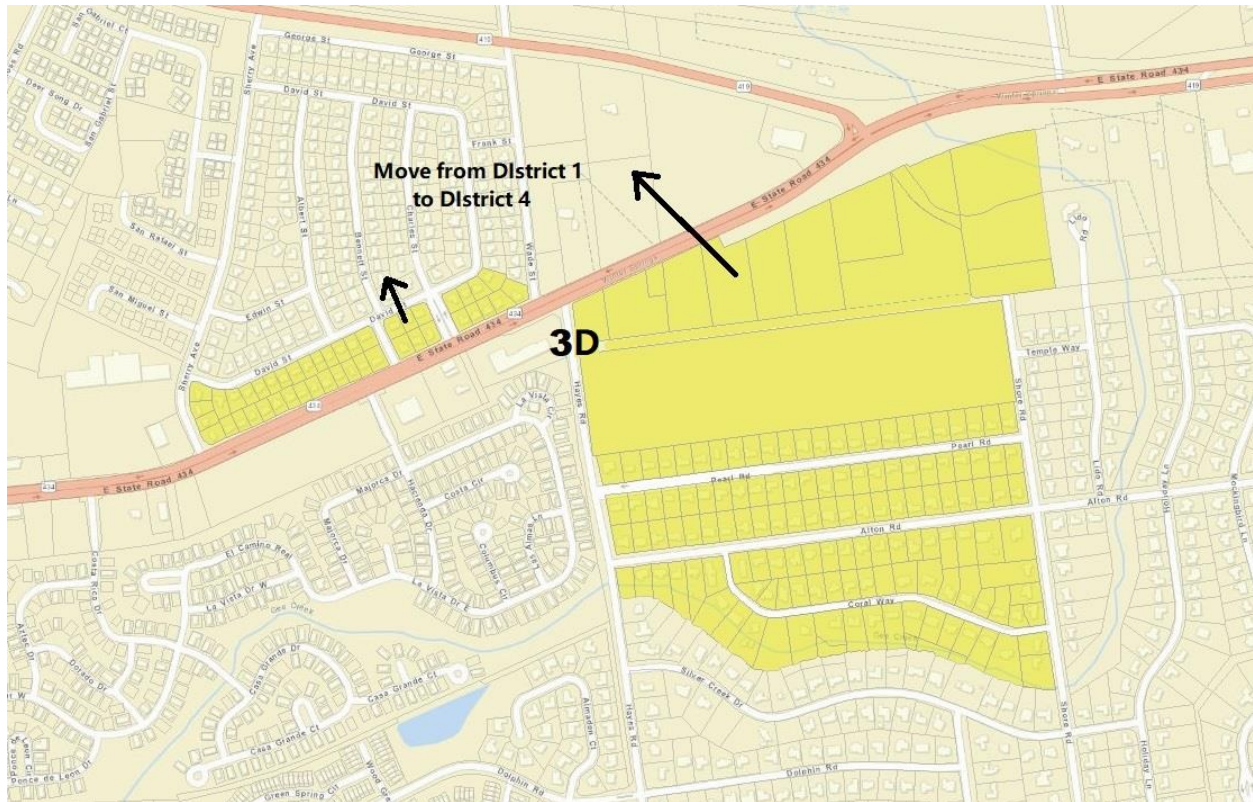
District	Post-3B VAP	3C - Fisher Road Area Alteration			
		New Units	VAP Change	New VAP	Deviation
1	5476	267	612	6088	5.4%
2	5892			5892	2.0%
3	5943			5943	2.9%
4	5365			5365	-7.1%
5	6205	-267	-612	5593	-3.2%
		5776			

Following this alteration, all of the districts had population counts within the 5% range from the optimal district population of 7,447. Additionally, the largest district had a deviation of just 6.6% relative to the smallest district.

However, District 4 had a VAP that was 7.1% below the optimal VAP of 5,776 and District 1 had a VAP that was 5.4% above the optimal VAP, so one additional change was needed in order to fulfill the federal requirements. This involves a move of residences from District 1 to District 4.

Realignment Summary – 3D

The parcels on the map below are included in the 3D district realignment. The table below depicts the number of units, population, and voting age population added and removed from each district.



3D Population Realignment and Deviation

3D - State Road 434 Alteration					
District	Post-3C Pop.	New Units	Pop. Change	New Pop.	Deviation
1	7695	-174	-480	7215	-3.1%
2	7466			7466	0.3%
3	7465			7465	0.2%
4	7201	174	480	7681	3.1%
5	7409			7409	-0.5%

7447

3D VAP Realignment and Deviation

3D - State Road 434 Alteration					
District	Post-3C VAP	New Units	VAP Change	New VAP	Deviation
1	6088	-174	-397	5691	-1.5%
2	5892			5892	2.0%
3	5943			5943	2.9%
4	5365	174	397	5762	-0.2%
5	5593			5593	-3.2%

5776

The following population counts, VAP counts and deviations resulted from the four alterations made to the voting districts.

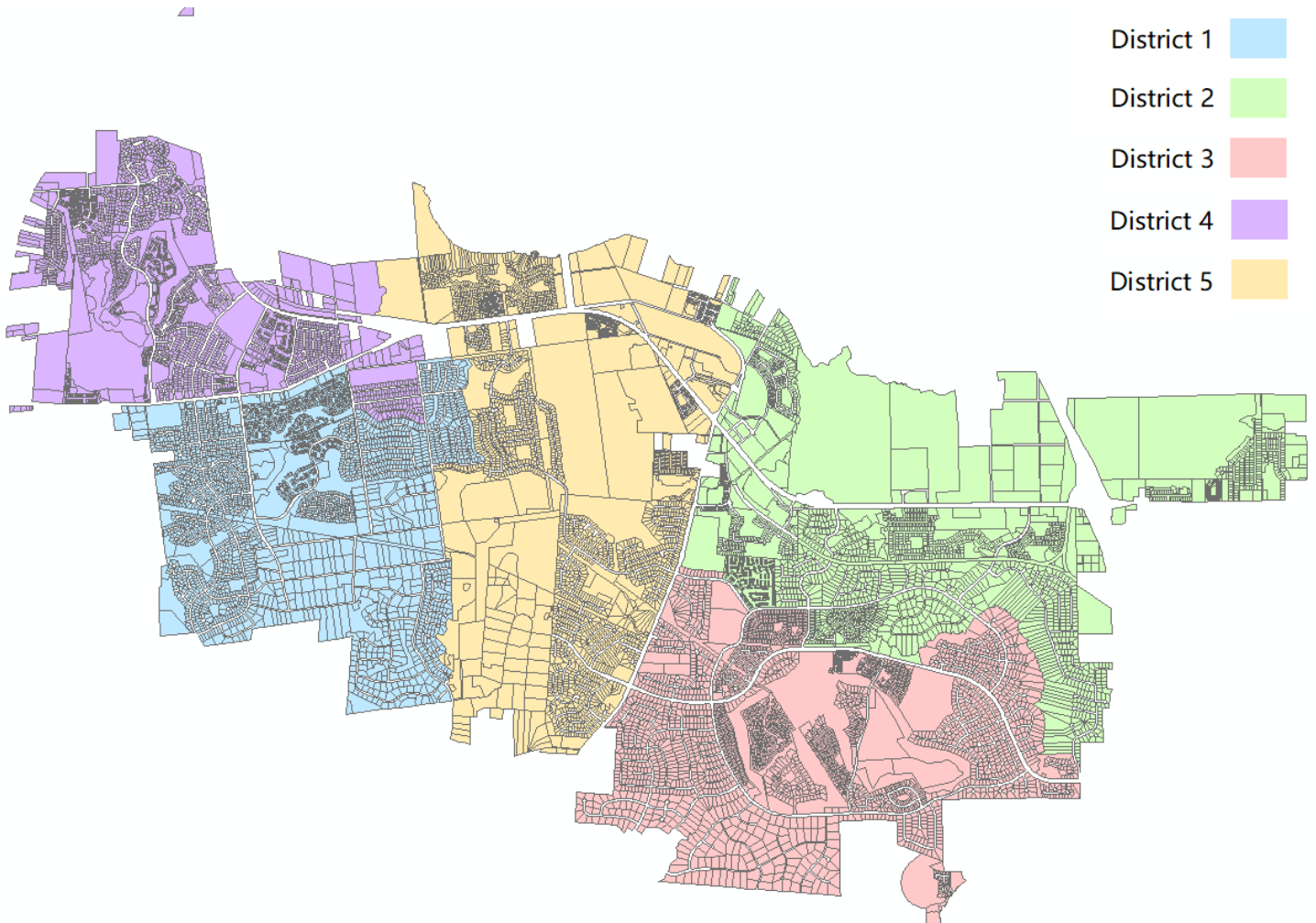
New Population by District

District	Original 2019 Pop.	Units Added/Removed	New Population	Deviation
1	6958	93	7215	-3.1%
2	9006	-417	7466	0.3%
3	7465	0	7465	0.2%
4	7201	174	7681	3.1%
5	6995	150	7409	0.5%

New VAP by District

District	Original 2019 VAP	Units Added/Removed	New VAP	Deviation
1	5476	93	5691	-1.5%
2	7084	-417	5892	2.0%
3	5943	0	5943	2.9%
4	5365	174	5762	-0.2%
5	5314	150	5593	-3.2%

The following map shows the parcels within each new proposed voting district. This includes annexed parcels (with no current population) that have been added to District 2 and District 4.



Appendix 1: 2016 Population Report

The 2016 population report can be requested from City staff. Please use the contact information in Appendix 2 to collect this information.

Appendix 2: Planning Team Contact

City of Winter Springs

Casey Howard – City Staff – choward@winterspringsfl.org

Lorna Bradley – City Staff – lbradley@winterspringsfl.org

East Central Florida Regional Planning Council

Tara McCue, AICP – Planning Director – tara@ecfrpc.org

PJ Smith, AICP – Project Manager – pjsmith@ecfrpc.org



SR 434 Corridor Planning Study

Winter Springs City Commission

September 23, 2019

Agenda

- ▶ Corridor Planning Study Overview
- ▶ Section 2 Short-Term Projects
- ▶ Section 1 Short-Term Project Development
- ▶ Next Steps

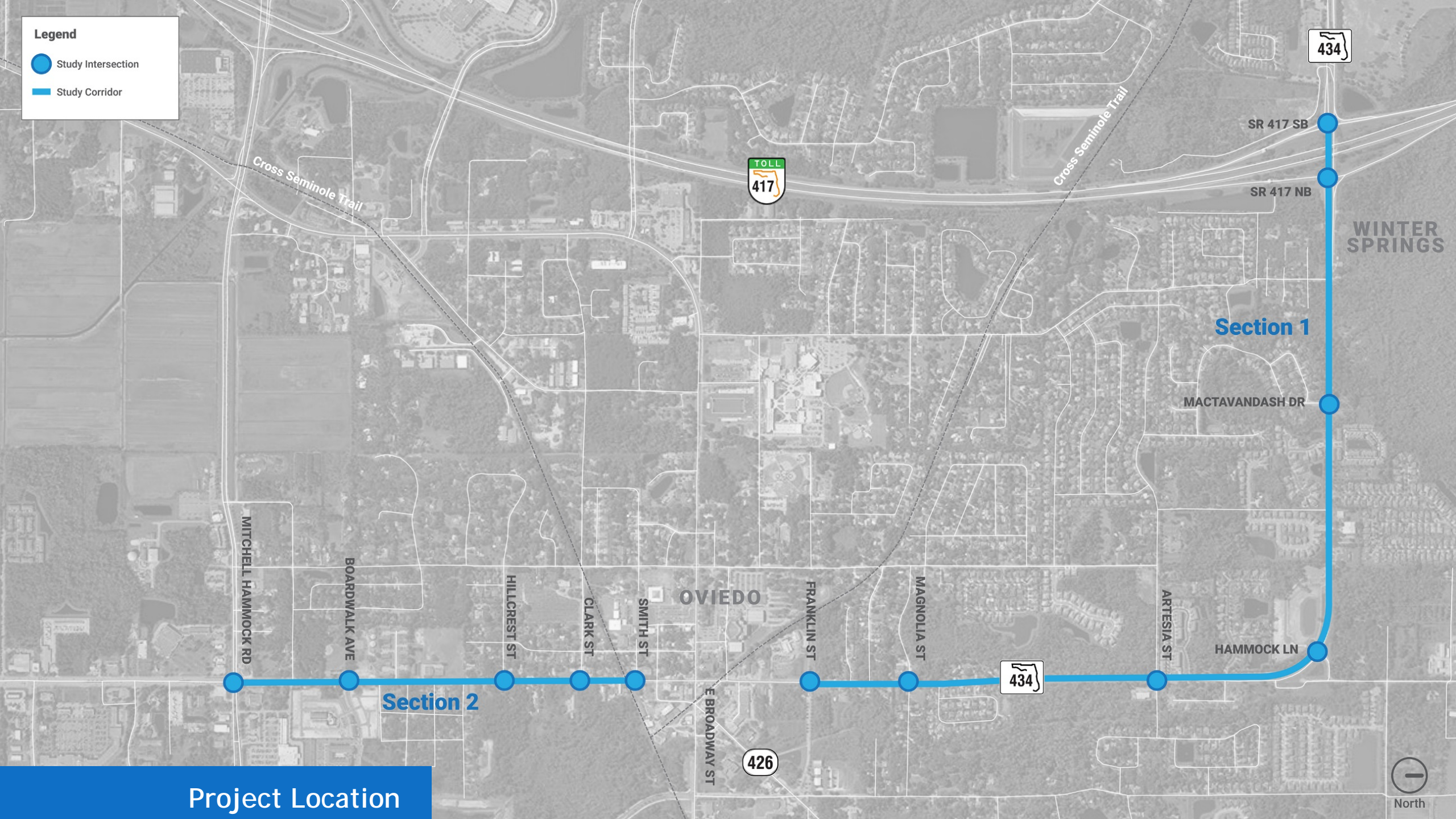
Corridor Planning Study Overview

Planning for Project Implementation



Legend

- Study Intersection
- Study Corridor

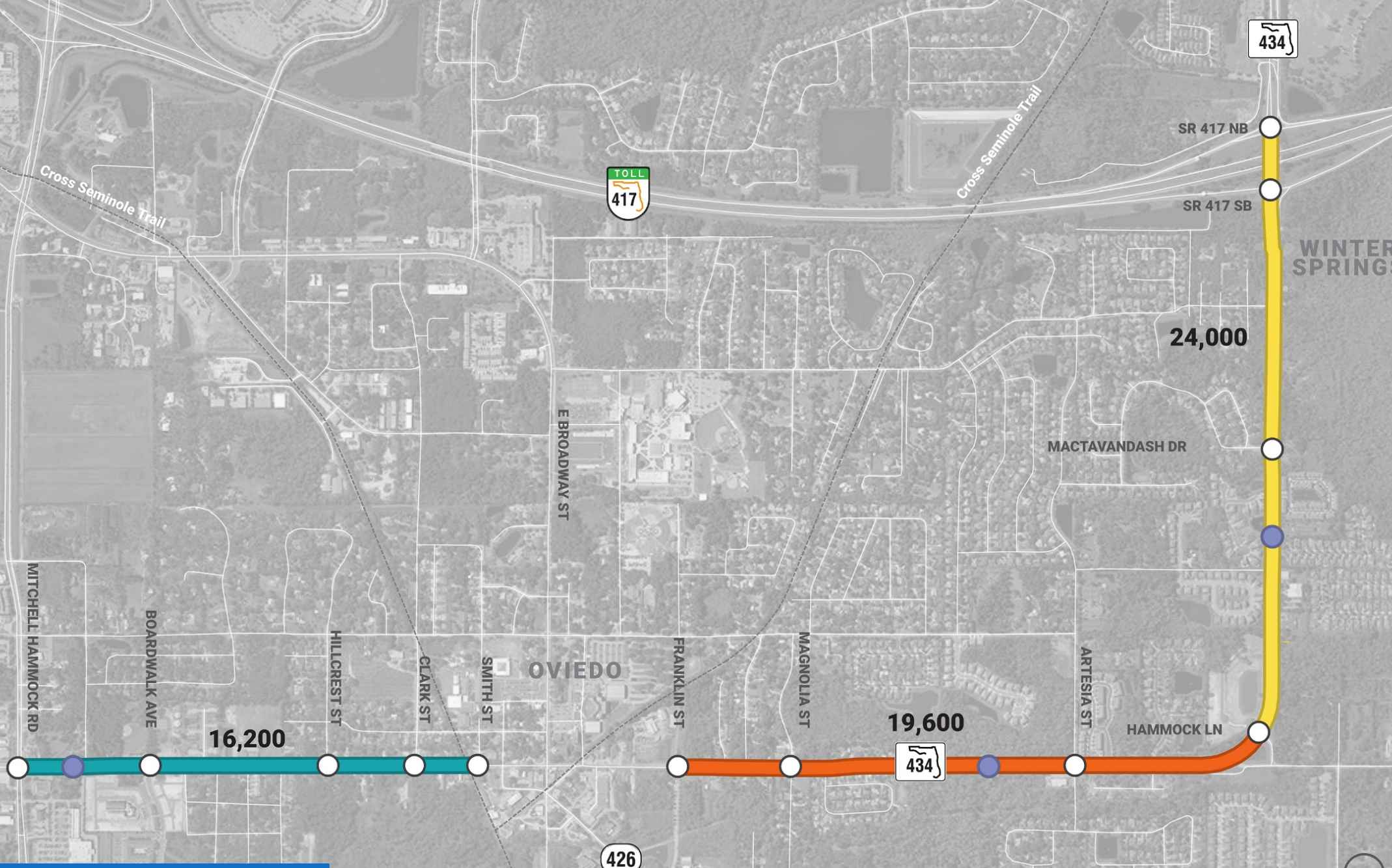


Project Location



Legend

- 16,200 AADT
- 19,600 AADT
- 24,000 AADT
- FDOT Count Location
- Study Intersection



Annual Average Daily Traffic (2017)



Needs

Section 1: SR 417 to Franklin Street



- ▶ Roadway Capacity
- ▶ Safe access to/from driveways or unsignalized intersections
- ▶ Safe school bus loading/unloading



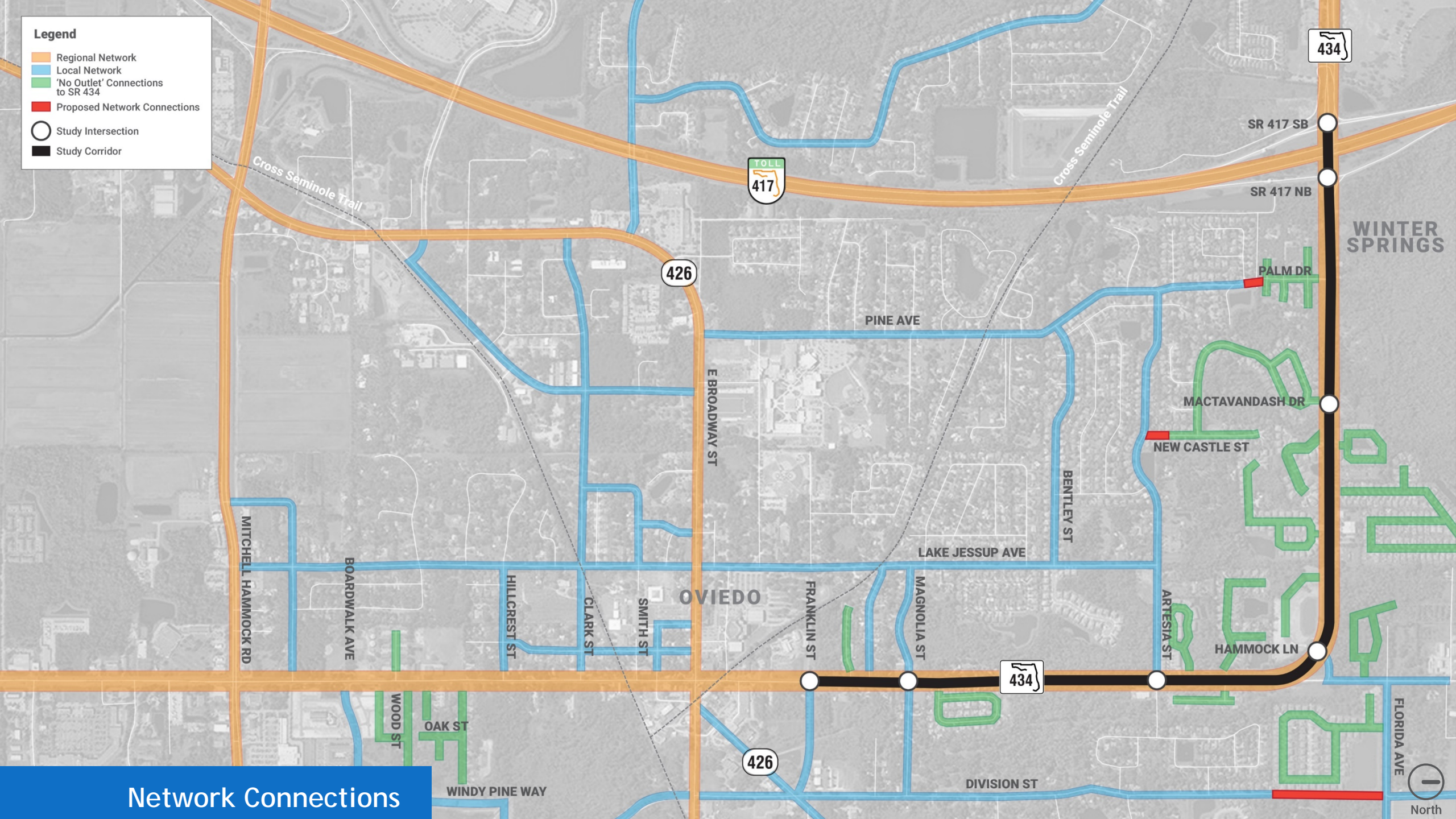
- ▶ Safe, continuous facility (along SR 434)
- ▶ Access between uses (along and across SR 434)



