

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Town of Preservation
Incorporation Feasibility Study

October 1, 2018

For the Review of the Local, Federal & Veterans Affairs Subcommittee

14Consultants

- 15 John E. Fauth, Ph.D.
- 16 Florida Institute of Government at UCF
- 17 Underwood Management Services, LLC
- 18 1000 Friends of Florida
- 19 Oel Wingo Management Consulting Services
- 20 Florida League of Cities

30 **Table of Contents**

31 **INTRODUCTION..... 5**

32 **1. Location of territory subject to boundary change.....6**

33 Legal description..... 7

34 Map of the area that identifies the proposed change.....9

35 **2.Major reasons for proposing the boundary change.....10**

36 **3.Characteristics of the area.....12**

37 b.List of the current county zoning designations applied to the subject area in

38 the county comprehensive plan.....14

39 c.Present land use characteristics.....14

40 d.Description of development being proposed.....16

41 **4.List of public agencies within boundary.....18**

42 **5.List of current services being provided within proposed incorporation**

43 **area.....19**

44 **Table 4 Estimated total annual cost information for services currently**

45 **provided in the proposed incorporation area.** Millage rates are applied to the

46 total taxable value of \$945,749,911. Water and sewer cost is based on values

47 from Table 3 and is calculated from one-half of the 5,956 parcels likely to have

48 metered water service. The remainder use private wells and septic tanks, whose

49 annual costs are unknown. Street lighting uses the 7,358 parcels in the proposed

50 town as the number of units. Solid waste uses 5,956 parcels likely to have

51 garbage and recycling service (i.e., nonvacant residential, commercial and

52 institutional properties).....20

53 **6.List of proposed services to be provided within proposed incorporation**

54 **and their estimated cost.....21**

55 **7. Names and addresses of three officers or persons submitting the proposal.....26**

56 **8.Evidence of fiscal capacity and an organizational plan.....27**

57 a.Existing tax bases, including ad valorem taxable value, utility taxes, sales and

58 use taxes, franchise taxes, license and permit fees, charges for services, fines

59 and forfeitures, and other revenue sources, as appropriate.....27

60 b.A Five-Year operational plan that, at a minimum, includes proposed staffing,

61 building acquisition and construction, debt issuance, and budgets.....28

62 Table 6 Five-Year Operational Plan (See Exhibit A for larger font). Asterisks

63 denote state shared revenues.....30

64 **9.Data and analysis to support the conclusions that incorporation is**

65 **necessary and financially feasible, including population projections and**

66 **population density calculations, and an explanation concerning**

67 **methodologies used for such analysis.....31**

68 C. Total Taxable Value..... 34

69 Revenue Projection Methods and Assumptions:.....34

70 Expense Methods and Assumptions:.....37

71 **10.Evaluation of the alternatives available to the area to address its**

72 **policy concerns.....37**

73 **11.Evidence that the proposed municipality meets requirements for**
74 **incorporation.....40**
75 **Appendix C. Municipal Charter.....50**
76**PROPOSED CHARTER, TOWN OF PRESERVATION, FLORIDA PREAMBLE**
77..... **50**
78**ARTICLE I..... 50**
79**Section 1.02 Powers of the Town.....50**
80**Section 1.03 Construction.....50**
81**Section 1.04 Intergovernmental Relations.....50**
82**Section 1.05 Form of Government.....50**
83**Section 1.06 Corporate Boundaries.....51**
84**Legal description.....51**
85**Map of the Area..... 3**
86**ARTICLE II..... 4**
87**TOWN COUNCIL..... 4**
88**Section 2.02 Eligibility, Terms, and Composition.....4**
89**Section 2.03..... Mayor**
90 **4**
91**Section 2.04 Deputy Mayor..... 4**
92**Section 2.05 Compensation and Expenses.....4**
93**Section 2.06. Prohibitions..... 5**
94**Section 2.07 Vacancies; Forfeiture of Office; Filling of Vacancies.....5**
95**Section 2.08.....Judge of Qualifications**
96 **7**
97**Section 2.09.....Investigations**
98 **7**
99**Section 2.10.....Procedures**
100 **7**
101**Section 2.11 Ordinances in General..... 8**
102**ARTICLE III TOWN MANAGER..... 8**
103**Section 3.02 Removal..... 8**
104**Section 3.03 Acting Town Manager.....8**
105**Section 3.04 Powers and Duties of the Town Manager.....9**

106 **ARTICLE IV. DEPARTMENTS, OFFICES, AND AGENCIES.....10**
 107 **Section 4.02 Personnel System.....10**
 108 **Section 4.03.....Town Attorney**
 109 **10**
 110 **Section 4.04 Town Clerk.....10**
 111 **ARTICLE V.....11**
 112 **Section 5.02 Development Restriction.....11**
 113 **Section 5.03 Fiscal and Land Use Sustainability.....11**
 114 **Section 5.04 Public Engagement and Process.....11**
 115 **Section 5.05 Public Land Conservation.....12**
 116 **ARTICLE VI FINANCIAL MANAGEMENT.....12**
 117 **Section 6.02.....Submission of Budget and Budget Message**
 118 **12**
 119 **Section 6.03.....Budget Message**
 120 **12**
 121 **Section 6.05.....Town Council Action on Budget**
 122 **13**
 123 **Section 6.06.....Amendments After Adoption**
 124 **13**
 125 **Section 6.07....Administration and Fiduciary Oversight of the Budget**
 126 **14**
 127 **Section 6.09 Independent Audit.....14**
 128 **ARTICLE VII ELECTIONS.....14**
 129 **Section 7.04 Initiative, Citizen Referendum, and Recall.....15**
 130 **(c) Petitions.....15**
 131 **(d) Procedure after Filing.....16**
 132 **(e) Referendum Petitions: Suspension of Effect of Ordinance.....16**
 133 **(f) Action on Petitions.....17**
 134 **(g) Results of Election.....17**
 135 **ARTICLE VIII GENERAL PROVISIONS.....17**
 136 **ARTICLE IX.....18**
 137 **Section 9.02 Charter Amendment.....18**

138 **ARTICLE X TRANSITION AND SEVERABILITY.....18**
 139 **Section 10.03 Initial Expenses.....18**
 140 **Section 10.04 Transitional Ordinances and Resolutions.....19**
 141 **Section 10.05 Revenue Source Transition.....19**
 142 **Section 10.06 Continuity of Services.....19**
 143 **Section 10.07 State-Shared Revenues.....19**
 144 **Section 10.08.....Gas Tax Revenues**
 145 **19**
 146 **Section 10.09.....Shared Revenues**
 147 **20**
 148 **Section 10.10 Severability.....20**
 149
 150
 151 **INTRODUCTION**
 152

153 The proposed Town of Preservation, Florida encompasses a diverse community in east-central
 154 Orange County that includes established residential communities east of the University of
 155 Central Florida and the Central Florida Research Park; rural settlements including
 156 Sunflower Trail/Seaward Plantation and Corner Lake, plus parts of the Lake Pickett and Bithlo
 157 Rural Settlements; extensive rural and conservation lands, including the Econlockhatchee River,
 158 which is designated “Outstanding Florida Waters” (OFW); and commercial properties lining
 159 State Road 50. Area residents enjoy a quiet rural lifestyle and abundant wildlife, all within
 160 reasonable commuting distance of Orlando’s major employers, downtown area, and sporting,
 161 arts, and cultural venues.

162 Within the past fifteen years, however, explosive population growth and lack of planning and
 163 political representation allowed urban sprawl to encroach on this area. Developments with urban
 164 densities were approved without extending the urban service line to the area. Residents now face
 165 a reduced level of service as allocated community services are shared between the urban service
 166 area and rural service area, which is earmarked to host urban density developments. For
 167 example, under the current development trends, residents face traffic gridlock along country
 168 roads that never were intended to support high traffic flow and now are graded “F” (Failing).
 169 Meanwhile, local tax dollars are used to bolster services in more urban portions of Orange
 170 County, particularly law enforcement and parks and recreation services. Sheriff office response
 171 times can take up to four hours for all except life-threatening emergencies. The Town of
 172 Preservation will focus on bettering itself, its residents, and its environmental and commercial
 173 land opportunities. The Town of Preservation will incur a substantially higher likelihood of
 174 achieving this betterment than if it is left to the County, which must split its resources and
 175 focuses across all areas of Orange County. Thus, it is in the best interests of the public health,

176safety, and citizens' quality of life to form a separate municipality for the Town of Preservation
177area with all powers and authority necessary to provide efficient and high quality municipal
178services to its residents.

179

180Citizens that reside within the proposed Town of Preservation have made valiant efforts to work
181with Orange County Board of County Commissioners and staff to cultivate a growth and
182development vision for the area that would be beneficial to both urban and rural service areas.
183However, affecting change politically in unincorporated Orange County is nearly impossible
184because the county uses single-member district voting. Local residents may only elect the
185District 5 County Commissioner, who is easily out-voted by the other five Commissioners who
186make decisions impacting the entire county, yet only are accountable to voters in their own
187district.

188The proposed Town of Preservation, Florida is uniquely positioned to assume responsibility for
189home rule. In 2016, local citizens joined together to oust incumbent District 5 Commissioner Ted
190Edwards, who did not heed residents' demand to maintain the urban and rural boundary rather
191than allowing urban densities and large-scale commercial development east of Orange County's
192Urban Service Area. Within the past year, these same local citizens upended plans by the Central
193Florida Expressway Authority to raze affordable housing and construct the State Route 408
194Eastern Extension through valuable wetlands and across the Econlockhatchee River. Area
195citizens (at this point) also overcame plans to bisect Split Oak Forest Mitigation Park with yet
196another expressway whose main purpose was supporting large-scale development elsewhere.
197Grassroots volunteers initiated this feasibility study, and small donations from local residents and
198businesses financed its completion. These residents resoundingly support the Gov Lite model,
199which limits government bureaucracy and efficiently delivers services. Furthermore, the
200proposed Five-Year Operational Plan has a balanced budget or surpluses every year, all
201accomplished without raising the *ad valorem* tax rate.

202At incorporation, the Town of Preservation, Florida will be a powerhouse in Orange County. It
203will be exceeded in geographic area only by Apopka and the City of Orlando, and its population
204will rival that of the nearby City of Maitland. The Town's Year 1 municipal budget will be the 6th
205largest in Orange County. Properties within the Town will have a combined estimated market
206value greater than \$1.1 billion, and its proximity to Orange County's strong tourism, retirement,
207education, healthcare and defense sectors will sustain economic growth. Coupled with its
208desirable location and low property tax rates, the Town of Preservation is expected to prosper.
209This proposed Town will differ from other municipalities by emphasizing quality of life for
210residents, preservation of a more rural lifestyle, and maintenance of ecosystem services, while
211simultaneously encouraging sustainable population and economic growth. The Town of
212Preservation will proactively manage future growth by concentrating on infill techniques in the
213urban service area thus limiting the impacts to the naturally existing rural character of the Town's
214rural service area

2151. **Location of territory subject to boundary change**

216The area to be known as the Town of Preservation, Florida, is in unincorporated east Orange
217County and includes all of the SunflowerTrail/Seaward Plantation and Corner Lake Rural
218Settlements; portions of the Lake Pickett and Bithlo Rural Settlements; low-density, single-
219family residential communities east of the University of Central Florida and the Central Florida
220Research Park; rural and conservation lands to their east; and commercial properties along State
221Road 50 (East Colonial Drive). The proposed Town is entirely within the Econlockhatchee River
222drainage area. Figure 1 is a map of the proposed incorporated area.

223The proposed Town has natural boundaries and does not form any enclaves. Instead, it unites
224rural settlements and low-density residential communities along the Econlockhatchee River,
225which is bisected by State Road 50 (where almost all the Town’s commercial properties are
226located). The Town of Preservation’s northern boundary is the Orange County/Seminole County
227Line. Its western boundary north of State Road 50 is the eastern edge of the University of Central
228Florida and the Central Florida Research Park. South of State Road 50, almost the entire western
229boundary is the Urban Service Area line depicted on Orange County’s Future Land Use Map (the
230exception is a small portion that follows a more natural boundary along the southwestern edge of
231Hal Scott Regional Park and Preserve). The short southern boundary is State Route 528: the
232Beachline Expressway. The eastern boundary traces conservation areas and parts of the Bithlo
233Rural Settlement and the “triangle” formed by the junction of State Road 50 and State Road 520,
234to Chuluota Road (County Road 419) northward to the county line. Notably, the proposed Town
235of Preservation, Florida does not include any properties owned by Farmland Reserve, Inc., which
236is associated with The Church of Jesus Christ of Latter-day Saints, and which is known locally as
237Deseret Ranches.

238Residents within these boundaries expressed the greatest sustained interest in incorporation, in
239both petitions and town hall meetings. The proposed town’s citizens share the common goals of
240demarkating urban and rural areas, preserving the rural culture of the area and its natural areas,
241and desiring more local control of government services and a greater return on their tax dollar
242investment.

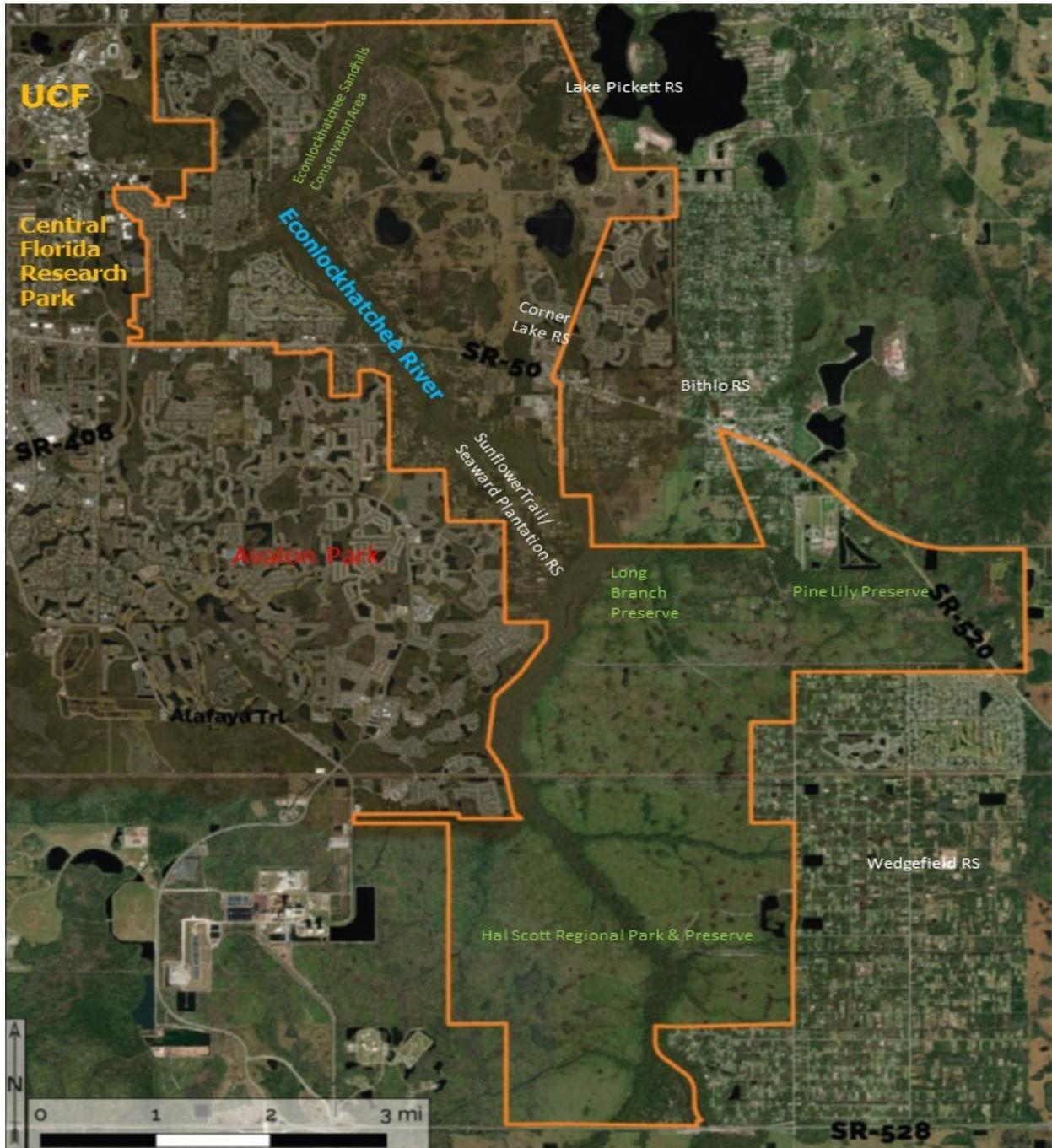
243

244**Legal description**

245Begin at the point of intersection of the centerline of County Road 419 (Chuluota Road) and the
246Seminole County line; thence due west along the Orange County/Seminole County line, to the
247centerline of McCulloch Road at the northeast corner of Orange County Fire Station 65; thence
248follow the eastern boundary of the University of Central Florida and the Central Florida
249Research Park, to its southern terminus with “Tract C” owned by the Orange County Board of
250County Commissioners; thence west and then due south along the Tract C property line
251extended, to the centerline of State Road 50 (East Colonial Drive); thence east on the center line
252of State Road 50 to the west edge of the Tires Plus parcel; thence south and east along its
253property line to the centerline of Old Cheney Highway at its point of intersection with North
254Avalon Park Boulevard; thence east on the centerline of Old Cheney Road to its point of
255intersection with the Urban Service Area boundary; thence south along the Urban Service Area

256boundary to its point of intersection with the western property line of Hal Scott Regional
257Preserve and Park; thence south along the western property line of Hal Scott Regional Preserve
258and Park to the centerline of State Road 528 (Beachline Expressway); thence east on the
259centerline of State Road 528 (Beachline Expressway) to its point of intersection with the
260southeast corner of Hal Scott Regional Park and Preserve; thence northward along its border,
261including the centerline of Dallas Boulevard where it is contiguous with Hal Scott Regional Park
262and Preserve; thence, at the northeast corner of Hal Scott Regional Park and Preserve, proceed
263due east along the north border of Wedgefield Rural Settlement; thence east across State Road
264520 to encompass the Orange County Board of County Commissioners parcel; thence proceed
265north from the centerline of State Road 520, along the west boundary of the Robert T. Lopez
266Trust parcel of 233.7 acres; thence west along the centerline of State Road 50 (East Colonial
267Drive) to the centerline of County Road 13; thence south to the north property line of Long
268Branch Park; thence proceed due west, then north along the west property lines of Dietrich
269Brothers, Inc. and 250 Story Partin Road LLC to the centerline of Story Partin Road; thence
270proceed north on the centerline of Story Partin Road to its point of intersection with the
271centerline of State Road 50 (East Colonial Drive); then west along its centerline to the junction
272with County Road 419 (Chuluota Rd.); thence north along the centerline of County Road 419
273(Chuluota Rd.) to the southern property line of the David Axle Trust property of 40 acres; thence
274eastward, encircling all of the Mandalay Subdivision on both sides of Lake Pickett Road; thence
275west on the centerline of Old Lake Pickett Rd. to the centerline of Lake Pickett Rd.; thence
276north-northwest along the centerline of Lake Pickett Road to the point of beginning.

277 Map of the area that identifies the proposed change
278



279
280 **Figure 1** Map of the proposed Town of Preservation, Florida (dark shading) and vicinity, Orange
281 County, Florida.

282

2832. Major reasons for proposing the boundary change

284The “Town of Preservation, Florida” proposes to incorporate for the reasons envisioned by the
285Florida Legislature in Chapter 165 Florida Statutes (2018):

- 286 (1) Allow orderly patterns of urban growth and land use.
- 287 (2) Assure adequate quality and quantity of local public services.
- 288 (3) Ensure financial integrity of municipalities.
- 289 (4) Eliminate or reduce avoidable and undesirable differentials in fiscal capacity
290 among neighboring local governmental jurisdictions.
- 291 (5) Promote equity in the financing of municipal services.

292Since 2000, the human population of Orange County grew exponentially at an average annual
293rate of 2.392% and urbanization reached the eastern limits of the county’s Urban Service Area.
294Concurrently, population growth within the proposed town averaged 5.099% annually, which is
295more than double the rate of the rest of the county. This explosive growth led to gridlocked
296roads, diminished rural community characteristics, declining access to existing county services,
297and increased citizen demand for community services, which decreased the quality of life for
298local area residents. Much of the increased population growth within the proposed town’s
299boundaries was in planned developments grandfathered into Orange County’s Future Land Use
300Map, and in the existing rural settlements of Lake Pickett, Sunflower Trail/Seaward Plantation,
301Corner Lake, and Bithlo.

