

MEETING OPENED

There being a quorum, the County Mayor called the meeting of the Orange County Board of County Commissioners to order at 9:10 a.m. in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, August 2, 2005. The following were present:

- County Mayor Richard T. Crotty
- Commissioners Teresa Jacobs, Bob Sindler, Mildred Fernandez, Bill Segal, and Homer Hartage
- County Administrator Ajit Lalchandani
- County Attorney Tom Drage
- Deputy Clerk Rosilyn Stapleton

Commissioner Linda Stewart was absent.

The Board paused for the invocation by the Reverend William Andrews, Heart of Mercy Community Church of the Nazarene, followed by the Pledge of Allegiance to the Flag. The County Mayor presented a certificate of appreciation to Pastor Andrews.

NONAGENDA

United States Senator Bill Nelson addressed the Board and reported on the equity of funding the State receives from Federal Gas Tax Revenues and local road projects recently approved by the United States Congress. Senator Nelson stated that the funding for the projects would be funneled through the State of Florida Department of Transportation. He noted that Veterans Affairs is in the site-selection process in Orlando for a new Veterans Hospital and discussed the viability of the shuttle program.

PRESENTATIONS

The presentation of resolution in support of the Orange County Clerk of the Courts' Driver Safety Campaign was deleted from the agenda.

COUNTY CONSENT AGENDA

Upon a motion by Commissioner Fernandez, seconded by Commissioner Segal, and carried with all present members voting AYE by voice vote; Commissioner Stewart was

absent; the Board deleted Health and Family Services Department Item 1; and further, approved the balance of the County Consent Agenda items as follows:

County Comptroller

1. Approval of the minutes of the June 28, 2005, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
2. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, for periods as follows:
 - July 15, 2005, to July 21, 2005; total of \$28,311,775.10
 - July 22, 2005, to July 27, 2005; total of \$35,655,686.00

(Finance and Accounting Department).

County Administrator

1. Approval and execution of Resolution 2005-M-19 approving the issuance by the Winter Park Community Redevelopment Agency of its \$4,307,000 Community Redevelopment Note, District 5 (Fiscal and Business Services Division).
2. Approval for the Orange County Sheriff's Office to spend \$42,177 from the Law Enforcement Trust Fund to purchase equipment as follows: Blade Tech Holsters from Taser International (\$10,943), Ballistic Entry Vest from U.S. Surplus (\$14,210), and Helmets from PVP Communications, Inc. (\$17,024) (Office of Management and Budget).
3. Approval of Budget Amendments 05-49, 05-50, 05-51, and 05-52 (Office of Management and Budget).

(Budget amendments are on file in the Comptroller Finance and Accounting Department.)

4. Approval of Budget Transfer 05-1518 (Office of Management and Budget).

(Budget transfer is on file in the Comptroller Finance and Accounting Department.)

5. Approval of CIP Amendments 05C-9159 and 05C-9162 (Office of Management and Budget).

(CIP amendments are on file in the Comptroller Finance and Accounting Department.)

6. Confirmation of Commissioner Segal's appointment of Stanley Roberts to the City of Winter Park Community Redevelopment Agency (CRA) Board with a term expiring June 30, 2008 (Agenda Development Office).