- ▶ Safe, continuous facility (along SR 434)
- ▶ Access between uses (along and across SR 434)

Legend

- Regional Network
- Local Network
- 'No Outlet' Connections to SR 434
- Proposed Network Connections
- Study Intersection
- Study Corridor



Network Connections

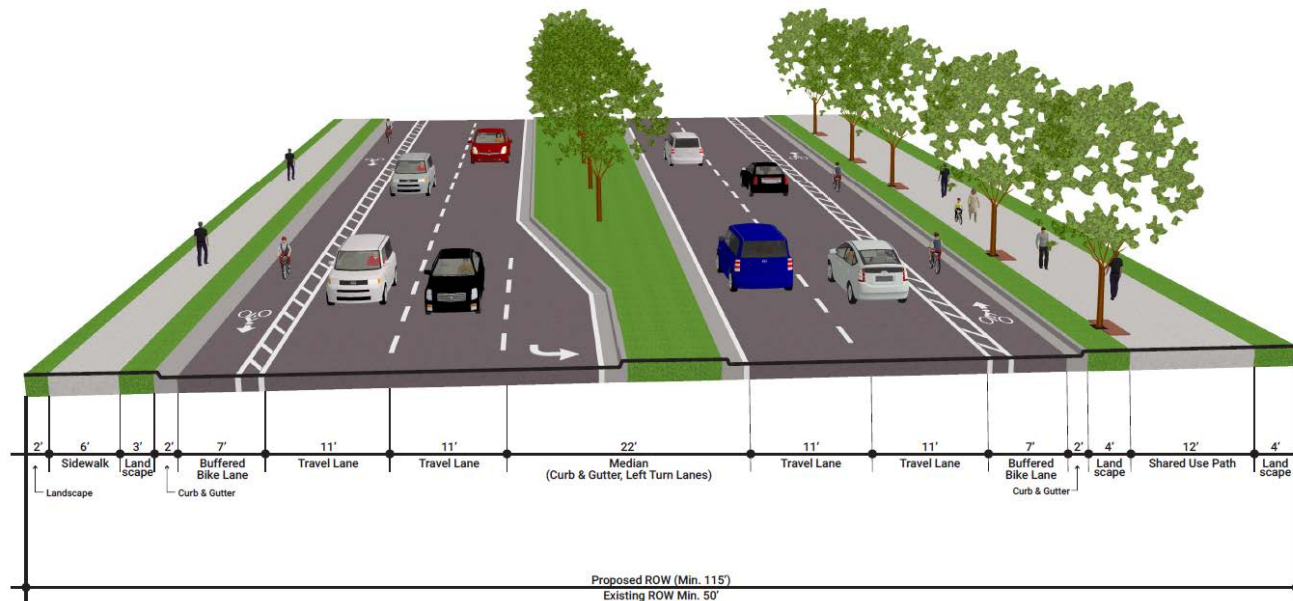


Long-Term Solution

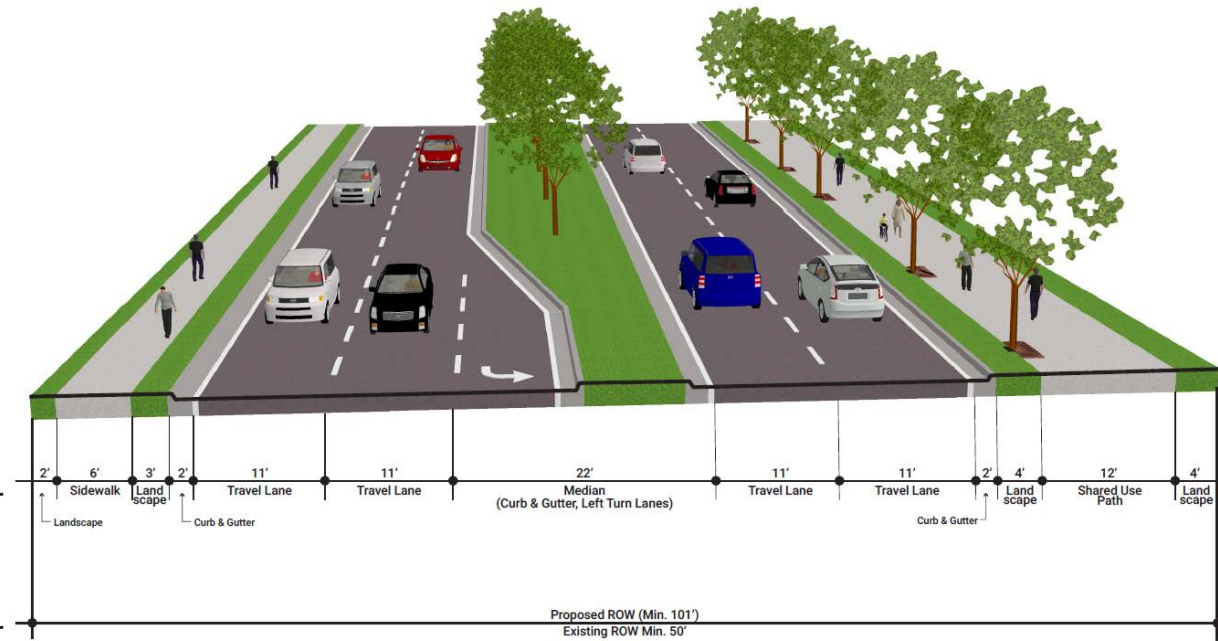
Section 1: SR 417 to Franklin Street

- ▶ Alternatives 1 and 3 best meet the needs of the corridor users
 - Alternative 1 - buffered bicycle lanes, more property impacts
 - Alternative 3 - less property impacts, no buffered bicycle lanes (requires design exception)

Section 1 - Alternative 1
4-Lanes Divided with Buffered Bike Lanes & Shared Used Path

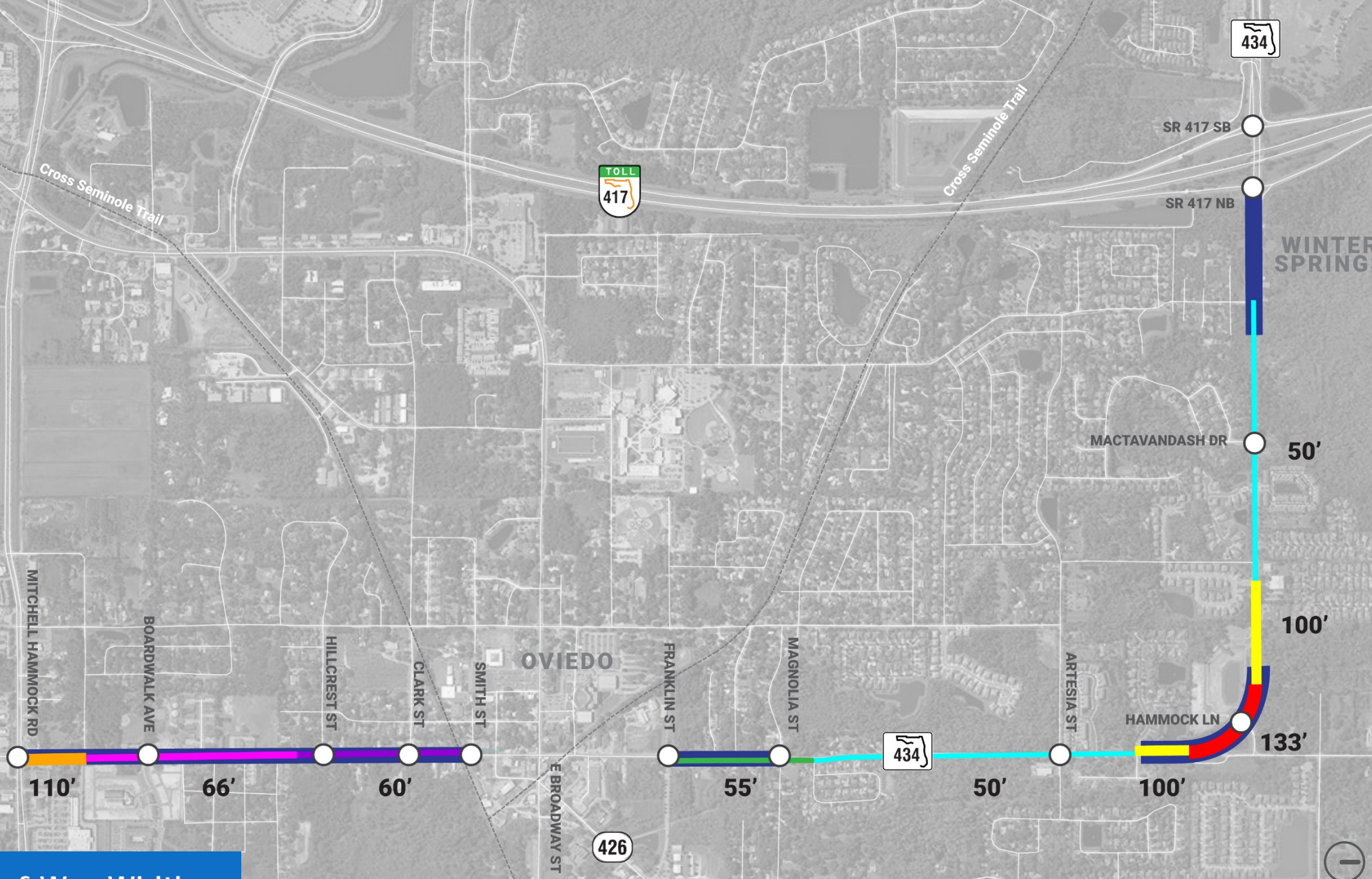


Section 1 - Alternative 3
4-Lanes Divided with Shared Used Path



Legend

- 50 Feet
- 55 Feet
- 60 Feet
- 66 Feet
- 100 Feet
- 110 Feet
- 133 Feet
- Areas with Potentially Eligible Historical Structures



Typical Right-of-Way Widths



Needs

Section 2: Smith Street to Mitchell Hammock Road



- ▶ Roadway capacity
- ▶ Mitchell Hammock Road intersection capacity
- ▶ Road safety



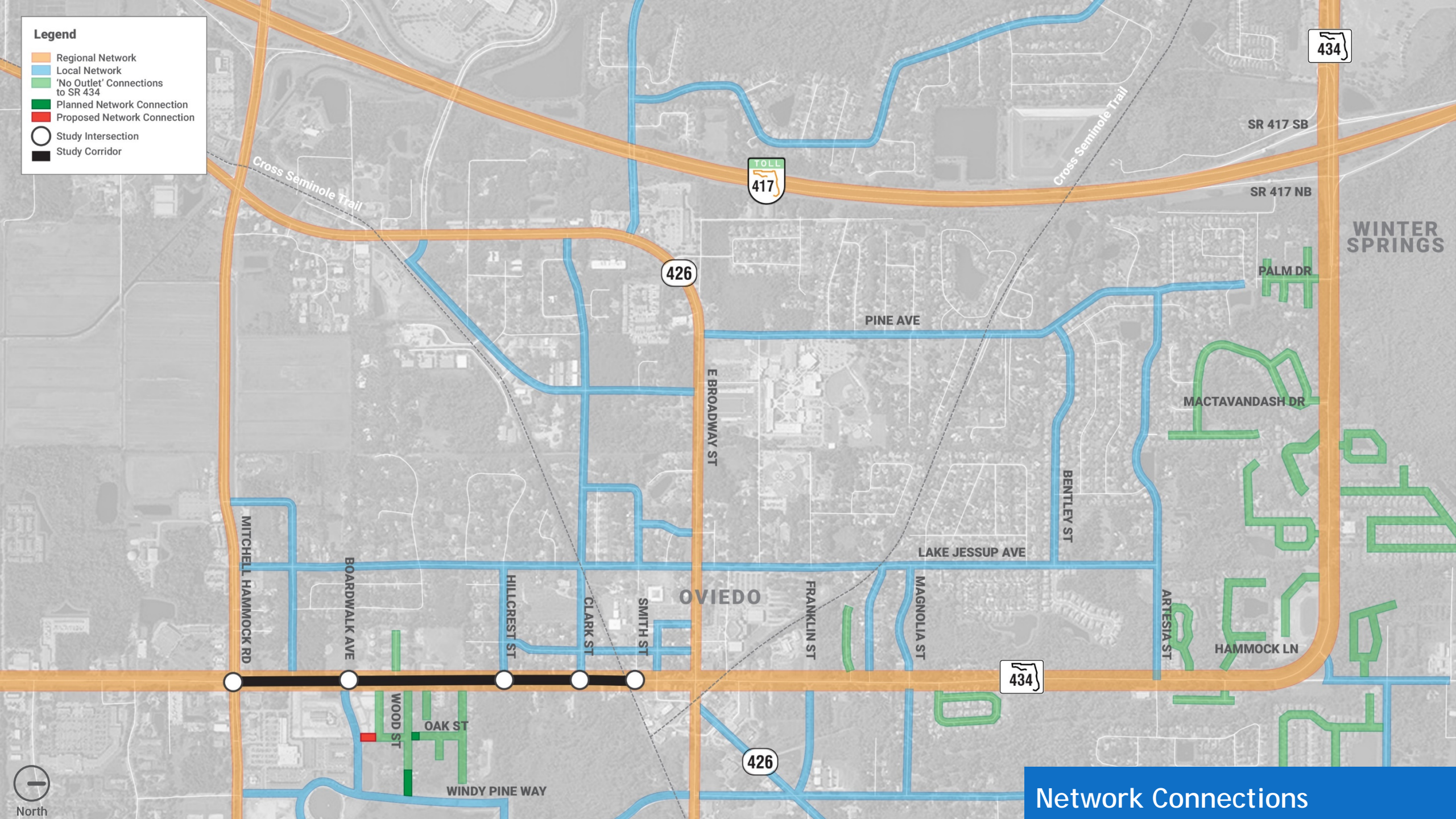
- ▶ Safe, continuous facility (along SR 434)
- ▶ Access to the trail
- ▶ Access between uses (along and across SR 434)



- ▶ Safe, continuous facility (along SR 434)
- ▶ Access to the trail
- ▶ Access between uses (along and across SR 434)

Legend

- Regional Network
- Local Network
- 'No Outlet' Connections to SR 434
- Planned Network Connection
- Proposed Network Connection
- Study Intersection
- Study Corridor



Network Connections

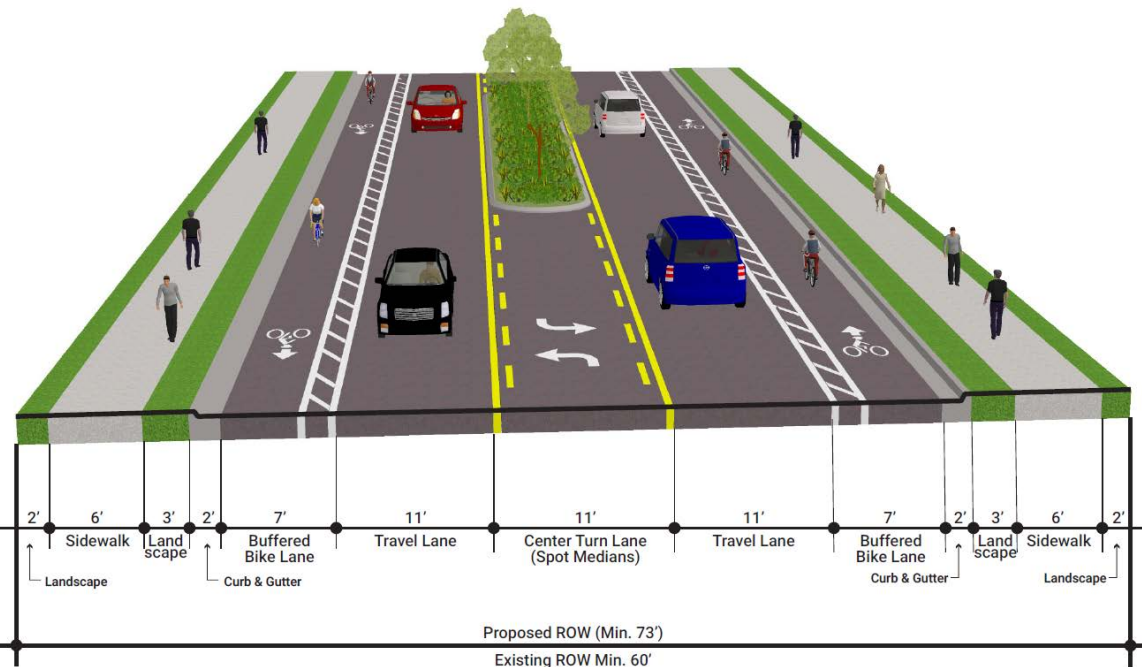


Long-Term Solution

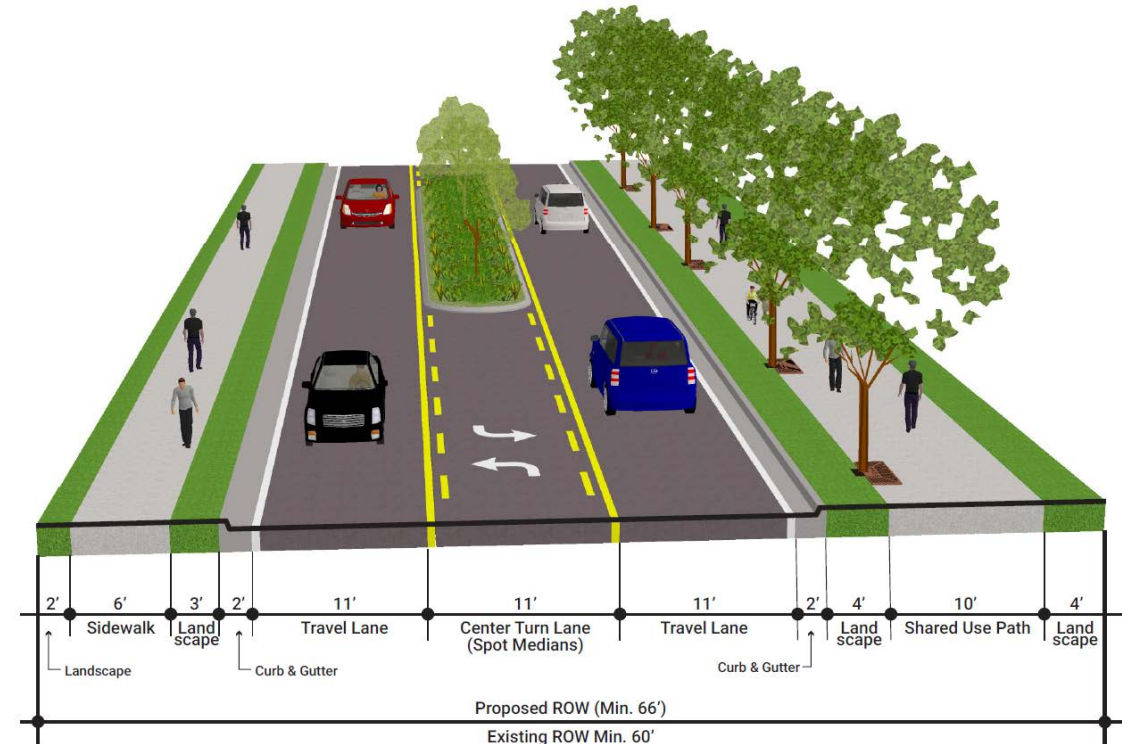
Section 2: Smith Street to Mitchell Hammock Road

- ▶ Alternatives 1 and 2 best meet the needs while controlling property impacts
 - Alternative 1 - buffered bicycle lanes, no shared use path, more property impacts
 - Alternative 2 - less property impacts, no buffered bicycle lanes (requires design exception)

Section 2 - Alternative 1
3-Lanes with Buffered Bike Lanes

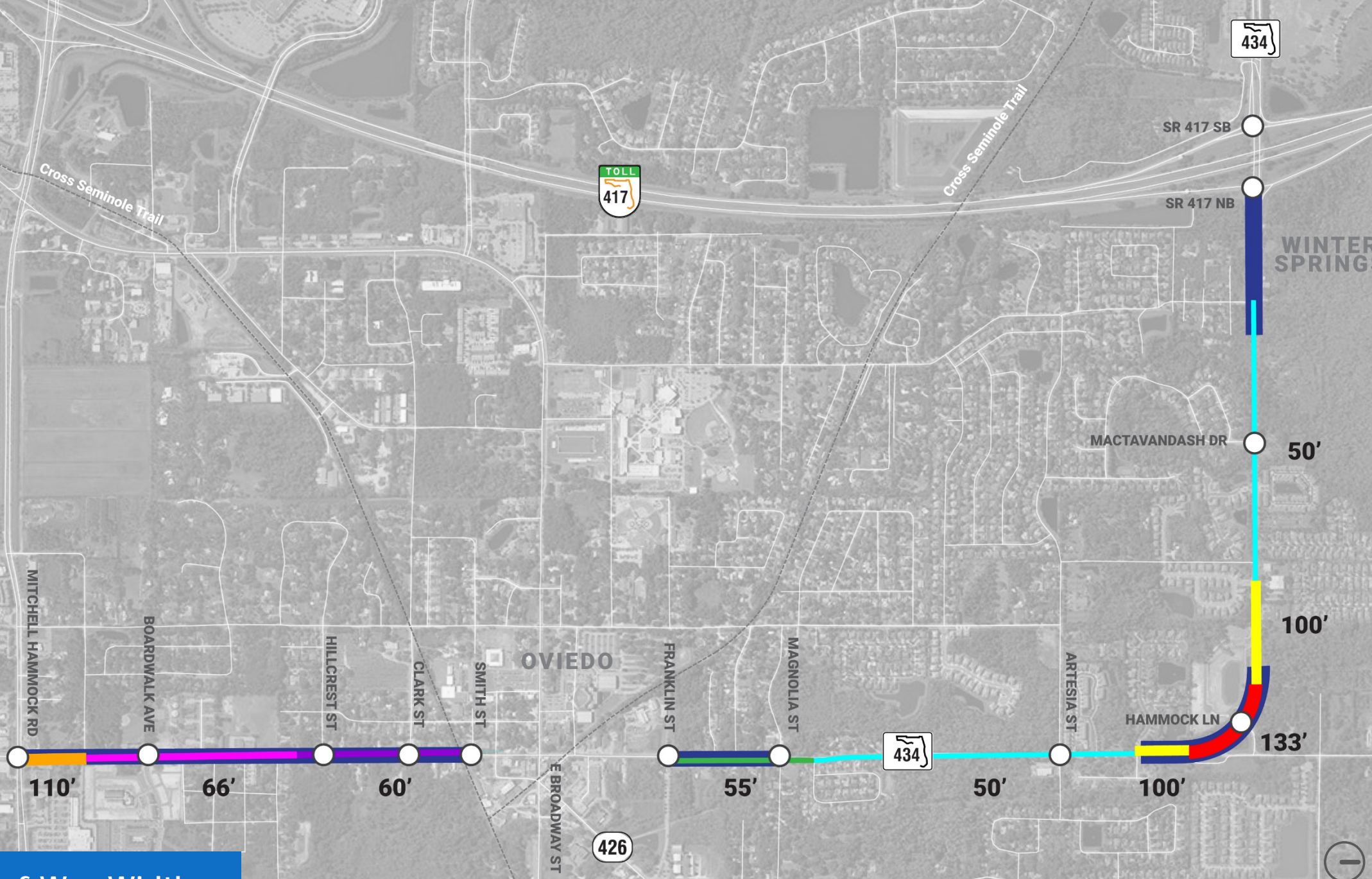


Section 2 - Alternative 2
3-Lanes with Shared Use Path



Legend

- 50 Feet
- 55 Feet
- 60 Feet
- 66 Feet
- 100 Feet
- 110 Feet
- 133 Feet
- Areas with Potentially Eligible Historical Structures