302While development and growth can be measures of a healthy community, the proposed Town’s
303urban and rural populations increased without the necessary infrastructure to support such
304growth. A considerable portion of the tax revenue generated within the proposed Town’s
305boundaries (especially the revenue generated from the rural service area) was used to support
306transportation, law enforcement, parks, and other services elsewhere in the county, leading to
307diminished quality and quantity of local public services. Roads were widened and improved
308elsewhere, leaving the Florida Department of Transportation and the Central Florida Expressway
309Authority angling to build toll roads that would bisect the proposed town. During the Great
310Recession years of 2009 – 2014, Lynx bus service to Bithlo was discontinued, yet the free
311LYMMO bus service in downtown Orlando – which is underwritten by federal grants and the
312City of Orlando – expanded. No bicycle trails exist east of Alafaya Trail and most area roads do
313not have bike lanes, which led to pedestrian and cyclist fatalities along State Road 50. Yet, the
314County’s 2015 Walk-Ride-Thrive Program Summary highlighted major projects occurring in five
315areas, all urban: International Drive, Universal Boulevard, Pine Hills Road, Oak Ridge Road and
316the UCF Area¹. Sheriff’s deputies had lengthy response times to emergency calls because more
317deputies patrol urban portions of Sector 2, especially the Alafaya Trail corridor that services the
318University of Central Florida, the businesses, townhomes, apartments and 3,400+ houses of

11 Orange County Walk Ride Thrive! Program Summary. August 25, 2015, 13 pp.
2[https://www.orangecountyfl.net/Portals/0/Library/Traffic-Transportation/docs/Pedestrian
3%20Safety%20Program%20Summary.pdf](https://www.orangecountyfl.net/Portals/0/Library/Traffic-Transportation/docs/Pedestrian%20Safety%20Program%20Summary.pdf), web accessed August 27, 2018.

319Avalon Lakes, and the burgeoning Waterford Lakes shopping area². Furthermore, the proposed
320Town has no county parks except for conservation areas (which require little maintenance, aside
321from prescribed burns), and there is a lack of focused attention on other needs, including public
322health services.

323Almost twenty years ago, Orange County recognized the challenges facing rural settlements like
324ours as evidenced by the following quote:

325 “Thus, they compete with other areas of the county for Orange County
326 government resources; the organization of residents to accomplish this and other
327 endeavors may vary. Moreover, Orange County’s degree of urbanization and the
328 lack of incorporation of these areas may limit eligibility for federal and state rural
329 assistance funding. Finally, while rural areas in Orange County benefit from the
330 provision of employment, goods, and services by municipalities in the County,
331 their proximity also brings the potential for encroachment and urbanization from
332 urban areas expanding toward Rural Settlement borders.”³

333The tipping point for this community occurred in 2016, when the Orange County Board of
334County Commissioners (BCC) opposed the will of more than 10,000 local residents (most of
335whom live within the proposed town boundaries) who signed a petition opposing high-density
336development in the area. The BCC voted 4 to 3 to permit urban development in rural land east of
337the Econlockhatchee River, thereby permitting an urban population within the rural service area
338without extending the urban service area to accommodate such growth. Thus, citizens would
339experience an urban development with a substantial population increase in the rural service area,
340but without the increased access to community services that maintains a standard quality of life.
341This vote – along with failure of a subsequent motion to rescind – made residents realize that
342little could be done without the cooperation of at least three other county commissioners who
343live outside our district and are elected by single member districts. These commissioners are not
344accountable to all county residents, including those in east Orange County, since only voters in
345their districts can elect them. Even after the residents of Orange County District 5 voted out their
346incumbent county commissioner who did not support their priorities, the privately-led text
347amendment was not rescinded because commissioners from other districts would not make the
348motion. Clearly, home rule via municipal incorporation is the only viable means to assure
349consistent and sustainable zoning, and to prevent outflow of local tax revenues and the resulting
350inequity in fiscal capacity and financing for services. As this feasibility study demonstrates, these
351objectives may be attained without increasing *ad valorem* taxes, and will result in a financially
352sound and vibrant new town.

42 Orange County Sector II command. <https://www.ocso.com/Services/Operational-5Services/Uniform-Patrol-Division/Sector-II>, web accessed August 27, 2018.

63 Orange County Planning Division, Physical Planning Section (2000). Rural Settlements
7Study, 44 pages. <https://www.orangecountyfl.net/Portals/0/resource%20library/planning%20-8%20development/Rurals%20Settlement%20Study.pdf>, web accessed 30 May 2018.

3533. Characteristics of the area

354a. **List of current land use designations** applied to the subject area in the county
 355comprehensive plan

356Current Orange County land use designations within the proposed Town of Preservation, Florida
 357(and neighboring areas) are shown in Figure 2 on the next page. Designations within the subject
 358area are listed in Table 1. The area is dominated by Rural designations, Conservation,
 359Preservation, and Low Density Residential, especially east of the Urban Service Area, which is
 360the town’s western boundary south of State Road 50 (East Colonial Drive). Established
 361neighborhoods designated as Low Density Residential or Low-Medium Density Residential are
 362sandwiched between the Urban Service Area boundary to their east and the University of Central
 363Florida and the Central Florida Research Park to their west. Strips of land designated
 364Commercial sprawl along State Road 50.

365

366**Table 1 List of current land use designations** applied to the proposed Town of
 367Preservation, Florida in the Orange County Comprehensive Plan. Rural 1/1 indicates 1 dwelling unit/1-
 368acre lot; Rural 1/2 is one dwelling unit per 2 acres lot; and Rural 1/5 is 1 dwelling unit per 5 acres lot.

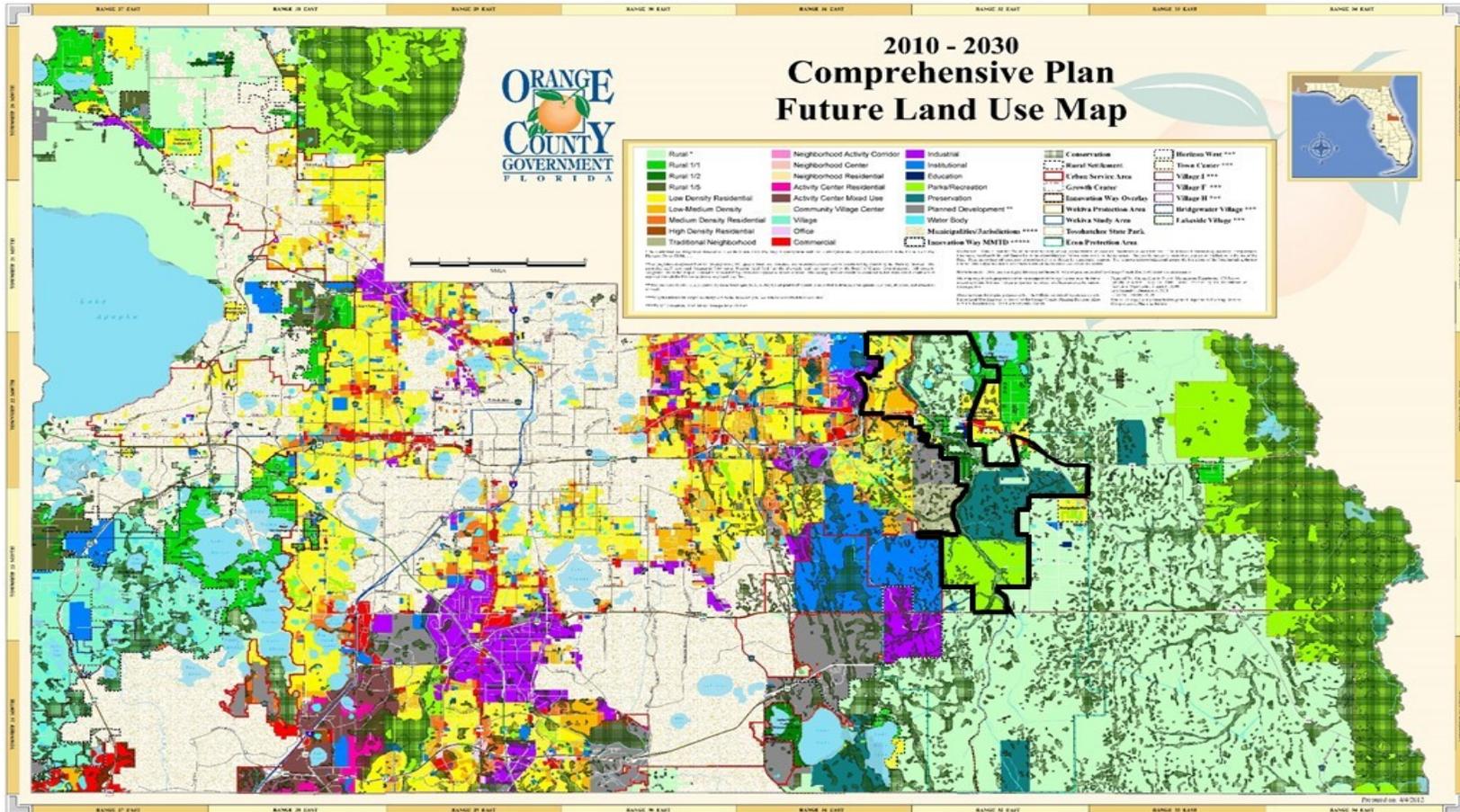
Commercial	Rural*	Parks/Recreation	Conservation
Office	Rural 1/1	Preservation	Rural Settlement
Institutional	Rural 1/2½	Water Body	Urban Service Area
Educational	Rural 1/5		Econ Protection Area
	Low Density Residential		
	Low-Medium Density Residential		
	Neighborhood Residential		

369

370The entire town is within the Econ Protection Area designation, which confers additional
 371protections on this Designated Outstanding Florida Water and its tributaries. The purpose of
 372Orange County’s Econlockhatchee Protection Plan is

373 . . . to protect the public interest in the natural resources of the Econlockhatchee
 374 (Econ) River Basin ecosystem by balancing development and private property
 375 rights with environmental protection. The board of county commissioners finds
 376 that the public has a legitimate interest in protecting water quality, water quantity,
 377 wildlife habitat, aesthetics, open space, and historical/archaeological resources for
 378 the public's health, safety and welfare of this unique ecosystem as supported by
 379 the October 1990 "Econlockhatchee River Basin Natural Resources Development
 380 and Protection Plan" adopted by the St. Johns River Water Management District.
 381 The board of county commissioners hereby finds and determines that the
 382 provisions and requirements of this article are consistent with the requirements of

383 the comprehensive policy plan and implement the provisions of Ordinance No.
384 90-30. (Ord. No. 91-29, § 2(Exh. A), 12-10-91)



385

386 **Figure 8 The proposed Town of Preservation, Florida** (black outline) superimposed on the Orange County Future Land Use
387 Map.

Fi

388In addition, a large swath of the proposed Town of Preservation, Florida lies within the River
389Zone Protection Corridor, which extends 1,100 feet landward from the main channel of the
390Econlockhatchee River and 550 feet landward from its named tributaries. Within this River Zone
391Protection Corridor:

392 Any new development, including agriculture and silviculture, which alters
393 vegetation, water quality or hydrology shall be subject to regulation with the
394 standard of review being no significant adverse effect on the habitat of any
395 aquatic or wetland-dependent wildlife or the habitat of any species designated as
396 endangered, threatened or species of special concern pursuant to F.A.C. 39-
397 27.003, 39-27.004 and 39-27.005, respectively, or water quality, and the
398 groundwater table and surface water levels to minimize alterations to natural
399 hydrologic patterns and subsequent vegetation changes. In no case shall
400 development activities be permitted closer than five hundred fifty (550) feet as
401 measured from the stream's edge of the main river channel except for created
402 forested or herbaceous wetlands, retention areas and passive recreation when it is
403 clearly demonstrated by the applicant that these areas shall not adversely affect
404 aquatic and wetland-dependent wildlife, water quality, groundwater table or
405 surface water levels. (Ord. No. 91-29, § 2(Exh. A), 12-10-91)

406Additional protections include restrictions on additional river crossings, no net encroachment
407within the 100-year floodplain, and mandating that any new stormwater treatment facilities be
408either created forested or herbaceous wetlands (i.e., not open-water retention or detention ponds,
409which are the most common types statewide).

410

411**b. List of the current county zoning designations applied to the subject**
412**area in the county comprehensive plan**

413Orange County uses a correlation between zoning districts and future land use designations
414rather than a county zoning designation *per se*. The Orange County Future Land Use and Zoning
415Correlation is attached to this document as Appendix A.

416

417**c. Present land use characteristics**

418The proposed Town of Preservation, Florida has a diverse mix of rural, residential and
419commercial properties, including affordable housing and a substantial number of vacant
420residential and commercial properties available for future growth (Appendix B). The dominant
421property use is single family residential, followed (in order) by vacant residential, manufactured
422home, vacant home owners' association, non-agricultural acreage, stormwater/retention/drainage,
423vacant commercial, grazing land - improved pasture, waste land, and county-owned parcels.
424Much of the non-conservation area is comprised of large ranches and rural properties with
425houses on one, five and ten-acre lots; the rural settlements of Lake Pickett, Sunflower
426Trail/Seaward Plantation, Corner Lake, and Bithlo; suburban residential communities adjoining

427the University of Central Florida and the Central Florida Research Park; and a strip of
428commercial development along State Road 50 (East Colonial Drive).

429Over one-half of the proposed Town’s area is comprised of conservation areas that protect the
430Econlockhatchee River and its tributaries, which are designed Outstanding Florida Waters –
431“Special Waters” under Section 403.061(27), Florida Statutes. These conservation areas provide
432a conservation corridor along the St. Johns-Econlockhatchee River Mosaic, which is one of The
433Seven Jewels of Central Florida⁴ (Table 2). These conservation areas and surrounding lands
434within the proposed Town are habitat for several species listed as endangered or threatened,
435including the Florida panther, Sherman’s fox squirrel, Florida sandhill crane, wood stork, red-
436cockaded woodpecker, gopher tortoise, eastern indigo snake, Florida pine snake, and many
437others⁵.

438

439**Table 2 Major conservation areas within the proposed Town of**
440**Preservation, Florida**, with their acreage, purchaser and stated purpose for
441protection. Properties highlighted in blue protect resources of the Econlockhatchee
442River, which is designated Outstanding Florida Waters under Section 403.061(27),
443Florida Statutes. Properties highlighted in green are corridors within the St. Johns-
444Econlockhatchee Mosaic, which is one of The Seven Jewels of Central Florida.

Hal Scott Regional Preserve	9,515 acres	Purchased by Orange County and SJRWMD to protect resources of the Econlockhatchee River
Long Branch	163	Purchased by Orange County to add to corridor created by Hal Scott Preserve
Pine Lily Preserve	431	Purchased by Orange County to add to corridor created by Hal Scott Preserve
Sunflower and Vienna properties	>59	Purchased by Orange County to protect the Econlockhatchee River’s floodplain
Nunally and Evans Property	18.5	Purchased by Orange County to protect the Econlockhatchee River’s floodplain
Ken Bosserman Econlockhatchee River Preserve	>132	Purchased by Orange County to protect the Econlockhatchee River’s floodplain

94 Belleville, B. (2005). The St. Johns Mosaic & Econlockhatchee: A Historic River of Lakes. In:
10Naturally Central Florida: Fitting the Pieces Together.

11http://www.myregion.org/clientuploads/pdfs/ncfl_stjohns.pdf, web accessed 30 May, 2018.

125 Florida Fish and Wildlife Conservation Commission. 2017. Florida’s Endangered and
13Threatened Species. <http://myfwc.com/media/1515251/threatened-endangered-species.pdf>,
14web accessed 30 May 2018.

<p>Econlockhatchee Sandhills Conservation Area</p>	<p>706</p>	<p>Purchased by SJRWMD (received \$1M from Orange County) to protect the Econlockhatchee River’s floodplain</p>
---	-------------------	--

445d. Description of development being proposed

446According to information provided by the Orange County Planning Department on July 10,
 4472018, two developments are proposed within the territory: Lake Pickett Center and an "agrihood"
 448known as “The Grow,” which currently is under litigation.

449Development already is underway at Lake Pickett Center (Figure 3), which will include a 296
 450unit apartment, fast food restaurants, 12,500 square feet of commercial retail, a freestanding
 451emergency department affiliated with Florida Hospital, and 81,500 square feet of medical
 452offices. Lake Pickett Center is infill within the Urban Service Area, but will add to traffic
 453congestion at the intersection of Lake Pickett Road and State Road 50 (East Colonial Drive).
 454



455Figure 2. Lake Pickett Center viewed from the south side of State Road 50 (East
 456Colonial Drive) at 5:06 p.m. Monday, August 27. The multi-story apartment complex
 457under construction is the tallest building in the proposed new town. A hospital
 458emergency department, medical offices, retail commercial and fast food restaurants
 459are slated for development in the wooded area east of the apartment complex.

460 Traffic jams that extend from this intersection past the State Route 408 overpass (at
461 far left background) are routine.

462

463The other development is known as “The Grow,” which currently is on hold pending
464adjudication by Florida's Fifth District Court of Appeal (Case No. 5D18-1418 (Simons, et al. v.
465Orange County, Florida, et al.)⁶. If this massive development proceeds, it will add 2,078 homes at
466densities that in some transects have the capacity to exceed 4-6 units per acre, 172,000 square
467feet of commercial development concentrated along State Road 50, and an elementary school in
468the center of the development.

469The accompanying text amendment that permits “The Grow” also includes a northern property
470referred to as Lake Pickett North (“Sustany”). Combined, “The Grow” and “Sustany” comprise
471the Lake Pickett Study Area, which is outside of the urban service area. The Lake Pickett Text
472Amendment permits an average of six homes per acre in the Lake Pickett Study Area. Although
473the conceptual plan for “Sustany” - which includes 1,999 additional units - was not approved, the
474property was not removed from the map amendment. Thus, when the “Sustany” developers
475reapply for a proposed development, they can pursue the densities approved by the Lake Pickett
476Text Amendment. According to an administrative law judge, the proposed projects are urban but
477will be built in the rural service area, thereby contributing to population increase in the rural area
478without extending the urban service line and services associated with urban communities.

479In addition to these two large developments, there is one relevant rezoning report (Reference file
480RZ-18-10-036) within the proposed Town: to rezone A-2 (Farmland Rural District) and C-1
481(Retail Commercial District) to C-1 (Retail Commercial District) for retail uses. This 2.4+ acre
482property is at the southeast corner of South Tanner Road and State Road 50, and is across State
483Road 50 from “The Grow.” The proposed “Colonial Tanner Neighborhood Center” is within the
484boundaries of Sunflower Trail Rural Settlement/Seaward Plantation Estates. At a recent public
485rezoning meeting, local residents were united in opposing this rezoning request, citing concerns
486over safety at this very dangerous intersection (which lacks a stop light), environmental threats to
487the nearby Econlockhatchee River, uncertain plans that do not meet neighborhood needs, and the
488irreversible loss to the rural setting and neighborhood dynamics.

156 Six Orange County citizens filed suit against Orange County for violating our
16Comprehensive Land Use Plan during the Orange County Board of County Commissioner’s
17approval of The Grow. An Administrative Law Judge found (March 2017) in favor of the
18citizens that Orange County violated its own Land Use Plan when approving a text
19amendment that allowed urban development in the rural service area.

489**4. List of public agencies within boundary**

- 490 a. Central Florida Expressway Authority
- 491 b. Central Florida Regional Transportation Authority
- 492 c. Fifth District Court of Appeal
- 493 d. Florida Department of Environmental Protection Central District
- 494 e. Lake Price Municipal Services Taxing Unit
- 495 f. Lynx (public transportation services)
- 496 g. Ninth Judicial Circuit Court
- 497 h. Orange County, Florida
- 498 i. Orange County Court
- 499 j. Orange County Educational Facilities Authority
- 500 k. Orange County Health Facilities Authority
- 501 l. Orange County Housing Finance Authority
- 502 m. Orange County Industrial Development Authority
- 503 n. Orange County Library System (OCLS)
- 504 o. Orange County Public Schools (OCPS)
- 505 p. Orange County Research and Development Authority
- 506 q. Orange Soil and Water Conservation District
- 507 r. Orlando Utilities Commission (OUC)
- 508 s. St. Johns River Water Management District (SJRWMD)
- 509 t. United States Postal Service (USPS)

510

511In addition, a self-imposed Municipal Services Taxing Unit (MSTU) provides aquatic plant and
512management services to Lake Price. Most parcels within the Lake Price MSTU are single family
513residential.

514The proposed incorporation will have no impact on existing special districts or taxing authorities,
515which will continue to provide established services to the area.

5165. List of current services being provided within proposed 517incorporation area

518Most services within the proposed incorporation currently are provided by Orange County. The
519rates and charges for county services to the average residence within the proposed incorporation
520area are reported in the *Orange County, Florida Citizens Annual Financial Report for the Year*
521*Ended September 30, 2016* and are summarized in Table 3. Total annual cost information for
522services currently provided in the area are in Table 4.

523**Table 3 Annual property taxes, other tax levies and charges for selected**
524**county services within the proposed incorporation area.** Property taxes are
525based on the mean home value within the incorporation area (\$183,327 with a
526\$50,000 homestead exemption; property values are from data reported by the
527Orange County Property Appraiser, August 25, 2017). Rates, charges and
528consumption estimates are from *Orange County, Florida Citizens Annual Financial*
529*Report for the Year Ended September 30, 2016*. Public service taxes and water and
530wastewater service are based on 1,000 KW/month for electricity and 10,000 gallons
531per month for water. Gas taxes are based on an average of 1,300 miles per month
532driven at 25 miles per gallon. Sales tax remission is based on an estimated \$1,575
533in purchases per month. Many residences in the proposed incorporation receive
534county water and wastewater service.

