

**SEMINOLE COUNTY EXPRESSWAY AUTHORITY
SPECIAL CALL MEETING
Seminole County Services Building
1101 East First Street; Room 1028; Sanford, Florida**

August 10, 2010

4:00 P.M.

MINUTES

MEMBERS PRESENT

Commissioner Gary L. Brender, Chairman, Presiding
Commissioner Michael McLean, Vice Chairman
Commissioner Bob Dallari
Commissioner Brenda Carey
Commissioner Carlton Henley
Commissioner Dick Van Der Weide
Commissioner Art Woodruff

MEMBERS ABSENT

None

STAFF PRESENT

Jerry McCollum, P.E., Acting SCEA Executive Director
Joe Forte, Acting County Manager
Robert A. McMillan, County Attorney
Nicole Guillet, Director, Growth Management Department
Alison Stettner, Manager, Planning Division/Growth Management Department
Tony Matthews, Principal Planner, Planning Division/Growth Management Department
Dennis Westrick, Manager, Planning, Engineering & Inspections Division/
Environmental Services Department
Sheralyn Brinson, Administrative Assistant, SCEA Recording Secretary

GUESTS PRESENT

FROM ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY

Michael Snyder, P.E., Executive Director
Joseph Passiatore, General Counsel
Robert Mallett, Right-of-Way Counsel (Broad & Cassel Law Firm)
Michelle Maikisch, Coordinator of Public Affairs
Lindsay Hodges, Manager of Public Relations and Communications

ITEM #1: CALL TO ORDER - *Chairman Gary L. Brender*

Chairman Brender called the meeting to order at 4:05 P.M. **He stated the following:**

This is a Special Call Meeting; it is a single issue meeting which is heading toward approval of the Interlocal Agreement with the Orange County and Orlando Expressway Authority.

ITEM #2: INVOCATION AND PLEDGE OF ALLEGIANCE

Chairman Brender called for a moment of silence; the Sheriff's Deputy led the Pledge of Allegiance.

ITEM #3: CHAIRMAN'S OPENING STATEMENT - *Commissioner Gary L. Brender, Chairman***Chairman Brender stated:**

Comments in this meeting will be pretty strictly adhered to the Interlocal Agreement. The Expressway Authority will not be addressing anything regarding right-of-way or anything along that line at this meeting. The environmental assessment has come back from the Federal Highway Administration, with a very limited number of comments; I understand we will be addressing those comments. It is hoped that there could be Public Hearings from the engineer of record perhaps in October, which means we could be looking to Public Hearings sometime thereafter. Again, that addresses right-of-way and that is the issue which obviously a lot of people are concerned about. Today this is strictly Interlocal Agreement; we have OOCEA Director Mike Snyder here and we will cover that item. We have on our agenda, at the request of Commissioner Carey, Public Hearing time. I have two (2) Speaker Request Forms; Mr. Horvath, come forward. You have three (3) minutes.

PUBLIC PARTICIPATION:**Mr. John Horvath stated:**

My name is John Horvath, 1004 Bradford Drive; Winter Park. I will go back a little bit on the history. I was born and raised here; I remember when Orange County had a total population of 115,000 back in the fifties and Seminole County had around 25,000. I have been watching this area grow; I have seen articles which I still have at home from the Orlando Sentinel about a beltway around Orlando. They were talking about it being completed in the late 1980's or early 90's; here we are in 2010, still talking about it. I know everybody in here is familiar with my philosophy on working together with other area governments. I realize we do not have a seat on the Board with the Expressway Authority but I am sure we will have input from representatives from the Seminole County Expressway Authority with the completion of the Wekiva Beltway. No agreement is perfect; but it is a start to get this completed and see that the Orlando area has a beltway. I think we are one of the few major cities in the metropolitan United States that does not have a beltway around their city of our size. We may be in a little downturn now but I know there are things happening in the area that are going to create some of the growth -- down by the medical city by the airport with the University of Central Florida's medical school, the Burnham Institute, the Veterans Administration Hospital. I am sure some of you have been in contact with people looking at industrial space in this area. Because of those and other things, we need a beltway around Orlando; I wish we could have a seat on the Board but I am sure we will have input. I think it will be fair to everybody, Mr. Chairman.

Commissioner Van Der Weide stated:

I appreciate your comments; I suggest you and Mr. Henley have been around here together a long time; maybe you can get together and compare notes.

Mr. Horvath stated:

I have old maps of proposed roads; the east side where SR-417 comes across University Boulevard now was more to the west than it is now. I was glad for the delays because of the delays in getting it built, they realized the growth and they moved it eastward towards the University of Central Florida when they completed SR-417. It is interesting to see how the dynamics have changed in this metropolitan area.

Chairman Brender thanked Mr. Horvath and called for Mr. Sid Bennett.