Typical Right-of-Way Widths



Planning for Project Implementation



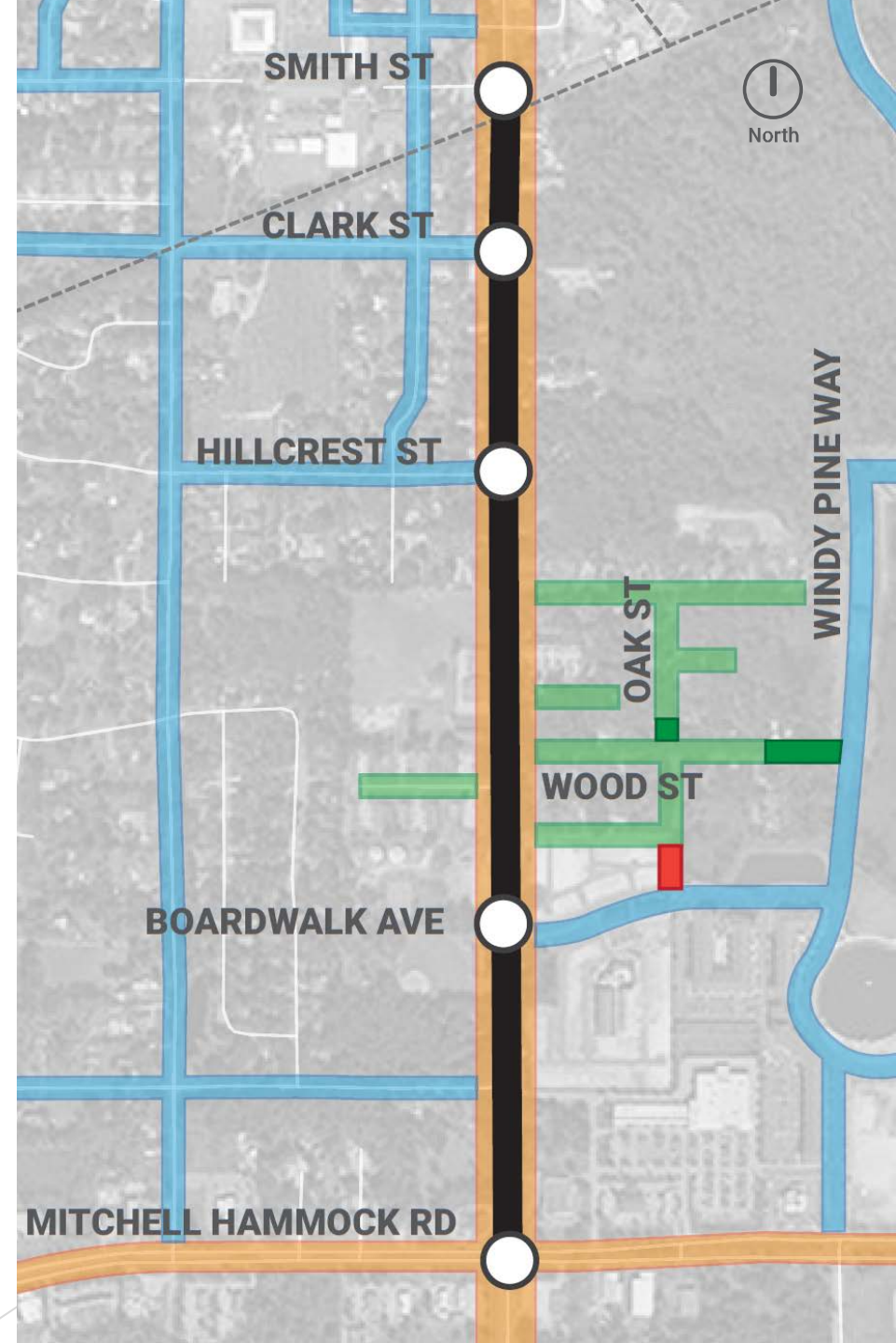
- ▶ MetroPlan Orlando's Prioritized Project List
 - Long-term projects do not have reliable construction funding in the near-term
- ▶ We shifted focus to implementing short-term, high-impact projects

Section 2

Short-Term Projects

Section 2 Short-Term Projects

- ▶ Safety
 - Pedestrian crosswalk near Boardwalk Ave
 - Reduce posted speed from 45 to 35 mph
- ▶ Intersection Operations
 - Mitchell Hammock Road - second westbound left-turn lane
- ▶ Network Connections
 - Wood Street extension to Windy Pine Way
 - Oak Street connection across Wood Street



Section 1

Short-Term Project Development

Needs

Section 1: SR 417 to Franklin Street



- ▶ Roadway Capacity
- ▶ Safe access to/from driveways or unsignalized intersections
- ▶ Safe school bus loading/unloading



- ▶ Safe, continuous facility (along SR 434)
- ▶ Access between uses (along and across SR 434)



- ▶ Safe, continuous facility (along SR 434)
- ▶ Access between uses (along and across SR 434)

Project Elements



- ▶ Roundabouts
- ▶ Access Management
- ▶ Speed Management



- ▶ Shared Use Path



- ▶ Sidewalk Connections

Project Elements



▶ Roundabouts



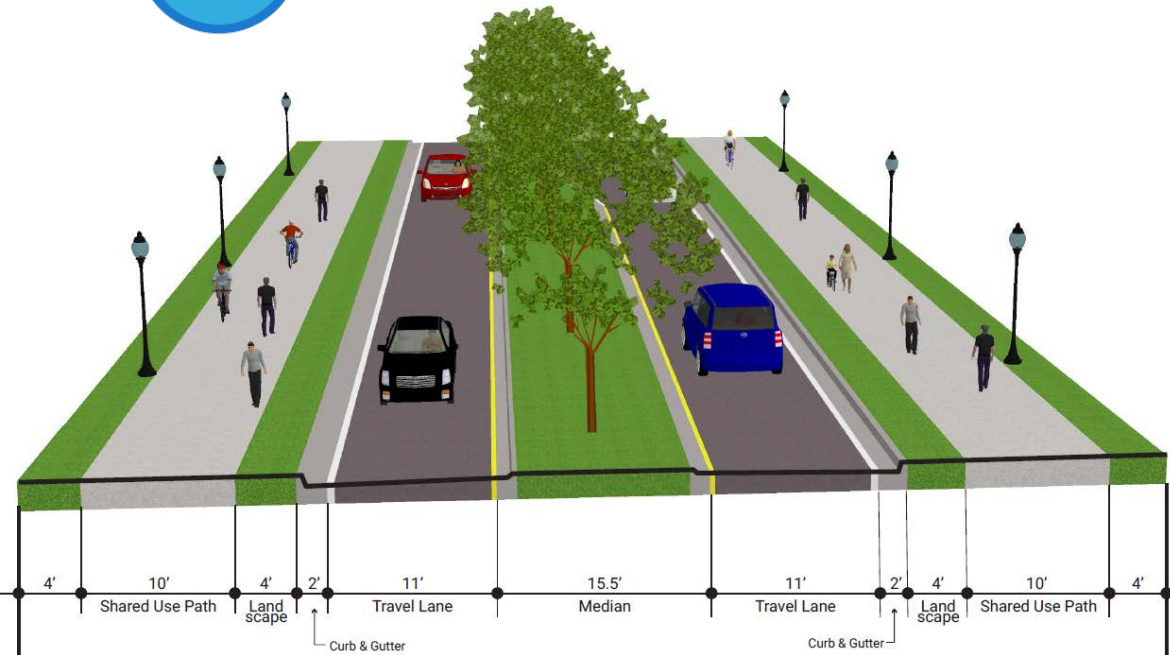
▶ Access Management









▶ Speed Management

▶ Shared Use Path

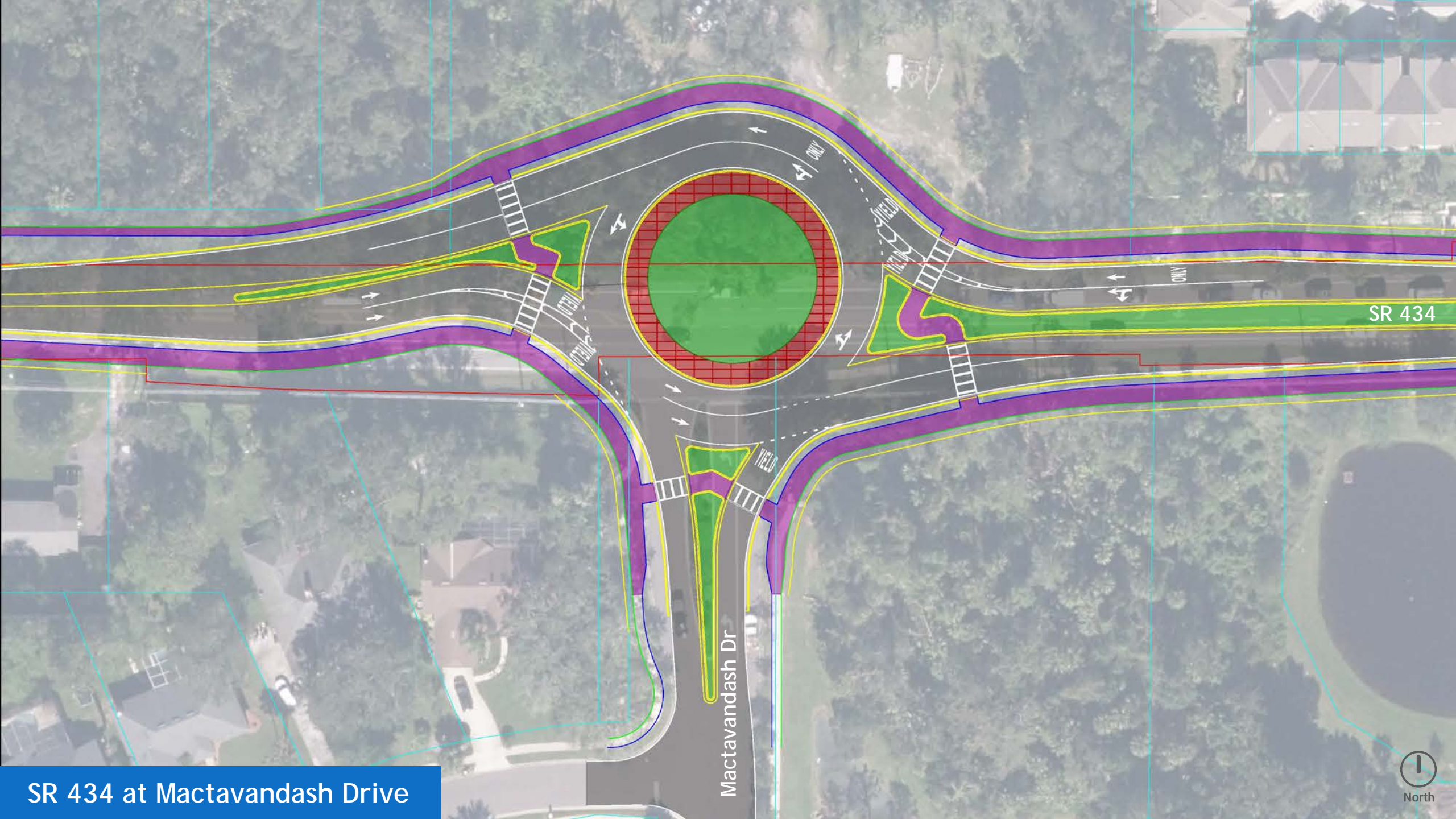
▶ Sidewalk Connections



Legend

-  Shared Use Path
-  Sidewalk Connection
-  Access Management
-  Roundabout Intersection
-  Study Intersection
-  Study Corridor





SR 434

Mactavandash Dr

SR 434 at Mactavandash Drive



North

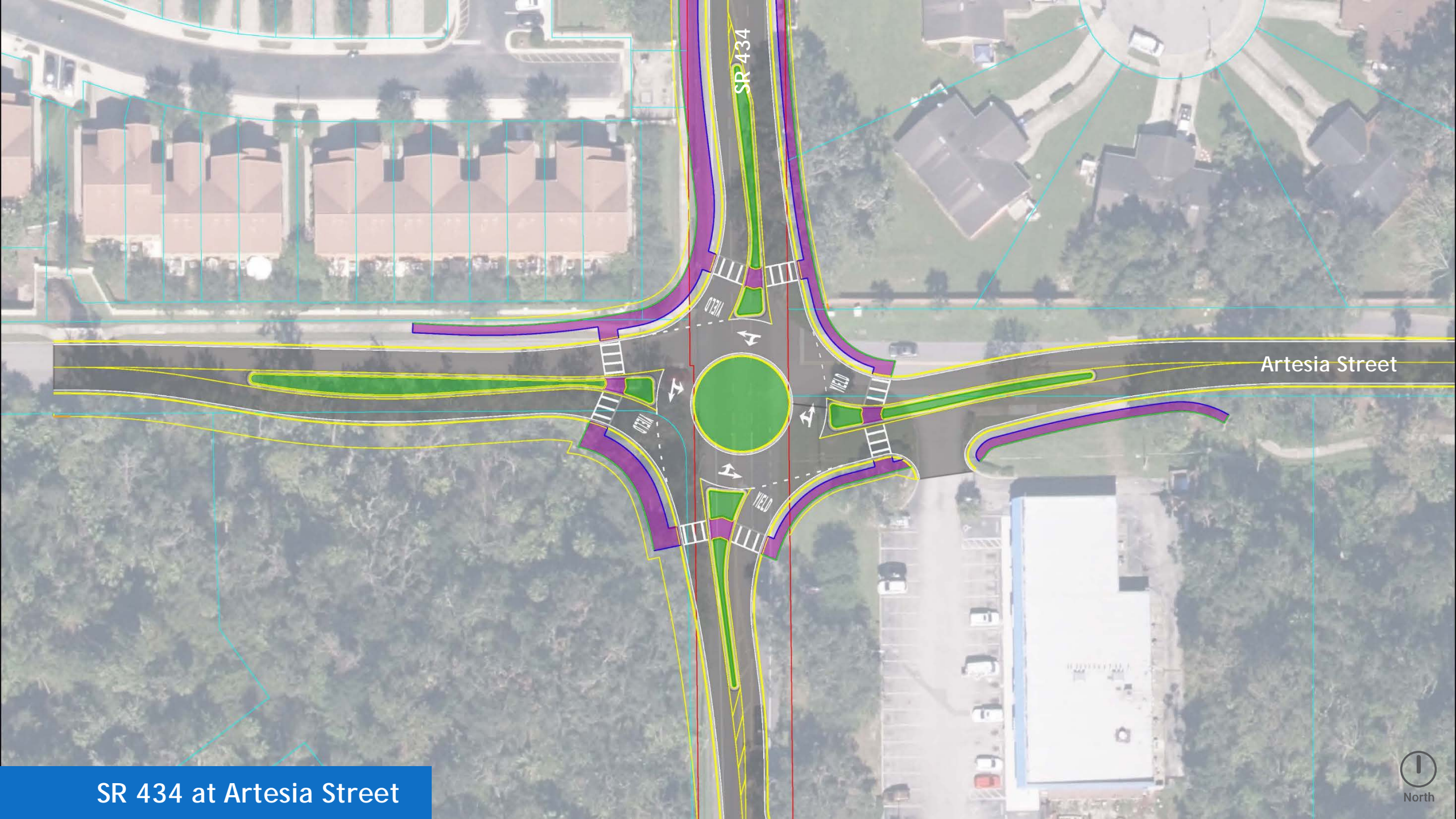


SR 434

Hammock Lane

SR 434 at Hammock Lane





SR 434

Artesia Street

YIELD

SR 434 at Artesia Street



Needs

Section 1: SR 417 to Franklin Street



- ✓ Roadway Capacity
- ✓ Safe access to/from driveways or unsignalized intersections
- ✓ Safe school bus loading/unloading



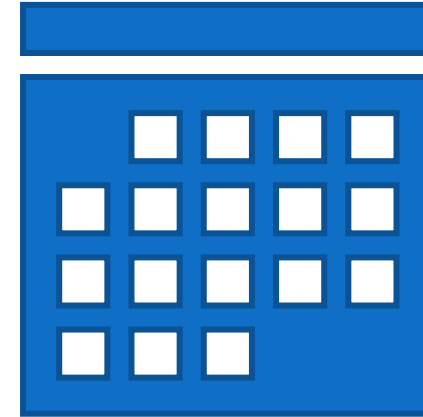
- ✓ Safe, continuous facility (along SR 434)
- ✓ Access between uses (along and across SR 434)



- ✓ Safe, continuous facility (along SR 434)
- ✓ Access between uses (along and across SR 434)

Short-Term Project Schedule

- ▶ Complete Project Development (2019)
- ▶ Move Project into Design (FY 19/20)
- ▶ Right-of-Way & Construction (FY 23/24)



Next Steps

Next Steps for Short-Term Project

- ▶ Obtain Support for Short-Term Project
 - Seminole County Commission workshop (8/27)
 - Winter Springs City Commission (9/23)
 - FDOT Management Meeting (9/30)
 - Oviedo City Council (9/30)
 - Public Meeting in October
- ▶ Complete Project Application Process
- ▶ Prepare for Design Phase

Contact Information

Seminole County Project Manager

Mary M. Moskowitz, AICP, CPM

Planning and Development

1101 East First Street

Sanford, FL 32771

(407) 665-7375

mmoskowitz@seminolecountyfl.gov

Seminole County Consultant

Ryan J. Cunningham, P.E.

Kittelson & Associates, Inc.

225 East Robinson Street

Orlando, FL 32801

(407) 540-0555

rcunningham@kittelson.com

RESOLUTION NUMBER 2019-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, FLORIDA, SUPPORTING THE SEMINOLE COUNTY STATE ROAD 434 CORRIDOR PLANNING STUDY AND ENCOURAGING SEMINOLE COUNTY AND OTHER JURISDICTIONAL GOVERNMENT AGENCIES TO TAKE APPROPRIATE STEPS TO COMPLETE THE SHORT TERM PROJECTS IDENTIFIED IN THE STUDY AS SOON AS FEASIBLE FOR PURPOSES OF IMPROVING THE TRAFFIC AND PEDESTRIAN SAFETY ALONG THE STATE ROAD 434 CORRIDOR EAST OF STATE ROAD 417; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, FLORIDA, AS FOLLOWS:

WHEREAS, the City Commission finds that traffic and pedestrian safety along the State Road 434 corridor is a matter of important public concern and requires inter-governmental cooperation to comprehensively improve public safety; and

WHEREAS, on September 23, 2019, Seminole County officials attended the City Commission meeting and publicly presented the “SR 434 Corridor Planning Study” (“SR 434 Study”); and

WHEREAS, the SR 434 Study outlines a series of Short-Term Projects intended to significantly have a high impact on improving traffic and pedestrian safety along the subject corridor east of State Road 434 within multiple jurisdictions including within the municipal boundaries of the city of Winter Springs; and

WHEREAS, such Short-Term project elements include roundabouts, access management, speed management, shared bicycle paths, sidewalk connections, school bus loading/unloading strategies, property acquisition, and reduced speed limits to be more fully designed and implemented to improve traffic and pedestrian safety within the SR 434 Corridor in accordance with the SR 434 Study; and

WHEREAS, based on the presentation made by Seminole County and the need to make significant traffic and pedestrian safety improvements within the subject portion of the SR 434 corridor east of SR 419, the City Commission desires to express its full support for the SR 434 Study and encourage Seminole County and any other jurisdictional government agencies such as the Florida Department of Transportation to take whatever steps deemed necessary to complete the Short-Term Projects; and

WHEREAS, this Resolution is in the best interests of the public health, safety and welfare of the citizens of the City of Winter Springs.

SECTION 1. RECITALS. The aforementioned recitals are hereby adopted as findings of the City Commission and are fully incorporated herein by this reference.