Property taxes and other tax levies			
Tax or fee item	Rate	Average annual residential cost - municipal water and sewer	Average annual residential cost - private well and septic
General County Services	4.04 mills	\$533.31	\$533.31
County Capital Projects	0.22 mills	\$29.33	\$29.33
Parks Operations & Improvements	0.17 mills	\$22.67	\$22.67
Fire Rescue	2.24 mills	\$298.65	\$298.65
Law Enforcement (38% of funding)	1.81 mills	\$241.32	\$241.32
Electric Service	10%	\$106.20	\$106.20
Water Service	10%	\$24.24	
Communications Services Tax	4.98%	\$97.44	\$97.44
Local Option Gas Tax	\$0.06/gallon	\$37.44	\$37.44
State Imposed Gas Tax returned to county	\$0.03/gallon	\$18.72	\$18.72
½ cent State Sales Tax remitted to county	0.5%	\$94.50	\$94.50
Charges for selected county services			
Water Service	Based on consumption	\$242.64	
Wastewater Service	Based on	\$616.92	

	consumption		
Garbage, Trash & Recycling	\$200/unit	\$200.00	\$200.00
Retention Pond Maintenance	\$78/lot	\$78.00	
Street Lighting	\$55.46/lot	\$55.46	\$55.46
Total Annual Tax Levies and Service Charges		\$2,696.84	\$1,759.28

535 **Table 4 Estimated total annual cost information for services currently**
536 **provided in the proposed incorporation area.** Millage rates are applied to the
537 total taxable value of \$945,749,911. Water and sewer cost is based on values from
538 Table 3 and is calculated from one-half of the 5,956 parcels likely to have metered
539 water service. The remainder use private wells and septic tanks, whose annual
540 costs are unknown. Street lighting uses the 7,358 parcels in the proposed town as
541 the number of units. Solid waste uses 5,956 parcels likely to have garbage and
542 recycling service (i.e., nonvacant residential, commercial and institutional
543 properties).

Current service	Current service provider	Rate	Total annual cost
Water	Orange County Utilities Administration or private provider	Published by OUC ¹	\$722,582
Sewer	Orange County Utilities Administration or private provider	Published by OUC ¹	\$1,837,188
Water management	St. Johns River Water Management District	0.2562 mills	\$242,301
Solid waste	Contracted by Orange County	\$230/unit	\$1,369,880
Transportation	Orange County	0.3192 mills ²	\$301,883
Public works	Orange County Public Works	0.22 mills	\$208,065
Law enforcement	Orange County Sheriff's Office	1.81 mills	\$1,711,807
Fire and rescue	Orange County Fire Rescue	2.24 mills	\$2,118,480
Planning and Zoning	Orange County Planning Division	0.03602 mills ²	\$34,066
Street lighting	Orange County	\$56.90/unit	\$418,670
Parks and recreation	Orange County Parks and Recreation	0.17 mills	\$160,777
Library and cultural facilities	Orange County Library System	0.3748 mills	\$354,467
Public Schools	Orange County Public School System	7.299 mills ³	\$6,903,029

544¹Monthly rates for customers outside city limits are published at

545 http://www.ouc.com/docs/rates/rates_water_2018.pdf?sfvrsn=4, web accessed

546 September 29, 2018.

547²Millage associated with the division in Orange County’s FY 2017 – 18 budget as of 54803/31/2018.

549³Includes 4.0510 mills by State Law and 3.2480 mills by Local Board.

5506. List of proposed services to be provided within proposed 551incorporation and their estimated cost

552The proposed incorporation will benefit from the economy of scale provided by Orange County 553services whenever possible. Interlocal agreements will ensure that citizens receive services 554commensurate with the revenues they provide, instead of continuing to subsidize other areas of 555the county. For example, few response incidents arise within the Town of Preservation’s 556boundary compared to the rest of Orange County Sheriff Sector 2, which includes all of east 557Orange County: 400,000 permanent residents, the University of Central Florida’s main campus, 558Valencia College, Full Sail University, and the 1 million sq. ft. of retail space at the Waterford 559Lakes shopping area. An interlocal agreement with the Sheriff will provide officers contracted to 560serve the Town of Preservation, thereby greatly reducing response times and increasing service 561provision.

562Another major goal is avoiding increasing *ad valorem* taxes. The proposed Five-Year 563Operational Plan (described in section 8.b below) replaces the current 1.8043 Orange County 564mills with 0.6434 mills for the study period, which would save local citizens 1.1609 mills/year in 565taxes while also increasing service provision. The proposed Town of Preservation will use the 566Gov Lite model to efficiently administer local government, which restrains costs and creates 567further savings for Town residents.

568**Table 5. List of proposed services to be provided within the proposed 569incorporation and their estimated cost.** Current millages are 4.4347 for Orange 570County (General), 2.2437 for Unincorporated County Fire, and 0.3748 for the Library 571- Operating Fund.

Water	Private provider or Orange County Utilities Administration
Sewer	Private provider or Orange County Utilities Administration
Solid waste/landfill	County
Local government	\$1,097,126*
Public Works	County
Library	County
Planning and Code Enforcement	County
Parks and Recreation	County
Building Inspections	County
Sheriff	County
Fire and Rescue	County

572*Declines to \$953,669 in Year 2.

573Ensuring continuity of municipal services is of prime importance to the Town of Preservation, 574Florida. All services currently provided by Orange County will continue to be provided at current

575service levels and at assessed values until such time as the Town, pursuant to its Charter
576(Appendix C), enters into interlocal agreements with Orange County or contract services with
577another provider:

578 “To ensure that there is no discontinuity in the provision, level, or quality of
579 municipal service delivery to the proposed town, and until such time as the town
580 may enter into interlocal agreements with Orange County regarding provision of
581 municipal services, all municipal services currently provided by Orange County
582 shall continue at the service levels existing at the time of municipal incorporation.
583 All federal, state, grant, and other funding sources existing prior to the time the
584 town is incorporated shall continue to be applied in the manner and at the level
585 anticipated and projected by the Orange County budget prior to the incorporation
586 of the town. The future cost and level of municipal services delivery provided to
587 the town by Orange County beyond fiscal year 2019-20 shall be negotiated and
588 determined through an interlocal agreement between the town and appropriate
589 representatives of Orange County.” - Proposed Charter, Town of Preservation,
590 Florida, Section 9.06

591Until citizens vote to incorporate, no legal entity exists that can represent the proposed Town, so
592the exact terms and conditions of interlocal agreements are undetermined at this time.

593**Water and Sewer** – Many residents of the proposed Town of Preservation, Florida receive water
594and sewer services from Orange County Utilities. Current rates include a fixed monthly charge
595by meter size, and volume charges that escalate at the 4,000 gallons per month threshold for
596residential water customers and 11,000 gallons per month threshold for commercial water users.
597The current wastewater rate is \$3.79 per thousand gallons for both residential and commercial
598customers.⁷ Infrastructure availability and economy of scale benefit current Orange County
599Utilities water and sewer customers, and this feasibility plan assumes no change in service
600provision. Service levels and prevailing charges are regulated by the Florida Public Service
601Commission.

602Many other residents have private water wells and septic tanks that are permitted by Orange
603County. Protecting surficial wells that provide irrigation water and deeper wells that provide
604potable water are of great importance to citizens. Long before residents of Flint, Michigan, were
605poisoned by a contaminated water supply, the community of Bithlo, Florida suffered from
606contaminated wells.⁸ Saltwater intrusion also is a concern within the Town’s boundaries.
607Protecting water quality in the Econlockhatchee River is a statutory responsibility and
608community imperative. The Town may qualify for U.S. Department of Agriculture programs that
609enable rural communities to fund maintenance, modernization and construction of water and

207 Water, Wastewater & Reclaimed Water Rates Effective October 1, 2017. Orange County
21Utilities, [https://www.orangecountyfl.net/Portals/0/Library/Water-Garbage-
22Recycle/docs/WaterWastewaterReclaimedWaterRates.pdf](https://www.orangecountyfl.net/Portals/0/Library/Water-Garbage-Recycle/docs/WaterWastewaterReclaimedWaterRates.pdf), web accessed August 28, 2018.
238 Toxic water crisis: A Florida finale of horror or leadership? Where We Stand. Orlando
24Sentinel, July 17, 2016. [http://www.orlandosentinel.com/opinion/os-ed-florida-water-
25disasters-20160717-story.html](http://www.orlandosentinel.com/opinion/os-ed-florida-water-
25disasters-20160717-story.html), web accessed August 28, 2018.

610wastewater systems.⁹ This USDA program is an example of opportunities available to a new
611town that are overlooked by rural settlements, which lack an organized government and technical
612expertise.

613**Solid waste/landfill** – Solid waste contracts established by Orange County include \$200 per unit
614for garbage, trash and recycling. In accordance with s. 10, Art. I of the State Constitution, the
615Town of Preservation, Florida, will honor the existing solid-waste contract for five years or the
616remainder of the contract term, whichever is less. Proximity to the Orange County landfill and to
617local recycling businesses, plus its citizens' strong recycling ethos, may enable the Town to
618negotiate a more favorable contract after statutory limitations expire.

619**Local government** – The Town will have a council-manager form of government, with four
620elected council members plus a mayor. The proposed Town Charter is in Appendix C. In addition
621to these elected officials, the town will have four full-time equivalent (FTE) employees in Year 1:
622a Town Manager, Finance Director, Town Clerk, and hourly employees that are equivalent to one
623full-time position. The cost, including fringe benefits, of the town administration is projected as
624\$495,686 in Year 1 (see Five-Year Operational Plan in Appendix B). In Years 4 & 5, we assume
625that increasing economic development and coordinating municipal services will justify doubling
626the number of hourly employees¹⁰. Administrative costs are reasonable for a municipality with
627the Town's population and assessed market value, and are projected to rise 2% per year with
628inflation.

629The Town plans to contract attorney services and professional planning services. The attorney
630services contract is greater during the Year 1 start-up (\$120,000) than in subsequent years
631(baseline of \$60,000, which increases 2% per year with inflation) to account for developing the
632Town's Comprehensive Plan and other legal documents. Professional planning services has a
633baseline of \$200,000 in Year 1, which also increases 2% per year with inflation. Combined, the
634contracts for attorney services and professional planning services are estimated to be higher
635during Year 1 (\$320,000) than in Years 2-5 (maximum of \$280,158, in Year 5) of the Five-Year
636Operational Plan (Appendix B).

637The Town will rent office space at the relatively low market rates available within its borders.
638Additional costs include utilities, telecommunications, information technology (IT) services,
639equipment and supplies, and insurance. Projected equipment expenditures are highest in the Year
6401 start-up (\$150,000) than in subsequent years (baseline of \$50,000). Costs of rent, utilities,
641telecommunications, IT services, and supplies are projected to increase 2% per year with
642inflation. Combined, these projected expenses total \$281,440 in Year 1, and considerably less in
643subsequent years. Their maximum projected cost is \$195,335, which occurs in Year 5 of the
644Five-Year Operational Plan (Appendix B).

269 USDA Encourages Rural Communities, Water Districts to Apply for Loans to Improve,
27Rebuild Infrastructure; \$4 Billion Available. U.S. Department of Agriculture,
28[https://www.usda.gov/media/press-releases/2018/07/30/usda-encourages-rural-communities-](https://www.usda.gov/media/press-releases/2018/07/30/usda-encourages-rural-communities-water-districts-apply-loans)
29[water-districts-apply-loans](https://www.usda.gov/media/press-releases/2018/07/30/usda-encourages-rural-communities-water-districts-apply-loans), web accessed August 28, 2018.
3010 Hiring a full-time Assistant Town Clerk is another possibility.

645The Town benefits from the efficiency of the council-manager form of government. The total
 646cost of municipal government is projected as \$1,127,126 in Year 1 of the five-year operational
 647plan, and does not exceed that amount even by Year 5.

648**Public Works** – Initially, the intention is for Orange County to continue maintaining roads,
 649bridges, sidewalks, streetlights, and other public works through an interlocal agreement with the
 650Town of Preservation, Florida. Expenditures on public works will be funded through the local
 651option gas tax revenues, which will remain with Orange County. The Town will carefully
 652monitor the return on investment of these revenues, with the goal of achieving residents’ desire
 653for a return to a safe roadway network that no longer has roads graded “F” (Failing).

654**Library** – Currently, library services are provided by the Orange County Library System.
 655Residents within the proposed town are assessed 0.3748 mills to support library operations. The
 656intention is to continue the existing service at the assessed rate through an interlocal agreement.
 657The Town will carefully monitor the return on investment of library revenues, particularly
 658because OCLS currently does not have even a small branch library east of Orange County’s
 659Urban Service Area¹¹.

660**Building Inspections, Planning, and Zoning** – Currently, Orange County provides building
 661inspections, planning and zoning services to unincorporated Orange County. The Town assumes
 662maintaining current levels of service at the assessed rate through an interlocal agreement. The
 663\$2,843,540 expense for building inspections, planning, and zoning, was calculated as follows:

664 Total Orange County Appropriation for Public Safety – Sheriff – Fire/EMS =

665 Building inspections, planning and zoning services

666The total Orange County appropriation of \$669,233,826 for public safety includes Sheriff,
 667Corrections, Law Enforcement Impact Fees, Fire Impact Fees, Fire Rescue Services, Medical
 668Examiner, Emergency Management, Emergency Medical Services, Building, Zoning, and
 669Consumer Fraud. The appropriation for Orange County Sheriff is \$252,053,550 and Fire/EMS is
 670\$203,274,984.

671Thus,

672 \$669,233,826 – \$252,053,550 – \$203,274,984 = \$213,905,292

673which equates to \$162.80 per capita county-wide. Applying the per capita rate to the Town’s
 674estimated population of 17,466 yields an expense of \$2,843,540.¹²

675The Town will augment planning services through a \$200,000 (Year 1; expense increases 2% per
 676year) professional planning services contract. This investment addresses the Town’s objective of
 677allowing orderly patterns of urban growth and land use, to ensure protection of conservation
 678areas and the rural quality of life.

3111 Orange County Library System Locations and Hours. <https://www.ocls.info/location-hours>,
 32web accessed August 28, 2018.

3312 This sum is not subject to rounding error; if multiplied exactly as stated above, the
 34product is \$2,843,464.80.

679**Parks and Recreation** – Orange County currently maintains parks and other recreational venues
680in unincorporated Orange County. The intention is to continue existing services at the assessed
681rate through an interlocal agreement. Estimated expenditures for parks and recreation are based
682on Orange County per capita. The Town will carefully monitor the return on investment of parks
683and recreation revenues, because no county parks are currently located within the proposed Town
684boundaries, except for conservation areas that require little maintenance (aside from cost-
685effective prescribed burning to manage fire-maintained natural communities).

686– Orange County currently conducts in unincorporated Orange County. The intention is to
687continue existing services at the current assessed rate through an interlocal agreement.
688\$2,843,540 for planning, zoning, building inspections

689**Fire and Rescue** – Currently, Orange County provides fire and rescue services to unincorporated
690Orange County. Residents within the proposed town are assessed 2.2437 mills to support fire and
691rescue services. In an e-mail sent on May 1, 2018, David Rathbun, Division Chief of Planning &
692Technical Services for the Orange County Fire Rescue Department, confirmed that the cost for
693Orange County to provide fire protection is projected by applying the current Fire Rescue
694Municipal Service Taxing Unit (MSTU) millage to the sum of taxable value. With this
695contractual model, the town will receive fire and rescue services from the existing fire stations
696currently servicing the area. Fire Stations 65, 80, 82, 83, and 85 currently provide primary fire
697and rescue services to the area. In addition to the contracted amount, citizens transported to a
698hospital will be billed in accordance with the Orange County Fee Directory¹³. New and existing
699businesses will be billed for fire plans review and fire inspection services at rates in the Orange
700County Fee Directory.

701**Sheriff** – Currently, the Orange County Sheriff's Office (OCSO) provides law enforcement in
702unincorporated Orange County. Residents within the proposed town are assessed 1.8043 mills,
703which supports 38% of the OCSO budget (Table 3). The remainder of the OCSO budget is
704supported by the Orange County (General) assessment of 4.4347 mills. The intention is to
705continue law enforcement services at the assessed rate through an interlocal agreement. The
706expectation is that service levels will increase or law enforcement costs will decrease because
707few response incidents arise within the Town of Preservation's boundary compared to the rest of
708Orange County Sheriff Sector 2. Assuring adequate quality and quantity of local public services
709and promoting equity in financing municipal services, including law enforcement, are drivers
710behind citizens' drive to incorporate.

711

3513 Orange County Fire Rescue. Chapter 5 in Orange County Fee Directory, Fiscal Year 2017-
362018. [http://www.orangecountyfl.net/Portals/0/resource%20library/Open
37%20Government/FeeDirectory.pdf](http://www.orangecountyfl.net/Portals/0/resource%20library/Open%20Government/FeeDirectory.pdf), web accessed August 29, 2018.

7127. **Names and addresses of three officers or persons submitting the proposal**

713

Kelly Semrad	3111 Amalfi Drive Orlando, FL 32820	407-233-5375 KellySemradSOC@gmail.com
John Lina	3651 Oriskany Drive Orlando, FL 32820	407-832-4882 Jklina2@gmail.com
Mark Bernhardt	16877 E. Colonial Drive #318 Orlando, FL 32820	407-579-5263

714

7158. Evidence of fiscal capacity and an organizational plan

716a. Existing tax bases, including ad valorem taxable value, utility taxes, sales and use taxes, franchise taxes, license and permit fees, charges for services, fines and forfeitures, and other revenue sources, as appropriate

719The municipality begins with a healthy tax basis, with taxable values of nearly \$1 billion (\$945.8 million) in 2017. The citizens in this proposed municipality could easily expand their revenue capacity. Indeed, economic expansion already is taking place, including development of new housing, a hospital emergency room, medical offices, high-volume restaurants and other commercial development (see Figure 3).

724During the first year of operation, revenue streams typically seen in new local governments will be implemented: utility taxes, communications services taxes, franchise fees, and business tax receipt revenues (see Five-Year Operational Plan, Table 6). These revenue sources, along with state shared revenues, will more than provide for the operations of the community, which is mostly concerned with growth management, preservation of a more bucolic community and ensuring that revenues raised locally are kept local and used to enhance and improve current local services and residents' quality of life.

731**Ad valorem taxable value** – Currently, properties in unincorporated Orange County are assessed 1.8043 mills. The Five-Year Operational Plan requires just 0.6434 mills to generate a balanced budget through Year 5. Citizens of the proposed Town of Preservation, Florida, thus will save 1.1609 mills per year. The proposed 0.6434 town millage rate more is slightly above the 0.5281 mills needed to satisfy the “3 mills test” for participating in state shared revenues. The total millage rate for the proposed area exceeds 4 mills in 2019, so the proposed Town of Preservation, Florida, meets the criteria of being fiscally sound.

738**Municipal revenue sharing** – Section 10.07 of its proposed Charter enables the Town to participate in all shared revenue programs of the state, effective immediately after ratification of the incorporation referendum. Municipal revenue sharing is proportional to the Town's population relative to Orange County.

742**Utility taxes** – The Five-Year Operational Plan includes an electric utility tax, a utility tax on metered gas, and a utility tax on propane. Utility tax estimates are proportional to the Town's population relative to Orange County.

745**Communications services taxes and franchise taxes** – Section 10.09 of its proposed Charter charges the Town with receiving revenues collected within its municipal boundaries from Orange County, including franchise fees and communication services taxes. The formula for determining revenue distribution is based on the Town's projected population of 17,466 residents.

749**Charges for services, and fines and forfeitures** – The Five-Year Operational Plan includes General Fund revenues obtained from charges for services, building permits, and other miscellaneous fees.

752

753b. A Five-Year operational plan that, at a minimum, includes proposed staffing, building acquisition and construction, debt issuance, and budgets

755The Five-Year Operational Plan, which includes proposed staffing and budgets, is in Table 6.
756Due to the fiscally conservative nature of the citizens residing in the proposed area, the proposed
757plan does not include initial building acquisitions. Surplus funds will accrue in a reserve fund
758that is projected to total \$478,531 by the end of the Five-Year Operational Plan.

759Proposed staffing – The Town will have a council-manager form of government, with four
760elected council members plus a mayor (see proposed Town Charter, Appendix C). Citizens feel
761that elected officials should be public servants rather than full-time career politicians, so
762compensation is projected as \$500 per month for town council members and \$7,000 per year for
763the town mayor.

764In addition to elected officials, the town will have four full-time equivalent (FTE) employees in
765Year 1: a Town Manager (\$140,000 annually), Finance Director (a Certified Government Finance
766Officer, CPA, CPFO or similar designation at \$84,000 annually), Town Clerk (\$60,000 annually),
767and hourly employees that are equivalent to one full-time position (\$52,175 per year). In Budget
768Years 4 & 5, increasing economic development and coordinating municipal services are expected
769to justify doubling the number of hourly employees. Fringe benefits are budgeted as 35% of
770annual salaries for the town council, mayor, and town employees.