Mr. Bennett stated:

My name is Sid Bennett, representing myself and Twelve Oaks RV Park. I wish I shared a lot of the optimism that the speaker before me shared, particularly with the input you will have on this Interlocal Agreement or the input you will be able to impart and weigh in on the issues that will be facing you when this Interlocal Agreement is signed, if it's signed like it is. Looking at Lines 162 and 163, the only representation you will have on this, it seems to me from reading the Agreement, is you will be able to nominate a representative, which basically represents in a lot of offices, the toilet paper committee. You are not going to have a seat on the Board; that was an early desire; it doesn't seem like it's going to happen. I think you had requested to name a representative to the Committee that they are going to put you on, if they'll let you do that. Now it has been changed to nominate; that's just a nomination; they don't have to accept that. In the end, you don't have anything; you don't have any representation there. You are turning over everything that's going to be happening out here on this whole project to Orlando and Orange County. That, as far as I am concerned, is a total disregard for your responsibilities. Granted this thing started a long time ago, long before most of you were on the Committee, maybe 10 years ago. I remember going to meetings in Orlando about 10 years ago when this started. Some of you have said, that was in the past; that you inherited this. Mr. Obama had to be reminded back in the early days of his administration when he was saying he inherited all the problems that came with the economy and came with the President's Office. He had to be reminded that authority is not passed on by inheritance in this country. He spent millions of dollars and months on the campaign trail asking and begging for that job. That's what you guys did, maybe not to the same extent of time and maybe not to the same amount of money. But you asked for the job. Now you have an opportunity to do something and what you are doing is defaulting on it. You are going to turn it all over to them. This is an easy way out and I can see that; I can appreciate you wanting an easy way out; but the easy way out is not always the best. There is no right way to do the wrong thing. This Agreement is written and it says that it is written so that it's not in favor of one person or one group or entity. I don't know what you would call this if it wasn't favored totally to Orange County and Orlando; they get everything; you don't get anything; the only thing you get is off the hook. Again, I end the same way I started, there is no right way to do the wrong thing. Thank you.

Chairman Brender thanked Mr. Bennett and called for Mr. Casselberry.

Mr. Casselberry stated:

My name is John Casselberry. I have attended some of the Expressway Authority meetings and they seem like a very smooth running operation. But still what they are asking for involves things that happen in Seminole County. I personally don't think you should abdicate your power; I don't necessarily think that a toll road in the middle of SR-46, if that's the plan, is the right thing to do. I would recommend a parallel road south of SR-46, in an alignment that goes across SR-417, lines up with Markham Road; and then it's very sparse woods from there to the west; it appears that it's not a difficult road to build. I would think it's State land or something that is in that environmental area and it's not really an environmentally-managed area. There is very little water there except for the river and can be much less complicated than going on SR-46. I think you should have a public hearing before you do this Interlocal Agreement; or if you want to do the Interlocal Agreement, make it contingent in a way that you can back out of this Agreement if the public opposition is sufficient that you should exercise your authority as people that manage Seminole County. It might be a good road; I just don't think they are on the right right-of-way yet. Thank you.

Chairman Brender thanked Mr. Casselberry and called for others who wished to speak; there were none. **Chairman Brender** closed public participation.

ITEM #4 - #5 ACTION ITEM AND BOARD DISCUSSION

Approval of Interlocal Agreement Between the Orlando-Orange County Expressway Authority, Seminole County, Florida and the Seminole County Expressway Authority Regarding the Wekiva Parkway

Chairman Brender called for Board discussion.

Commissioner Carey stated:

Mr. Chairman, I would like to submit for the public record the E-mail that was sent around on August 5, 2010, from the Wekiva Parkway Community Coalition (WPCC) organization. I submitted it earlier today for the record when this went through the County Commission and several indicated they had not seen it. It was delivered to your offices prior to the lunch hour today and I want to submit it during this meeting. This is an important project and it has been discussed for 20 or 30 years. In fact, the old railroad right-of-way was the original right-of-way for it. John, you and I probably have been here longer than pretty much anybody else. I have been here 53 years; I don't know exactly how many years it has been for you. I also have the greatest amount of respect for Mr. Snyder. I worked very closely with him at FDOT and have worked very closely with him at the Expressway Authority. However, for all the years that this road has been talked about, this road is still a long way from being built. Earlier today, Mr. Snyder said that when he presents his Five Year Plan to his Commission, it will show the design phase during the next five years. I would say that probably by the time this gets down to the details which are so important to the public, Mr. Snyder will be retired and so will I and probably many of you. Hopefully, we will be alive to drive on this road. I still think it is an important discussion that we are having right now. What concerns me about this Agreement is we have no ability to terminate it. There are no timelines; there are no milestones; even if they don't hit a milestone, if ten years from now they have not done the design, we still could not terminate it because there is no language in the Agreement for that. We have no input to the tolls or toll collection facilities. And now what was presented at the last meeting where we, one of us, an elected official, would have a seat on the Right-of-Way Committee, has been changed to we will be able to nominate somebody. It does not say they have to accept someone from Seminole County. I am not willing to abandon my responsibility as an elected official and hand it over to the Expressway Authority. I think that if the Expressway Authority wants to be a regional authority, we should go hand in hand to the Legislature. I realize you cannot grant us that from the Expressway Authority; but I think we should go hand in hand to the Legislature and ask for that change before we strike an agreement. I think we have plenty of time to work out the details of that in the next session before we have to approve an agreement. I did not support it this morning; I'm not going to support it today. I certainly hope that some of you may see that there is no real urgency for this as far as it will be in design and construction in the next year or two. I think there is time; this document is flawed; if you agree to it, as Sid stated earlier, you are giving up our ability to do anything in the future. I think that is wrong for this community, and as an elected official, wrong to give up our representation.