SECTION 2. SUPPORT FOR STATE ROAD 434 STUDY. The City Commission hereby expresses its full support for the SR 434 Study and encourages Seminole

County and any other relevant government agencies such as the Florida Department of Transportation to take whatever steps deemed necessary to complete the Short-Term Projects identified in the SR 434 Study as soon as feasible.;

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

ADOPTED by the City Commission of the City of Winter Springs, Florida, in a Regular Meeting duly assembled on the 23rd day of September, 2019.

CHARLES LACEY, Mayor

ATTEST:

ANDREA LORENZO-LUACES, City Clerk

**Approved as to legal form and sufficiency for
the City of Winter Springs, Florida only:**

ANTHONY A. GARGANESE, City Attorney



REGULAR AGENDA ITEM 501

CITY COMMISSION AGENDA | SEPTEMBER 23, 2019 | REGULAR MEETING

TITLE

Dream Finders Townhomes Contract Obligation

SUMMARY

This Agenda Item requires the City Commission's consideration of a significant amount of background information regarding the Winter Springs Town Center and the subject property spanning the course of about 20 years, as follows:

1. The Proposed Project and Property.

DFC Seminole Crossing, LLC ("the Applicant") currently has development permit applications pending for a proposed townhome project consisting of 114 units, along with a community pool ("Project") on Parcel No. 26-20-30-5AR-0A00-007K, currently owned by DFC Seminole Crossing, LLC (the "DFC Property" or the "Applicant's Property"). The City Commission approved Preliminary Engineering Plans for the townhome project on January 8, 2018. A copy of the Preliminary Engineering Plans and related City Commission Agenda Item are attached hereto as **Attachment 1**. The Property is located in the T5 Transect of the Town Center, east of the roundabout on Michael Blake Boulevard.

2. Issue Presented to the City Commission – Small Neighborhood Squares #4 and #5.

A lengthy series of development agreements has encumbered the DFC Property, beginning in June 2000. These development agreements included the requirement that, at the time of development, two small neighborhood squares, referred to as Small Neighborhood Square #4 and #5, would be conveyed to the City. As explained below, Small Neighborhood Square #4 and #5 are located on the DFC Property.

At this time, staff requests direction from the City Commission regarding whether it desires to exercise the right to conveyance of Small Neighborhood Squares #4 and #5 in conjunction with the development of the Property.

3. Pending DFC Seminole Crossing, LLC (Dreamfinders Homes) Development Permit Applications.

Several development permit applications regarding the Project are pending review and final consideration by the Planning & Zoning Board and City Commission including Preliminary and Final Plat, Final Engineering Plans, Aesthetic Review, and multiple Waivers. Final consideration of the applications for Final Engineering Plans, Aesthetic Review and multiple waivers have been tentatively scheduled for P&Z consideration on October 2, 2019 and the City Commission on October 14, 2019. Preliminary and Final Plat approval is also a required and a necessary condition for the Project, but the Applicant is currently completing the plat application process. Thus, the proposed plat will be scheduled for the City Commission's consideration at a later date.

4. The Town Center and Series of Development Agreements Since 2000.

A. Town Center History and Plan Related to Squares, Parks, and Street Types.

In February 1998, the City of Winter Springs created a plan for the Town Center through a series of public design sessions involving the City Commission, City staff, community and a team of design professionals. The Town Center District comprehensive plan and zoning regulations were subsequently adopted in 2000. The comprehensive plan and zoning regulations, though amended over the years, are largely based on the original plan. Importantly, traditional urban design conventions were applied to create and require a palette of squares, parks, and street types to form the framework for the Town Center. Thus, throughout the development of the Town Center, the City has acquired and required additional public lands and open spaces in conjunction with development projects within the Town Center to establish the palette of squares, parks, and streets required by the Town Center plan and regulations.

B. Town Center Development (North) – Phases 1 and 2 References.

Although other projects have been developed in the Town Center, the Winter Springs Town Center north of SR 434 has generally been referenced over the years as being developed in two phases. The reference was initiated based on the phased projects proposed by the initial Town Center developer (James Doran Company). Phase I includes the property west of Tuskawilla Road and south of Blumberg Boulevard. Phase 1 consists of the commercial core of the Town Center and multiple buildings were initially constructed by the James Doran Company and its affiliates. Phase 1 includes the Publix, the Zoo and surrounding businesses and development. Phase II was originally initiated by Main Street Associates, LLC., an affiliate of James Doran Company, and includes a substantial portion of the

property east of Tuskawilla Road and along S.R. 434. Although Main Street Associates, LLC. lost ownership and did not develop the property because of the financial crisis and economic recession of 2007 and 2008, the property has since been developed by other parties to include the Blake Apartments and Starbucks and extends beyond Michael Blake Boulevard to the master stormwater pond that was initially planned and constructed to serve the area. The DFC Property is located within originally described Phase II Town Center Property.

The reference to Phases 1 and 2 is important to simply follow the progression of several development agreement over the course of about 20 years and their relevancy and applicability to DFC Property.

C. Relevant Development Agreements.

(1) Schrimsher Agreement.

Initially, Schrimsher Land Fund owned much, if not all of the real property (excluding the McDonalds) located within the Town Center east of Tuskawilla Road and south of St. Johns Landing Subdivision. Around the time that the City was adopting the initial Town Center comprehensive plan and zoning regulations, the City and Schrimsher Land Fund entered into the very first Town Center development agreement. On June 26, 2000, a Short Form Memorandum of Agreement was recorded in the Seminole County Official Records Book 3988, Page 1063 (the "Original Schrimsher Agreement"). A copy of relevant excerpts of the Schrimsher Agreement is attached hereto as **Attachment 2**. A portion of the Schrimsher Land Fund property would eventually be acquired by Mainstreet Associates, LLC and become Phase II of the Town Center. The portion acquired by Mainstreet Associates, LLC was subject to, and remained bound by, the terms and conditions of the Original Schrimsher Agreement.

The Original Schrimsher Agreement was heavily negotiated over more than a year and many staff and City Commission meetings. The Agreement was intended to establish the vision for the future appearance and qualities of the Town Center Community and implement the traditional urban design conventions, such as a palette of squares, parks, and street types as mentioned above. Through this Agreement, Schrimsher consented to the adoption of the Town Center District Code and its applicability to the Schrimsher Property. The Original Schrimsher Agreement established the open spaces that Schrimsher would convey to the City and to the State of Florida. Particularly, Schrimsher agreed to donate property to the State for the purposes of realigning the Cross Seminole Trail adjacent to what is now Wetland Park, which the City improved and has maintained. In addition,

Schrimsher agreed to convey to the City title to Magnolia Park, Lake Trail Park, and Wetland Park, in addition to several “Small Neighborhood Squares,” known as #2, 3, 4, and 5. The Agreement established the size of each Small Neighborhood Square as follows:

- #5 - .44 acres
- #4 - .42 acres
- #3 - .44 acres
- #2 - .45 acres

Small Neighborhood Squares #4 and #5 are depicted in Exhibit A of the Original Schrimsher Agreement and are located on what is now the DFC Property.

The Original Schrimsher Agreement provided Schrimsher with some limited flexibility in adjusting the exact location of each Small Neighborhood Square, but all Squares were to be located on Schrimsher Property and could not overlap with other Small Neighborhood Squares, Lake Trail Park, Wetland Park, Spine Road, Edge Drive, East/West Crossroad Segment, the Cross Seminole Trail, or any other existing park or right-of-way. The conveyances of the Small Neighborhood Squares were to occur at such time, and as part of, a City-approved Schrimsher development adjacent to the applicable Square. In consideration of all conveyances, the City was to, at its significant expense, perform the following:

- Extend and connect, i.e., “stub in”, City water distribution and sewer collection facilities to the boundaries of the Schrimsher Property in sufficient capacity to reasonably accommodate the level of service required for the Town Center and, further, waive any special water or sewer connection charge or assessment that could be applied to the Schrimsher Property to reimburse the City for the expense of extending and connecting the City’s water distribution and sewer collection facilities. The City also guaranteed sufficient capacity within its sewer and water treatment plants to reasonably accommodate the level of services required for the Town Center and the Schrimsher property;
- Submit an application to acquire a Master Stormwater Management Permit from the St. John’s Water Management District for the Town Center and to expedite master stormwater permitting;
- Process an amendment to the City’s Comprehensive Plan, Traffic Circulation Element, to designate Spine Road (now Michael Blake Boulevard) and Tuskawilla Road (at the time known as the Main Street) from SR 434 to Spine Road as a collector road [This amendment was offered and adopted by the

City primarily to make Spine Road eligible for future transportation impact fee credits.]; and

- Begin designing, engineering, surveying, permitting, and constructing Spine Road (Michael Blake Boulevard) within 2 years or, alternatively, to grant impact fee credits in the amount equal to Schrimsher's reasonable costs for doing so and to convey the Spine Road right-of-way to the City; and
- Begin designing, engineering, surveying, permitting, and constructing the Main Street Improvements within 90 days after execution of the Original Schrimsher Agreement and pursue completion within 2 years, for which Schrimsher would convey an additional 11 feet of right-of-way or, alternatively, to grant impact fee credits in the amount equal to Schrimsher's reasonable costs for doing so.

In consideration of Schrimsher's planned conveyances of property, including the neighborhood squares, the City diligently pursued and completed the "stub in" obligation and Main Street Improvements through 2002. Specifically, the City conducted two major projects. First, the City expended approximately \$2,250,667.92 to complete the construction of Hickory Grove Park Road (now Blumberg Boulevard) and the Main Street Roadway (Tuskawilla Road) Improvements, which included approximately \$134,588.55 to install a water main and gravity sewer main with stub-outs along the eastern side of Tuskawilla Road north of SR 434 to High School Road. In addition, the City Commission authorized the expenditure of \$87,968.50 to Conklin, Porter & Holmes Engineers, Inc. (CPH) for engineering and designing the improvements and an additional \$121,605.00 to CPH for construction administration services for the project. [Sources: Record Drawings of Hickory Grove Park Road and Main Street Roadway Improvement Project; January 8, 2001 City Commission Agenda Item Requesting Authorization to Execute Amendment 69 – Hickory Grove Park Road for Consulting Engineering Services with Conklin, Porter & Holmes Engineers, Inc.; January 14, 2002 City Commission Agenda Item Requesting Authorization to enter into a Contractual Agreement for the Construction of Hickory Grove Park Road and Tuskawilla Road Roadway Improvements; January 14, 2002 City Commission Agenda Item Requesting Authorization to Execute Supplement for Construction Administration Services for Tuskawilla and Hickory Grove Park Boulevard with CPH; December 9, 2002 City Commission Agenda Item Requesting Supplemental Authorization for the Construction Contract of Hickory Grove Park Road and Tuskawilla Road].

Second, the City also installed a sanitary sewer force main beginning at the southeast corner of the Schrimsher Property (currently near the Cross-Seminole Bridge), under SR 434, and continuing east along SR 434, down Tuscora Drive, and along Winter Springs Boulevard such that sanitary sewer service could be provided

via connection to the City's East Wastewater Treatment Plant. The City expended \$291,831.32 to construct the Town Center Off-Site Sanitary Sewer Force Main. This amount does not include engineering and design costs. [Source: Record Drawings of Town Center Off-Site Sanitary Sewer Force Main; Memo to File dated March 5, 2002 Re: Final Quantities , Project #ITB-005-01/GE Town Center Off-Site Sanitary Force Main; August 27, 2001 City Commission Agenda Item Requesting Authorization to Enter into a Contractual Agreement for Town Center Force Main Improvements].

The City has also designated Tuskawilla Road from SR 434 to Orange Avenue and Michael Blake Boulevard as collector roads in its Comprehensive Plan. [Source: Map II-7A Future Transportation Map – 2030, Multimodal Transportation Element of the Winter Springs Comprehensive Plan].

(2) Winter Springs Town Center Phase II Implementation Agreement.

On November 20, 2006, the City entered into a “Winter Springs Town Center Phase II Implementation Agreement” with Main Street Associates, LLC, recorded in the Seminole County Official Records at Book 6599, Pages 1705-1726, (the “Phase II Implementation Agreement”), the Phase II developer at the time. The Phase II Implementation Agreement provided that Main Street Associates had acquired the Phase II Property from Schrimsher, which consisted of 46.5 acres of property in the Town Center, north of State Road 434 and east of Tuskawilla Road. In the Phase II Implementation Agreement, the City and Main Street Associates agreed that the entire Phase II development would consist of a minimum 383,000 square feet of retail, 465,000 square feet of office, and 935 multi-family units, all in buildings up to six (6) stories in height, as well as appropriate private parking structures. Phase II was to be developed in multiple phases, identified as Phase II-A and Phase II-B. Phase II-A, which had received Final Engineering and subdivision approval from the City Commission on July 10, 2006, consisted of 312 condominium units and 33,240 square feet of retail/restaurant space on 7.75 acres, generally north of the existing McDonald's and west of what is now Eagle Edge Lane. No final development plans for Phase II-B had been proposed at the time of the Implementation Agreement's execution, but the Parties agreed that the Small Neighborhood Squares #4 and #5 would remain binding on the Phase II Property and located in Phase II-B.

Importantly, the Final Engineering Plans approved by the City Commission on July 10, 2006 for the Phase II-A Development included a Master Site Plan, depicting Spine Road (Michael Blake Boulevard) and the roundabout at its intersection with Tree Swallow Drive. Both of the Future Neighborhood Squares #4 and #5 were

depicted just east and slightly north of the planned roundabout on what is now the Applicant's property. A copy of the Master Site Plan is attached hereto as **Attachment 3.**

As noted above, the Development of Phase II –A was stalled by the financial crisis and economic recession of 2007 and 2008, and the Phase II property was acquired by the lender and transferred to another developer, Winter Springs Holdings, Inc.

(3) Winter Springs Holdings Agreements.

In August 2010, the City entered into a subsequent Development Agreement with Winter Springs Holdings, Inc., recorded in the Seminole County Official Records at Book 7472, Page 1007, and terminated the Phase II Implementation Agreement because development of the Phase II-A project was no longer economically feasible. However, the 2010 Development Agreement expressly provided that, upon Winter Springs Holdings' conveyance of Spine Road to the City, a further agreement would memorialize two remaining development obligations from the Implementation Agreement: (1) the conveyance of Small Neighborhood Square #4 (minimum .42 acres) and #5 (minimum .44 acres); and (2) the design, permitting and construction of the master stormwater plan for the Property.

On November 10, 2010, Winter Springs Holdings, Inc. conveyed to the City by Special Warranty Deed, recorded in the Seminole County Official Records at Book 7486, Page 138, the underlying land for Michael Blake Boulevard. On the same day, the City and Winter Springs Holdings, Inc., entered into a "Future Development Commitment Agreement," recorded in the Seminole County Official Records at Book 7486, Page 146. A copy of the Future Development Commitment Agreement is attached hereto as **Attachment 4.** The Future Development Commitment Agreement restated the existing commitment of the owner to convey Small Neighborhood Square #4 and #5, at the time the City determined the squares would be needed in conjunction with the future development of the Property. The location of the Neighborhood Squares was depicted in an Exhibit to the Agreement, which utilized the same Exhibit that had been attached to the Original Schrimsher Agreement from 2000.

On March 10, 2015, the City and Winter Springs Holdings, Inc., entered into another Development Agreement, recorded in the Seminole County Official Records at Book 8446, Page 1131, in which a general Concept Plan was approved for the development of the Phase II Town Center Property. The Concept Plan consisted of a very general "bubble plan," identifying uses on future parcels of the Phase II Property. The Phase II property east of Michael Blake Boulevard was simply labeled

as “Future Development,” including the Applicant’s Property. Importantly, however, the Agreement acknowledged the Developer pre-existing obligation to design, permit and construct permanent master stormwater facilities for the entire Property as memorialized in the Future Development Commitment Agreement from 2010. The Agreement did not address the Small Neighborhood Squares. However, it did require the Developer to design, permit and construct the roundabout at Michael Blake Boulevard and Tree Swallow Drive concurrent with development.

Finally, in a subsequent First Modification of the March 10, 2015 Development, recorded in the Seminole County Official Records at Book 8852, Page 1719, the City and the Developer further addressed the impact fee credits that would be granted to the Developer for construction of Michael Blake Boulevard and Tree Swallow Drive, fifteen years after the Original Schrimsher Agreement required its construction. The First Modification provided that the maximum transportation impact fees that would be credited to the Developer would be \$620,437.41, but that the final credit would be determined based upon actual construction costs. The developer of the Blake Apartments is currently gathering cost data to present to the City to receive impact fee credits. The First Modification also required the Developer to convey 2.2 acres of real property to be used for municipal purposes. The Small Neighborhood Squares were not expressly addressed.

(4) Winter Springs Village – Completion of Other Park and Open Space Schrimsher Commitments

It is further valuable to discuss what occurred with respect to the other conveyances that were required by the Original Schrimsher Agreement – namely Small Neighborhood Squares #2 and #3, Lake Trail Park, and Wetland Park. On March 28, 2011, the City Commission approved the Final Engineering and subdivision for Winter Springs Village. In the Agenda Item, City Staff specifically discussed remaining open space requirements from the Schrimsher Development Agreement. City Staff listed the total acres that were to be conveyed as parks or squares in the area of the subdivision, specifically for Lake Trail Park, Neighborhood Park #2 and #3. Staff then itemized the substituted open spaces that would be equivalent and actually greater than the open space acreage that was required pursuant to the Original Schrimsher Agreement and recommended approval of the Final Engineering Plans based, in part, upon the increased acreage. Further, on March 28, 2011, the Winter Springs Village Four Parcel Subdivision was signed, which dedicated Wetlands Park for municipal park purposes to the City.

D. Summary Timeline

A timeline of relevant events is set forth as follows:

- June 2000 – Original Schrimsher Development Agreement required conveyance of Small Neighborhood Squares #4 and 5, along with #2 and 3, Wetland Park, Magnolia Park, and Lake Trail Park
- January 2001 – December 2002 – City completed Main Street Improvements and “stub-in” for both water and sanitary sewer service to boundary of Schrimsher Property, expending approximately \$2,752,072.74. This figure does not include engineering costs for the sanitary sewer force main, but includes the improvements for Blumberg Boulevard, which were not segregated. Approximately \$426,418.87 was expended solely on construction of the required utility “stub-in.”
- July 10, 2006 – City Commission approved Final Engineering Plans for Phase II-A Development as proposed by Main Street Associates. Master Site Plan depicts Small Neighborhood Squares #4 and #5 on the Applicant’s Property.
- August - November 2010 – City terminated Main Street Associates Development Agreement. Future Development Commitment Agreement maintained commitments to convey Small Neighborhood Squares #4 and #5.
- March – November 2011 - City Wetland Park was dedicated and open spaces were negotiated in lieu of Neighborhood Squares #2 and 3 and Lake Trail Park.
- March 2015 – January 2017 – City and Winter Springs Holdings enter into additional Development Agreements to further address the uses that would be permitted on the Phase II Property and construction of Michael Blake Boulevard and a master stormwater pond. No development was proposed on the Applicant’s Property during this time period.
- January 8, 2018 – preliminary approval by City Commission of Applicant’s preliminary engineering proposal for the townhome project consisting of 114 units, along with a community pool, subject to further review
- January 2018 – Present – Applicant processing applications for Final Engineering Plans, Plat, Aesthetic Review, and associated Waivers.

RECOMMENDATION

The City Commission should review the obligation contained in the Future Development Commitment Agreement, dated November 10, 2010, recorded in Seminole County Official Records Book 7486, Page 146, requiring the conveyance of two small neighborhood squares #4 (minimum .42 acres) and #5 (minimum .44 acres) and provide direction regarding the necessity of such squares in conjunction

with the development of Parcel No. 26-20-30-5AR-0A00-007K, currently owned by DFC Seminole Crossing, LLC.

Attachment 1

**Preliminary Engineering Plans for Winter Springs Townhomes by
Dream Finders Homes**

Approved by City Commission January 8, 2018

COMMISSION AGENDA

ITEM 500

Informational	
Consent	
Public Hearings	
Regular	X

January 08, 2018

KS

BF

Regular Meeting

City Manager

Department

REQUEST:

The Community Development Department requesting the City Commission consider a Preliminary Engineering Plan for Winter Springs Townhomes, a proposed 114-unit townhome subdivision by Dream Finders Homes located in the Town Center at the northeast corner of Michael Blake Boulevard and Tree Swallow Drive.

SYNOPSIS:

Winter Springs Townhomes is a proposed 114-unit townhome development by Dream Finders Homes located in the Town Center at the northeast corner of Michael Blake Boulevard and Tree Swallow Drive.

CONSIDERATIONS:

APPLICANT AND PROPERTY INFORMATION:

- Applicant: Dream Finders Homes
- Property Owner: Winter Springs Holdings, Inc.
- Property Location: NE corner of Michael Blake Blvd /Tree Swallow Dr.
- Property Parcel ID numbers: 26-20-30-5AR-0A00-007K
- Current FLUM Designation: Town Center District

- Current Zoning Designations: T-C (Town Center)

APPLICABLE LAW, PUBLIC POLICY, AND EVENTS:

Home Rule Powers
Winter Springs Code of Ordinances
Town Center District Code
City of Winter Springs Comprehensive Plan

DISCUSSION:

Overview:

Dream Finders Homes is proposing a 114-unit townhome subdivision in the Town Center. The 8-acre parcel is located at the northeast corner of Michael Blake Boulevard and Tree Swallow Drive (see Exhibit 1). The site is bordered on the north and east by the Cross-Seminole Trail, on the west by Michael Blake Boulevard, and on the south by Tree Swallow Drive. The property is in the T-5 transect of the Town Center, which includes single-family attached units (townhomes) as a permitted use.