771Contractual services – The Town will contract attorney services and professional planning
772services (Appendix B). The attorney services contract is greater during the Year 1 start-up
773(\$120,000) than in subsequent years (baseline of \$60,000, which increases 2% per year with
774inflation) for municipal attorney services needed to implement Code of Ordinances,
775Comprehensive Plan, Land Development Regulations, and other legal documents. Professional
776planning services has a baseline of \$200,000 in Year 1, which also increases 2% per year with
777inflation.

778Building acquisition and construction – The Five-Year Operational Plan does not include
779initial building acquisition or construction. Instead, the Town will rent office space within its
780borders at the prevailing market rate.

781Debt issuance – The Five-Year Operational Plan is fiscally conservative and does not include
782debt issuance. Nevertheless, the proposed Town Charter includes a provision for financing initial
783expenses:

784 The town council, in order to provide moneys for the expenses and support of the
785 town, shall have the power to borrow money necessary for the operation of town
786 government until such time as a budget is adopted and revenues are raised in
787 accordance with the provisions of this charter. – Section 10.03 Initial Expenses

788Budgets – The Five-Year Operational Plan is in Table 6. The budget is for five budget years,
789which begin on the first day of October and end on the last day of September. It is self-evident
790that budgets that are balanced or generate surpluses for full budget years will do the same for

791partial budget years, such as the duration between the initial incorporation and the first full
792budget year.

793 **Table 6 Five-Year Operational Plan (See Exhibit A for larger font).** Asterisks
794 denote state shared revenues.

Category	FY2019-20	FY2020-21	FY2021-22	FY2022-23	FY2023-24
Taxes					
Ad Valorem Taxes	\$608,509	\$639,300	\$671,649	\$705,634	\$741,339
State Shared Revenues (*)					
Municipal Revenue Sharing	\$500,971	\$516,301	\$532,100	\$548,382	\$565,162
1/2 Cent Sales Tax	\$2,807,208	\$2,865,036	\$2,924,056	\$2,984,292	\$3,045,768
Local Option Gas Tax	\$0	\$0	\$0	\$0	\$0
Subtotal Intergovernmental Revenue	\$3,308,179	\$3,381,337	\$3,456,156	\$3,532,674	\$3,610,930
Public Service Taxes					
Electric utility tax (*)	\$2,200,000	\$2,245,320	\$2,291,574	\$2,338,780	\$2,386,959
Utility tax metered gas (*)	\$6,000	\$6,072	\$6,145	\$6,219	\$6,293
Utility tax propane (*)	\$30,000	\$32,400	\$34,992	\$37,791	\$40,815
Communication services tax (*)	\$1,100,000	\$1,067,660	\$1,036,271	\$1,005,804	\$976,234
Business tax receipts					
Subtotal Public Service Tax	\$3,336,000	\$3,351,452	\$3,368,981	\$3,388,594	\$3,410,301
Permits, Fees, and Special Assessments					
Electric franchise fee (*)	\$2,000,000	\$2,016,000	\$2,032,128	\$2,048,385	\$2,064,772
Total Charges for service and State Shared Revenues*	\$9,252,688	\$9,388,089	\$9,528,914	\$9,675,287	\$9,827,342
Expenses					
Administration					
Full-time Equivalent (FTE) Positions	4	4	4	5	5
Village Council	\$31,000	\$31,620	\$32,252	\$32,897	\$33,555
Village Manager	\$140,000	\$142,800	\$145,656	\$148,569	\$151,541
Finance Director	\$84,000	\$85,680	\$87,394	\$89,141	\$90,924
Village Clerk	\$60,000	\$61,200	\$62,424	\$63,672	\$64,946
Additional Miscellaneous Staff	\$52,175	\$53,219	\$54,283	\$110,737	\$112,952
Employee Benefits at 35%	\$128,511	\$131,081	\$133,703	\$155,756	\$158,871
Total Compensation	\$495,686	\$505,600	\$515,712	\$600,774	\$612,789
Contract Services					
City Attorney	\$120,000	\$60,000	\$61,200	\$62,424	\$63,672
Rent for Offices about 1,000 sf	\$33,600	\$34,272	\$34,957	\$35,657	\$36,370
Utilities - water, sewer, electric, etc	\$28,000	\$28,560	\$29,131	\$29,714	\$30,308
Communications telephone, internet	\$6,840	\$6,977	\$7,116	\$7,259	\$7,404
Informatin Technology services	\$30,000	\$30,600	\$31,212	\$31,836	\$32,473
Office Supplies	\$15,000	\$15,300	\$15,606	\$15,918	\$16,236
Office equipment	\$150,000	\$50,000	\$51,000	\$52,020	\$53,060
Insurance	\$18,000	\$18,360	\$18,727	\$19,102	\$19,484
Professional Planning Services	\$200,000	\$204,000	\$208,080	\$212,242	\$216,486
Planning, and zoning	\$0	\$0	\$0	\$0	\$0
Building Inspections	\$0	\$0	\$0	\$0	\$0
Code Enforcement	\$200,000	\$204,000	\$208,080	\$212,242	\$216,486
Public Works - streets, sidewalks, street lighting, etc.	County	County	County	County	County
Parks and Recreation	\$530,000	\$540,600	\$551,412	\$562,440	\$573,689
Law Enforcement	\$4,500,000	\$4,590,000	\$4,681,800	\$4,775,436	\$4,870,945
Public Safety less Sheriff & Fire	\$2,843,540	\$2,900,410	\$2,958,419	\$3,017,587	\$3,077,939
Total Operating Expenditures	\$8,674,980	\$8,683,079	\$8,856,741	\$9,033,876	\$9,214,553
Other Expenses					
Reserve for contingency	\$82,022	\$199,410	\$156,461	\$40,638	\$0
Total	\$9,252,688	\$9,388,089	\$9,528,914	\$9,675,287	\$9,827,342
Excess Revenue Over/ (Under) Expenditures	\$0	\$0	\$0	\$0	\$0

795

796

797**9. Data and analysis to support the conclusions that**
 798**incorporation is necessary and financially feasible, including**
 799**population projections and population density calculations,**
 800**and an explanation concerning methodologies used for such**
 801**analysis**

802Basic data and analysis assumptions include:

803**Base Year** - All population, revenue, and expense projections are based on fiscal year FY2016-
 8042017 data. Revenues were estimated cautiously and expenses were calculated generously, to
 805produce a conservative Five-Year Plan. In other words, the Town’s actual budget should yield
 806reserves for contingencies that are higher than expected.

807Revenues and expenses increase with population size and therefore were assumed to continue to
 808grow in trend with past data. This assumption was based on the resurgent economy and housing
 809market trends that are increasing property values and decreasing vacancy rates. Coupled with
 810Florida’s semitropical climate, lack of a state sales tax and low property tax rates, Orange
 811County’s strong tourism, retirement, education, healthcare and defense sectors are likely to
 812sustain economic growth. The challenge will be allowing population and economic growth to
 813continue in a manner consistent with the rural service area designation, while also preserving
 814ecosystem services and the quality of life for residents.

815**Population** – Human population growth has both a numerical and spatial component: population
 816size increases over time while the population simultaneously expands outward from a central and
 817more densely-populated core into peripheral rural lands. Our population estimates therefore
 818assume continued exponential population growth and diffusion from the high-density urban core
 819in downtown Orlando into the proposed incorporation.

820Since 1840, the human population of Orange County has grown exponentially at an average
 821annual rate of 5.567%, as shown in Figure 4. County-wide population growth since 1960 – the

822

823

824

825

826

827

828

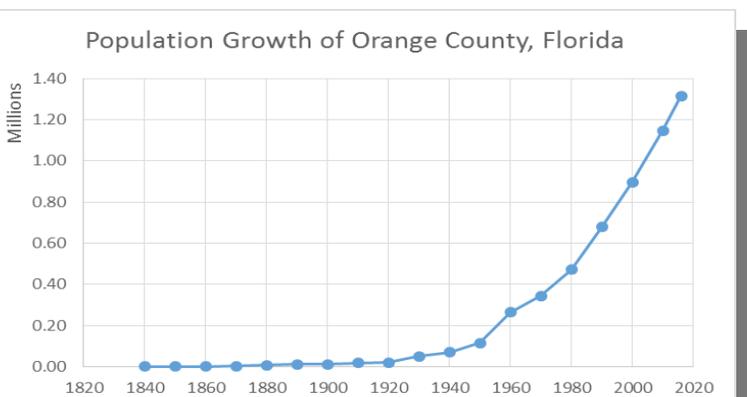
829

830

831

832

833



Disney and UCF era – actually was more moderate, with an annual rate of increase of 2.869%. Since 2000, the average annual population growth rate of Orange County was 2.392%. At this growth rate, Orange County will double its 2016 population of 1,314,367 by the year 2044.

Figure 4. Human population growth in Orange County, Florida, from 1840 - present. Data from Wikipedia; original data

834 Concurrent with population growth, Orange County also became more urbanized. Today, the
 835 county has a 50:50 mix of urban and rural lands. The eastern limit of urbanization is the Urban
 836 Service Area boundary along the Econlockhatchee River, 13.75 miles from the center of
 837 downtown Orlando. Thus, since its incorporation as a city in 1885, Orlando’s urban area
 838 expanded outward at 0.105 miles/year.

839 **Figure 5** shows the pattern of
 840 development in the northern 3/4^{ths} of the
 841 proposed incorporation between 1990
 842 and 2017. Hal Scott Regional Park and
 843 Preserve, which is uninhabited,
 844 comprises most of the proposed
 845 incorporation not shown in this figure.
 846 Most of the remaining undeveloped
 847 land west of the incorporation area is in
 848 wetlands and other conservation areas,
 849 such as the University of Central
 850 Florida’s Arboretum. In contrast, most
 851 undeveloped land in the proposed
 852 incorporation is agricultural or vacant
 853 residential.

854 Population growth in the proposed
 855 incorporation is influenced by sprawl in
 856 the Urban Service Area west of the
 857 Econlockhatchee River, which includes
 858 the zip codes 32826 and 32828. In
 859 contrast, population growth in the Rural
 860 Service Area east of the
 861 Econlockhatchee River is largely determined by growth within Rural Settlements (Lake Pickett,
 862 Sunflower Trail, Bithlo, Corner Lake) and development grandfathered into the current
 863 Comprehensive Plan. These areas are largely in zip codes 32820 and 32833. Since 2000,
 864 population growth rates in these four zip codes averaged $5.099\% \pm 1.1523\%$ SE per year, as
 865 shown in Table 7. At these rates of population growth, the Town’s population is projected to
 866 double in size within 10 – 33 years, as shown in Table 7. Growth of this magnitude will double
 867 the Town’s population density from its current 1.9 persons/acre outside of the conservation areas
 868 (0.863 persons/acre based on total area) to 3.8 persons/acre outside of the conservation areas
 869 (1.726 persons/acre based on total area).

870

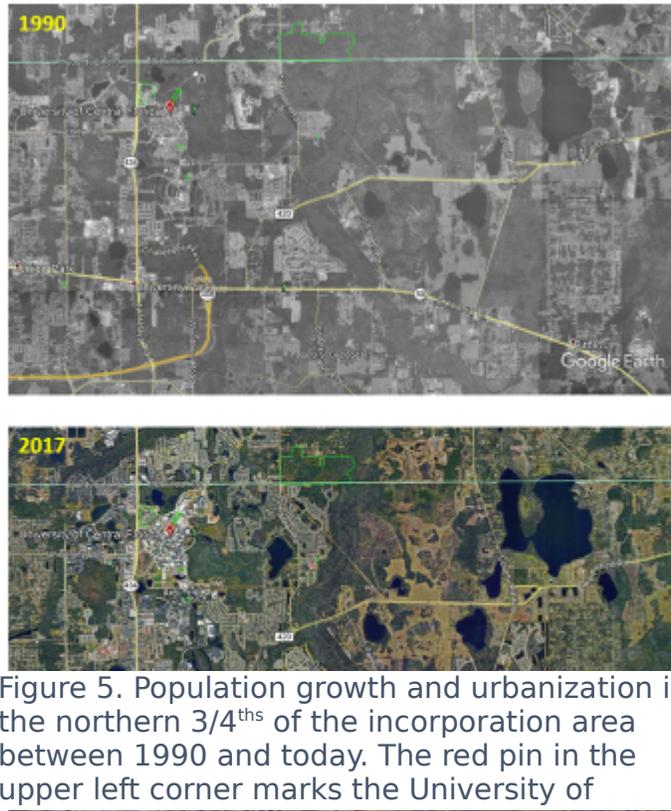


Figure 5. Population growth and urbanization in the northern 3/4^{ths} of the incorporation area between 1990 and today. The red pin in the upper left corner marks the University of

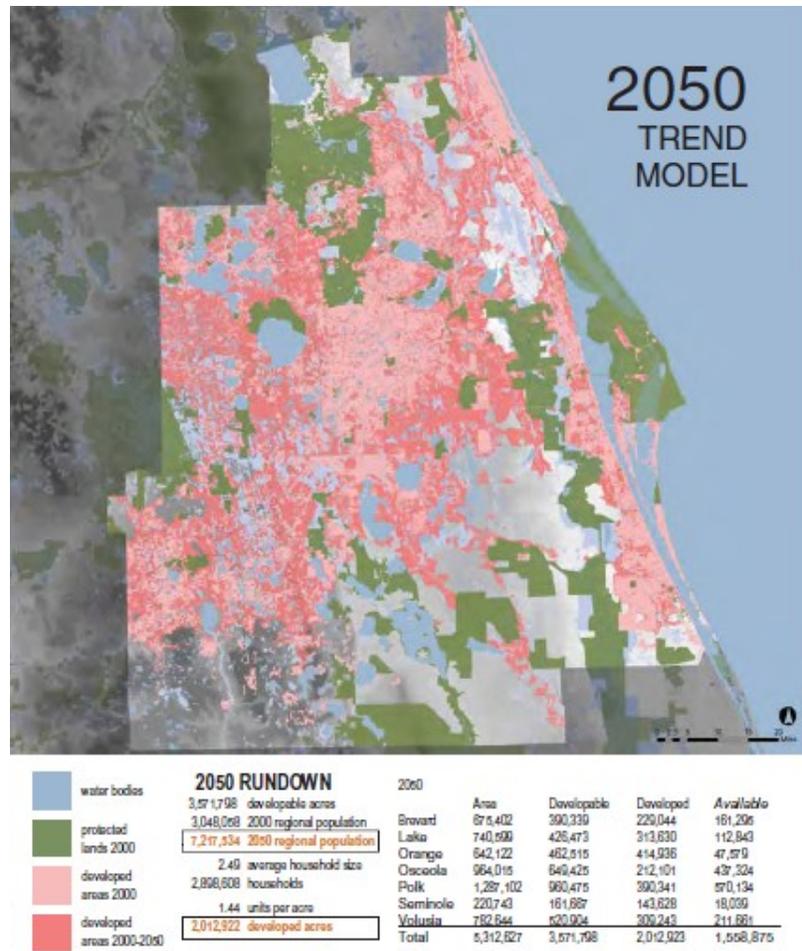
871 **Table 7 Intrinsic rate of population increase (r) in zip codes within the**
 872 **proposed incorporation, 1990 - 2016.** Data from US Census Bureau Profile of
 873 General Demographic Characteristics: 2000 and US Census Bureau 2015 American
 874 Community Survey.

Zip Code	Area Name	Population in 2000	Population in 2015	Average annual rate of exponential population growth (r)	Time required for population to double in size (years)
32826	Alafaya	24,253	33,249	2.103%	32.96
32828	University	22,301	61,636	6.777%	10.23
32820	Bithlo	3,007	8,641	7.037%	9.85
32833	Wedgfield	5,092	9,968	4.478%	15.48

875

876 All areas within the proposed incorporation
 877 except Alafaya had an average population
 878 growth rate much higher than the Orange
 879 County average of 2.392%, consistent with
 880 the definition of urban sprawl. Under
 881 sprawl-type development, an average annual
 882 population growth rate of 5% is realistic
 883 within the proposed incorporation. Indeed,
 884 many population growth projections for
 885 east-central Florida show complete build-out
 886 to the St. Johns River floodplain by the year
 887 2050 if current trends continue, as shown in
 888 Figure 6. Thus, the 2% annual population
 889 growth estimate used in our calculations is
 890 very conservative. If “The Grow” and
 891 “Sustany” are approved and built, these two
 892 developments alone will contribute nearly
 893 9,000 new town residents.

894 The Town of Preservation’s population was
 895 determined based on the number and type of
 896 residential units. Except for the Fairways
 897 55+ Active Living Community, in which the
 898 persons per unit used was 2.0, living units
 899 used 2.3 persons per residence to calculate
 900 the population for the new city. Appendix B
 901 shows the type and number of residential



35 Figure 6. Current trends show urbanization spreading to the St. Johns River floodplain by 2050. Figure is from page 41 of “Alternative Futures for the Seven County Orlando Region 2005 - 2050” by the University of Pennsylvania. http://www.myregion.org/clientuploads/pdfs/pennदेशi gn_web%207.0.pdf

902units located within the geographic area that calculates a population of 17,466. The proposed
903Town of Preservation would have approximately 1.3% of the entire Orange County population. It
904is anticipated that population growth will be more restrained once the area becomes incorporated.
905Therefore, a 2.0% growth rate is anticipated during the planning period.

906**C. Total Taxable Value**

907The total taxable property value of \$945,749,911 is the sum of Taxable Value reported for the
908proposed incorporation area by the Orange County Property Appraiser, May 19, 2018. Taxable
909Value is Column AH in the Orange County Property Appraiser's 204s ASCII File Record
910Layout.¹⁴

911**Inflation** - Unless otherwise specified, expenditures used a 2.0% inflation rate based on the
912Southeast United States Consumer Price Index (CPI) over a five-year period. Specifically, this
913was based on the CPI average during 2013 - 2018 being 1.38; however, in an abundance of
914caution the analysis used a per annum rate of 2.0%, which is the Federal Reserve's inflation
915target.¹⁵ The exact inflation factor cannot be predicted for the five years covered by the included
916operational plan.

917

918**Revenue Projection Methods and Assumptions:**

919**Projection Methods** – Conservative methods were used to estimate the revenues expected to
920accrue to the Town of Preservation. First, the community expressed the desire for minimal
921government with associated minimal incremental taxes. The new Town also will benefit from
922the economy of scale provided by utilizing county based services whenever possible.
923Consequently, expenditures for services will be managed carefully so that the current *ad valorem*
924millage of 1.8043 will not increase.

925To use conservative financial estimates, this study began with a 2.0% per year growth rate for
926revenue estimates given the historical information available. Whenever rates are applied to the
927revenue and expense sides of the budget, any actual deviations tend to be self-correcting. This
928methodology is conservative and as such contributes to the financial feasibility of the
929incorporation.

930More specific estimates were then generated for projected growth of revenue sources, to reflect
931market realities.

932**Intergovernmental Revenue** – In line with recent trends, Municipal Revenue Sharing was
933projected to increase 3.06% annually and the 1/2 Cent Sales Tax was projected to increase 2.06%
934annually. The Local Option Gas Tax was assumed to remain with Orange County.

3814 Orange County Property Appraiser File Layout - Number PARBA204S

39<https://www.ocpaf.org/Content/Dynamic/File.dynamic/FID/149898/>, web accessed August 30,
402018.

4115 Why does the Federal Reserve aim for 2 percent inflation over time? Board of Governors
42of the Federal Reserve System, 2018.

43https://www.federalreserve.gov/faqs/economy_14400.htm , web accessed August 30, 2018.

935**Public Service Taxes** – Based on recent trends in Orange County, the Electric utility tax was
 936projected to increase 2.06% annually and the Utility tax for metered gas was projected to
 937increase 1.2% annually. The latter is a miniscule portion of the budget. The Utility tax for
 938propane was projected to increase 8% annually, as more new homes and businesses are built that
 939use propane for space and water heating, and for cooking. Propane use is especially common in
 940rural areas. The Communication services tax is imposed on each sale of communications
 941services, including mobile communications, telephone, cable and satellite television, video and
 942music streaming, and similar services. The Five-Year Operational Plan assumes that revenue
 943collected from the communication services tax will continue a decades-long trend and decline
 9443% annually. The decline arises from consumers using cellular phones as their only telephone
 945(i.e., consumers no longer have landline telephones), decreased purchase of cable and satellite
 946television in favor of streaming services like Hulu, Netflix, and Sling TV, enhanced competition
 947and reduced pricing from service providers, and other market trends.

948**Electric franchise fee** – Electric franchise fees are revenues collected from a utility for the right
 949to use rights-of-way within the proposed town for facilities such as poles and wires. To maintain
 950nearly stable rates for fees passed down to customers in the proposed Town, the electric franchise
 951fee was projected to increase just 0.08% annually.

952As shown in Table 6, the General Fund revenue without additional *ad valorem* taxes but
 953including the more traditional municipal revenue streams (such as utility taxes, franchise fees,
 954and business tax receipts) is more than sufficient to cover projected expenditures during the five
 955year planning period. Additionally, expenditures covered by these revenues provide for funding
 956an *ad valorem* stabilization reserve that can be used instead of increasing *ad valorem* taxes. As
 957stated above and consistent with planning objectives, revenues from *ad valorem* taxes are needed
 958during the study period but at a nominal rate that is less than the 1.8043 millage rate currently
 959used by Orange County. A result of this decision is that the Town of Preservation will not be
 960considered a “full service” city at the end of the study period; however, this outcome is
 961consistent with community objectives.