Commissioner Van Der Weide stated:

Quite frankly, I know the people that are involved; I know we were not. This does not even come close to what this Board thought we would get. It came back to us the first time and said we would get a seat on the Right-of-Way Board, which is a big deal. We did not get it; and now we are being told they cannot do anything; that's the best they can do. They cannot do it because the State Legislators will have to do it. Quite frankly, I don't know who negotiated this; I have never been in such a one-sided negotiation as this. It says here, shall permit; well I am glad they are going to permit. Heaven help us if they would not want to permit. We got nothing in the deal; we have nothing to trade; nothing to negotiate; and this exit clause in case this thing doesn't go and it could very easily not go because of right-of-way, this could go on forever before we can get the local

people to agree to the right-of-way. As much as I would like to support this just based on the people that are involved, I am not going to be able to support it either.

Commissioner McLean stated:

As we all know, for months we have been discussing this concept with the idea of having a seat at the table. We discussed this and it is something we thought strongly as a group we wanted to do and we put that out there. At some point we discovered that what we were asking for and what could be granted outside of a change from Tallahassee, wasn't going to occur. The response we got back and I believe what is in this Agreement Mr. Chairman is what can be done locally, the Right-of-Way Committee, which in my view and understanding from what Mr. Snyder has shared with me, is a very critical Committee to be dealt with as we go through this process. As he explained to us earlier today, the problem isn't they don't want to grant us the membership on that Committee; they have a process they need to go through to get that done. They are going to adhere to their process; I have heard nothing from Mr. Snyder this morning that would indicate to me at all that there would not be a Seminole County representative on that Right-of-Way Committee.

Commissioner Van Der Weide asked: Is he committed to push for a nomination from Seminole County? I don't see that anywhere.

Commissioner Henley asked that it be stated on the record.

Commissioner Carey asked why not put it in the document?

Mike Snyder stated:

As I indicated to you this morning and as I have indicated before, the intent is to have a Seminole County representative on the Right-of-Way Committee; absolutely, no ifs ands or buts. That is the direction I got from my Chairman and from my Board. That was his original thought; he presented it to me and his thought has not changed; he is very resolved. Mr. Ketcham is a man of his word. If you take a look at the track record of Mr. Ketcham since he has been Chairman of that Authority, everything he has said he would do, he has done. It is with full intention that the person to replace Joe Barrinos on our Right-of-Way Committee will be a Seminole County representative.

Commissioner Van Der Weide stated:

We would like to see a little more proof in writing; we have a lot of respect for you Mike; but when I read the terminology and the semantics in this proposed Interlocal Agreement, I don't get a warm and fuzzy feeling; that's what I would like to have more of.

Commissioner Carey stated:

Mike, let me ask you because we talked a little bit about it this morning. Joe Barrinos has been an employee of the OOCEA for many years, correct? (**Mr. Snyder responded** "correct".) So the Expressway Authority has total control over who has been appointed to this Right-of-Way Committee, correct? It's a three-member committee and your staff people are the ones that serve on it now?

Mr. Snyder responded: The Committee is made up of two (2) Board members and one (1) staff person.

Commissioner Carey asked: Two (2) Board members from the Expressway Authority, and one (1) person that the Executive Director appoints?

Mr. Snyder responded:

I don't appoint; I nominate to the Board. The Board approved that person to be on the Committee a long time ago. As I mentioned this morning, the Citizens Advisory Committee and the Governance Audit that was done either last fall or this spring recommended that the Committee structure be changed and recommended that more representation from the community be on the various committees. The only one that is not done today is the Right-of-Way Committee and the reason it is not done is we are waiting for a nomination from you all to place on that Board.

Commissioner Carey stated: What we are hearing is that the Legislature has to do it. On the Right-of-Way Committee, it is your ability at the Expressway Authority to change that and say that it would have to be a representative nominated by Seminole County, correct?