Site Background:

The 8-acre site is part of a larger parcel of approximately 46-acres that was previously owned in its entirety by Winter Springs Holdings, Inc. (IBEW). Winter Springs Holdings sold portions of the property to other entities, including Catalyst Development Partners, who is currently building an apartment project on the west side of Michael Blake Boulevard. The 8-acre property is subject to a Developer's Agreement that includes the following applicable provisions:

- After the Catalyst Apartment Project (currently under construction), no additional apartment units are permitted anywhere on the 46-acre property
- Parcels fronting SR 434 and Tuskawilla Road must be developed with a commercial use
- The property is served by a master stormwater treatment facility that is currently under construction as part of the Catalyst Apartment Project

Proposed Layout / Unit Type:

The proposed townhomes are all two-stories and are located in 20-buildings ranging in size from 3 to 10 units per building. Please see Exhibit 2 for the Preliminary Engineering Plan and Exhibit 3 for photos of existing townhomes that are similar to what Dream Finders is proposing. The subdivision features a grid of public streets and private alleys, consistent with the Town Center Code. Townhome units along the perimeter of the development will front Tree Swallow Drive, Michael Blake Boulevard, and the Cross-Seminole Trail. The internal buildings will all face public streets. All units have two-car garages accessed from alleys at the back of the buildings.

Site Amenities:

The central area of the subdivision includes a pool, cabana, and green space / park area. A main feature of the subdivision will be the immediate access to the Cross-Seminole Trail, with the ability for residents to use the trail for access to nearby shopping, schools, parks, and other community destinations.

Water and Sewer:

Water and sewer facilities are available to the site in Michael Blake Boulevard. A lift

station is being built at the northwest corner of the property that will serve both the Catalyst Apartment project and the proposed Dream Finders townhome subdivision. The City has water and sewer plant capacity to serve the 114-unit townhome development.

Transportation:

Winter Springs Townhomes will be accessed from both Michael Blake Boulevard and Tree Swallow Drive. The existing and future Town Center street network provides multiple options for residents to reach their desired destinations. At the SR 434 / Michael Blake Boulevard intersection, a traffic signal will be constructed by the City when it meets the applicable traffic warrants.

Stormwater:

Winter Springs Townhomes will be served by a master stormwater pond currently being constructed as part of the Catalyst Apartments project. No additional onsite stormwater treatment is required. Onsite stormwater collection and piping facilities will route stormwater to the pond located on the east side of the Trail Bridge.

Parking:

All townhome units will have two-car garages. In addition, the subdivision will have approximately 95 on-street parking spaces. The proposed overall parking ratio of approximately 2.8 parking spaces per unit is consistent with other townhome projects in the Town Center, but this will be verified by a more detailed parking analysis to be submitted as part of the final engineering plans.

Reports:

The Final Engineering submittal is required to include the following reports (or updates of previously prepared reports for the same property):

- Geotechnical Engineering
- Traffic Study
- Ecological Study (listed species)
- Water and Sewer Analysis
- Parking Analysis
- Stormwater Report
- Fiscal Analysis

In addition, the applicant is required to obtain a SCALD letter from SCPS verifying there is adequate school capacity for the new students.

Open Staff Comments:

Exhibit 4 includes the open Staff comments on the Preliminary Engineering plans, and shall be considered conditions of approval.

Preliminary Plan Approval:

Pursuant to Section 9-49 of the City Code, the approval of a Preliminary Plan shall only be construed only as authority for submitting a Final Plan.

Exhibit 4 lists the open staff comments that are to be addressed by the applicant as part of the final engineering plans.

The Preliminary Engineering Plan is scheduled for review by the Planning & Zoning Board at their January 3, 2018 meeting.

FISCAL IMPACT:

Development of the subject property as a 114-unit townhome project is anticipated to provide an increase to the City's taxable value. The potential tax revenue of the proposed subdivision at buildout is estimated to be \$50,000/year.

COMMUNICATION EFFORTS:

This Agenda Item has been electronically forwarded to the Mayor and City Commission, City Manager, City Attorney/Staff, and is available on the City's Website, LaserFiche, and the City's Server. Additionally, portions of this Agenda Item are typed verbatim on the respective Meeting Agenda which has also been electronically forwarded to the individuals noted above, and which is also available on the City's Website, LaserFiche, and the City's Server; has been sent to applicable City Staff, Media/Press Representatives who have requested Agendas/Agenda Item information, Homeowner's Associations/Representatives on file with the City, and all individuals who have requested such information. This information has also been posted outside City Hall, posted inside City Hall with additional copies available for the General Public, and posted at six (6) different locations around the City. Furthermore, this information is also available to any individual requestors. City Staff is always willing to discuss this Agenda Item or any Agenda Item with any interested individuals.

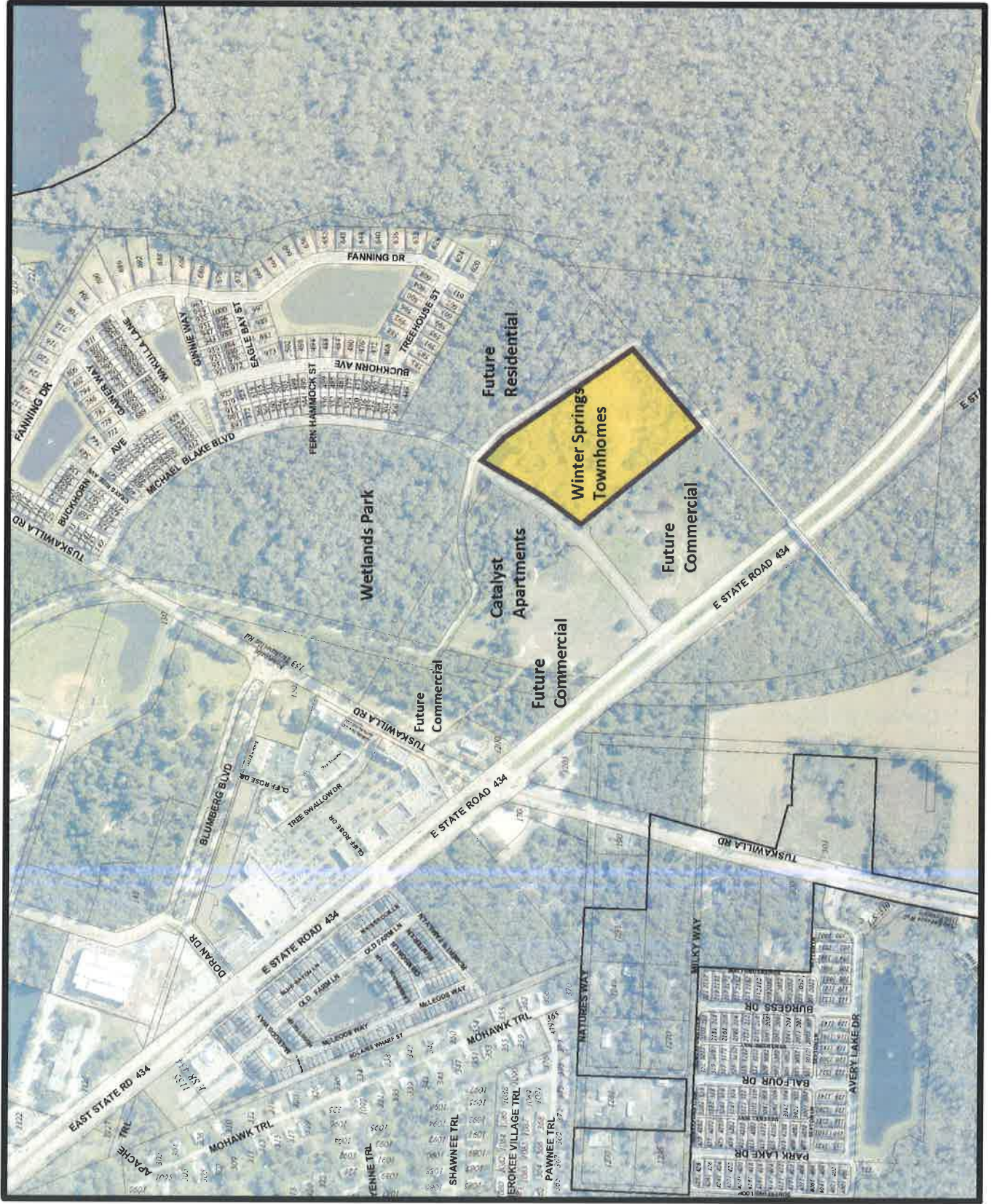
RECOMMENDATION:

Staff recommends the City Commission approve the Preliminary Engineering Plan for Winter Springs Townhomes.

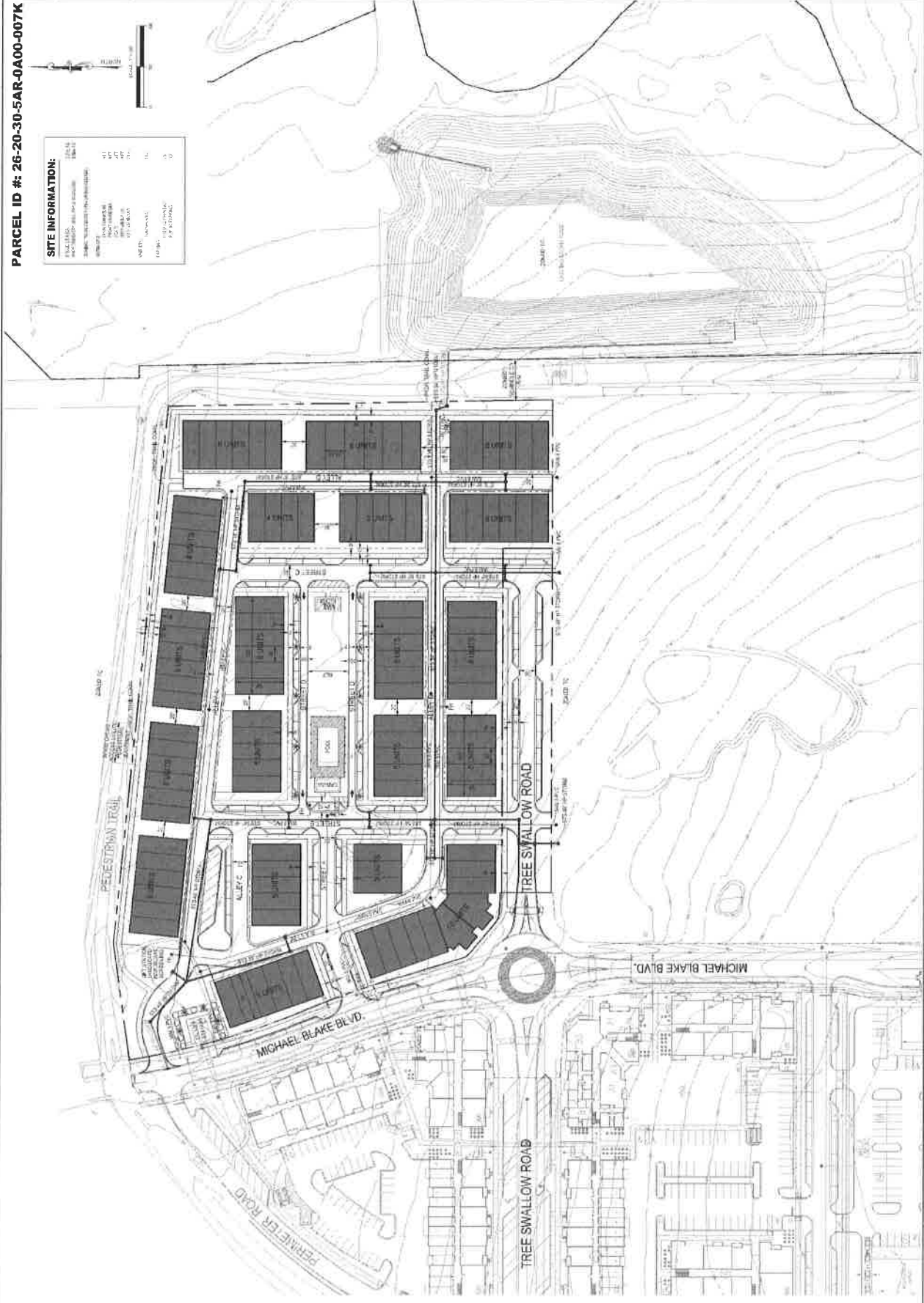
ATTACHMENTS:

1. Exhibit 1 – Vicinity Map (1 page)
2. Exhibit 2 – Preliminary Engineering Plan (3 pages)
3. Exhibit 3 – Townhome Photos (3 pages)
4. Exhibit 4 - Open Staff Comments (1 page)

Exhibit 1 - Vicinity Map



NO.	DATE	DESCRIPTION
1	12/10/13	ISSUED FOR PERMIT
2	12/10/13	ISSUED FOR PERMIT
3	12/10/13	ISSUED FOR PERMIT
4	12/10/13	ISSUED FOR PERMIT
5	12/10/13	ISSUED FOR PERMIT
6	12/10/13	ISSUED FOR PERMIT
7	12/10/13	ISSUED FOR PERMIT
8	12/10/13	ISSUED FOR PERMIT
9	12/10/13	ISSUED FOR PERMIT
10	12/10/13	ISSUED FOR PERMIT

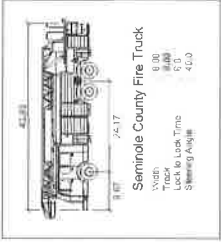


SITE INFORMATION:

PROJECT NO.	26-20-30-5AR-0A00-007K
DATE	12/10/13
SCALE	AS SHOWN
DESIGNED BY	[Name]
CHECKED BY	[Name]
DATE	12/10/13
PROJECT NO.	26-20-30-5AR-0A00-007K
DATE	12/10/13
SCALE	AS SHOWN
DESIGNED BY	[Name]
CHECKED BY	[Name]
DATE	12/10/13

PARCEL ID #: 26-20-30-5AR-0A00-007K

PARCEL ID #: 26-20-30-5AR-0A00-007K



PROPOSED FIRE FLOW: 250 GPM @ 150 PSI @ 4 HOURS
 TYPE: UDD CONSTRUCTION
 12 8x12 PER FLOOR X 7 FLOORS = 26,880 SF
 REQUIRED FIRE FLOW = 250 GPM @ 4 HOURS
 ADJUSTED FIRE FLOW = 250 GPM @ 4 HOURS

PROJECT NO.	26-20-30-5AR-0A00-007K
DATE	08/14/2017
SCALE	AS SHOWN
DESIGNER	LOCHRANE
CLIENT	WINTER SPRINGS TOWNHOMES
PROJECT ADDRESS	MICHAEL BLAKE BLVD WINTER SPRINGS, FLORIDA
PROJECT NO.	26-20-30-5AR-0A00-007K
DATE	08/14/2017
SCALE	AS SHOWN
DESIGNER	LOCHRANE
CLIENT	DREAM FINDERS HOMES LLC

LOCHRANE
 PRELIMINARY
 FIRE TRUCK
 AUTURN ROUTE
 P3.0

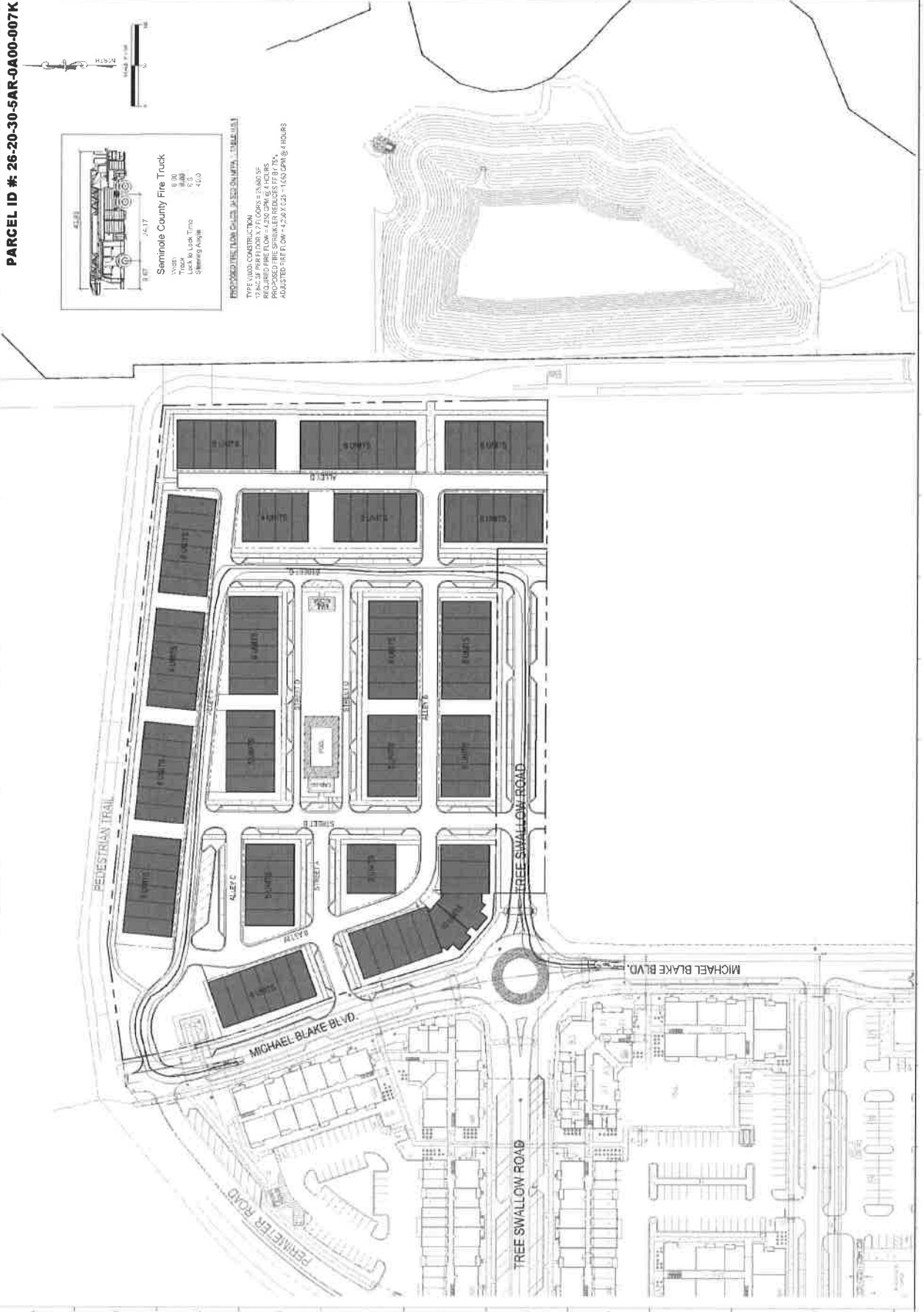


EXHIBIT 3







EXHIBIT 4
Open Staff Comments



Current Project - Project Markups Listing

ZP2017-0000030 - PRELIM SITE PLAN - RESUBMITTAL

File Name	Markup	Markup Text	Markup Date
P02.0 SITE.pdf	BFields	Building corner is too close to Alley A; revise at Final Engineering	12/21/2017
P02.0 SITE.pdf	BFields	Extend sidewalk to asphalt trail	12/21/2017
P02.0 SITE.pdf	BFields	Locate fire hydrant off of street corner to avoid possible vehicle impacts	12/21/2017
P02.0 SITE.pdf	BFields	Relocate storm inlet from center of street; locate at curb	12/21/2017
P02.0 SITE.pdf	BFields	For the two buildings along the north side of Street D, locate them to have the same setback. Currently, one is 5-feet and the other 8-feet. Also see comment regarding the NE corner of the 6-unit building being too close to the alley.	12/21/2017
P02.0 SITE.pdf	BFields	Submit a parking analysis with the final engineering plans, per the Town Center Code. The proposed parking plan appears that it may be short of parking, based on demands in nearby townhome developments. Seek options for additional parking, such as in driveways (where possible), on-street parallel parking, and off-street parking areas.	12/21/2017
P02.0 SITE.pdf	BFields	Locate sidewalk away from the street. See suggested alignment.	12/21/2017
P02.0 SITE.pdf	BFields	Remove backflow preventer on 8-inch water main	12/21/2017
P02.0 SITE.pdf	BFields	Move water main away from the edge of the right-of-way	12/21/2017
P02.0 SITE.pdf	BFields	Provide a temporary parking area in front of the kiosk for mail pickup	12/21/2017
P02.0 SITE.pdf	BFields	On all public streets, provide a minimum 60-foot wide right-of-way with a 6-foot green strip between the parallel parking and the sidewalk, per the standard Town Center Street section in the Town Center Code.	12/21/2017
P02.0 SITE.pdf	BFields	Prior to Final Engineering, contact City Staff to discuss options for fire sprinkler service to the townhome units.	12/21/2017
P02.0 SITE.pdf	BFields	Water and sewer mains appear to miss several buildings	12/21/2017
P02.0 SITE.pdf	BSmith	Provide more detail to show how the units on the north and east sides of the property will interact with the trail. There will be a significant elevation difference between the FFE of the east units and existing trail.	12/21/2017
P02.0 SITE.pdf	BSmith	Consider removing the 3-Unit building and using this as additional green space, dog park, or playground area. Examples can be provided from other developments if needed.	12/21/2017
P02.0 SITE.pdf	BSmith	Decorative bollards or another structure should be included at the east end of Alley B and north end of Alley D to prevent vehicles from entering the trail. Both of these entrances should be a minimum of 10' wide, with one being ADA and bicycle accessible. The other can be stairs.	12/21/2017
P01.0 COVER.pdf	Stephanie Monica	<ol style="list-style-type: none"> 1. As part of final engineering, please submit a tree survey showing the location, size, and species of all the trees on the site. Please provide a table on the plans detailing the quantity, size, and associated credit value of all trees proposed for removal and preservation. Please provide a mitigation plan to replace all trees removed from the site, in accordance with the City Arbor Ordinance, Chapter 5, Tree Protection and Preservation. 2. As part of final engineering, please provide a landscape plan detailing the species, size, and location of all proposed landscape material. 3. As part of final engineering, please provide an irrigation plan. 	12/18/2017

Attachment 2

**Relevant Excerpts of Original Schrimsher Development Agreement
dated June 26, 2000**

AGREEMENT

An Agreement made and entered into this 26th day of June, 2000 by and among Schrimsher Land Fund 1986 - II, Ltd., Schrimsher Land Fund V, Ltd., and Schrimsher Land Fund VI, Ltd., herein referred to as "Schrimsher" and the City of Winter Springs, a municipal corporation existing under the laws of the State of Florida herein referred to as "City".