962**General Fund and Special Revenues** – For the Five-Year Operational Plan, only
 963General Fund revenues and expenses will be addressed. General Fund revenues are those
 964obtained from *ad valorem* taxes, state/county shared revenues, building permits, charges for
 965services, and other miscellaneous fees collected.

966**Franchise Fees and Other Taxes** – A fundamental position preferred by the community
 967based on input obtained in Town Hall meetings and at community events is that the incorporation
 968should not increase the *ad valorem* tax burden borne by property owners, residents and local
 969businesses. Therefore, to determine feasibility, franchise fees, utility taxes, and business tax
 970receipts are included as a revenue source.

971**State Shared Revenue** - Total state shared revenues were generated by the Florida
 972Department of Revenue based on current information from the Orange County Property
 973Appraiser’s Office for the 2018 fiscal year and the population estimate.

974Florida Statutes 218.23 requires local governments

975 (1) To be eligible to participate in revenue sharing beyond the minimum
 976 entitlement in any fiscal year, a unit of local government is required to have:

977 (a) Reported its finances for its most recently completed fiscal year to the
 978 Department of Financial Services, pursuant to s. 218.32.

979 (b) Made provisions for annual post audits of its financial accounts in
 980 accordance with provisions of law.

981 (c) Levied, as shown on its most recent financial report pursuant to s. 218.32, ad
 982 valorem taxes, exclusive of taxes levied for debt service or other special millages
 983 authorized by the voters, to produce the revenue equivalent to a millage rate of 3
 984 mills on the dollar based on the 1973 taxable values as certified by the property
 985 appraiser pursuant to s. 193.122(2) or, in order to produce revenue equivalent to
 986 that which would otherwise be produced by such 3-mill ad valorem tax, to have
 987 received a remittance from the county pursuant to s. 125.01(6)(a), collected an
 988 occupational license tax or a utility tax, levied an ad valorem tax, or received
 989 revenue from any combination of these four sources. If a new municipality is
 990 incorporated, the provisions of this paragraph shall apply to the taxable values for
 991 the year of incorporation as certified by the property appraiser. This paragraph
 992 requires only a minimum amount of revenue to be raised from the ad valorem tax,
 993 the occupational license tax, and the utility tax. It does not require a minimum
 994 millage rate.

995The purpose of the “3 mill test” is to demonstrate that a municipality is fiscally sound over time
 996and that local constituents are paying a significant part of the expense for providing ongoing
 997essential services.

998Two special districts provide services specifically to unincorporated areas of Orange County.
 999One special district provides fire department services (2.2437 mills) while the tax equalization
 1000(1.8043 mills) is the second special district, which was established to provide a methodology to
 1001equalize tax efforts in unincorporated Orange County. Each of these special districts has its own
 1002separate millage paid by the new city’s residents for these services. The threshold for qualifying
 1003for State Shared Revenues is an equivalent 3 mills for the municipality seeking to receive a share
 1004of these state revenues. In 2018, the property owners in the proposed city paid the following
 1005millage rates for the two services described above:

- | | | |
|------|-----------------------------------|--------------|
| 1006 | 1. Unincorporated County Fire | 2.2347 mills |
| 1007 | 2. Unincorporated Taxing District | 1.8043 mills |

1008The total millage rate for the proposed area exceeds 4 mills in 2018, thus meeting criteria of
 1009being fiscally sound.

1010 **Expense Methods and Assumptions:**

1011 Expenses for the Town of Preservation were computed for the General Fund budget only. As
 1012 with the revenue estimates, special revenue funds and enterprise funds were not included.
 1013 Expense projections for the first five fiscal years appear in Table 6.

1014 General Fund expenses are those of general governmental operation including administrative
 1015 services, contract services, public works, development services, parks and recreation, police and
 1016 fire services, and solid waste removal and storage. Assuming the county and the new
 1017 incorporated area can agree, many of these services will continue to be provided by Orange
 1018 County, and fire services will also continue to be provided by the county. All expenses were
 1019 projected to increase 2% annually with inflation, which is the long-term average inflation rate
 1020 and the target used by the US Federal Reserve.

1021 Expenses were developed using data from prevailing wage rates, triangulations of current service
 1022 costs, and triangulations of current lease rates for similar spaces. To develop reasonable
 1023 projections for these expenses, several Florida cities were chosen for analysis including the City
 1024 of Maitland (a neighbor of the proposed community) and the Village of Estero, located in Lee
 1025 County. Other cities from around the State of Florida also were used to help derive expenses for
 1026 the new municipality.

1027 While comparable cities vary in size and levels of service, the service categories are valid
 1028 benchmarks to evaluate feasibility. The Town of Preservation is a unique area. The projections
 1029 become more accurate when they are weighted to account for intangibles such as economies of
 1030 scale, subtle differences in location, and differences in the resident populations. It was further
 1031 established that the Town of Preservation would limit its indebtedness in the first five years of
 1032 existence, to alleviate potential issues that arise from communities operating with deficits early
 1033 on.

1034 Finally, provision was included in the expense projection for a contingency reserve. This can be
 1035 managed by the governing council to help deal with emergency-level funding needs or as
 1036 matching funds for infrastructure improvement grants. Infrastructure improvement funds will
 1037 augment the maintenance and improvement services provided by Orange County via an
 1038 interlocal agreement covering Public Works and Parks and Recreation. This is an area that the
 1039 community strongly believes should be a high priority for the new municipality. Rapid growth
 1040 over the last decade put extreme strain on the existing infrastructure. Under the control of the
 1041 new, locally-focused Town Council, real prioritized progress can be made in this important
 1042 aspect of the community.

1043 **10. Evaluation of the alternatives available to the area to**
 1044 **address its policy concerns**

1045 Five alternatives are available to address the area’s policy concerns:

- 1046 1. Maintain the status quo and remain in unincorporated Orange County
- 1047 2. Incorporate the new Town of Preservation, Florida
- 1048 3. Merge with like-minded areas of rural eastern Seminole County to form a new county
- 1049 4. Create a Municipal Service Taxing Unit (MSTU)

1050 5. Create a Special District

1051 Self-governance is a primary citizen concern, and neither a MSTU nor a Special District
 1052 provides the desired level of local governance. Therefore, Alternative 4 and Alternative 5 are not
 1053 viable and are not considered further.

1054 We used a goals matrix to assess how well Alternatives 1-3 meet the underlying reasons for a
 1055 border change. In addition to the five criteria recognized by the Legislature (see Section 2), we
 1056 included feasibility and timeliness. The results shown in Table 8 demonstrate that Alternative 2 -
 1057 Incorporate the new Town of Preservation, Florida is the optimal solution.

1058 **Alternative 1: Remain in Unincorporated Orange County** - Maintaining *status quo* is
 1059 undesirable because it continues decades-long patterns of lack of representation; exporting taxes
 1060 to support other, more densely-populated areas within Orange County; continued urban sprawl;
 1061 traffic gridlock; and usurping and degrading conservation areas that provide vital ecosystem
 1062 services. Flood control and hydrologic cycling are important components within the proposed
 1063 Town of Preservation, Florida, which mainly lies in a water discharge rather than a recharge area.
 1064 In other words, water flows out to the area, making flooding a major concern. Protecting the
 1065 Econlockhatchee River and its tributaries from urban sprawl and permitting the river and its
 1066 associated wetlands to serve as storm water and floodwater reservoirs is the major reason so
 1067 many conservation areas were purchased in this region (Table 2).

1068 **Alternative 2: Incorporate** - Home rule through the Town of Preservation, Florida is timely,
 1069 feasible and desirable, as this study demonstrates. The proposed town meets the statutory
 1070 requirements of a municipality and has a strong balance sheet, including a balanced budget and
 1071 large annual reserves, without the need for increasing *ad valorem* taxes or incurring initial debt.
 1072 Additional financial strength will come as the Town contracts for services, negotiates interlocal
 1073 agreements that provide equitable returns on its revenues. applies for grants to support new
 1074 initiatives, and encourages sustainable growth that emphasizes quality of life. The Town
 1075 anticipates being a model for other communities in east Orange County, and is open to future
 1076 expansion if neighbors in adjoining communities wish to be included.

1077 **Create a new county** - A third alternative has been mentioned by residents of rural eastern
 1078 Seminole County, which is facing the same threats from urban sprawl: join with the portion of
 1079 Orange County east of the Econlockhatchee River to form an independent county. A new county
 1080 has not been formed in Florida since 1925¹⁶, and even today, all but two of Florida's county seats
 1081 are municipalities. Forming a new county would be a lengthy and time-consuming process and is
 1082 not feasible at this time. Therefore, the best option for addressing policy concerns facing area
 1083 residents is incorporating the Town of Preservation, Florida.

1084

1085 Table 8. Goals matrix for evaluating alternatives to address policy concerns.

Objective	Remain unincorporat	Incorporate	Form new county
-----------	---------------------	-------------	-----------------

4416 In 1925, Gilchrist County formed from a portion of Alachua County.

	ed		
Allow orderly patterns of urban growth and land use			
Assure adequate quality and quantity of local public services			
Ensure financial integrity of municipalities			
Eliminate or reduce avoidable and undesirable differentials in fiscal capacity among neighboring local governmental jurisdictions			
Promote equity in the financing of municipal services			
Feasibility			Unknown
Timeliness			

1086

1087**11. Evidence that the proposed municipality meets** 1088**requirements for incorporation**

1089 Incorporation of the Town of Preservation, Florida will create a new municipality and
1090does not merge existing municipalities. This section shows that the proposed municipality meets
1091the six standards for incorporation of a municipality *de novo*. The standards are presented in the
1092same order that they appear in 165.061(a)-(f) Fla. Stat. (2018).

1093

1094(a) **It must be compact and contiguous and amenable to separate municipal government**

1095The proposed Town of Preservation, Florida is as compact as existing Orange County
1096municipalities, is contiguous and has no enclaves (Figure 7). The Town's boundary was drawn to
1097include rural settlements and neighborhoods with the strongest and most consistent support for
1098the incorporation effort, as reflected in town meetings, heat maps of signed petitions (Fig. 8),

1099Including Hal Scott Regional Park and Preserve, Pine Lily Preserve, Long Branch Preserve and
1100the other conservation areas within the new Town's borders is vital for securing exceptionally
1101valuable ecosystem services and preserving the Town's quality of life. The economic value of the
1102provisioning, regulating, supporting, and cultural services provided by the proposed Town's
1103conservation areas rivals its taxable property value. For example, the value of the Town's
1104conservation areas for floodplain protection is about \$55 million, and their value for nitrogen
1105removal (at wastewater treatment plant rates) exceeds \$900 million.¹⁷

1106While Hal Scott Regional Park and Preserve, Pine Lily Preserve, and Long Branch Preserve
1107currently are under other governmental control, that may not be the case in the future. Land
1108swaps often happen; shortly after Econlockhatchee Sandhills Conservation Area was obtained, it
1109was offered to the University of Central Florida as a field station. The deal was not
1110consummated, but decades after universities acquire such properties, they sometimes sell them
1111during financial crises. Government-owned conservation lands also can be designated as surplus
1112and then sold, and local residents have been outraged by efforts to route expressways through
1113conservation lands (e.g., Split Oak Preserve¹⁸) that were acquired to mitigate previous
1114development.

1115The proposed town is amenable to a separate government, as demonstrated by the >10,000
1116signed petitions supporting Save Orange County, Inc. and other grass root organizations'
1117initiatives to preserve the area from high density development, increase the responsiveness of

45¹⁷ Calculated on a per-acre basis using economic valuations reported in Hackney, C., editor.
46(2015) St. Johns River Economic Study, Report submitted to the St. Johns River Water
47Management District

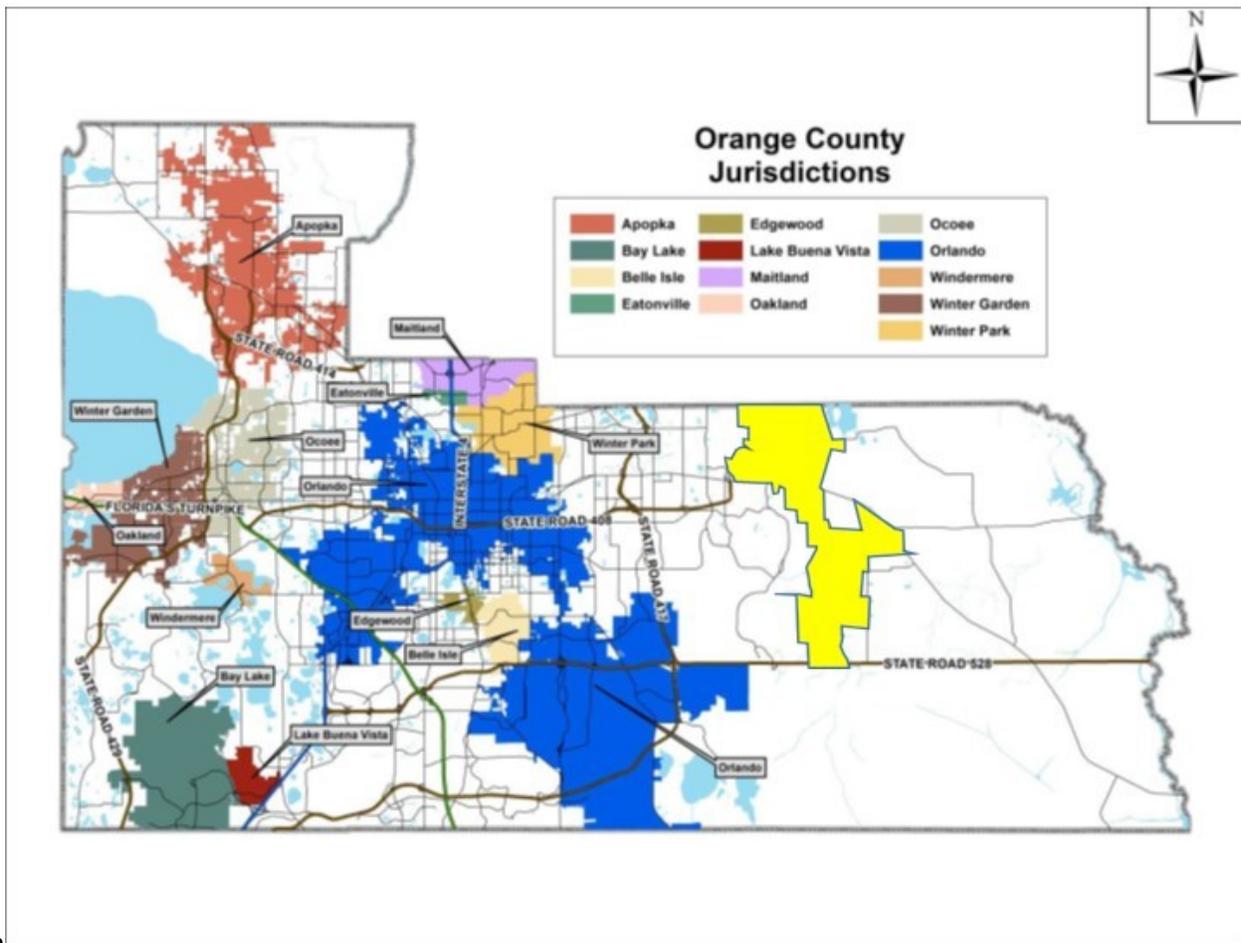
48under contract #27884.

49https://www.sjrwmd.com/static/waterways/St._Johns_River_Economic_Study.pdf, web
50accessed 29 September, 2018.

51¹⁸ Spear, K. (2018). Central Florida toll roads proposed for Bithlo and Split Oak Forest draw
52public scorn. Orlando Sentinel, June 29, 2018.

53[https://www.orlandosentinel.com/news/transportation/os-expressway-authority-road-outcry-](https://www.orlandosentinel.com/news/transportation/os-expressway-authority-road-outcry-20180629-story.html)
5420180629-story.html, web accessed 29 September, 2018.

1118 local government to its constituents, and advocate for tax dollars to remain local in support of
 1119 sorely needed services. The town encompasses areas where residents expressed the strongest and
 1120 most consistent support for orderly patterns of urban growth and land use, and for exploring the
 1121 feasibility of incorporation (Figure 8). Other rural settlements may wish to pursue annexation in
 1122 the future. For example, many Wedgefield residents were interested in incorporation (see Figure
 1123 8) but others were concerned that creating a new municipality could delay Orange County's
 1124 anticipated purchase of Pluris Wedgefield, Inc., the neighborhood's water company that is
 1125 criticized for having high rates and low quality of service.¹⁹ Similarly, areas adjoining the
 1126 proposed town's northeast boundary may desire annexation once more residents experience their
 1127 Town of Preservation neighbors benefitting from better services and a lower ad valorem tax rate.

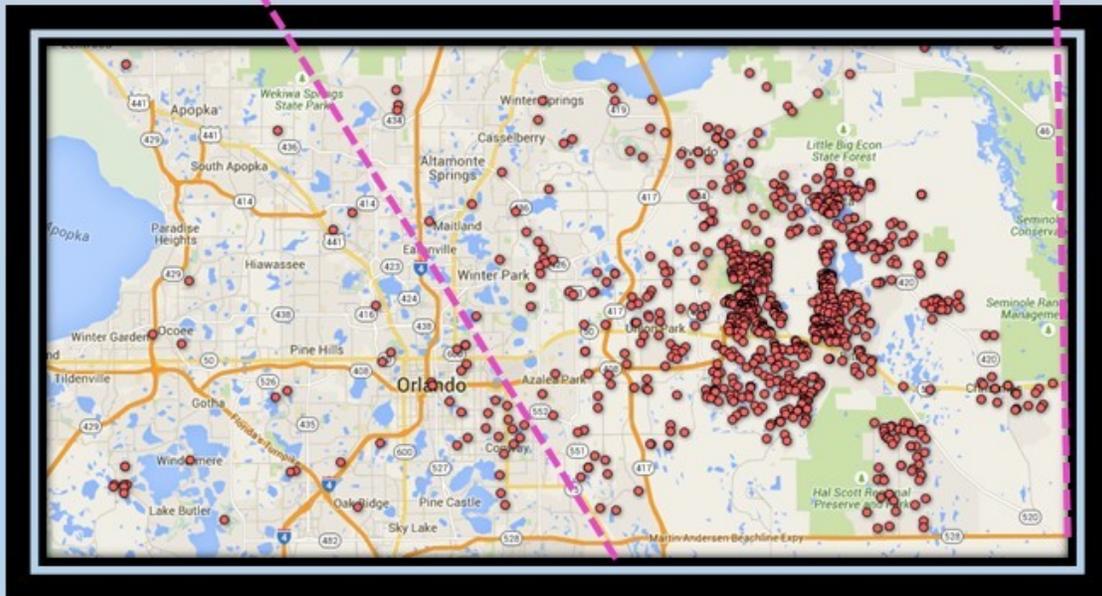


1128

1129

1130 **Figure 7 Proposed Town of Preservation, Florida** (yellow polygon) superimposed on the
 1131 map of existing Orange County municipalities. The nearest existing municipality is
 1132 the City of Orlando, which is the highly irregular, bright blue polygon. The City of
 1133 Maitland, which has a similar population size, is the lavender polygon. Figure

5519 Wedgefield Water Worries Prompt County Proposal to Take Over Utility. Orlando Sentinel,
 56 Nov 17, 2016. <https://www.orlandosentinel.com/news/orange/os-wedgefield-fights-pluris-57water-20161117-story.html>, web accessed 29 September 2018.



1134modified from Orange County Planning and Zoning Quick Reference Guide - July 11352018, page 3..

1136**Figure 8 Heat maps of residents who expressed interest in the creation of**
 1137**new town**

1138 **Figure 8 Home addresses of residents who signed a petition of interest for**
1139 **this feasibility study** (Top) Residents often wanted to read the feasibility study
1140 before deciding if they were interested, which created a conundrum, because the
1141 boundary had to be known to generate population and revenue estimates. The town
1142 boundary therefore was drawn to include neighborhoods with the strongest and
1143 most consistent support for the incorporation effort. (Bottom) Home addresses of
1144 residents who signed petitions opposing development of urban densities outside
1145 Orange County’s Urban Service Area (i.e., the Lake Pickett amendments). Additional
1146 petitions were signed by residents outside the map areas.

1147

1148 The entire town shares attributes that make it amenable to a separate municipal government,
1149 including a limited number of land use designations, a diverse mixture of single unit housing,
1150 and proximity to conservation lands and the Econlockhatchee River. The proposed Town is
1151 comprised of just eighteen land use designations, which are dominated by rural designations,
1152 conservation, preservation, and low density residential (Table 1). Many residences have private
1153 wells and septic systems, are on streets without curbs, storm sewers or retention ponds, and
1154 retain native trees and grasses. The “country” feel extends on both sides of State Road 50,
1155 including Sunflower Trail/Seaward Plantation Rural Settlement and the portion of Bithlo Rural
1156 Settlement south of this major transportation corridor, as well as within the “triangle” formed by
1157 State Road 50 and State Road 520.