Mr. Snyder stated: The person on the Right-of-Way Committee is in essence nominated by me to the Board and the Board approves it.

Commissioner Carey stated: But they don't have to.

Mr. Snyder responded: Of course not.

Commissioner Carey asked: It is within the Expressway Authority's jurisdiction to change how they want to appoint or who they want to appoint to this Right-of-Way Committee, correct?

Mr. Snyder responded: Absolutely.

Commissioner Carey asked: Why can't we get it in the Agreement that in fact it is going to be a Seminole County representative, even if you wanted to choose from a couple of names that we could submit as reasonable representatives from Seminole County.

Mr. Snyder stated:

At this point in time, my Board has not approved the Interlocal Agreement. The only vehicle I have is a nomination; I cannot give you any more stronger assurances than what my Chairman has given to you and what I have given to you, to say it is going to be a Seminole County person nominated by you all to be on that Committee to represent you all if we in fact move ahead with the Wekiva Parkway and acquisition of land in Seminole County.

Commissioner Carey stated:

If we as a Board give up the right to demand *that that be* in the language that gets presented to your Board, then shame on us. That's what I am arguing for; I think we are making a mistake if we vote to support this document; we are agreeing to give you the nomination without knowing that we are definitely going to have a seat on this Board. The other concern that I have and Mr. Snyder you can address this, in this document it says that you have the ability to build all or part of the Wekiva Parkway as you see fit, is that correct?

Mr. Snyder stated that is correct.

Commissioner Carey stated:

Theoretically, you could end up building a portion of the Parkway and then not have the ability to complete the remainder of the Parkway. Then we in Seminole County could still be sitting here waiting for you all to get the funding in the future; and still our portion of the Parkway would not be complete.

Mr. Snyder stated:

That is no different than what occurred on the GreeneWay. When you look at construction of the GreenWay and the years it took to complete the GreeneWay, the GreeneWay was only built for the longest time up to US 17-92 in Seminole County with clear understandings and promises that as the money was found, and it was, that the FDOT, the Turnpike Authority moved ahead and finished the Greenway. It takes time to finish a major project. The commitments are there to do it.

Commissioner Carey stated:

My only concern is that we don't have the ability to terminate it if we decided to go an alternative route and do some type of public-private partnership, and have somebody come in here and design, build, operate this expressway; that now we are committed to make your organization, which we have no control over, the only game in town. I have a problem with that.

Mr. Snyder stated:

Let me address that for a second. If Seminole County can find a funding partner, and you wanted to do it, if you can find a public-private partnership that's willing to take on the Seminole County portion and build the I-4 Interchange, I am more than happy to sit and talk to you and let you have it.

Commissioner Carey stated:

Are you willing to put some language in this document that would at least identify some milestones and give this Board some flexibility in the future, because this document just takes this opportunity and hands it over to you all and takes it out of our hands completely. The next thing we would see five years from now is a Board sitting here as was alluded to earlier saying, it's not our fault; it's the Expressway Authority's fault. It's the same thing we say about the Turnpike Authority's fault for everything that has happened over the past and where it intersects into I-4.

Mr. Snyder stated: I am satisfied and my Board is satisfied with this Agreement.

Commissioner Carey stated: But your Board has not acted on this Agreement.

Mr. Snyder stated: They have reviewed it individually and they are satisfied.

Commissioner Carey stated:

This is our last opportunity to either agree with this and let it go to your Board as written or for us as a Board to make demands that certain things at least get in here. Is there something time sensitive about this that we need to act on it right now, that it can't come back to a Committee or some concessions about how this would all be addressed?

Mr. Snyder stated:

Yes. As we talked last time, in the Federal Highway process, one of the critical components they are going to be looking for in order to ultimately approve the Federal documents, the environmental documents, is the funding of a project. They will not approve the Record of Decision on the project if the funding is not in place. We are in the position potentially, because of the toll increase OOCEA got approved a year ago with the future forward-thinking toll program that was put in place by the Board a year ago, to turn to Federal Highway and say we have the funding for this project. Hence, it's in METROPLAN's Long Range Plan; it's in all the other Counties necessary Long Range Plans; it's in the necessary Comp Plans. That's what Federal Highway is going to look at and they will look at it very shortly. We are on the verge of getting Federal Highway approval to move to the Public Hearing. Behind that, if all goes well, we will go to get environmental approval and move on to design. I am not going to get there if I don't have this Agreement because I cannot show any money outside of Orange County; and there is nobody else coming to the table to fund this project.

Commissioner Carey stated:

What's going to happen regarding Lake County who has said they will follow Seminole County; you only have three (3) people on the Right-of-Way Committee, correct?

Mr. Snyder stated: Correct.