Administrative Services Department

1. Approval to award Invitation for Bids Y5-1052-PD, Rental of Rigging Equipment, to the low responsive and responsible bidder, Production Resource Group. The estimated contract award amount is \$120,000 for a 1-year term ([Convention Center] Purchasing and Contracts Division).
2. Approval to award Invitation for Bids Y5-1070-PD, Right-of-Way Mowing Apopka Area, to the low responsive and responsible bidder, Alpha and Omega Landscaping, Inc. The estimated contract award amount is \$229,250 for a 1-year term ([Roads and Drainage Division] Purchasing and Contracts Division).
3. Approval to award Invitation for Bids Y5-1078-JS, Emergency Drinking Water Supplies, to the sole responsive and responsible bidder, Nestlé Waters North America. The estimated contract award amount is \$151,184 ([Purchasing and Contracts Division] Purchasing and Contracts Division).
4. Approval to award Invitation for Bids Y5-1081-PD, Landscape Management for Orange County Roads and Drainage Division, to the low responsive and responsible bidder, Commercial Landscape & Irrigation, Inc. The estimated contract award amount is \$978,372.50 for a 1-year term ([Roads and Drainage Division] Purchasing and Contracts Division).
5. Approval to award Invitation for Bids Y5-1094-NW, Temporary Unskilled Labor, Term Contract, to the 2 low responsive and responsible bidders, Tandem Staffing Solutions, Inc., in the estimated contract award amount of \$179,800, and General Personnel Consultants of Orlando, Inc., dba Right Hand Man, in the estimated contract amount of \$196,800 for two 1-year term contracts ([Solid Waste Division] Purchasing and Contracts Division).

6. Approval to award Invitation for Bids Y5-635-PD, 2,000 Gallon Heavy Duty Fuel Truck, to the low responsive and responsible bidder, Heintzelman Truck Center. The total contract award amount is \$106,355 ([Water Reclamation Division] Purchasing and Contracts Division).
7. Approval to award Invitation for Bids Y5-754-JC, Orange County Convention Center West Building Central Lobby Driveway Restoration, to the low responsive and responsible bidder, American Persian Engineers and Constructors, Inc. The total contract award amount is \$298,850 ([OCCC Capital Planning Division] Purchasing and Contracts Division).
8. Approval of Contract Y5-653-NW, Upgrade of Fleet Management Automated Fuel Tracking System at Fueling Sites, with E.J. Ward, Inc., in the total amount of \$100,974 ([Fleet Management Division] Purchasing and Contracts Division).
9. Ratification of Contract Y5-752, Nashville Avenue Pond Restoration, with Cathcart Contracting Company in the amount of \$265,417 ([Highway Construction Division] Purchasing and Contracts Division).
10. Ratification of Contract Y5-758, Riverside Park Drive at Little Wekiva River South NRCS Restoration, with Subaqueous Services, Inc., in the amount of \$313,965 ([Roads and Drainage Division] Purchasing and Contracts Division).
11. Ratification of Contract Y5-759, Riverside Acres Subdivision at Little Wekiva River North NRCS Restoration, with Stage Door II, Inc., in the amount of \$619,000 ([Roads and Drainage Division] Purchasing and Contracts Division).
12. Approval of Sole-Source Contract Y5-652, Mobexcom II Vehicular Repeaters with Motorola Engineering and Sales at a contract award amount of \$139,613 ([Fire Rescue Department] Purchasing and Contracts Division).
13. Approval and execution by the County Mayor of Resolution 2005-M-20 and County Deed and authorization to dispose of surplus property and record instrument for Tax Deeds (Surplus Properties) (City of Orlando), Districts 2, 3, 5, and 6 (Real Estate Management Division).
14. Approval of Utility Easement and authorization to record instrument for Tennyson Park, District 1 (Real Estate Management Division).

Community and Environmental Services Department

1. Approval to advertise Resolutions 2005-CED-173 through 2005-CED-181 for Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning:

LC 05-279; LC 05-312; LC 05-309; LC 05-327; LC 05-339; LC 05-233;
LC 05-268; LC 05-294; LC 05-293

Districts 2, 4, 5, and 6 (Code Enforcement Division).