1158 These common attributes have ramifications for government services. For example, roadside
1159 swales and infiltration decrease the need for expensive public works projects like curbside
1160 gutters, storm sewers and retention ponds, but require greater attention to minimizing
1161 impermeable surfaces and mitigating flood risk. Proximity to the Econlockhatchee River and
1162 high-value conservation areas is cherished by many residents, but requires education and
1163 planning to allow management actions like prescribed burning and to reduce negative wildlife-
1164 human interactions. For instance, the increasing black bear population²⁰ may soon require use of
1165 bear-proof trashcans in some neighborhoods. Residents value outdoor activity and would use
1166 sidewalks and bicycle trails for both recreation and transportation, but few sidewalks exist
1167 outside newer communities. Bicycle trails are nonexistent east of Alafaya Trail and major roads
1168 within the proposed Town lack bike lanes. Consequently, pedestrian and bicyclist fatalities occur
1169 along State Road 50. Responding to these challenges ultimately requires sound, predictable
1170 growth and land use, assuring adequate quality and quantity of local public services, and being
1171 responsive to local needs.

1172

1173 **(b) It must have a total population of at least 5,000**

1174 The proposed Town of Preservation, Florida has an estimated population of 17,466, which is
1175 comparable to the City of Maitland (17,463; yellow polygon in Figure 7).

5820 A video of the resident bear on UCF’s campus is at
59 <https://www.facebook.com/UCFARBORETUM/videos/florida-black-bear/10154046427350661/>

1176

1177(c) **It must have an average population density of at least 1.5 persons per acre or have**
 1178**extraordinary conditions requiring the establishment of a municipal corporation with less**
 1179**existing density**

1180The proposed town has a total area of 20,237.62 acres, which yields an average population
 1181density of 0.863 persons per acre:

1182 $17,466 \text{ persons} \div 20,237.62 \text{ acres} = 0.863 \text{ persons per acre}$

1183This density is below the minimum density requirement of 1.5 persons per acre. However, the
 1184proposed Town of Preservation, Florida has extraordinary conditions that merit waiving this
 1185requirement.

- 1186 1. The proposed town includes >11,024.5 acres of uninhabited conservation areas (Table
 1187 1). The remaining 9,213.12 habitable acres have an average population density of 1.9
 1188 persons/acre:

1189 $17,466 \text{ persons} \div 9,213.12 \text{ habitable acres} = 1.9 \text{ persons per habitable acre}$

1190
 1191
 1192 Additional restrictions imposed by the Econlockhatchee River Protection Ordinance
 1193 (Ord. No. 91-29, § 2(Exh. A), 12-10-91)), including the 1,100 foot buffer upland of
 1194 the river’s channel and 550 feet from its tributaries, makes the functional population
 1195 density well in excess of 2.0 persons per acre.

- 1196
 1197 2. Over the past twenty years, the area has experienced rapid population growth that
 1198 exceeded 5.0% annually. At that rate, the population will double in fourteen years and
 1199 exceed the minimum density requirement for its entire acreage - conservation areas
 1200 included - in eleven years. The time required for the Town to reach the minimum
 1201 density requirement of 1.5 persons per acre under different growth scenarios is
 1202 presented in Table 10. Under all scenarios, the Town’s population density will exceed
 1203 1.5 persons per acre in one to three decades. Clearly, future growth in population and
 1204 revenues will allow the density threshold to be exceeded in the near future.

1205Therefore, similar to other recent incorporations, the Town of Preservation, Florida will need and
 1206request a waiver of the 1.5 persons per acre requirement.

1207

1208**Table 10. Projected time for the proposed Town of Preservation, Florida to**
 1209**meet the minimum density requirement of 1.5 persons per acre.** If
 1210conservation areas are excluded from the area calculation, the Town already
 1211exceeds the required population density.

Populatio n growth rate	Rationale	Time to reach minimum density ¹	Year minimum density attained
-------------------------------	-----------	---	----------------------------------

2.000%	Conservative estimate used in budget calculations	27.6 years	2045
2.392%	Orange County rate since the Year 2000	23.1 years	2041
2.869%	Orange County rate in the post-Disney/UCF era	19.3	2037
5.099%	Zip codes within the proposed town	10.8	2028
5.567%	Orange County since inception	9.9	2027

1212¹Calculated using the formula for exponential population growth $N_t = N_0e^{rt}$, where N_t
 1213is the population size when population density averages 1.5 persons per acre, N_0 is
 1214the current population size (17,466), e is the base of natural logarithms, r is the rate
 1215of population increase, and t is the time required to reach the target population size
 1216of 30,356 persons (1.5 persons per acre x 20,237.62 acres = 30,356 persons).

1217

1218(d) **It must have a minimum distance of any part of the area proposed for incorporation**
 1219**from the boundaries of an existing municipality within the county of at least 2 miles.**

1220As shown in Figure 7, the nearest existing municipality is the City of Orlando, which is 2.8 miles
 1221away at its nearest point along State Road 528.

1222

1223(e) **It must have a proposed municipal charter which:**

1224 **1. Prescribes the form of government and clearly defines the responsibility for**
 1225**legislative and executive functions.**

1226The Town of Preservation, Florida will use the Gov Lite model of municipal government, with
 1227an elected mayor and four town council members elected at large. The proposed municipal
 1228charter is attached as Appendix C.

1229

1230 **2. Does not prohibit the legislative body of the municipality from exercising its**
 1231**powers to levy any tax authorized by the Constitution or general law.**

1232The municipal charter (Appendix C) does not prohibit the mayor and council members from
 1233exercising their powers to levy any tax authorized by the Constitution or general law.

1234

1235(f) **In accordance with s. 10, Art. I of the State Constitution, the plan for incorporation**
 1236**must honor existing solid-waste contracts in the affected geographic area subject to**
 1237**incorporation. However, the plan for incorporation may provide for existing contracts for**
 1238**solid-waste-collection services to be honored only for 5 years or the remainder of the**
 1239**contract term, whichever is less . . .**

1240The proposed Town of Preservation, Florida will honor existing solid-waste contracts for five
1241years or the remainder of the contract term, whichever is less. The Town may benefit from
1242economy of scale by continuing to be served by Orange County solid-waste contracts.
1243Alternately, the Town's smaller size, minimal trash generation, recycling ethos and proximity to
1244Seminole and Brevard Counties may allow a more cost-effective solution for its residents.

1245

1246 **APPENDIX A: Orange County future land use and zoning correlation**, as posted on the
1247 Orange County Comprehensive Planning Department web site,
1248 <http://www.orangecountyfl.net/Portals/0/resource%20library/planning%20->
1249 [%20development/Comprehensive%20Planning%20-Zoning%20Land%20Use%20Correlation.pdf](http://www.orangecountyfl.net/Portals/0/resource%20library/planning%20-development/Comprehensive%20Planning%20-Zoning%20Land%20Use%20Correlation.pdf), web

ORANGE COUNTY FUTURE LAND USE AND ZONING CORRELATION

This table illustrates the correlation between zoning districts and future land use designations. The Planning Division uses this correlation to determine the consistency of land use activities with the Future Land Use Map (FLUM) of the Comprehensive Plan. Land use compatibility; the location, availability and capacity of public services and facilities; market demand; and environmental features also shall be used in determining which specific zoning district is most appropriate. Development activity within a land use designation is restricted to the maximum density and/or intensity allowed by the FLUM designation, regardless of zoning.

Future Land Use Designation	Maximum Density/Intensity	Zoning Districts
Low Density Residential (LDR)	4 du/ac	R-CE* R-1, R-2, R-1A, R-1AA, R-1AAA, R-1AAAA, R-T-1, R-T-2, R-L-D, PD, U-V
Low-Medium Density Residential (LMDR)	10 du/ac	R-1, R-2, R-T, R-T-1, PD, U-V
Medium Density Residential (MDR)	20 du/ac	R-3, R-2, UR-3, PD, U-V
High Density Residential (HDR)	50 du/ac	R-3, R-2, UR-3, PD, U-V
Office (O)	3.0 FAR	P-0, PD
Commercial (C)	3.0 FAR	C-1, C-2, C-3, P-O, PD
Industrial (IND)	0.75 FAR	IND-1A, IND-1/IND-5, IND-2/IND-3, IND-4, PD
Institutional (INST)	2.0 FAR	Any
Educational (EDU)	2.0 FAR	PD
Neighborhood Center (NC)	40 du/ac	NC
Neighborhood Activity Corridor (NAC)	25 du/ac	NAC
Neighborhood Residential (NR)	20 du/ac	NR
Village Classification (V) (Horizon West)	See SAP	PD. Densities and intensities determined based on adopted Specific Area Plan (SAP)
Traditional Neighborhood Development (TND)	See Objective FLU3.1	PD
Growth Center (GC)	See Objective FLU7.4	PD
Innovation Way Overlay	See Goal FLU5	PD
Rural Settlement Low Density 2/1 (RSLD)	2 DU/AC	R-CE, R-CE Cluster, R-CE-2, R-CE-5, PD****
Rural Settlement 1/1 (RS 1/1)	1 DU/AC	A-R, A-1***, A-2***, R-CE, R-CE cluster, R-CE-2, R-CE-5, PD****
Rural Settlement 1/2 (RS 1/2)	1 DU/2 AC	R-CE-2, R-CE-5, A-R, A-1***, A-2***, PD****
Rural Settlement 1/5 (RS 1/5)	1 DU/5 AC	R-CE-5, A-1***, A-2***, PD***
Rural/Agricultural 1/10 aka (R) on FLUM	1 DU/10 AC	A-1, A-2, A-R, R-CE
* Rural Settlement only ** Limited to 4 dwelling units per acre *** Residential uses only (except for special exceptions consistent with FLU8.2.5) **** Consistent with FLU6.2.3		

In making the transition from the Future Land Use Map designation to the most appropriate zoning district classification, it shall be permissible to require use of a PD District that provides for fewer uses than permitted with a standard zoning district classification. Furthermore, in making the transition for residential development, the Future Land Use Map shall establish only the maximum permitted density and intensity of development. It is permissible to impose a more restrictive zoning district classification as an interim use until such time as the property is found through an administrative decision-making process to be suitable and ready for ultimate development.

Source: Comprehensive Plan, Policy FLU8.1.1 Updated 3/2012

1252 **Appendix B: Number of parcels with different property uses**
 1253 **in the proposed Town of Preservation, Florida.** The dominant
 1254 property uses are single-family residential, vacant residential,
 1255 manufactured homes, non-agricultural acreage, and vacant commercial.
 1256 Compiled from data provided by the Orange County Property Appraiser,
 1257 25 January 2018. N is the number of parcels.

Property Use Code	Title	N
0	Vacant Residential	3
1	Vacant Residential	514
19	Vacant Home Owners Association	211
30	Vacant Water	19
100	Single Family	55
102	Single Family Class II	199
103	Single Family Class III	5055
104	Single Family Class IV	1
119	Improved Home Owner Association	3
130	Single Family Residential - Lake Front	8
135	Single Family Residential - Lake View	1
182	1 Unit Of Class 2 Duplex	1
200	Manufactured Home	321
201	Manufactured Home	62
202	Manufactured Home	134
411	Condominium-Office Building Retail	7
812	Duplex	9
813	Triplex	1
1000	Vacant Commercial	60
1019	Vacant Commercial Association	2
1100	Stores One Story	6
1105	Retail Multi-Tenant	5
1110	Retail Convenience Store	9
1115	Retail Free Standing	2
1120	Retail Drug Store	1
1125	Retail Big Box Small	1
1200	Store/Office/Converted Residential	3
1400	Retail Supermarket	2
1700	Office One Story	2
1702	Office Modular	2
1800	Office Low-Rise (2-3 Stories)	1
1900	Office Professional Service Buildings	2
1910	Office Child Care Center Class I	3
1911	Office Child Care Center Class II	1
2200	Retail Restaurant Fast Food	7

2310	Bank Branch Class II	1
2740	Vehicle Repair	3
2801	Mobile Home Park Family	10
2805	Mobile Home Park Senior	2
3400	Recreational/Meeting	3
3601	RV Park	1
3700	Race Tracks	2
4800	Warehousing	14
4900	Open Storage	2
5001	Agricultural Operations Site	3
5421	Timberland Class I - Slash Pine/Planted/Eastern Flatwoods	1
6100	Grazing Land - Improved Pasture	58
6200	Grazing Land - Semi-Improved Pasture	6
6700	Miscellaneous Animals - Goats	3
6900	Ornamental Landscape Plants / Trees	2
6930	Container Nursery - Above Ground Open, Shaded Or Greenhouse	2
7000	Vacant Institutional	3
7100	Religious	5
7200	School - Private	1
7700	Lodge/Union Hall	1
8210	St Johns River Water Management District	5
8286	County Owned	5
8300	School	4
8600	County (Other Than Public Schools, Colleges, Hospitals) Including Non-Municipal Government	30
8620	Utility, Gas, Electricity, Communications, Water & Sewer (Public)	23
8630	Conservation / Wetland	1
8650	Stormwater / Retention / Drainage	62
8670	Recreation Tracts: Access, Pedestrian, Bike Trails	1
8700	State (Other Than Military, Forests, Parks, Recreation Areas, Hospitals, Colleges)	2
8750	Stormwater / Retention / Drainage	5
9100	Utility	2
9110	Communication Tower Sites	4
9300	Subsurface	1
9400	Right-Of-Way	1
9500	Submerged	4
9520	Lake	3
9600	Waste Land	40
9780	Hiatus Land Parcel	1
9900	Non-Agricultural Acreage	95
9915	Sign Sites	2
9920	Utility, Gas, Electricity, Communications, Water And Sewer	1
9950	Stormwater / Retention / Drainage	2

1258

1259 **Appendix C. Municipal Charter**

1260

1261 **PROPOSED CHARTER, TOWN OF PRESERVATION, FLORIDA**

1262 **PREAMBLE**

1263 We the people of the Town of Preservation, Florida, under the constitution and laws of
1264 the United States of America and the State of Florida, in order to provide the benefits of
1265 local government responsive to the will and values of our citizens, do hereby adopt this
1266 charter to define the powers and structure of our government. By this action we secure
1267 the benefits of home rule and affirm the values of representative democracy, professional
1268 management, visionary leadership, citizen participation, maintenance of our rural small-
1269 town lifestyle, and regional cooperation. We believe in an open, responsive government
1270 that provides efficient services which meet the needs of the people, that abides by the
1271 highest ethical standards, that protects the natural environment, and that operates as a
1272 careful steward of the human, fiscal, and natural resources of our town.
1273

1274 **ARTICLE I**

1275 **CREATION, POWERS OF THE TOWN, AND FORM OF GOVERNMENT**

1276 **Section 1.01 Creation**

1277 The Town of Preservation, Florida is hereby created and established.

1278 **Section 1.02 Powers of the Town**

1279 The town shall have all powers possible for a town to have under the constitution and
1280 laws of this state as fully and completely as though they were specifically enumerated in
1281 this charter including promotion of the town's rural character and protection of its
1282 environmental resources.

1283

1284 **Section 1.03 Construction**

1285 The powers of the town under this charter shall be construed liberally in favor of the
1286 town, and the specific mention of particular powers in the charter shall not be construed
1287 as limiting in any way the general power granted in this article.

1288

1289 **Section 1.04 Intergovernmental Relations**

1290 The town may participate by contract or otherwise with any governmental entity of this
1291 state or any other state or states or the United States in the performance of any activity
1292 which one or more of such entities has the authority to undertake.

1293

1294 Section 1.05 Form of Government

1295 The town shall have a council-manager form of government as defined in Articles II and
1296 III.

1297 **Section 1.06 Corporate Boundaries**

1298 The area to be known as the Town of Preservation, Florida, is in unincorporated east
1299 Orange County and includes all of the Lake Pickett, Sunflower Trail/Seaward
1300 Plantation and Corner Lakes Rural Settlements; portions of the Bithlo Rural Settlement;
1301 residential communities east of the University of Central Florida and the Central Florida
1302 Research Park; rural and conservation lands to their east; and commercial properties
1303 along State Route 50 (East Colonial Drive). The proposed Town is within the
1304 Econlockhatchee River drainage. Figure 1.1 is a map of the proposed incorporated area.
1305

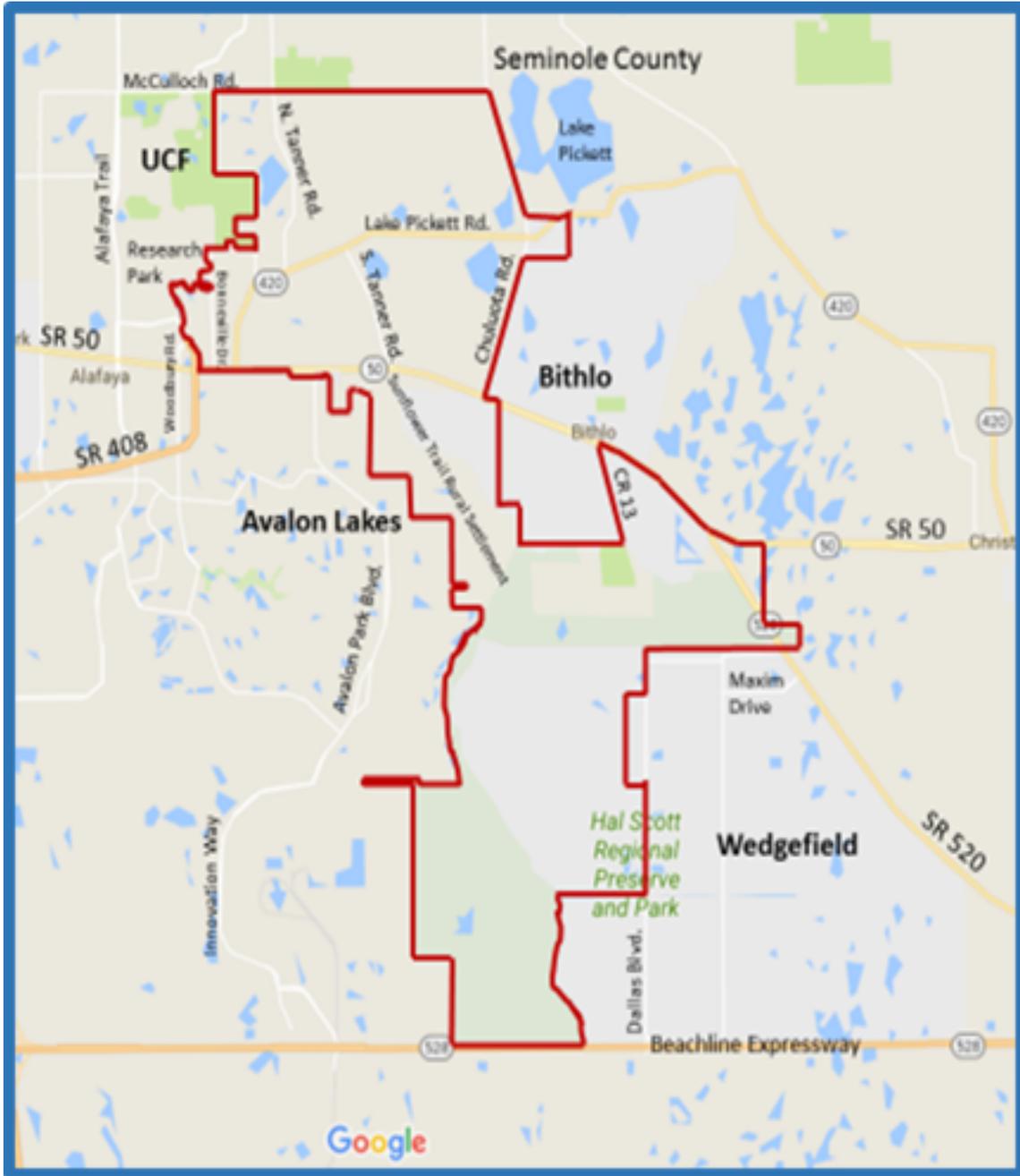
1306 **Legal description**

1307 Begin at the point of intersection of the centerline of County Road 419 (Chuluota Road)
1308 and the Seminole County line; thence due west along the Orange County/Seminole
1309 County line, to the centerline of McCulloch Road at the northeast corner of Orange
1310 County Fire Station 65; thence follow the eastern boundary of the University of Central
1311 Florida and the Central Florida Research Park, to its southern terminus with "Tract
1312 C" owned by the Orange County Board of County Commissioners; thence west and then
1313 due south along the Tract C property line extended, to the centerline of State Route 50
1314 (East Colonial Drive); thence east on the center line of State Route 50 to the west edge
1315 of the Tires Plus parcel; thence south and east along its property line to the centerline
1316 of Old Cheney Highway at its point of intersection with North Avalon Park Boulevard;
1317 thence east on the centerline of Old Cheney Road to its point of intersection with the
1318 Urban Service Area boundary; thence south along the Urban Service Area boundary to
1319 its point of intersection with the western property line of Hal Scott Regional Preserve
1320 and Park; thence south along the western property line of Hal Scott Regional Preserve
1321 and Park to the centerline of State Route 528 (Beachline Expressway); thence east on
1322 the centerline of State Route 528 (Beachline Expressway) to its point of intersection
1323 with the southeast corner of Hal Scott Regional Park and Preserve; thence
1324 northward along its border, including the centerline of Dallas Boulevard where it is
1325 contiguous with Hal Scott Regional Park and Preserve; thence, at the northeast corner
1326 of Hal Scott Regional Park and Preserve, proceed due east along the north border of
1327 Wedgefield Rural Settlement; thence east across State Route 520 to encompass the
1328 Orange County Board of County Commissioners parcel; thence proceed north from
1329 the centerline of SR 520, along the west boundary of the Robert T. Lopez Trust
1330 parcel of 233.7 acres; thence west along the centerline of State Route 50 (East Colonial
1331 Drive) to the centerline of County Road 13; thence south to the north property line
1332 of Long Branch Park; thence proceed due west, then north along the west property
1333 lines of Dietrich Brothers, Inc. and 250 Story Partin Road LLC to the centerline of
1334 Story Partin Road; thence proceed north on the centerline of Story Partin Road to its
1335 point of intersection with the centerline of State Route 50 (East Colonial Drive); then
1336 west along its centerline to the junction with County Road 419 (Chuluota Rd.);
1337 thence north along the centerline of County Road 419 (Chuluota Rd.) to the southern
1338 property line of the David Axle Trust property of 40 acres; thence eastward, encircling
1339 all of the Mandalay Subdivision on both sides of Lake Pickett Road; thence west on
1340 the centerline of Old Lake Pickett Rd. to the centerline of Lake Pickett Rd.; thence
1341 north-northwest along the centerline of Lake Pickett Road to the point of beginning.
1342

1343

1344

Map of the Area



1345

1346

1347 *Figure 1.1. Map of the proposed Town of Preservation, Florida, which is within*
1348 *Orange County, east-central Florida.*

1349

1350

ARTICLE II

1351

TOWN COUNCIL

1352

1353 **Section 2.01 General Powers and Duties**

1354 All powers of the town shall be vested in the town council, except as otherwise provided
1355 by law or this charter, and the council shall provide for the exercise thereof and for the
1356 performance of all duties and obligations imposed on the town by law.