RECITALS

1. WHEREAS, Section 163.3167, Florida Statutes provides that each local government is encouraged to articulate a vision of the future physical appearance and qualities of its community as a component of the local comprehensive plan through a collaborative planning process with meaningful public participation, and
2. WHEREAS, the City completed a comprehensive planning study, with extensive public participation from local residents and local, county, and state officials, which resulted in the adoption of the Winter Springs Town Center Plan, and
3. WHEREAS, Schrimsher owns land located within the boundaries of the City of Winter Springs Town Center, and
4. WHEREAS, Schrimsher and City desire to memorialize their understandings and agreement regarding their respective interests, expectations, and intentions contained in this Agreement regarding the Town Center.

NOW THEREFORE in consideration of the terms and condition set forth in this Agreement, and other good and valuable consideration, the receipt of which is hereby acknowledged by the parties, the City and Schrimsher agree to the following:

I. Incorporation of Recitals.

The foregoing recitals are true and correct and are hereby fully incorporated herein by this reference as a material part of this Agreement.

engineers and surveyors. Schrimsher's engineers and surveyors shall complete said review and provide any such input pursuant to the City's reasonable time schedule.

d) City and Schrimsher agree to cooperate with each other, Seminole County, the Florida Department of Environmental Protection and all other necessary governmental agencies and interest groups to effectuate the Cross Seminole Trail realignment on Schrimsher Property.

IV. Conveyances from Schrimsher to the City.

a) Schrimsher agrees that at such time as the City obtains all permits necessary to construct, install, and extend (i.e., "stub-in") the sewer and water facilities to the Schrimsher Property as required in Article V b) below, Schrimsher will convey to the City fee simple title to Magnolia Park and Wetland Park.

b) Schrimsher also agrees to convey to the City the Small Neighborhood Squares (#2, 3, 4, and 5), as generally depicted on Exhibit "A", unless said Squares are substituted by special exception granted by the City Commission of Winter Springs. Special exceptions will not be unreasonably withheld by the City, provided the substituted Small Neighborhood Square is of equal or better value than what is proposed in the Town Center District Code with respect to property value and design. Small Neighborhood Square #5 shall be a minimum of point forty-four (.44) acres. Small Neighborhood Square #4 shall be a minimum of point forty-two (.42) acres. Small Neighborhood Square #3 shall be a minimum of point forty-four (.44) acres. Small Neighborhood Square #2 shall be a minimum of point forty-five (.45) acres. These minimum acreages of the Small Neighborhood Squares #5, 4, 3 and 2 include all rights-of-way around the perimeter of each Small Neighborhood Square as depicted on Exhibit "A". In addition, Schrimsher shall also have the right to relocate Small Neighborhood Square #2 and 3 a maximum distance of 250 feet in any direction from the location depicted on Exhibit "A"; Small Neighborhood Squares #4 and #5 may be relocated a maximum distance of 250.00 feet to the east or west, and to the south as part of any relocation or adjustment of East/West Crossroad Segment pursuant to Article XIV of this Agreement. Any relocated Small Neighborhood Square shall be located on Schrimsher Property and shall not overlap another Small Neighborhood Square, Lake Trail Park, Wetland Park, Spine Road, Edge Drive, East/West Crossroad Segment, the Cross Seminole Trail or any other then existing park or right-of-way. The distance shall be measured beginning from the boundary of the subject Small Neighborhood Square that is closest to the direction in which said Square is relocating. The conveyances of the Small Neighborhood Squares shall occur at such time, and as part of, a City approved Schrimsher development adjacent to the applicable Small Neighborhood Square.

c) Schrimsher also agrees to convey Lake Trail Park to the City at the time of the later to occur of the construction of (i) either a City approved Schrimsher development or a retention pond adjacent to the north of Lake Trail Park or (ii) the road adjacent to the

western boundary of Lake Trail Park or (iii) the unpaved portion of the Cross Seminole Trail on the eastern boundary of Lake Trail Park.

d) Schrimsher agrees to convey rights of way and easements and improvements to rights of way and easements similar to those depicted in the Town Center District Code and located on Schrimsher Property at such time, and as part of a City approved Schrimsher development, in a manner in which similar conveyances are required in connection with similar developments within the City.

e) Except for the conveyances from Schrimsher to the City so described in this Article IV (i.e. Wetland Park; Magnolia Park; Small Neighborhood Squares #2, 3, 4 and 5 and Lake Trail Park), Schrimsher shall have no further obligation to convey to the City any property for park, open space or green space purposes.

f) Schrimsher shall not make any claims for extraordinary excess development costs for single-loaded roads traversing Schrimsher Property in accordance with this Agreement and the Town Center District Code.

V. City Obligations.

In consideration of Schrimsher (i) conveying to the City Magnolia Park and Wetland Park, as described in Article IV(a), (ii) conveying to the City the Small Neighborhood Squares, Lake Trail Park, rights of way, easements, and improvements to said rights of way and easements as described in Article IV(b), (c) and (d), (iii) not making any claim for single-loaded road as described in Article IV(f), and (iv) agreeing to the terms and conditions contained in this Agreement, the City, at its expense, agrees to do the following:

a) Within eighteen (18) months from the effective date of this Agreement, extend and connect (i.e., "stub in") City water distribution and sewer collection facilities to the boundaries of Schrimsher Property in sufficient capacity to reasonably accommodate and guarantee the level of service capacity required for the Town Center and Schrimsher Property. Except as provided in Article V(c) and V(d) below relating to Spine Road and Main Street Improvements, the City shall not be required to extend either sewer or water facilities into the interior portion of the Schrimsher Property unless agreed upon in future written developer agreements. The City also guarantees sufficient capacity within the sewer and water treatment plants to reasonably accommodate and guarantee the level of service required for the Town Center and Schrimsher Property. The City also agrees that no special City water or sewer connection charge or assessment will be applied to Schrimsher Property for purposes of reimbursing the City for the expense of extending and connecting the City's water distribution and sewer collection facilities to Schrimsher's Property as described above; provided, however, individual users within the Schrimsher Property may be charged the same normal and regular "City-wide" connection fee that is customarily charged to all

other individual users within the City for connecting into and utilizing the "City-wide" water and sewer capacity.

b) Promptly commence and within six (6) months following the date of this Agreement, submit an application to acquire a Master Stormwater Management Permit from the St. John's Water Management District for the Town Center and expedite to the fullest extent possible completion of the master stormwater permitting within the Town Center and Schrimsher Property. City agrees that Schrimsher's engineers (who shall be qualified and experienced in stormwater engineering and permitting) will be able to provide input into the design and permitting process for the Master Stormwater Management Permit and that any and all related applications and/or submittals to all applicable governmental agencies that may affect Schrimsher Property will be subject to reasonable and timely review and approval by Schrimsher's engineers. Schrimsher's engineers shall complete said review pursuant to the City's reasonable time schedule and shall not unreasonably withhold said approval. In no event will the Schrimsher Property be required to accommodate a disproportionate area/acreage of retention ponds or amount (i.e., volume or rate) of the stormwater generated in Town Center unless otherwise agreed to by Schrimsher in writing.

c) Designate Spine Road a City collector road and process an amendment to the City's Comprehensive Plan, Traffic Circulation Element, to so designate. City also agrees, at its expense, to begin designing, engineering, surveying and permitting Spine Road upon the effective date of this Agreement; and the City agrees to commence good faith construction of Spine Road within two (2) years from said effective date and to diligently pursue completion of such construction. Schrimsher agrees that City shall have the right of entry and ingress and egress to and from Schrimsher Property for purposes of designing, engineering, permitting, surveying and constructing Spine Road, and, in such event, the City agrees, to the extent permitted by law, to indemnify and hold Schrimsher and the Schrimsher Property harmless against any loss, damage, liens or expenses associated with or resulting from the City designing, engineering, permitting, surveying and constructing of Spine Road. However, if Schrimsher desires to construct Spine Road in accordance with the Town Center District Code, prior to the City's schedule for said construction provided herein, Schrimsher may design, engineer, permit, survey, and construct Spine Road at Schrimsher's expense. Pursuant to Winter Springs City Code, Sections 9-386 through 9-390, Schrimsher shall then be eligible for and receive in connection with the development of the Schrimsher Property transportation impact fee credits in an amount equal to Schrimsher's reasonable costs for designing, engineering, permitting, surveying and construction of the Spine Road which costs shall be deemed to be for "non-site-related improvements". Accrued credits shall be applied to the development of Schrimsher Property. Regardless of which party constructs Spine Road, the City, at its expense and concurrently with the construction of Spine Road, agrees to design, permit, and construct water and sewer utilities for Spine Road required for the Town Center and Schrimsher Property (the "Spine Road Utilities"). Schrimsher shall convey the right of way for Spine Road to the City at such time as the City has obtained all

necessary permits for the City to construct Spine Road or at such time that Schrimsher has completed construction of Spine Road, whichever occurs first.

City agrees that Schrimsher's engineers (who shall be qualified and experienced in roadway and water and sewer utilities engineering and permitting) will be able to review and provide input into the design and permitting process for Spine Road and the Spine Road Utilities; and that any and all related applications and/or submittals to all applicable governmental agencies that may affect Schrimsher Property will be subject to the reasonable and timely review by Schrimsher's engineers. Schrimsher's engineers shall complete said review and provide any such input pursuant to the City's reasonable time schedule.

If the City adopts a traffic concurrency management ordinance, the City agrees to favorably consider the allocation of reasonably sufficient traffic capacity to Town Center and/or appropriate levels of service to accommodate the development of Town Center as anticipated in the Town Center District Code.

d) Designate that portion of Tuskawilla Road between State Road 434 and Spine Road a City collector road and process an amendment to the City's Comprehensive Plan, Traffic Circulation Element, to so designate. The City also agrees, at its expense, to design, engineer, permit, survey and construct the Main Street Improvements substantially within the alignment shown on Exhibit "A". The City also agrees to promptly commence the design, engineering and permitting within ninety (90) days of the effective date of this Agreement, exercise their best efforts to commence construction as soon as possible and to diligently pursue completion of such construction within two (2) years of the effective date of this Agreement. The Main Street Improvements shall be consistent with the Town Center District Code. Schrimsher agrees to donate and convey to the City eleven (11) feet of right-of-way in order for the City to expand Main Street to eighty-two (82) feet in width in accordance with the Town Center District Code. The conveyance shall occur at such time as the City has obtained all permits necessary to construct the Main Street Improvements. Because Schrimsher only owns property on one side of that portion of Tuskawilla Road described as Main Street, Schrimsher shall only be required to convey the one-half (i.e., not more than eleven (11) feet wide) of the needed right-of-way which is located on Schrimsher's side of Tuskawilla Road. Schrimsher agrees that City shall have the right of entry and ingress and egress to and from the Schrimsher Property for purposes of designing, engineering, permitting, surveying and constructing the Main Street Improvements, and, in such event, the City agrees, to the extent permitted by law, to indemnify and hold Schrimsher and the Schrimsher Property harmless against any loss, damage, liens or expenses associated with or resulting from the City designing, engineering, permitting, surveying and constructing the Main Street Improvements which costs shall be deemed to be for "non-site-related improvements". Notwithstanding the aforesaid, if Schrimsher desires to commence the Main Street Improvements in accordance with the Town Center District Code, prior to the City's schedule for making said improvements, Schrimsher may design, engineer, permit, survey, and construct the Main Street Improvements at Schrimsher's expense and the

conveyance shall occur at such time Schrimsher has completed construction of said improvements. Pursuant to Winter Springs City Code, Sections 9-386 through 9-390, Schrimsher shall then be eligible for and receive in connection with the development of the Schrimsher Property transportation impact fee credits in an amount equal to Schrimsher's reasonable costs for design, engineering, surveying, permitting and construction of the Main Street Improvements. Accrued credits shall be applied to the development of Schrimsher Property. City agrees that Schrimsher's engineers (who shall be qualified and experienced in roadway and water and sewer utilities engineering and permitting) will be able to review and provide input into the design and permitting process for the Main Street Improvements; and that any and all related applications and/or submittals to all applicable governmental agencies that may affect Schrimsher Property will be subject to the reasonable and timely review by Schrimsher's engineers. Schrimsher's engineers shall complete said review and provide any such input pursuant to the City's reasonable time schedule.

VI. Inclusion of Property in Town Center District.

Schrimsher consents to the inclusion of the Schrimsher Property into the Town Center District subject to the terms and conditions hereof.

VII. Adoption of Town Center District Code.

Schrimsher hereby consents to the adoption of the Town Center District Code and its applicability to the Schrimsher Property subject to the terms and conditions hereof.

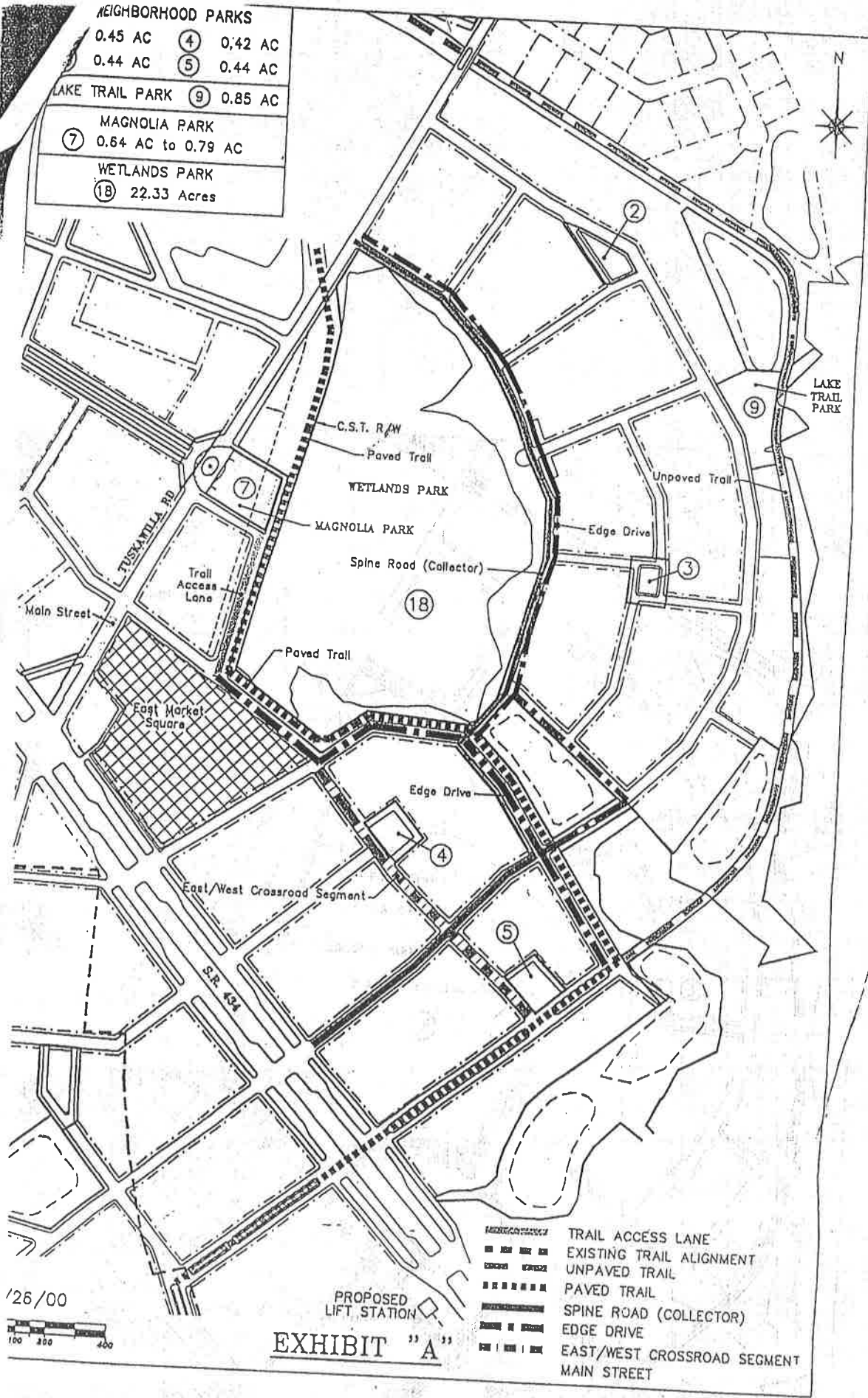
VIII. Future Land Use Change.

Schrimsher and the City acknowledge that the future land use designation for the Schrimsher Property shall be Town Center at such time said designation is approved by the City. Specifically, and without limitation, the parties intend for the future land use designation under the City's Comprehensive Plan to be amended to accommodate the Town Center District Code and to correct the future land use designation of the Rustic Residential Property (to Town Center) which was inadvertently previously changed by City from commercial to "rustic residential". The City shall immediately administratively initiate and diligently process through completion said comprehensive plan amendments and also effectuate any administrative rezoning necessary to implement the foregoing land use change. All future land use changes shall comply with the procedures set forth in chapter 163, Florida Statutes and the City Code of Winter Springs.

IX. East Market Square Parcel.

Provided that the site and building plan are consistent with the City Code and Town Center District Code, the City agrees and acknowledges that the East Market Square Parcel will be allowed to have: (i) a grocery store anchor building consisting of approximately

NEIGHBORHOOD PARKS		
0.45 AC	④	0.42 AC
0.44 AC	⑤	0.44 AC
LAKE TRAIL PARK ⑨ 0.85 AC		
MAGNOLIA PARK ⑦ 0.64 AC to 0.79 AC		
WETLANDS PARK ⑱ 22.33 Acres		



1/26/00
 100 200 400

PROPOSED LIFT STATION

EXHIBIT "A"

- TRAIL ACCESS LANE
- EXISTING TRAIL ALIGNMENT
- UNPAVED TRAIL
- PAVED TRAIL
- SPINE ROAD (COLLECTOR)
- EDGE DRIVE
- EAST/WEST CROSSROAD SEGMENT
- MAIN STREET

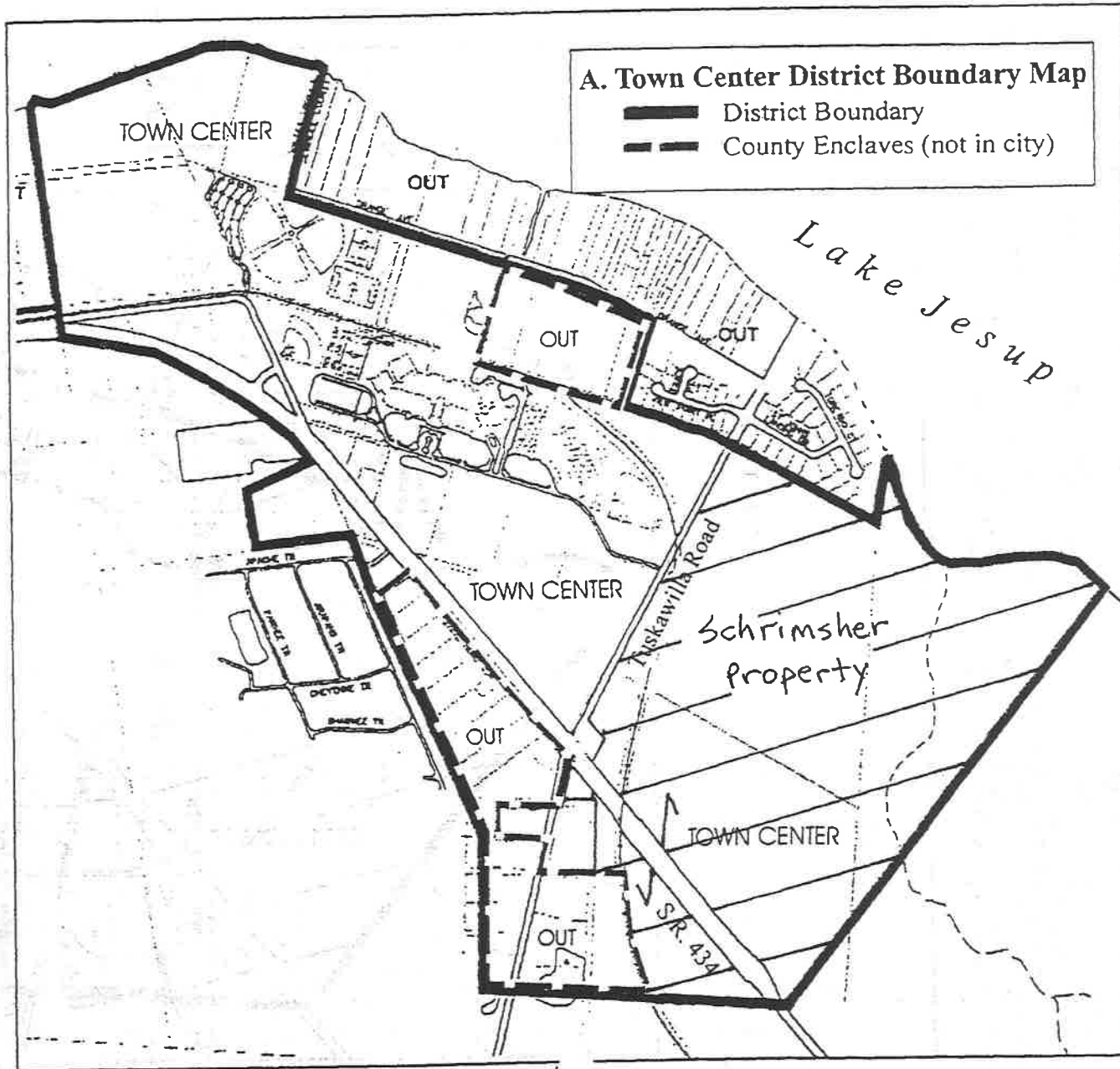


EXHIBIT "B"

2/4

Prepared by and return to:
~~Michael J. Grimsdorf, Esq.~~
~~Shutte & Bowen LLP~~
~~300 S. Orange Avenue - Suite 1000~~
~~Orlando, Florida 32801~~



(K)

Please Return to:
Frank L. Bandurant P.A.
P.O. Box 1508
MARIANNA, FL 32447

SHORT FORM MEMORANDUM OF AGREEMENT

THIS SHORT FORM MEMORANDUM OF AGREEMENT, dated this 8th day of January, 2001 by and among SCHRIMSHER LAND FUND 1986-II, LTD., SCHRIMSHER LAND FUND V, LTD., and SCHRIMSHER LAND FUND VI, LTD., herein collectively referred to as "Schrimsher, and the CITY OF WINTER SPRINGS, a municipal corporation existing under the laws of the State of Florida, herein referred to as "City".