Growth Management Department

1. Approval of an Agreement between Orange County and the Christmas Civic Association regarding the Community Development Block Grant Program, to renovate the Christmas Civic Center, District 5 (Housing and Community Development Division).
2. Approval of the 2005-2010 Consolidated Plan and Certifications and the 2005-2006 1-Year Action Plan and grant applications, all districts (Housing and Community Development Division).
3. Approval of Addendum #1 to the Amended Development Order (approved February 17, 1998) to extend the project commencement date for Beltway Commerce Center Development of Regional Impact from February 3, 2006, to February 3, 2008, District 4 (Planning Division).
4. Approval of the First Amended and Restated Development Order Ginn Property Development of Regional Impact between Orange County and Ginn-LA Airport Ltd., LLLP, to incorporate by reference a Site Mitigation and Habitat Management Plan into this First Amended and Restated Development Order Section III.2.E of the original Development Order, District 4 (Planning Division).
5. Approval of the Second Amendment to the Stipulation and Settlement Agreement between Orange County and the City of Ocoee, Districts 1 and 2 (Planning Division).

6. Approval of the First Amendment to Settlement Interlocal Agreement between the City of Apopka and Orange County to amend Section 12(b) of the Settlement Interlocal Agreement, District 2 (Planning Division).
7. Approval of the First Amended and Restated Development Order (DO) for the Nadeen Tanmore II Development of Regional Impact (DRI) to extend the date of commencement of physical development under the DO to December 30, 2006, District 1 (Planning Division).

Health and Family Services Department

1. Approval of the application to license the Goldenrod Head Start Center between the State of Florida Department of Children and Families and Orange County. This application is only executed by Orange County (Head Start Division).

(As stated in the above motion, this item was deleted from the agenda.)

2. Approval to accept funding in the amount of \$148,800 from the Department of Health and Human Services. Approval of the grant agreement between Orange County and the Victim Services Center of Orange County, Inc., in the amount of \$148,800 for the provision of an educational program targeted for college students in Orange County at high risk for abusive relationships. The term of the agreement is from September 30, 2005, through September 29, 2006. Approval for the County Mayor, or his designee, to sign future amendments with nonmaterial and nonmonetary changes (Youth and Family Services Division).

Public Safety

1. Approval of the State-Funded Sub-Grant Agreement #06CP-11-06-58-01-CSFA Number 52.023, between the State of Florida Department of Community Affairs and Orange County to Award Funds in the amount of \$18,000 to update the Hazard Analysis Data for Orange County, all districts (Office of Emergency Management).

Public Works Department

1. Approval of the Agreement between Orange County and Westminster Landing Homeowners' Association for Traffic Law Enforcement on Private Roads in the

gated community of Westminster Landing, District 1 (Development Engineering Division).

Utilities Department

1. Approval of the Cost Share Agreement between the St. Johns River Water Management District and Orange County Pursuant to District's Alternative Water Supply Construction Cost-Sharing Program Old Winter Garden Road Reclaimed Water Recharge-Transmission Line Project to supply reclaimed water to a portion of southwest Orange County in the amount of \$100,000, District 1 (Engineering Division).
2. Approval of the Regional Aquifer Management Program Agreement between the St. Johns River Water Management District and Orange County, Florida, for the Old Winter Garden Road Rapid Infiltration Basin Project (Central Florida Aquifer Recharge Enhancement Project) in the amount of \$305,000, District 1 (Engineering Division).
3. Approval of the Agreement between the St. Johns River Water Management District and Orange County for the NW Water Reclamation Facility Rapid Infiltration Basin Expansion Project (Central Florida Aquifer Recharge Enhancement Project) in the amount of \$265,000, District 1 (Engineering Division).
4. Approval of the Agreement between the St. Johns River Water Management District and Orange County for the Lake Cora Lee Augmentation Project (Central Florida Aquifer Recharge Enhancement Project) in the amount \$495,000, District 1 (Engineering Division).

INFORMATIONAL ITEMS*

County Comptroller

1. Receipt of the following file for the record documents:
 - a. Florida Public Service Commission notice of hearing and prehearing re: petition for arbitration of certain unresolved issues associated with negotiations for interconnection, collocation, and resale agreement with

Florida Digital Network, Inc., dba FDN Communications, by Sprint-Florida, Incorporated.