1357

1358 **Section 2.02 Eligibility, Terms, and Composition**

1359 **(a) Eligibility.** Only registered voters of Orange County who have physically resided
1360 within the town boundaries for twelve consecutive months prior to the date of qualifying
1361 shall be eligible to hold the office of council member or mayor. Elected officials must
1362 maintain residency and voter registration during their entire terms of office.

1363 **(b) Terms.** The term of office of elected officials shall be four years in accordance with
1364 Article VI. The mayor and council members may serve a maximum of three (3) complete
1365 terms and are not eligible to run for either mayor or council member after serving twelve
1366 (12) years.

1367 **(c) Composition.** There shall be a town council composed of four members elected by
1368 the voters of the town at large in accordance with provisions of Article VI. The Mayor
1369 shall be elected as provided in 2.03(b).

1370

1371 **Section 2.03 Mayor**

1372 **(a) Powers and Duties.** The mayor shall be a voting member of the town council and
1373 shall attend and preside at meetings of the council, represent the town in
1374 intergovernmental relationships, present an annual state of the town message, and
1375 perform other duties specified by the council. The mayor shall be recognized as head of
1376 the town government for all ceremonial purposes and by the governor for purposes of
1377 military law, but shall have no administrative duties.

1378 **(b) Election.** The mayor shall be elected at large at the general election for a term of
1379 four years.

1380

1381 **Section 2.04 Deputy Mayor**

1382 At the first regular meeting after the swearing in of new council members, the council
1383 shall elect from among its members a deputy mayor who shall serve for a period of two

1384 (2) years. The deputy mayor shall act as mayor during the absence or disability of the
1385 mayor.

1386

1387 **Section 2.05 Compensation and Expenses**

1388 **(a)** The council may determine the initial annual salary of the mayor and council
1389 members by ordinance, but after the establishment of this salary, no ordinance increasing
1390 such salary shall become effective until the date of commencement of the new terms of
1391 council members elected at the next regular election.

1392 **(b)** The mayor and council members shall receive reimbursement for council-approved
1393 expenses in accordance with applicable law, or as may be otherwise provided by

1394 ordinance, for authorized travel and per diem expenses incurred in the performance of
1395 their official duties.

1396

1397 **Section 2.06. Prohibitions**

1398 **(a) Holding Other Office.** Except where authorized by law, the mayor and council
1399 members shall not hold any other elected public office during the term for which they
1400 were elected to the council. Neither the mayor nor any council member shall hold any
1401 other Town of Preservation office or employment during the term for which they were
1402 elected. No former council member or mayor shall hold any compensated appointive
1403 office or employment with the town until one year after the expiration of the term for
1404 which they were elected.

1405

1406 Nothing in this section shall be construed to prohibit the council from selecting any
1407 current or former elected official to represent the town on the governing board of any
1408 regional or other intergovernmental agency.

1409 **(b) Appointments and Removals.** Neither the mayor nor any member of the town
1410 council shall in any manner control or demand the appointment or removal of any town
1411 administrative officer or employee whom the town manager or any subordinate of the
1412 town manager is empowered to appoint, but the mayor and council members may express
1413 their views and fully and freely discuss with the town manager anything pertaining to
1414 appointment and removal of such officers and employees.

1415 **(c) Interference with Administration.** Except for the purpose of inquiries, and
1416 investigations under Section 2.09 of this charter, the mayor, the council, or its members
1417 shall deal with town officers and employees who are subject to the direction and
1418 supervision of the town manager solely through the town manager, and neither the mayor,
1419 the council, nor its members shall give orders to any such officer or employee, either
1420 publicly or privately.

1421

1422 **Section 2.07 Vacancies; Forfeiture of Office; Filling of Vacancies**

1423 The office of a council member shall become vacant upon the member's death,
1424 resignation, removal from office, or forfeiture of office in any manner authorized by law.

1425 **(b) Forfeiture of Office.** The mayor or a council member shall forfeit that office if the
1426 council member or mayor:

- 1427 (1) Fails to meet the residency requirements,
- 1428 (2) Violates any express prohibition of this charter,
- 1429 (3) Is convicted of a felony involving moral turpitude, or
- 1430 (4) Fails to physically attend three (3) consecutive regular meetings of the council
1431 without being excused by the council.

1432 **(c) Filling of Vacancies.** A vacancy in the town council shall be filled for the remainder
1433 of the unexpired term, if any, at the next regular election. If the next regular election

1434 occurs within ninety (90) days, the seat will remain vacant until filled by a vote of the
1435 electors. If the election occurs more than ninety (90) days from the date the vacancy
1436 occurred, the town council, by a majority vote of all its remaining members, shall appoint

1437 a qualified person to fill the vacancy until the election occurs. If the council fails to do so
1438 within thirty (30) days following the occurrence of the vacancy, the town clerk shall call a
1439 special election to fill the vacancy. This election will be held not sooner than ninety (90)
1440 days and not later than 120 days following the occurrence of the vacancy and will be
1441 governed by law. In case of the death, resignation, or removal of the mayor, the deputy
1442 mayor shall vacate the office of council member and serve as mayor until the next regular
1443 election when the office shall be filled for the remainder of the term. At that time, the
1444 deputy mayor will resume a seat on the town council. Notwithstanding any quorum
1445 requirements established herein, if at any time the membership of the council is reduced to
1446 less than three (3) members, the remaining members may, by unanimous vote, appoint
1447 additional members to raise the membership to a minimum of three (3).
1448

1449 **Section 2.08 Judge of Qualifications**

1450 The town council shall be the judge of the election and qualifications of its members and
1451 of the grounds for forfeiture of their office. A member charged with conduct constituting
1452 grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice
1453 of such hearing shall be published in a newspaper of general circulation in the town at
1454 least one calendar week in advance of the hearing.
1455

1456 **Section 2.09 Investigations**

1457 The town council may make investigations into the affairs of the town and the conduct of
1458 any town department, office or agency.
1459

1460 **Section 2.10 Procedures**

- 1461 (a) **Meetings.** The council shall meet regularly at least once in every month at such
1462 times and places as the council may prescribe by rule. Special meetings may be
1463 held on the call of the mayor or of two (2) or more council members and,
1464 whenever practicable, upon no less than forty-eight (48) hours notice to each
1465 member.
- 1466 (b) **Emergency Meetings.** The mayor or any two (2) members of the council may
1467 convene an emergency council meeting upon reasonable notice of such meeting
1468 given to each council member. The first order of business at an emergency
1469 council meeting shall be the determination, by affirmative vote of at least three
1470 (3) members of the council that an emergency situation involving health, safety,
1471 or public welfare warranting council action exists. Only matters relating to the
1472 emergency may be considered at the emergency meeting and any action taken at
1473 such meeting must be approved by at least three (3) members of the council,
1474 except for emergency ordinances which shall be adopted in accordance with
1475 state law.
- 1476 (c) **Rules and Minutes.** The town council shall determine its own rules and order of
1477 business and shall provide for keeping a record of its proceedings in accordance
1478 with Florida law.

1479 (d) **Quorum.** Three (3) members of the council shall constitute a quorum. No action of the
1480 council shall be valid or binding unless adopted by the affirmative vote of three (3) or
1481 more members of the Council.
1482

1483 **Section 2.11 Ordinances in General**

1484 All ordinances, including emergency ordinances shall be adopted pursuant to Section 166.041,
1485 Florida Statutes, as amended. Every adopted ordinance shall become effective as provided in
1486 the body of the ordinance.

1487

1488

ARTICLE III TOWN

1489

MANAGER

1490

1491 **Section 3.01. Appointment; Qualifications; Compensation; and Removal**

1492 The town council, by a majority vote of its total membership, shall appoint a town
1493 manager for an indefinite term and fix the manager's compensation. The town manager shall
1494 be appointed solely on the basis of education and experience in the accepted competencies and
1495 practice of local government management. The manager need not be a resident of the town or
1496 state at the time of appointment, but may reside outside the town while in office only with the
1497 approval of the council.

1498

1499 **Section 3.02 Removal**

1500 If the town manager declines to resign at the request of the town council, the town council
1501 may suspend the manager by a resolution approved by a majority of the total membership of
1502 the town council. Such resolution shall set forth the reasons for suspension and proposed
1503 removal. A copy of such resolution shall be served immediately upon the town manager. The
1504 town manager shall have fifteen (15) calendar days in which to reply thereto in writing, and
1505 upon request, shall be afforded a public hearing, which shall occur not earlier than ten (10)
1506 calendar days nor later than fifteen (15) calendar days after such hearing is requested. After
1507 the public hearing, if one is requested, and after full consideration, the town council by a
1508 majority vote of its total membership may adopt a final resolution of removal. The town
1509 manager shall continue to receive full salary until the effective date of a final resolution of
1510 removal.

1511

1512 **Section 3.03 Acting Town Manager**

1513 By letter filed with the town clerk, the town manager shall designate a town officer or
1514 employee to exercise the powers and perform the duties of town manager during the
1515 manager's temporary absence or disability; the town council may revoke such designation at
1516 any time and appoint another officer of the town to serve until the town manager returns.

1517

1518 Section 3.04 Powers and Duties of the Town Manager

1519 The town manager shall be the chief executive officer of the town, responsible to the council
1520 for the management of all town affairs placed in the manager's charge by or under this
1521 charter. The town manager shall:

- 1522 1. Appoint and suspend or remove all town employees and appointive administrative
1523 officers provided for, by or under this charter, except as otherwise provided by law,
1524 this charter or personnel rules adopted pursuant to this charter. The town manager
1525 may authorize any administrative officer subject to the manager's direction and
1526 supervision to exercise these powers with respect to subordinates in that officer's
1527 department, office or agency;
- 1528 2. Direct and supervise the administration of all departments, offices and agencies of the
1529 town, except as otherwise provided by this charter or by law;
- 1530 3. Attend all town council meetings. The town manager shall have the right to take part in
1531 discussion, but shall not vote;
- 1532 4. See that all laws, provisions of this charter and acts of the town council subject to
1533 enforcement by the town manager or by officers subject to the manager's direction and
1534 supervision, are faithfully executed;
- 1535 5. Prepare and submit the annual budget and capital program to the town council and
1536 implement the final budget approved by the council to achieve the goals of the
1537 town;
- 1538 6. Submit to the town council and make available to the public, a complete report on the
1539 finances and administrative activities of the town as of the end of each fiscal year;
- 1540 7. Arrange for an annual strategic planning workshop with the town council and
1541 senior staff;
- 1542 8. Make such other reports as the town council may require concerning operations;
- 1543 9. Keep the town council fully advised as to the financial condition and future needs of
1544 the town;
- 1545 10. Make recommendations to the town council concerning the affairs of the town and
1546 facilitate the work of the town council in developing policy;
- 1547 11. Provide staff support services for the mayor and council members;
- 1548 12. Assist the council to develop long term goals for the town and strategies to implement
1549 these goals;
- 1550 13. Encourage and provide staff support for regional and intergovernmental cooperation;
- 1551 14. Promote partnerships among council, staff, and citizens in developing public policy
1552 and building a sense of community; and
- 1553 15. Perform such other duties as are specified in this charter or may be required by the
1554 town council.

1555
1556

1557
1558
1559
1560
1561

**ARTICLE IV. DEPARTMENTS,
OFFICES, AND AGENCIES**

1562
1563
1564

1565 Section 4.01 General Provisions

1566 **(a) Creation of Departments.** The town council may establish city departments, offices, or
1567 agencies in addition to those created by this charter and may prescribe the functions of all
1568 departments, offices, and agencies. No function assigned by this charter to a particular
1569 department, office, or agency may be discontinued or, unless this charter specifically so
1570 provides, assigned to any other unless approved by the town council.

1571 **(b) Direction of Town Manager.** All departments, offices, and agencies under the
1572 direction and supervision of the town manager shall be administered by an officer
1573 appointed by and subject to the direction of the manager.
1574

1575 Section 4.02 Personnel System

1576 **(a) Merit Principle.** All appointments and promotions of town officers and employees shall
1577 be made solely on the basis of merit and fitness demonstrated by a valid and reliable
1578 examination or other evidence of competence.

1579 **(b) Grievance Process.** The town council shall establish and maintain a written
1580 grievance process for all town employees.
1581

1582 Section 4.03 Town Attorney

1583 **(a) Appointment and Removal.** There shall be a town attorney appointed by the town
1584 council. The town attorney shall be appointed and may be removed by a simple majority vote
1585 of the entire town council.

1586 **(b) Role.** The town attorney shall be a member in good standing of the Florida Bar and serve
1587 as chief legal adviser to the council, the manager and all town departments, offices and
1588 agencies; shall represent the town in legal proceedings; and, shall perform any other duties
1589 prescribed by state law, by this charter, or by ordinance.
1590

1591 Section 4.04 Town Clerk

1592 **(a) Appointment and Removal.** There shall be a town clerk appointed and removed by the

1593 town manager subject to confirmation by a majority vote of the entire town council. **(b)**
1594 **Duties.** The town clerk shall give notice of council meetings to its members and the public,
1595 keep the journal of its proceedings, and perform such other duties as are assigned by this
1596 charter or by the town manager, or by state law.

1597

1598

ARTICLE V

1599

COMMUNITY PRESERVATION AND PROTECTION

1600

1601 Section 5.01 Values

1602 The Town of Preservation is a rural community on the eastern edge of the greater Orlando
1603 metropolitan region which has been established to uphold the following values:

1604 • To conserve and protect its natural resources and the scenic beauty of the

1605 Econlockhatchee River;

1606 • To complete a wildlife corridor within the town boundaries;

1607 • To encourage continued use of its agricultural lands for the production of food and

1608 other agricultural products;

1609 The town shall create policies that include adequate provision for the abatement of air, water,
1610 and light pollution and of excessive and unnecessary noise; the protection of agricultural lands,
1611 wetlands, and shorelines; and the development and regulation of water resources. The town
1612 shall also provide for the acquisition of lands and waters, including improvements thereon and
1613 any interest therein, within the River Corridor Protection Zone and its neighboring uplands,
1614 and the dedication of properties so acquired, which because of their natural beauty, wilderness
1615 character designation as Outstanding Florida Waters, or geological, ecological, conservation,
1616 or historical significance, shall be preserved and administered for the use and enjoyment of the
1617 people.

1618

1619 Section 5.02 Development Restriction

1620 There is a prohibition on any development within 1,100 feet of the Econlockhatchee River or
1621 its tributaries within the boundaries of the Town of Preservation.

1622

1623 Section 5.03 Fiscal and Land Use Sustainability

1624 1. The Town of Preservation will facilitate efficient and cost-effective provision of
1625 services, ensure adequate public facilities are available concurrently with new
1626 development, and be fiscally conservative in planning for growth.

1627 2. The Town of Preservation will plan in order to protect natural and manmade resources and
1628 maintain through orderly growth and development, the character, stability, and the quality
1629 of life for present and future town residents.

1630 3. Development and redevelopment in the Town of Preservation shall respect historical

1631 patterns, should match the rural character of the Town of Preservation and should be
1632 organized as a rural community.
1633

1634 **Section 5.04 Public Engagement and Process**

- 1635 1. The Town Council and any board making legislative land use decisions in the Town of
1636 Preservation shall provide for public participation in the decision making process. The
1637 town shall provide for broad dissemination of proposals and alternatives, opportunity for
1638 written comments, public hearings with open discussion, communications programs,
1639 information services, and consideration of and response to public comment.
1640 2. Information on all legislative land use decisions and changes shall be made available to the
1641 public at least seven (7) days prior to the meeting at which a vote will be taken on the
1642 matter. No changes may be made to the proposal(s) being considered during this seven (7)
1643 day period.
1644 3. All legislative land use decisions by the City Council must be approved by a four fifths vote
1645 of the entire council.
1646

1647

1648 **Section 5.05 Public Land Conservation**

- 1649 1. The Town of Preservation Registry of Protected Public Places is hereby created to identify
1650 real estate owned by the town with conservation, recreation, or cultural value.
1651 2. The Town Council shall include real estate on the Town of Preservation Registry of
1652 Protected Public Places by ordinance approved a by a four-fifths majority vote of the entire
1653 Council. Such an ordinance shall identify the real estate by legal description and shall
1654 describe the value that supports the real estate's inclusion on the registry. The town shall
1655 cause such ordinances to be recorded in the Orange County official records.
1656 3. The Town of Preservation may not sell or convert to a use that will result in a loss of a
1657 value for which a property was placed on the Town of Preservation Registry of Protected
1658 Public Places, any property, or any portion of a property, listed on the registry unless
1659 approved by a majority of vote of the electors of the Town of Preservation voting in a
1660 town-wide referendum election.
1661

1662

1662 **ARTICLE VI FINANCIAL**
1663 **MANAGEMENT**
1664

1665 **Section 6.01 Fiscal Year**

1666 The fiscal year of the town shall begin on the first day of October and end on the last day of
1667 September.

1668

1669 **Section 6.02 Submission of Budget and Budget Message**

1670 On or before the first day of August of each year, the town manager shall submit to the town

1671 council a budget for the ensuing fiscal year and an accompanying message.

1672

1673 Section 6.03 Budget Message

1674 The town manager’s message shall explain the budget both in fiscal terms and in terms of the
1675 work programs, linking those programs to organizational goals and community priorities as
1676 established by the town council. It shall outline the proposed financial policies of the town
1677 for the ensuing fiscal year and the impact of those policies on future years. It shall describe the
1678 important features of the budget, indicate any major changes from the current year in
1679 financial policies, expenditures, and revenues together with the reasons for such changes,
1680 summarize the town’s debt position, including factors affecting the ability to raise resources
1681 through debt issues, and include such other material as the town manager deems desirable.

1682

1683 Section 6.04 Budget

1684 The budget shall provide a complete financial plan of all town funds and activities for the
1685 ensuing fiscal year and, except as required by law or this charter, shall be in such form as the
1686 town manager deems desirable or the town council may require for effective management and
1687 an understanding of the relationship between the budget and the town’s strategic goals. The
1688 budget shall begin with a clear general summary of its contents; shall show in detail all
1689 estimated income, indicating the proposed property tax levy, and all proposed expenditures,
1690 including debt service, for the ensuing fiscal year; and shall be so arranged as to show
1691 comparative figures for actual income and expenditures of the preceding fiscal year. It shall
1692 indicate in separate sections:

- 1693 1. The proposed goals and expenditures for current operations during the ensuing fiscal
1694 year, detailed for each fund by department or by other organization unit, and program,
1695 purpose, or activity; method of financing such expenditures; and methods to measure
1696 outcomes and performance related to the goals;
- 1697 2. Proposed longer-term goals and capital expenditures during the ensuing fiscal year,
1698 detailed for each fund by department or by other organization unit when practicable,
1699 the proposed method of financing each such capital expenditure, and methods to
1700 measure outcomes and performance related to the goals; and
- 1701 3. The proposed goals, anticipated income and expense, profit and loss for the ensuing
1702 year for each utility or other enterprise fund or internal service fund operated by the
1703 town, and methods to measure outcomes and performance related to the goals. For any
1704 fund, the total of proposed expenditures shall not exceed the total of estimated income
1705 plus carried forward fund balance exclusive of reserves.
1706

1707 Section 6.05 Town Council Action on Budget

1708 The town council shall adopt an annual budget in accordance with all applicable state
1709 statutory provisions including but not limited to Sections 166.241, 200.001, 200.065, and
1710 200.068, Florida Statutes, as amended.