Commissioner Carey stated:

If we are only allowed to nominate somebody, there is no guarantee that you have to take it. If Lake County is in the same position where they are going to nominate somebody, there is no guarantee you have to take it. There is nothing to say that Seminole County will end up with representation; that's my issue with this whole thing, Mr. Chairman.

Commissioner Henley stated:

There are many things that we can look at with great trepidation; I don't know of any document that gives us any authority over the GreeneWay; this is a 5-mile stretch. What's the entire length outside of Seminole County Mike?

Mr. Snyder stated: The total is about 26 miles.

Commissioner Henley stated:

Twenty-six (26) miles; we have five (5) here. Does your Committee have the authority to determine the number of people to be on that Committee or is it set in legislation that it can only be a three-member committee?

Mr. Snyder stated: No; that's established by the Board; the Board can change that.

Commissioner Henley stated:

Then I don't see that as a problem as far as Lake County is concerned. If we can get this underway, it can bring a lot of jobs into this community and into the Central Florida area which is badly needed. As far as the seat, that's going to take legislative action; we know that; and I am committed to try to make it happen from that standpoint. You guys are going regional with your approach and there is no reason why it should not reflect a regional makeup of the Board. I think that is a defensible position. I took that position Mike as you know in the first conversation we ever had in here. So I for one am prepared to move ahead on this. We already have the GreeneWay in there; the tolls seem to be working o.k. I have confidence in Mike and I will trust him until I am proven that I cannot in regard to the efforts to get somebody from Seminole County on this Board. We can sit here and pick it apart; we have talked a number of times already about this; we have bounced back recommendations to them; some of them they have adjusted. But I think this is a document that we can live with; the big issue of course is going to be the right-of-way and where that final alignment is and that resides with this Board and not with your Board. (**Mr. Snyder interjected**, "that is correct".) I think it's important for us to go ahead and try to move this document forward realizing there will be people that are not happy with it but there are also a number of people who will be happy with it, particularly if we can get it under way anytime in the next year or two in order to create jobs and help us out of this situation we find ourselves in now.

Commissioner Woodruff stated:

First of all, I apologize for missing the last couple of meetings. After I saw the document and got over my surprise that there had been a sudden change in the attitude, I did go back and look at the video of the meetings to try to figure out what was going on. I have a couple of questions I need clarified. You said the Federal approval depends on funding?

Mr. Snyder stated:

Ultimate Federal approval of the environmental document, correct.

Commissioner Woodruff stated:

Is that different than the Federal approval Chairman Brender mentioned at the beginning of the meeting?

Commissioner Brender stated: I was talking about the environmental assessment which is going to the Federal Highway Administration.

Mr. Snyder stated:

What Mr. Brender was talking about is in order for us to move to a Public Hearing for the study process, the Federal Highway Administration has to approve the environmental assessment, which we call the EA. We think we are on the verge of getting that approval from Federal Highway allowing us to schedule the Public Hearing; I would love to think it's going to be in October; that's what we are shooting for right now. As we have always done, there will be a Public Hearing in each of the Counties that are impacted. That particular environmental approval is what Mr. Brender was talking about. At the end of the day, after you have had the Public Hearing and you get public comments you may need to adjust the documents as a result of the Public Hearing. We will then be coming out to this Board, my Board, the City of Apopka and others to get final alignment approval. Once that's done, we then package up all the documents one more time and submit them to the Federal Highway Administration for final environmental approval and the end of the PD&E Study.

Commissioner Woodruff stated: And that's the approval you cannot get without funding?

Mr. Snyder stated: That's correct.

Commissioner Woodruff stated:

So at this point, we can move forward to choosing the final alignment without this document being finalized?

Mr. Snyder stated:

You can go to the Public Hearing without this being approved; but we are moments away. Federal Highway has already asked the question about the funding. We have answered it with the fact that we think this is what's going to occur; that would then allow OOCEA to be a position to say that is what is driving them to allow us to move to the Public Hearing.

Commissioner Woodruff stated:

We have to have the Public Hearing to pick the alignment before we can go back to the Federal Government to get the final approval?

Mike Snyder stated:

You have at this point in time a recommended preferred alternative. That is what is going to the Public Hearing. At a Public Hearing you will hear from you folks, from the general public, from a lot of folks that are impacted by the project. From time to time you hear issues that cause you to make adjustments in the recommended preferred alternative. Once that is completed, we come back to Federal Highway for final approval. But Federal Highway is looking now to see whether there is funding for this project. They have 13 other major studies in EISes which is a higher level study than this in the Federal process in the State of Florida. They are graciously working very closely with us to move this ahead in advance of some of the others only because they believe we are on the verge of being in a position to say there is funding for this.

Commissioner Woodruff stated:

With respect to the Right-of-Way Committee, I think you said that since your Board has not approved this, all you can offer at this point is to nominate.