KNOW ALL MEN BY THESE PRESENTS:

A. Schrimsher is the owner of that certain real property located within the City limits of Winter Springs, Seminole County, Florida, more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property").

B. Schrimsher and the City entered into that certain Agreement dated June 26, 2000 (the "Agreement"), whereby Schrimsher and the City memorialized their understandings and agreement regarding their respective interests, expectations, and intentions contained therein pertaining to the City of Winter Springs Town Center.

C. Pursuant to Article XXX (Recordation) of the Agreement, Schrimsher and the City desire to execute this Short Form Memorandum of Agreement and record the same in the public records of Seminole County, Florida, for the purpose of placing all third parties on notice of the existence of the Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date and year first above written.

"SCHRIMSHER"

WITNESSES:

SCHRIMSHER LAND FUND 1986-II, LTD., a Florida limited partnership

By: Schrimsher Inc., a Florida corporation

By: Michael A. Schrimsher
Michael A. Schrimsher,
Vice President

Michael J. Grimsdorf
Print Name: Michael J. Grimsdorf

Linda K. Fohl
Print Name: LINDA K. FOHL

OFFICIAL RECORDS BOOK

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SEMINOLE CO., FL

639334
TAMMIE FURZE
CLERK OF CIRCUIT COURT

01 JAN 10 PM 1:11
RECEIVED & VERIFIED

**SCHRIMSHER LAND FUND V, LTD., a
Florida limited partnership**

By: Schrimsher Inc., a Florida
corporation

By: Michael A. Schim
Michael A. Schrimsher,
Vice President

WITNESSES:

[Signature]
Print Name: Michael J. Crivello

[Signature]
Print Name: LINDA K. FOUL

**SCHRIMSHER LAND FUND VI, LTD., a
Florida limited partnership**

By: Schrimsher Inc., a Florida
corporation

By: Michael A. Schim
Michael A. Schrimsher,
Vice President

WITNESSES:

[Signature]
Print Name: Michael J. Crivello

[Signature]
Print Name: LINDA K. FOUL

**CITY OF WINTER SPRINGS
a Florida Municipal Corporation**



By: W. McFomay

WITNESSES:

[Signature]
Print Name: Janice Palladino

[Signature]
Print Name: [Illegible]

OFFICIAL RECORDS
BOOK PAGE
3988 1064
SEMI-STATE CO., FL

OFFICIAL RECORDS
BOOK PAGE

3988 1065

SEMINOLE CO. FL

EXHIBIT "A"

LEGAL DESCRIPTION

EXHIBIT "A"

2988 1066

LEGAL DESCRIPTION
SCHRIMSHER/TUSKAWILLA

SEMINOLE CO., FL

LANDS LYING IN SECTION 31, TOWNSHIP 20 SOUTH, RANGE 31 EAST AND SECTION 6, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SAID LANDS ALSO BEING PORTIONS OF D.R. MITCHELL'S SURVEY OF THE MOSES E. LEVY GRANT ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 5 AND PHILIP R. YONGE GRANT ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGES 35 THROUGH 38 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A:

BEGIN AT THE MOST WESTERLY CORNER OF ST. JOHNS LANDING ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 53, PAGES 45 THROUGH 49 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE S59°31'38"E 1229.22 FEET; THENCE N05°18'06"E 369.38 FEET; THENCE N65°53'28"E 100 FEET PLUS OR MINUS TO THE SHORELINE OF THE WATERS OF LAKE JESUP. THE PREVIOUS THREE COURSES BEING COINCIDENT WITH THE SOUTHERLY AND EASTERLY BOUNDARY LINES OF SAID PLAT OF ST. JOHNS LANDING; THENCE SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG SAID SHORELINE 1750 FEET PLUS OR MINUS; THENCE S25°55'29"W 4210 FEET PLUS OR MINUS TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 434, SAID POINT ALSO BEING ON A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 2843.40 FEET AND A CHORD BEARING OF N48°46'58"W; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°23'48" A DISTANCE OF 664.83 FEET; THENCE S47°55'01"W 5.00 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 2848.40 FEET AND A CHORD BEARING OF N40°24'12"W; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°21'44" A DISTANCE OF 167.15 FEET; THENCE N38°43'16"W 78.75 FEET; THENCE S51°16'44"W 5.00 FEET; THENCE N38°43'16"W 554.73 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 7905.47 FEET AND A CHORD BEARING OF N37°00'57"W; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°24'37" A DISTANCE OF 470.55 FEET; THENCE S51°16'44"W 14.00 FEET; THENCE N38°43'16"W 135.05 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE C.S.X. TRANSPORTATION INC. LAKE CHARM BRANCH RAIL CORRIDOR, SAME BEING A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 3607.33 FEET AND A CHORD BEARING OF N11°05'34"E; THE PREVIOUS NINE COURSES BEING COINCIDENT WITH SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 434; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°56'25" A DISTANCE OF 562.88 FEET; THENCE N15°33'47"E 1147.42 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 1210.99 FEET AND A CHORD BEARING OF N07°21'25"E; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 16°24'44" A DISTANCE OF 346.88 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF TUSKAWILLA ROAD. THE PREVIOUS THREE COURSES BEING COINCIDENT WITH SAID C.S.X. TRANSPORTATION RIGHT-OF-WAY LINE; THENCE N30°04'55"E ALONG SAID RIGHT-OF-WAY LINE OF TUSKAWILLA ROAD 876.47 FEET; THENCE S59°31'38"E 15.00 FEET TO THE POINT OF BEGINNING. CONTAINING 164 ACRES MORE OR LESS.

TOGETHER WITH; PARCEL B:

COMMENCE AT THE MOST WESTERLY CORNER OF ST. JOHNS LANDING ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 53, PAGES 45 THROUGH 49 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE N59°31'38"W 15.00 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF TUSKAWILLA ROAD; THENCE S30°04'55"W ALONG SAID RIGHT-OF-WAY LINE 1104.90 FEET TO THE POINT OF BEGINNING, SAME BEING THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID

3988 1067

TUSKAWILLA ROAD AND THE WESTERLY RIGHT-OF-WAY LINE OF THE C.S.X. TRANSPORTATION INC., LAKE CHARM BRANCH RAILROAD CORRIDOR, SAME ALSO BEING A POINT ON A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 1110.99 FEET AND A CHORD BEARING OF S12°26'10"W; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06°15'13" A DISTANCE OF 121.26 FEET; THENCE S15°33'47"W 1147.42 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 3707.33 FEET AND A CHORD BEARING OF S11°50'48"W; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°25'58" A DISTANCE OF 480.94 FEET TO THE INTERSECTION OF SAID C.S.X. TRANSPORTATION WESTERLY RIGHT-OF-WAY LINE AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 434; THENCE N38°43'16"W ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE 309.24 FEET; THENCE N30°04'56"E 220.00 FEET; THENCE N38°43'16"W 200 FEET TO A POINT ON THE AFOREMENTIONED SOUTHEASTERLY RIGHT-OF-WAY LINE OF TUSKAWILLA ROAD; THENCE N30°04'55"E ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE 1278.63 FEET TO THE POINT OF BEGINNING. CONTAINING 6.85 ACRES MORE OR LESS.

TOGETHER WITH; PARCEL C:

COMMENCE AT THE MOST WESTERLY CORNER OF ST. JOHNS LANDING ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 53, PAGES 45 THROUGH 49 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE N59°31'38"W 15.00 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF TUSKAWILLA ROAD; THENCE S30°04'55"W ALONG SAID RIGHT-OF-WAY LINE 1104.90 FEET TO THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID TUSKAWILLA ROAD AND THE WESTERLY RIGHT-OF-WAY LINE OF THE C.S.X. TRANSPORTATION INC., LAKE CHARM BRANCH RAILROAD CORRIDOR, SAME ALSO BEING A POINT ON A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 1110.99 FEET AND A CHORD BEARING OF S12°26'10"W; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06°15'13" A DISTANCE OF 121.26 FEET; THENCE S15°33'47"W 1147.42 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 3707.33 FEET AND A CHORD BEARING OF S10°16'46"W; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°34'01" A DISTANCE OF 683.74 FEET TO THE INTERSECTION OF SAID C.S.X. TRANSPORTATION WESTERLY RIGHT-OF-WAY LINE AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 434; THENCE S38°45'48"E 146.84 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S38°45'48"E 1458.94 FEET; THENCE N51°43'41"E 11.00 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 8980.10 FEET AND A CHORD BEARING OF S38°53'51"E; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°15'04" A DISTANCE OF 196.10 FEET TO A POINT ON A LINE 660.00 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF GARDENA FARMS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 23 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. THE PREVIOUS FOUR COURSES BEING COINCIDENT WITH SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 434; THENCE N84°45'06"W ALONG SAID PARALLEL LINE 872.15 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE AFOREMENTIONED C.S.X. TRANSPORTATION INC., SAID POINT ALSO BEING ON A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 2148.74 FEET AND A CHORD BEARING OF N14°30'04"W; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°37'34" A DISTANCE OF 661.03 FEET TO THE POINT OF COMPOUND CURVEATURE OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 3607.33 FEET AND A CHORD BEARING OF N01°11'18"W; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°59'58" A DISTANCE OF 566.60 FEET TO THE POINT OF BEGINNING. THE PREVIOUS TWO COURSES BEING COINCIDENT WITH SAID EASTERLY RIGHT-OF-WAY LINE OF THE C.S.X. TRANSPORTATION INC., CONTAINING 13.01 ACRES MORE OR LESS.

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SEMINOLE CO., FL

TOGETHER WITH; PARCEL D:

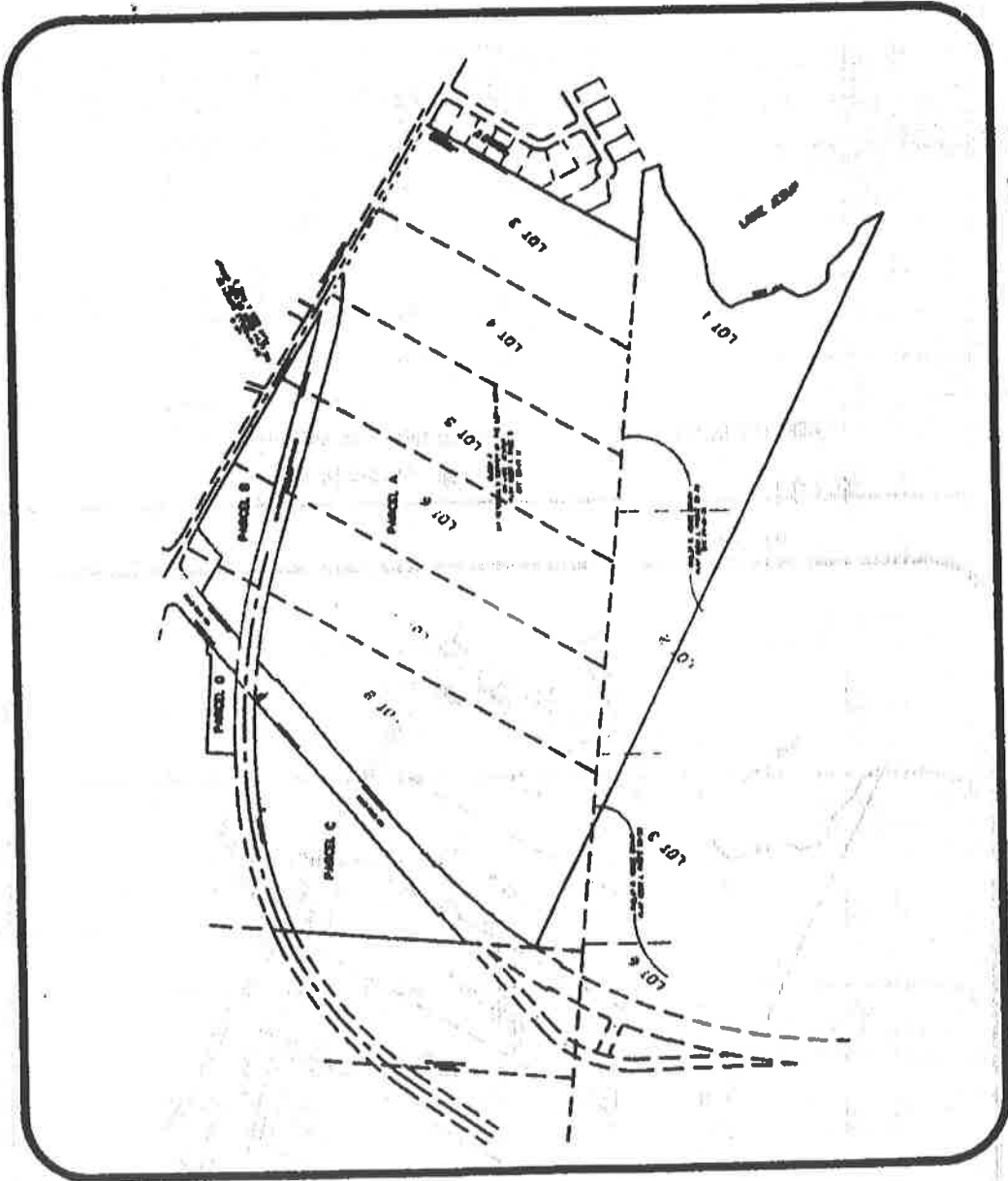
COMMENCE AT THE MOST WESTERLY CORNER OF ST. JOHNS LANDING ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 53, PAGES 45 THROUGH 49 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE N59°31'38"W 15.00 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF TUSKAWILLA ROAD; THENCE S30°04'55"W ALONG SAID RIGHT-OF-WAY LINE 1104.90 FEET TO THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID TUSKAWILLA ROAD AND THE WESTERLY RIGHT-OF-WAY LINE OF THE C.S.X. TRANSPORTATION INC., LAKE CHARM BRANCH RAILROAD CORRIDOR, SAME ALSO BEING A POINT ON A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 1110.99 FEET AND A CHORD BEARING OF S12°26'10"W; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06°15'13" A DISTANCE OF 121.26 FEET; THENCE S15°33'47"W 1147.42 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 3707.33 FEET AND A CHORD BEARING OF S10°26'12"W; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°15'10" A DISTANCE OF 663.40 FEET TO THE INTERSECTION OF SAID C.S.X. TRANSPORTATION WESTERLY RIGHT-OF-WAY LINE AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 434 AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE HAVING A CHORD BEARING OF S02°07'45"W THROUGH A CENTRAL ANGLE OF 06°21'45" A DISTANCE OF 411.69 FEET; THENCE N86°36'46"W 142.99 FEET; THENCE N03°43'22"E 510.43 FEET; THENCE N86°57'25"W 21.83 FEET; THENCE N03°02'35"E 66.14 FEET TO A POINT ON THE AFORESAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 434; THENCE S39°38'07"E ALONG SAID RIGHT-OF-WAY LINE 224.61 FEET TO THE POINT OF BEGINNING. CONTAINING 1.50 ACRES MORE OR LESS. SAID LANDS LYING IN SEMINOLE COUNTY, FLORIDA AND CONTAINING 185 ACRES MORE OR LESS.

Legibility Unsatisfactory
For Microfilming

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PAGE

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SEMINOLE CO., FL



HOLLIS
ENGINEERING,
INCORPORATED

THE ENGINEERS
1001 SOUTH ROAD
SUNSHINE BOULEVARD
SUITE 204
ORLANDO, FL 32801-2017
PHONE # 407242-1110
FAX # 407242-0100

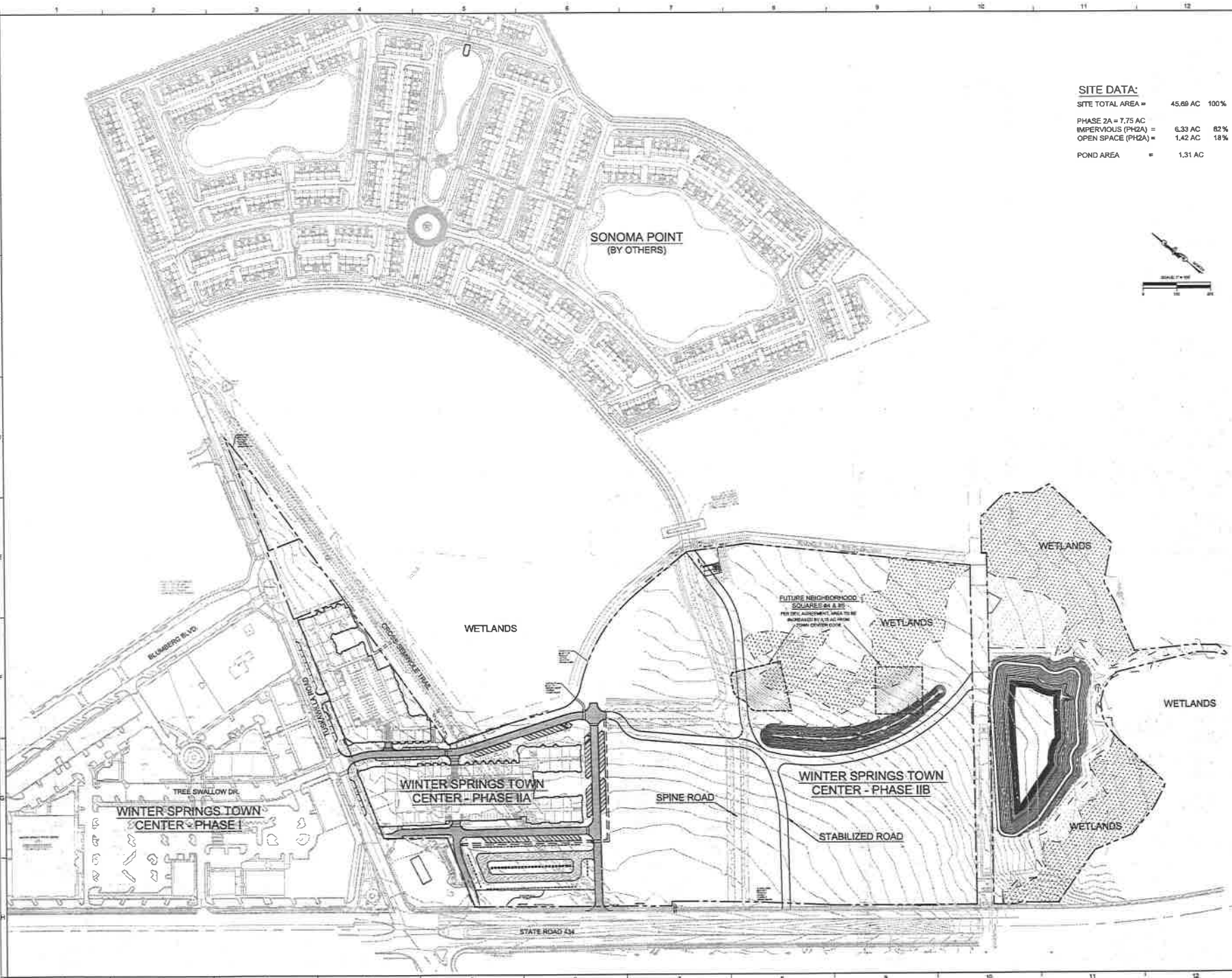
EXHIBIT

SCHRIMSHER PROPERTY
PROJECT NUMBER: 48001

Attachment 3

**Relevant Excerpt of Final Engineering Plans for Main Street
Associates Phase II Development**

Approved by City Commission July 10, 2006



SITE DATA:

SITE TOTAL AREA =	45.69 AC	100%
PHASE 2A = 7.75 AC		
IMPERVIOUS (PH2A) =	6.33 AC	82%
OPEN SPACE (PH2A) =	1.42 AC	18%
POND AREA =	1.31 AC	



<p>RECORDED DRAWING <small>THIS DRAWING IS THE PROPERTY OF LOCHRANE ENGINEERING, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF LOCHRANE ENGINEERING, INC.</small></p>	<p>ENGINEER <small>REGISTERED PROFESSIONAL ENGINEER FL NO. 12378</small></p>	<p>JOB # 03067 DATE</p>	<p>PROJECT P.A.P. DESIGNED O.M.H. CHECKED R.L.L.</p>
<p>WINTER SPRINGS TOWN CENTER - PHASE IIA <small>STATE ROAD 24, WINTER SPRINGS, FLORIDA CITY OF WINTER SPRINGS, FLORIDA MAIN STREET ASSOCIATES, LLC</small></p>	<p>MASTER SITE PLAN</p>	<p>Consulting Engineers & Surveyors</p>	<p>LOCHRANE ENGINEERING, INC. <small>100 SOUTH HUNTER AVENUE WINTER SPRINGS, FLORIDA 32787 PH: (407) 321-1000 WWW.LOCHRANEENGINEERING.COM</small></p>
<p>SHEET C6</p>			

Attachment 4

**Future Development Commitment Agreement dated November 10,
2010**

MARYANNE MORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY
BK 07486 Pgs 0146 - 154; (9pgs)
CLERK'S # 2010136465
RECORDED 11/29/2010 02:05:52 PM
RECORDING FEES 78.00
RECORDED BY T Smith

Prepared by and return to:
Anthony A. Garganese
City Attorney of Winter Springs
Brown, Garganese, Weiss & D'Agresta, P.A.
111 N. Orange Avenue, Suite 2000
Orlando, Florida 32802

FUTURE DEVELOPMENT COMMITMENT AGREEMENT

THIS AGREEMENT (the "Agreement") is made and entered into effective this 10th day of November, 2010, by and between Winter Springs Holdings, Inc., a Delaware corporation, whose address is 900 Seventh Street NW, Ste. 1020, Washington, DC 20001, and its successors and assigns (the "Owner"), and the City of Winter Springs, Florida (the "City"), a Florida Municipal Corporation, whose address is 1126 E. State Road 434, Winter Springs, FL 32708.