1711

1712 **Section 6.06 Amendments After Adoption**

1713 Budget amendments after adoption of an annual budget shall be processed according to
1714 Sections 166.241, 200.065, and 218.503, Florida Statutes, as amended.

1715

1716 **Section 6.07 Administration and Fiduciary Oversight of the Budget**

1717 The town council shall provide by ordinance the procedures for administration and fiduciary
1718 oversight of the budget.

1719

1720 **Section 6.08 Capital Program**

1721 The town manager shall prepare and submit to the town council multi-year capital program in
1722 compliance with state law.

1723

1724 **Section 6.09 Independent Audit**

1725 (a) The town council shall provide for an independent annual audit of all town accounts and
1726 may provide for more frequent audits as it deems necessary. An independent certified public
1727 accountant or firm of such accountants shall make such audits. Such audits should be
1728 performed in accordance with Generally Accepted Auditing Standards (GAAS) and
1729 Generally Accepted Governmental Auditing Standards (GAGAS.)

1730 (b) The council shall, using competitive bidding, designate such accountant or firm annually,
1731 or for a period not exceeding three years, but the designation for any particular fiscal year
1732 shall be made no later than 30 days after the beginning of such fiscal year.

1733 The standard for independence is that the auditor must be capable of exercising
1734 objective and impartial judgment on all issues encompassed within the audit engagement. No
1735 accountant or firm may provide any other services to the town during the time it is retained to
1736 provide independent audits to the town. The town council may waive this
1737 requirement by a majority vote at a public hearing. If the state makes such an audit, the council
1738 may accept it as satisfying the requirements of this section.

1739

1740

1741

ARTICLE VII

1742

ELECTIONS

1743

1744 **Section 7.01 Town Elections**

1745 (a) **Regular Elections.** The regular town election shall be held the second Tuesday in March
1746 in conjunction with county elections, in even numbered years, every two years. In years when
1747 there is a presidential preference primary, the town election will be held in conjunction with it.

1748 **(b) Conduct of Elections.** The provisions of the general election laws of the State of
1749 Florida shall apply to elections held under this charter. Candidates shall run for office
1750 without party designation.
1751

1752 **Section 7.02 First Election: Terms of Office**

1753 The first election under this charter will be held in 2020 at which time, the mayor will be
1754 elected for a four (4) year term of office. Two (2) council members (the two receiving the
1755 greatest number of votes) will be elected to four (4) year terms of office. The next two
1756 candidates receiving the greatest number of votes will be elected to two (2) year terms of
1757 office. Commencing at the next regular election and at all subsequent elections, all council
1758 members shall serve for terms of four years.
1759

1760 **Section 7.03 Taking Office**

1761 The first town council shall take office upon certification of the election results.
1762 Subsequently, newly elected officials shall take office at the next regular council meeting
1763 following certification of the election results.
1764

1765 **Section 7.04 Initiative, Citizen Referendum, and Recall**

1766 **(a) General Authority for Initiative, Citizen Referendum, and Recall.**

1767 **(1) Initiative.** The qualified voters of the town shall have the power to propose
1768 ordinances to the council and, if the council fails to adopt an ordinance so proposed without
1769 any change in substance, to adopt or reject it at a town election, provided that such power
1770 shall not extend to the budget or capital program or any emergency ordinance or ordinance
1771 relating to appropriation of money, levy of taxes or salaries of city officers or employees.

1772 **(2) Referendum.** The qualified voters of the town shall have power to require
1773 reconsideration by the council of any adopted ordinance and, if the council fails to repeal
1774 an ordinance so reconsidered, to approve or reject it at a town election, provided that such
1775 power shall not extend to the budget or capital program or any
1776 emergency ordinance or ordinance relation to appropriation of money, levy of taxes or
1777 salaries of city officers or employees.
1778

1779 **(3) Recall.** The electors of the town shall have the power to remove from office any
1780 elected official of the town in accordance with state law.

1781 **(b) Commencement of Proceeding; Petitioners' Committee; Affidavit.** Any five registered
1782 voters may commence initiative and referendum proceedings by filing with the town clerk an
1783 affidavit stating they will constitute the petitioners' committee; they will be responsible for
1784 circulating the petition and filing it in proper form, stating their names and addresses and
1785 specifying a chair, and the address to which all notices to the committee are to be sent; and set
1786 out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.
1787 Promptly after the affidavit of the petitioners' committee is filed, the clerk may, at the

1788 committee's request issue the appropriate petition blanks to the petitioners' committee at the
1789 committee's expense.

1790 (c) **Petitions**

1791 **(1) Number of Signatures.** Initiative or referendum petitions must be signed by
1792 qualified voters of the town equal in number to at least ten (10) percent of the total number of
1793 qualified registered voters to vote at the last regular election.

1794 **(2) Form and Content.** All papers of a petition shall be uniform in size and style and
1795 shall be assembled as one instrument for filing. Each signature shall be executed in
1796 ink or indelible pencil and shall be followed by the address of the person signing, the date, and
1797 their voting precinct. Petitions shall contain or have attached thereto throughout their
1798 circulation the full text of the ordinance proposed or sought to be reconsidered.

1799 **(3) Affidavit of Circulator.** Each paper of a petition shall have attached to it when filed
1800 an affidavit executed by the circulator thereof stating that he or she personally circulated the
1801 paper, the number of signatures thereon, that all the signatures were affixed in his or her
1802 presence, that he or she believes them to be the genuine signatures of the persons whose names
1803 they purport to be, and that each signer had an opportunity before signing to read the full text
1804 of the ordinance proposed or sought to be reconsidered.

1805 **(4) Time for Filing Initiative and Referendum Petitions.** Initiative petitions must
1806 be filed within one hundred and twenty (120) days of receiving petition blanks from the town
1807 clerk. Referendum petitions must be filed within sixty (60) days after adoption by the council
1808 of the ordinance sought to be reconsidered.

1809 (d) **Procedure after Filing**

1810 **(1) Certificate of Clerk; Amendment.** Within twenty (20) days after the initiative
1811 petition is filed, the town clerk shall complete a certificate as to its sufficiency, specifying, if it
1812 is insufficient, the particulars wherein it is defective and shall promptly send a copy of the
1813 certificate to the petitioners' committee by registered mail. A petition certified insufficient for
1814 lack of the required number of valid signatures may be amended once if the petitioners'
1815 committee files a notice of intention to amend it with the clerk within seven (7) days after
1816 receiving the copy of the certificate and files a supplementary petition with additional papers
1817 within thirty (30) days after receiving the copy of such certificate. Such supplementary
1818 petition shall comply with the requirements of subsections (2) and (3) of Section 6.05(c), and
1819 within five (5) days after it is filed the clerk shall complete a certificate as to the sufficiency of
1820 the petition as amended and promptly send a copy of such certificate to the petitioners'
1821 committee by registered mail as in the case of an original petition. If a petition or amended
1822 petition is certified sufficient, or if a petition or amended petition is certified insufficient and
1823 the petitioners' committee does not elect to amend or request Council review under paragraph
1824 (2) of this subsection within the time required, the clerk shall promptly present the certificate
1825 to the council and the certificate shall then be a final determination as to the sufficiency of the
1826 petition.

1827 **(2) Council Review.** If a petition has been certified insufficient and the petitioners'
1828 committee does not file notice of intention to amend it or if an amended petition has been
1829 certified insufficient, the committee may, within two (2) days after receiving the copy of such

1830 certificate, file a request that it be reviewed by the council. The council shall review the
1831 certificate at its next meeting following the filing of such request and approve or disapprove it,
1832 and the council's determination shall then be a final determination as to the sufficiency of the
1833 petition.

1834 **(e) Referendum Petitions: Suspension of Effect of Ordinance**

1835 When a referendum petition is filed with the town clerk, the ordinance sought to be
1836 reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- 1837 • There is a final determination of insufficiency of the petition, or
- 1838 • The petitioners' committee withdraws the petition, or
- 1839 • The council repeals the ordinance, or
- 1840 • After a vote of the town on the ordinance has been certified.

1841 **(f) Action on Petitions**

1842 **(1) Action by Council.** When an initiative or referendum petition has been finally
1843 determined sufficient, the council shall promptly consider the proposed initiative ordinance in
1844 the manner provided by state law or reconsider the referred ordinance by voting its repeal. If
1845 the council fails to adopt a proposed initiative ordinance without any change in substance
1846 within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the
1847 date the petition was finally determined sufficient, it shall submit the proposed or referred
1848 ordinance to the voters of the town.

1849 **(2) Submission to Voters of Proposed or Referred Ordinances.** The vote of the town on
1850 a proposed or referred ordinance shall be held not less than thirty (30) days and not later than
1851 six (6) months from the date of the final council vote thereon. If no regular town election is to
1852 be held within the period prescribed in this subsection, the council shall provide for a special
1853 election; otherwise, the vote shall be held at the same time as such regular election, except that
1854 the council may in its discretion, provide for a special election at an earlier date within the
1855 prescribed period. Copies of the proposed or referred ordinance shall be made available at the
1856 polls.

1857 **(3) Withdrawal of Petitions.** An initiative or referendum petition may be withdrawn at
1858 any time prior to the fifteenth (15) day preceding the day scheduled for a vote of the town by
1859 filing with the town clerk a request for withdrawal signed by at least two-thirds of the
1860 petitioners' committee. Upon the filing of such request, the petition shall have no further force
1861 or effect and all proceedings thereon shall be terminated.

1862 **(g) Results of Election**

1863 **(1) Initiative.** If a majority of the qualified electors voting on a proposed initiative
1864 ordinance vote in its favor, it shall be considered adopted upon certification of the election
1865 results and shall be treated in all respects in the same manner as ordinances of the same kind
1866 adopted by the council. If conflicting ordinances are approved at the same election, the one
1867 receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

1868 **(2) Referendum.** If a majority of the qualified electors voting on a referred ordinance vote
1869 against it, it shall be considered repealed upon certification of the election results.

1870

1871

1872

**ARTICLE VIII GENERAL
PROVISIONS**

1873

1874

1875 Section 8.01 Ethics

1876 All elected officials and employees of the town shall be subject to the standards of conduct for
1877 public officers and employees set by general law (F.S. 112 Part III).

1878

1879

1880

**ARTICLE IX
CHARTER REVIEW AND AMENDMENT**

1881

1882

1883 Section 9.01 Charter Review

1884 The charter shall be reviewed no later than three (3) years from the date the town was
1885 established. After the initial review, the charter shall be reviewed no later than every ten
1886 (10) years. The city council shall appoint an advisory committee consisting of no more than
1887 nine (9) and no fewer than seven (7) citizens to review the charter. This committee shall be
1888 appointed at least nine (9) months before the next scheduled election.

1889

1890 Section 9.02 Charter Amendment

1891 This charter may be amended in accordance with Florida law.

1892

1893

1894

**ARTICLE X TRANSITION
AND SEVERABILITY**

1895

1896

1897 Section 10.01 Creation and Establishment of the Town

1898 For the purpose of compliance with general law relating to the assessment and collection of ad
1899 valorem taxes, the Town of Preservation is hereby created and established effective when
1900 approved by the electors at a special election and filed with the Secretary of State in the
1901 manner prescribed by law.

1902

1903 Section 10.02 Initial Election of Mayor and Council Members

1904 The Orange County Supervisor of Elections shall call a special election for the election of the
1905 four (4) council members and the mayor to be held in 2020. The mayor will be elected for a
1906 four (4) year term of office. Two (2) council members (the two receiving the greatest number of

1907 votes) will be elected to four (4) year terms of office. The next two candidates receiving the
1908 greatest number of votes will be elected to two (2) year terms of office.

1909

1910 Section 10.03 Initial Expenses

1911 The town council, in order to provide moneys for the expenses and support of the town, shall
1912 have the power to borrow money necessary for the operation of town government until such
1913 time as a budget is adopted and revenues are raised in accordance with the provisions of this
1914 charter.

1915

1916 Section 10.04 Transitional Ordinances and Resolutions

1917 The town council shall adopt ordinances and resolutions required to effect the transition.
1918 Ordinances adopted within sixty (60) days after the first regular council meeting may be
1919 passed as emergency ordinances. These transitional ordinances shall be effective for no
1920 longer than ninety (90) days after adoption and thereafter may be readopted, renewed, or
1921 otherwise continued only in the manner normally prescribed for ordinances.

1922

1923 Section 10.05 Revenue Source Transition

1924 Until otherwise modified by the council, all municipal taxes and fees, including
1925 communications services taxes, imposed within the town boundaries by the county as the
1926 municipal government for unincorporated Orange County, which taxes and fees, are in effect
1927 on the date of adoption of this charter, shall continue at the same rate and under the same
1928 conditions as if those taxes and fees had been adopted and assessed by the town.

1929

1930 Section 10.06 Continuity of Services

1931 To ensure that there is no discontinuity in the provision, level, or quality of municipal service
1932 delivery to the proposed town, and until such time as the town may enter into interlocal
1933 agreements with Orange County regarding provision of municipal services, all municipal
1934 services currently provided by Orange County shall continue at the service levels existing at
1935 the time of municipal incorporation. All federal, state, grant, and other funding sources existing
1936 prior to the time the town is incorporated shall continue to be applied in the manner and at the
1937 level anticipated and projected by the Orange County budget prior to the incorporation of the
1938 town. The future cost and level of municipal services delivery provided to the town by Orange
1939 County beyond fiscal year 2019-20 shall be negotiated and determined through an interlocal
1940 agreement between the town and appropriate representatives of Orange County.

1941

1942 Section 10.07 State-Shared Revenues

1943 The town shall be entitled to participate in all shared revenue programs of the state, effective
1944 immediately following the ratification of the incorporation referendum. The provisions of
1945 section 218.23, Florida Statutes, shall be waived for the purpose of eligibility to receive

1946 revenue-sharing funds from date of referendum ratification through the end of state fiscal year
1947 2019-20 the provisions of section 218.26(3), Florida Statutes, shall be waived through state
1948 fiscal year 2019-20, and the apportionment factors for the municipalities and counties shall be
1949 recalculated pursuant to section 218.245, Florida Statutes. The initial population estimates for
1950 calculating eligibility for shared revenues shall be determined by the University of Florida
1951 Bureau of Economic and Business Research as of the effective date of this charter. Should the
1952 bureau be unable to provide an appropriate population estimate, (the initial population at the
1953 level of 17,000 as projected in the incorporation feasibility study) the Orange County
1954 Planning Division estimate should be used.

1955

1956 Section 10.08 Gas Tax Revenues

1957 Notwithstanding the requirements of section 336.025, Florida Statutes, to the contrary, the
1958 town shall be entitled to receive local option gas tax revenues upon ratification of the
1959 referendum results establishing Preservation as an incorporated municipality in accordance
1960 with the interlocal agreements with Orange County.

1961

1962 Section 10.09 Shared Revenues

1963 Beginning fiscal year 2020 Orange County shall distribute to the town, from taxes, franchise
1964 fees, and ad valorem taxes, which include communication services taxes, revenues collected
1965 within the municipal boundaries of the town. This calculation shall be based upon the
1966 population projection of 17,466 residents for the city as estimated for the feasibility study in
1967 anticipation of the year 2020 census.

1968

1969 Section 10.10 Severability

1970 If any section or part of a section of this charter shall be held invalid by a court of competent
1971 jurisdiction, such holding shall not affect the remainder of this charter nor the context in which
1972 such section or partial section so held invalid may appear, except to the extent that an entire
1973 section or a partial section may be inseparably connected in meaning and effect with the
1974 section or partial section to which such holding shall directly apply.

1975

1976 Section 10.11 Effect of Act

1977 This act shall only take effect upon approval by a majority of those qualified electors of the
1978 area described in Section 1.05 voting in a referendum to be called by the Orange County
1979 Supervisor of Elections to be held in the fall of 2019, except that this section shall take effect
1980 upon becoming law.

1981

1982

1983

1984

1985

1986

1987

1988

1989

1990

1991

1992

1993 APPENDIX D: Revenue Sharing:

Any projections of state shared revenues beyond the current state fiscal year (2017-2018), are based on assumptions or projections independent of the Department of Revenue.

Incorporation of New city Revenue Sharing Estimates (Subject to meeting requirements of 218.23, F.S.)
State Fiscal Year - 2017-2018 (Annual Estimates)

	4/1/2016 Revenue Sharing Population			Estimated 2017-2018 1/2 Cent Distributions			Estimated 2017-18 Discretionary Surtax 1%		
	Before Incorporation*	After Incorporation	Diff.	Before Incorporation*	After Incorporation	Diff.	Before Incorporation*	After Incorporation	Diff.
Orange									
County's Share				\$181,623,982	\$179,367,284	(\$2,256,698)			
Unincorporated	810,554	793,088	-17,466						
Apopka	48,061	48,061	0	\$7,781,294	\$7,724,616	(\$56,678)			
Belle Isle	6,541	6,541	0	\$1,059,018	\$1,051,304	(\$7,714)			
Eatonville	2,222	2,222	0	\$359,752	\$357,131	(\$2,621)			
Edgewood	2,642	2,642	0	\$427,752	\$424,636	(\$3,116)			
Maitland	17,598	17,598	0	\$2,849,196	\$2,828,443	(\$20,753)			
Oakland	2,635	2,635	0	\$426,618	\$423,511	(\$3,107)			
Ocoee	41,898	41,898	0	\$6,783,477	\$6,734,066	(\$49,411)			
Orlando	271,421	271,421	0	\$43,944,294	\$43,624,207	(\$320,087)			
Windermere	2,889	2,889	0	\$467,742	\$464,335	(\$3,407)			
Winter Garden	41,612	41,612	0	\$6,737,172	\$6,688,099	(\$49,073)			
Winter Park	29,308	29,308	0	\$4,745,098	\$4,710,535	(\$34,563)			
Preservation - Population 17	0	17,466	17,466	\$0	\$2,807,227	\$2,807,227			
Totals	1,277,381	1,277,381	0	\$257,205,395	\$257,205,395	\$0	\$0	\$0	\$0

	Estimated 2017-18 Municipal Revenue Sharing			Estimated 2017-18 County Revenue Sharing			Total of Revenue Sources Estimated 2017-18		
	Before Incorporation*	After Incorporation	Diff.	Before Incorporation*	After Incorporation	Diff.	Before Incorporation	After Incorporation	Diff.
Orange									
County's Share	n/a	n/a	n/a	\$40,353,024	\$40,115,082	(\$237,942)	\$221,977,006	\$219,482,366	(\$2,494,640)
Unincorporated									
Apopka	\$2,417,871	\$2,414,178	(\$3,693)	n/a	n/a	n/a	\$10,199,165	\$10,138,794	(\$60,371)
Belle Isle	\$315,537	\$315,092	(\$445)	n/a	n/a	n/a	\$1,374,555	\$1,366,396	(\$8,159)
Eatonville	\$111,828	\$111,679	(\$149)	n/a	n/a	n/a	\$471,580	\$468,810	(\$2,770)
Edgewood	\$123,511	\$123,340	(\$171)	n/a	n/a	n/a	\$551,263	\$547,976	(\$3,287)
Maitland	\$781,031	\$779,879	(\$1,152)	n/a	n/a	n/a	\$3,630,227	\$3,608,322	(\$21,905)
Oakland	\$114,259	\$114,083	(\$176)	n/a	n/a	n/a	\$540,877	\$537,584	(\$3,293)
Ocoee	\$2,164,871	\$2,161,577	(\$3,294)	n/a	n/a	n/a	\$8,948,348	\$8,895,643	(\$52,705)
Orlando	\$13,330,020	\$13,310,741	(\$19,279)	n/a	n/a	n/a	\$57,274,314	\$56,934,948	(\$339,366)
Windermere	\$120,602	\$120,426	(\$176)	n/a	n/a	n/a	\$588,344	\$584,761	(\$3,583)
Winter Garden	\$1,982,913	\$1,979,826	(\$3,087)	n/a	n/a	n/a	\$8,720,085	\$8,667,925	(\$52,160)
Winter Park	\$1,413,728	\$1,411,792	(\$1,936)	n/a	n/a	n/a	\$6,158,826	\$6,122,327	(\$36,499)
Preservation - Population 17	\$0	\$492,584	\$492,584	n/a	n/a	n/a	\$0	\$3,299,811	\$3,299,811
Totals	\$22,876,171	\$23,335,197	\$459,026	\$40,353,024	\$40,115,082	(\$237,942)	\$320,434,590	\$320,655,674	\$221,084

Assumptions provided by Feasibility Study
 population = Innovation 17,466
 taxable value = \$945,749,911

* Source: Local Government Information Handbook 2017

*Note - Orange County has a 0.5% School Capital Outlay Sales Surtax. As none of this surtax is shared with cities, no estimate for local surtax revenues is provided

1995