Mike Snyder stated: That's correct.

Commissioner Woodruff stated:

If your Board can change the makeup of the Committee and your Board is going to have to approve this Agreement, why can't the Agreement state that they have to choose someone from Seminole County; and when they approve it, they are approving that decision?

Mike Snyder stated:

I will leave that to you; I honestly believe this is fine; I know the intent. I understand you all have some concern that we are going to go back on our word. That is not going to occur. I wish I could get Mr. Ketcham here today to tell you exactly what his feelings are behind this. I know my other Board members are in the same position. They are not in a position to vote on this; but I know where they are, what their sense is, and what their sense of doing the right thing is. I think the Agreement you have is fine, personally. I know that once we have a name from you all, it will very rapidly go to my Board and very rapidly be approved by my Board.

Commissioner Woodruff stated:

I in no way meant to say that I don't trust you all to do what you say your intent to do is. But I don't know who's going to be there next year. As has already been pointed out, this could last a very long time.

Commissioner Dallari stated:

First of all, this Agreement is only to build the Parkway; this is not to set the final alignment; this does not preclude the Public Hearing; we still have to have a Public Hearing; this does not preclude the PD&E; we still have to have approval of the PD&E. There's going to be a lot more decisions from this Board in referencing the Parkway, i.e., the PD&E, public input, and a host of other things that will be taking place. I think we are not really giving up that much; the only thing this Agreement does is actually make an agreement between your organization and our organization to build it once the final alignment and all the approvals have been set; is that correct?

Mr. Snyder stated:

That's correct; also, you will be in a position before we come to you with the final alignment, to have given us a name and my Board will already have put that person on our Right-of-Way Committee.

Commissioner Dallari stated:

There are other decisions to come if we want to hold something up, which I don't think we could. I did speak individually to three different members of your Board over this weekend and those three members said they have no problem putting a member that we suggest on the Right-of-Way Committee. I had conversations early on with your Chairman, Mr. Walt Ketcham; he is a very honorable man and he did say that putting a member on the Right-of-Way Committee is one of his priorities. I don't see an issue with that. Mr. Chairman, I would like to make a motion and then we can have discussion if need be. I would like to make a Motion for approval of the Interlocal Agreement between the OOCEA and SCEA in regards to the Wekiva Parkway.

The Motion was seconded by Commissioner McLean.

Commissioner Brender stated: We have a Motion and a second; we'll have further discussion.

Commissioner Van Der Weide stated:

My responsibility is to Seminole County. I am a believer in regional initiatives when it comes to transportation; but it just seems to me that every time we get into some negotiation, like on page 7 of 15 here, we have lost a lot of ground. I never thought for instance when this came up the first time that we were going to send it to you all and you were going to agree to it. You can say, we can't do it; the State does it, etc. I understand all that but I want to tell you something there is a regional effort here, at least that's what they call it. You have got to be regional. When it comes to the results, it's not regional at all; we end up taking the short stick; I don't know why we keep doing that. It's just mind boggling to me that we are willing to take the short end of the stick over and over; the only way you're going to stop it is when you start voting against some of this stuff.

Commissioner Carey stated:

It is not a matter of trust particularly to you Mike; I have the utmost respect. I think you have done a wonderful job for your career that I have known you and I have known you for quite some time. But you are an at-will employee; your Board could change tomorrow; you could be gone tomorrow just like it could happen at any election time or with our County Manager or any other at-will employee. I talked to some of your Board members too who have said they don't know why they wouldn't support us having a voting seat on the Board; so that's not everybody's opinion. I have not talked to three members; but Commissioner Dallari if you have talked to three members on the Board who say they don't have a problem appointing someone from Seminole County, why don't we change the language to say that in fact it's going to be someone from Seminole County nominated by this Board that would be put on the Board? If they have told you they are willing to do it, why not just put that in here because what this says is that we have the right to nominate a qualified representative to be on the three-member Board. It does not say they have to take it. You say they have said they would take it, then why can't we put that in the language? I just don't understand why those have to be stumbling blocks when that's a pretty simple thing if you already have three members of their Board saying that's the case.

Commissioner Brender stated:

I would like an answer to that; this agreement obviously changed from a previous rendition where it said to name a representative to nominate a qualified representative. Can you tell me what predicated that change?

Mr. Snyder stated:

Again, this is our process; our process of putting a person on our Committee is a nomination process; and it is in essence by me to my board; so I cannot pre-suppose what my Board will do even though I know what my Board wants to do. You can change this Agreement anyway you want to change it. My Board, depending on what you all do today, is going to take it up for consideration and for a vote next Monday. We will know pretty quick.