COMMON RECITALS:

WHEREAS, the Owner is the owner in fee simple title to certain real property (the "Property") described in EXHIBIT "A" attached hereto and incorporated herein by this reference; and

WHEREAS, the Property was subject to that certain Implementation Agreement (the "Implementation Agreement"), recorded in the Public Records of Seminole County, Florida in Official Records Book 6599, Pages 1705-1726; and

WHEREAS, the Owner and the City entered into an Agreement, dated August 23, 2010, to terminate the Implementation Agreement in accordance with the conditions set forth in Section 3 thereof, which shall be recorded in the Public Records of Seminole County, Florida prior to the recordation of this Agreement ("Termination Agreement"); and

WHEREAS, Section 3.6 of the Termination Agreement required that the City and the Owner enter into this Agreement to memorialize the future development obligations which are restated from the Termination Agreement as set forth herein.

WITNESSETH:

NOW THEREFORE, in consideration of Ten Dollars (\$10.00) and in consideration of the termination of the Implementation Agreement and in accordance with the Termination Agreement, the parties agree as follows:

Future Development Commitment Agreement
City of Winter Springs/Winter Springs Holdings, Inc.
Page 1 of 6

1. **Recitals.** The parties agree and acknowledge that the recitals above are true and correct and that it is the intent of the parties by entering into this Agreement to create a legally binding contract.

2. **Future Obligations on the Property.** In accordance with Section 3.6 of the Termination Agreement, Owner hereby restates the following existing commitments with respect to the Property:

2.1 Owner agrees to convey to the City two small neighborhood squares # 4 (minimum .42 acres) and #5 (minimum .44 acres), such acreage to include all rights-of-way around the perimeter of each neighborhood square, at such time the City determines the squares are needed in conjunction with the future development of the Property. The location of the neighborhood squares are generally depicted on EXHIBIT "B," which is attached hereto and fully incorporated herein by this reference. However, the Owner and the City agree that the parties may mutually agree in writing to modify the location of the neighborhood squares in order to accommodate the future development plans on the Property. The conveyances shall be at no cost to the City by special warranty deed for fee simple title.

2.2 Owner shall be responsible for designing, permitting, and constructing a master stormwater plan for the Property, which is intended to include the handling of stormwater runoff from Spine Road (Michael Blake Boulevard) which is being simultaneously conveyed to the City with the execution and delivery of this Agreement. Owner shall construct the permanent master stormwater facilities at such time the Property is developed in accordance with all applicable St. Johns Water Management District ("SJRWMD") and any other applicable regulatory permitting requirements. The permanent stormwater facilities located outside of the Spine Road Property shall remain privately owned and maintained, with a drainage easement dedicated to the City over all stormwater facilities supporting Spine Road at such time the permanent facilities are constructed and approved by the City. In the event that the City chooses to construct Spine Road in advance of substantial development of the Property and before the permanent stormwater facilities are in place, Owner shall grant the City a right-of-entry to construct and maintain temporary stormwater facilities on the Property located outside of the Spine Road Property in accordance with a temporary drainage easement that is mutually acceptable to the Owner and the City. The area for the temporary stormwater facilities shall be generally located in the area depicted on EXHIBIT "C," which is attached hereto and deemed fully incorporated herein by this reference. The right-of-entry and easement shall remain in place until the permanent stormwater facilities are constructed by the Owner. At the time the permanent drainage facilities are constructed and accepted by the City and the applicable regulatory agencies, Owner shall be responsible for the removal of all temporary drainage facilities. In addition to the right-of-entry and easement Owner shall grant the City authorization to utilize and/or modify any permits applicable to the construction of Spine Road. Owner agrees to cooperate with the City regarding any permit utilization and/or modification and shall execute applicable permit documents authorizing the permit utilization or modification to the extent required by the SJRWMD.

3. **Miscellaneous Provisions.**

3.1 **Applicable Law and Venue.** This Agreement shall be governed by and

construed under the laws of the State of Florida. The parties shall attempt in good faith to resolve any dispute concerning this Agreement through negotiation and/or mediation between authorized representatives. If these efforts are not successful, and there remains a dispute under this Agreement, either party may then file an action in the Circuit Court of Seminole County, which shall be the exclusive venue with respect to any disputes arising out of this Agreement. This Agreement shall not be construed or characterized as a development agreement under the Florida Local Government Agreement Act.

3.2 **Entire Agreement.** This Agreement is the entire agreement between the parties related to the subject matter expressed herein, and supersedes all previous oral and written representations, agreements and understandings between the parties related thereto. Except as otherwise provided herein, this Agreement shall only be amended or cancelled by mutual written consent of the parties hereto or by their successors in interest.

3.3 **Effective Date.** The effective date of this Agreement (the "Effective Date") shall be the date when the last one of the Parties has properly executed this Agreement as determined by the date set forth immediately below their respective signatures and shall be binding upon all successors in interest to the parties.

3.4 **Notices.** Whenever any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving of notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. Until otherwise designated by amendment to this Agreement, the parties designate the following as the respective places for giving notice:

For the Owner: Winter Springs Holdings, Inc.
c/o IBEW Pension Benefit Fund
900 Seventh Street NW, Suite 1020
Washington, DC 20001
Telephone:
Fax:

With a copy to: Potts-Dupre, Difede & Hawkins, chtd.
Attention: Jim Difede, Esq.
900 Seventh Street, NW, Suite 1020
Washington, DC 20001
Telephone: (202) 223-0888
Fax: (202) 223-3868

With a copy to: CS Capital Management
Attention: Brian Love
Paul Saylor
One Overton Park - Suite 240
3625 Cumberland Boulevard
Atlanta, GA 30339

Telephone: (770) 818-4040
Fax: (770) 818-4041

For the City: City of Winter Springs
Attn: City Manager
1126 E. State Road 434
Winter Springs, FL 32708
Telephone: 407-327-5957
Fax: 407-327-4753

3.5 Attorneys Fees. Each party shall bear their own attorneys fees regarding the drafting and implementation of this Agreement.

3.6 Specific Performance. If Owner defaults on its obligations set forth in Paragraph 2 of this Agreement, the City shall have the right to seek specific performance against the Owner in order to effectuate the required conveyances of the neighborhood squares and the City's use of the Property for Spine Road stormwater purposes. In such case, the City shall have the right to recover prevailing party attorneys fees and costs in the event the City must file an action to enforce the terms and conditions set forth in Paragraph 2.

3.8 Recordation. This Agreement shall be recorded in the Public Records of Seminole County, Florida, and shall run with the Property.

[SIGNATURE PAGE FOLLOWS]



IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their appropriate officials, as of the date first above written.

WITNESSES:

[Signature]
(signature)

Chris Edwards
(print name)

[Signature]
(signature)

Shawn Boyle
(print name)

CITY OF WINTER SPRINGS

By: [Signature]
CHARLES LACEY, Mayor



ATTEST:

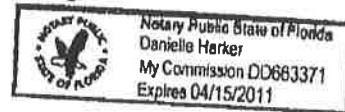
By: [Signature]
Andrea Lorenzo-Luaces, City Clerk

Date: November 12, 2010

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 12th day of November, 2010, by CHARLES LACEY, Mayor of the City of Winter Springs, (check one) who is personally known to me or who produced _____ as identification.

[Signature]
Notary Public
Print Name: Danielle Harker
My Commission expires:



WITNESSES:

(signature)

[Handwritten Signature]

JAMES DIFORE

(print name)

(signature)

[Handwritten Signature]

Jennifer Hawkins

(print name)

WINTER SPRINGS HOLDINGS, INC., a
Delaware corporation

By:

[Handwritten Signature]

Lindell K. Lee, President

Date: November 10, 2010

[Handwritten Signature]
District of Columbia
STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 10th day of November, 2010, by Lindell K. Lee, President of the Winter Springs Holdings, Inc., a Delaware corporation, (check one) who is personally known to me or who produced _____ as identification.

[Handwritten Signature]

Notary Public Jo Ann Bowen
Print Name: Notary Public, District of Columbia
My Commission Expires 5/14/2015
My Commission expires:



LEGIBILITY UNSATISFACTORY
FOR SCANNING

LEGAL DESCRIPTION:

A PORTION OF LOTS 7 AND 8, BLOCK "A", D.R. MITCHELL'S SURVEY OF THE LEVY GRANT ON LAKE JESSE, SAID LANDS LYING IN SECTION 31, TOWNSHIP 20 SOUTH, RANGE 31 EAST AND SECTION 8, TOWNSHIP 21 SOUTH, RANGE 31 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 8, OF THE PUBLIC RECORDS OF DEKALB COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF STATE ROAD 434 AND TUSKANILLA ROAD (PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, SECTIONS 77070-2516, SHEET 10 OF 13, P.L. STATION 800432.11); THENCE RUN S25°23'17"E A DISTANCE OF 27.48 FEET ALONG THE BOUNDARY OF SURVEY AS SHOWN ON SAID RIGHT OF WAY MAP; THENCE DEPARTING SAID BASELINE RUN N30°01'30"E A DISTANCE OF 156.28 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF TUSKANILLA ROAD (FORMERLY KNOWN AS BUNNILEY AVENUE), AS SHOWN ON SAID RIGHT OF WAY MAP; THENCE CONTINUE N30°01'30"E ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 85.82 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE N30°01'30"E ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 1778.13 FEET TO A POINT ON A NON-DANGEROUS CURVE CONCAVE WESTWARD HAVING A RADIUS OF 1110.98 FEET AND A CHORD BEARING OF S13°28'14"W SAID POINT ALSO BEING ON THE WESTERLY LINE OF THE U.S. TRANSPORTATION INCORPORATED "LAKESHORE BRANCH" RAIL CORRIDOR; THENCE DEPARTING SAID RIGHT OF WAY LINE RUN ALONG SAID WESTERLY LINE AND ALONG THE ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 87°10'01" A DISTANCE OF 121.37 FEET TO THE POINT OF TANGENCY; THENCE RUN S17°31'47"W A DISTANCE OF 1011.17 FEET TO THE NORTHWEST CORNER OF RELEASE PARCEL 2 AS DESCRIBED IN OFFICIAL RECORD BOOK 3888, PAGE 1055; THENCE DEPARTING SAID WESTERLY LINE RUN S27°01'21"E ALONG THE NORTHWEST LINE OF SAID RELEASE PARCEL 2 A DISTANCE OF 104.90 FEET TO THE NORTHEAST CORNER OF SAID RELEASE PARCEL 2; SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF RELEASE PARCEL B (THE RALES TO THIS CORNER) AS DESCRIBED IN OFFICIAL RECORD BOOK 4062, PAGE 184; THENCE CONTINUE S27°01'44"E ALONG SAID SOUTHERLY LINE A DISTANCE OF 84.88 FEET; THENCE RUN S33°37'09"E A DISTANCE OF 187.13 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 58.00 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 81°16'01" A DISTANCE OF 80.81 FEET TO THE POINT OF REVERSE CURVATURE; SAID CURVE BEING CONCAVE SOUTHERLY HAVING A RADIUS OF 80.00 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 38°11'46" A DISTANCE OF 333.32 FEET TO THE POINT OF TANGENCY; THENCE RUN S77°45'00"E A DISTANCE OF 187.88 FEET; THENCE RUN S48°13'52"E A DISTANCE OF 177.70 FEET; THENCE RUN S22°04'12"E A DISTANCE OF 827.07 FEET TO THE INTERSECTION OF SAID SOUTHERLY LINE AND THE NORTHWESTERLY LINE OF SAID ACQUISITION PARCEL 2; THENCE RUN S25°31'06"W ALONG SAID NORTHWESTERLY LINE A DISTANCE OF 607.68 FEET TO A POINT ON THE NORTHEASTERY RIGHT OF WAY LINE OF STATE ROAD 434 (PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, SECTIONS 77070-2516, SHEET 11 OF 13); THENCE DEPARTING SAID NORTHWESTERLY LINE RUN N32°45'18"W ALONG SAID NORTHEASTERY RIGHT OF WAY LINE A DISTANCE OF 431.17 FEET TO THE POINT OF CURVATURE OF A NON-DANGEROUS CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 785.47 FEET AND A CHORD BEARING OF N17°00'07"W; THENCE RUN ALONG THE ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 37°43'37" A DISTANCE OF 476.54 FEET TO THE END OF SAID CURVE; THENCE RUN S01°16'44"W A DISTANCE OF 14.00 FEET; THENCE RUN N38°43'18"W A DISTANCE OF 134.43 FEET TO THE SOUTHWEST CORNER OF AFORESAID RELEASE PARCEL 2; THENCE DISTANCE N03°45'16"W A DISTANCE OF 138.78 FEET TO THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2208, PAGE 643; THENCE DEPARTING SAID NORTHWESTERLY RIGHT OF WAY LINE RUN N30°04'50"E ALONG THE SOUTHEASTERY LINE OF SAID PROPERTY A DISTANCE OF 23.00 FEET; THENCE RUN S14°43'18"E ALONG THE NORTHEASTERY LINE OF SAID PROPERTY A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

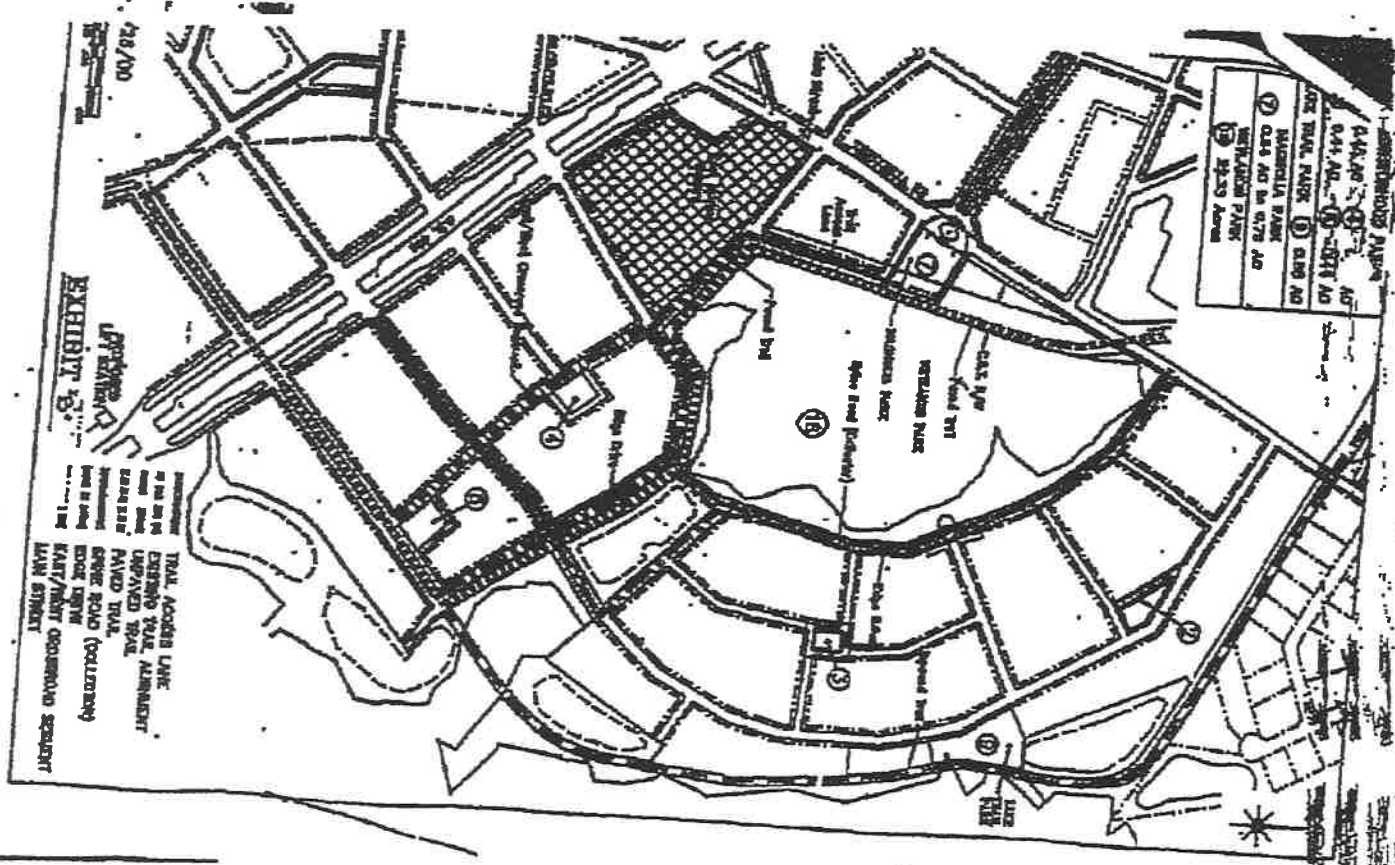
A PORTION OF LOTS 7 AND 8, BLOCK "A", D.R. MITCHELL'S SURVEY OF THE LEVY GRANT ON LAKE JESSE, SAID LANDS LYING IN SECTION 31, TOWNSHIP 20 SOUTH, RANGE 31 EAST AND SECTION 8, TOWNSHIP 21 SOUTH, RANGE 31 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 8, OF THE PUBLIC RECORDS OF DEKALB COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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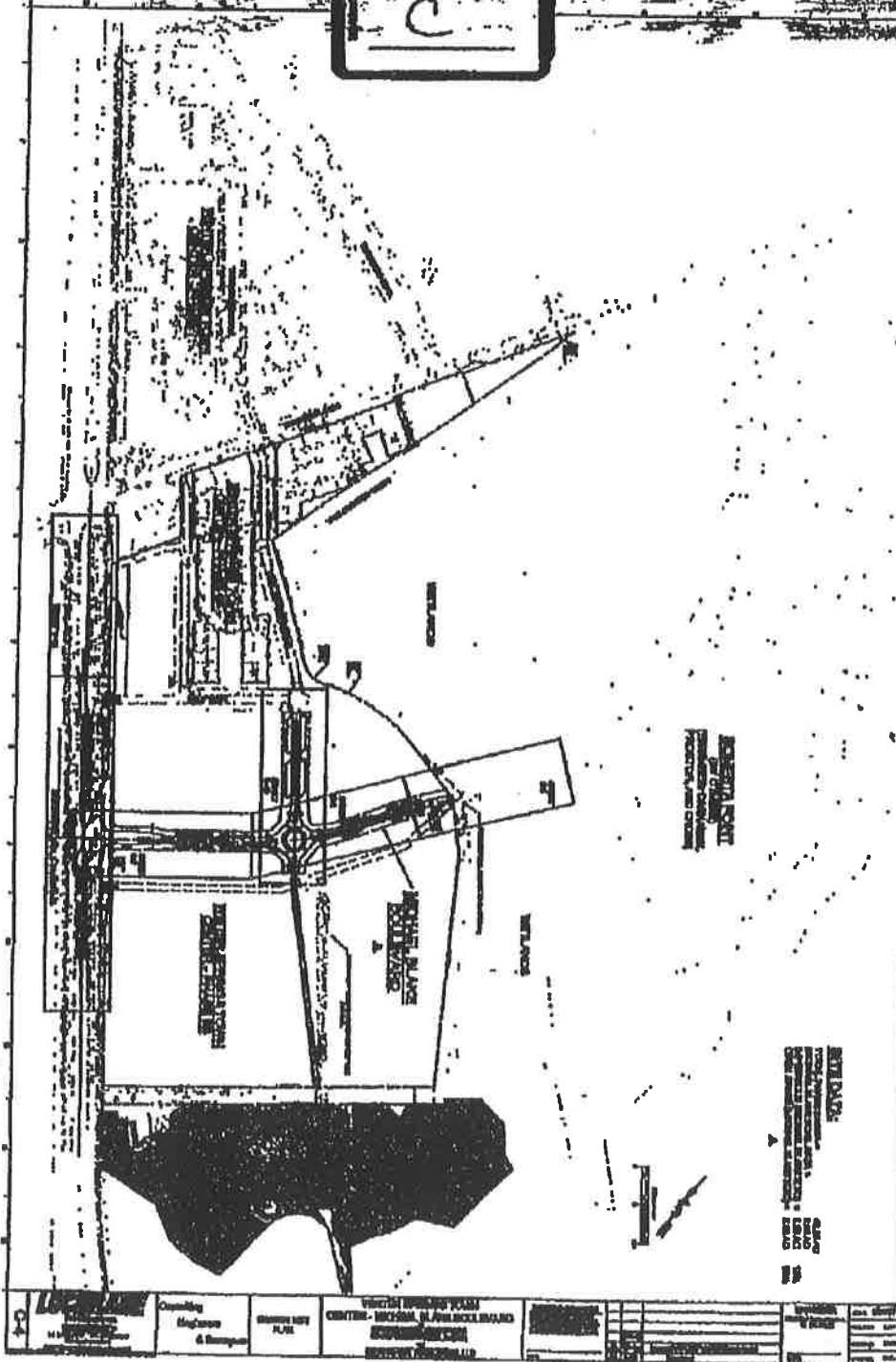


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