Commissioner McLean stated:

Let us remember folks that we did not ask for this particular seat; it was offered to us and I think that is a big consideration as we are looking at this from a larger perspective. We did not come in and say, we really want a seat on the Right-of-Way Committee; that was offered to us without any prejudice (**Commissioner Van Der Weide interjected:** as a consolation prize), as the one item that their Authority allows them to do. If there was an opportunity to be able to allow us a seat at the table if we didn't have the State mandates, I would suspect in all likelihood, we would be having that discussion right now. At this time, that is off the table; it is not an option as of today we can pursue; I think we need to look at it that way; we did not ask, they offered; and I think that's a big distinction.

Commissioner Woodruff stated:

If this were a typical government project, we would come up with a design, we would decide what we wanted done and then we would go find someone and pay them to build it. If in this situation, we had the road designed and we had already approved essentially the final design and we were just going to OOCEA to construct it, I would not have a problem with it. But there are still a lot of things that need to be decided along the way. I don't understand why we did not at least leave it; I know they can't change their Board makeup; but why did we take out that they would seek with us a regional board, that they would support that?

Commissioner Carey stated: Which is what we voted to do at a previous meeting.

Commissioner Woodruff stated:

As for the seat on the Right-of-Way Committee, I took that as not necessarily a consolation prize, but as this is what the Board can do to meet the need and I appreciate that; but from our point of view, I think we need to protect the fact that we get that seat guaranteed. I think at this point in the process, this Agreement does not give us enough. If there were a lot of decisions that had already been made, I would not have issues with it.

Commissioner Carey stated:

This Board voted at one time on the Agreement that said we would have a seat and I agree with Commissioner Van Der Weide that this is sort of like the consolation prize; you get the Right-of-Way seat. But now we are not getting the Right-of-Way seat; we are getting a nomination for it. I am certainly not going to support it by giving up my elected authority as the seat on the Commission just like I voted against it this morning. However, the motion that's on the floor is to approve this as it is written right now and that makes me even more nervous.

Commissioner Henley stated:

Mr. Chairman, I think you will probably remember better than any of us when you carried the letter before the Legislative Delegation and they admonished you. They made it pretty plain to me sitting in the audience; they stated we don't want to see this delayed; that's the Legislative body; they can take away the authority we presently have by simply changing the law, which is not difficult for them to do if that's what they want to do. Right now we have final say on the alignment; we don't have a seat but we can have a voice from that standpoint before their meetings, etc. Commissioner McLean made a point that I think is important. I was the first one to raise the issue about a seat on the Board; Mike, when you came to see me and you know also the next time they had a METROPLAN Board I brought it up there, that if this is going to be regional, going into Seminole, Lake and Osceola, then the Board ought to reflect that. Osceola County is in support of that position; Lake County is in support of that position; two (2) members of the Orange County Board are in support of that and Mayor Dyer has told me personally he had no problem from the standpoint of that going to a regional board. So I think we can get some support there and we don't have to have their permission to try to get the legislation changed. I think it would be the right thing to do. We are concerned about this 5-mile strip and we have many more miles than that on the GreeneWay that we have no say over. Now all of a sudden we don't want to complete this because of a word between a name and a nominate. I don't see that as a game changer, certainly not to me. I agree with Chairman Dallari that we probably ought to go ahead and move this process along and give them the opportunity to work with the Federal Highway Administration.

Commissioner Carey stated:

As far as I am concerned, when the Legislative Delegation was here, you had the Chairman of Orange County lobbying to make sure that that Board wasn't changed. The Chairman of Orange County is about to change; I know that a lot of the people vying for that position have served on regional bodies who believe that if you are going to have regional authority, you should be a

regional organization. I think when the politics of all of this changes, the State’s position is going to change. It’s unfortunate but I don’t think everybody at the Seminole County Expressway Authority realizes that some of the folks on the Orange County Expressway Authority were lobbying so hard to just have the ability to do this with all the say and us not have any ability. I have spoken about this a lot today Commissioner Henley; it’s coming right through my District and while I think it is an important road and I have said that all along, I still think it’s important that we have more to say about it than just where the alignment is going to be.

Commissioner Van Der Weide stated:

Mr. Brender, as the Chairman, I want to remind you that I was also at that meeting when the Legislators were there; they showed their attitude, but that was the Legislative Delegation. I don’t think we are fooling anybody here; I cannot support this the way it is.

Commissioner Brender stated:

I understand your concerns. I also understand the position that the Legislative Delegation took back then; some of those people have changed; I predict there will be a few of those that will change. At the same time, I tend to look at this on a longer term. I have spoken with some of our Legislative Delegation; I believe that while it’s probably not going to happen in 2011; it could happen in 2012 or 2013. By that time, with the arrival of SunRail and a few other design studies on the high speed rail, it is safe to say that where we are going is to a regional transportation authority. I personally do not feel that we are giving up the entire roadway at this point to the OOCEA; not when, first-off we still have a right-of-way decision to make; and second-off we are still involved in the process. All of us have said how we admire Mike and admire the various members of their Board and that sort of thing. We always can and I for one as a representative of Seminole County will always be approaching and if need be bugging and if need be publicly whipping anybody at any Board at any time regardless of lack of wording in this Agreement.

Commissioner Van Der Weide made a Motion to call the question; the Motion was seconded by Commissioners McLean and Dallari. The Motion to call the question was approved, 6 in favor, one (1) opposed, Commissioner Carey.

Commissioner Brender stated:

Let the record reflect that the question has been called; we will address the motion. We have a Motion on the floor and a Second.

Commissioner Brender requested a roll call vote which was facilitated by Sheralyn Brinson, Recording Secretary, and votes were cast as shown below:

| | <u>Vote</u> |
|----------------------------|-------------|
| Commissioner Carey | No |
| Commissioner Dallari | Yes |
| Commissioner Van Der Weide | No |
| Commissioner Henley | Yes |
| Commissioner McLean | Yes |
| Commissioner Woodruff | N |
| Commissioner Brender | Yes |

Commissioner Brender stated: By your action, the Motion has carried as presented: 4 in favor; 3 opposed.

Mr. Snyder requested the name for the Right-of-Way Committee by August 21 in order to bring it to the August 28, 2010 OOCEA Board Meeting for approval.

Commissioner Brender stated he would make sure the SCEA Board provide a name to Mr. Snyder by August 21.

Commissioner Carey asked: Are you looking for an elected official to be the representative on the Right-of-Way Committee?

Mr. Snyder responded: That's your choice.

Commissioner Carey stated:

There is nothing that says how we are going to determine this -- as an Expressway Authority Board or as a Board of County Commissioners -- or will everybody just throw a name out and see what happens?

Mr. Snyder responded: That's your choice.

Commissioner Brender stated: That part of the equation we can control; we will have to address that probably in the BCC meeting on August 24.

Mr. Snyder stated:

If you are meeting on August 24, I will put a placeholder on my August 28 Board agenda for a nomination and a vote.

Commissioner Carey stated:

I think we need to discuss sometime before that how we are going to determine who the representative is going to be. Is it going to be an elected official, an elected official from the County, a representative from the County as the document says?

Commissioner Brender stated:

We can discuss it now or we can bring it back to a Special Call Meeting, prior to the August 24 BCC meeting.

Commissioner Henley stated:

I think the document says a qualified person; how do you define a qualified person, are you going to leave that up to this Board?

Mr. McMillan stated:

From my reading of the document, the representative is nominated by the County Commission not by the Expressway Authority.

Commissioner Brender stated: In that case, I won't be submitting the name.

Commissioner Woodruff stated:

Just to let you all know if you don't already know, I am not running for re-election. My term on the Sanford City Commission expires at about the same time my position on this Board expires in January 2011. I will be coordinating with staff and CALNO to make sure an appointment is made. Obviously, the City of Sanford will be asking that it be someone from our Commission; but we will be coordinating that to try to make sure there isn't a gap in membership.

Commissioner Carey stated:

Since the BCC will not be meeting again until August 24, County Commission Chairman Dallari, would it be reasonable to direct staff and the Attorney to come around and talk to the Commissioners within the next few days to try to come up with some process of names or applications to be submitted to this Board for consideration on August 24?

Commissioner Dallari stated:

I think it would be more than appropriate and we will put an agenda item on the BCC meeting for the August 24 meeting to do that.

Commissioner Van Der Weide noted that it has to be done in public.

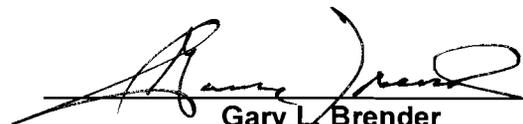
Mr. Snyder reiterated that he would put a placeholder on the August 28 OOCEA Agenda for a name from Seminole County.

ITEM #6: ADJOURNMENT

There being no further business at this time, the meeting was adjourned at 5:00 P.M.



Jerry McCollum, P.E.
Acting Executive Director



Gary L. Brender
Chairman

Attachments:

- (1) Interlocal Agreement Between the Orlando-Orange County Expressway Authority, Seminole County, Florida and the Seminole County Expressway Authority Regarding the Wekiva Parkway
- (2) Redline Copy of Interlocal Agreement Between the Orlando-Orange County Expressway Authority, Seminole County, Florida and the Seminole County Expressway Authority Regarding the Wekiva Parkway
- (3) Handout: E-mail from the Wekiva Parkway Community Coalition
- (4) Speaker Request Forms (3)
 - Mr. John Horvath
 - Mr. Sid Bennett
 - Mr. John Casselberry

/sb

Approved: 11-09-2010