- b. Florida Public Service Commission notice of hearing and prehearing re: amended petition for arbitration of certain unresolved issues associated with negotiations for interconnection, collocation, and resale agreement with Florida Digital Network, Inc., dba FDN Communications, by Sprint-Florida, Incorporated.
- c. Central Florida Regional Transportation Authority's Comprehensive Annual Report for the fiscal year ended September 30, 2004.

(Comptroller Clerk of the Board of County Commissioners)

2. Acknowledgement and filing of the Follow-Up of the Limited Review of the Zoning Division (County Audit).

*With respect to informational items, Board action is neither required nor necessary, and Board approval (or disapproval) is not to be implied.

ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA

1. Selection of 1 firm and 3 alternates to provide Third Party Claim Administration and Managed Care Services, Request for Proposals Y5-1023-NW ([Risk Management Division] Purchasing and Contracts Division).

Staff stated that Commissioner Segal attended the June 22, 2005, Procurement Review Committee meeting for the selection of 1 firm and 3 alternates to provide Third Party Claim Administration and Managed Care Services, Request for Proposals Y5-1023-NW from the following firms listed alphabetically:

- Gallagher Bassett Services, Inc.
- Integrated Administrators (Blue Cross and Blue Shield of Florida)
- Unisource Administrators, Inc.
- United Self-Insured Services (USIS)

Upon a motion by Commissioner Segal, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioner Stewart was absent; the Board selected 1 firm:

- Unisource Administrators, Inc.

and 3 ranked alternates:

- #1 United Self-Insured Services (USIS)
- #2 Integrated Administrators (Blue Cross and Blue Shield of Florida)
- #3 Gallagher Bassett Services, Inc.

and further, authorized staff to enter into contract negotiations for Third Party Claim Administration and Managed Care Services, Request for Proposals Y5-1023-NW.

2. Selection of 1 firm and 2 ranked alternates for Development and Administration of Promotional Assessment Process for Multiple Positions within the Fire Rescue Department, Request for Proposals Y5-1042-GJ ([Human Resources Division] Purchasing and Contracts Division).

Staff stated that Commissioner Segal attended the June 15, 2005, Procurement Review Committee meeting, for the selection of 1 firm and 2 ranked alternates for Development and Administration of Promotional Assessment Process for Multiple Positions within the Fire Rescue Department, Request for Proposals Y5-1042-GJ from the following firms listed alphabetically:

- CWH
- I/O Solutions, Inc.
- Morris & McDaniel, Inc.

Upon a motion by Commissioner Segal, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioner Stewart was absent; the Board selected 1 firm:

- I/O Solutions, Inc.

and 2 ranked alternates:

- #1 Morris & McDaniel, Inc.
- #2 CWH

and further, authorized staff to enter into contract negotiations for Development and Administration of Promotional Assessment Process for Multiple Positions within the Fire Rescue Department, Request for Proposals Y5-1042-GJ.

3. Selection of 1 firm and 2 alternates to provide Engineering Services for the Southern Regional Water Supply Facility, Request for Proposals Y5-812-PH ([Utilities Engineering Division] Purchasing and Contracts Division).

Staff stated that Commissioner Segal attended the June 29, 2005, Procurement Review Committee meeting, for the selection of 1 firm and 2 alternates for Engineering Services for the Southern Regional Water Supply Facility, Request for Proposals Y5-812-PH from the following firms listed alphabetically:

- Black & Veach Corporation
- Jacobs Civil, Inc.
- Tetra Tech, Inc.

Upon a motion by Commissioner Segal, seconded by Commissioner Fernandez}, and carried with all present members voting AYE by voice vote; Commissioner Stewart was absent; the Board selected 1 firm:

- Black & Veach Corporation

and 2 ranked alternates:

- #1 Tetra Tech, Inc.
- #2 Jacobs Civil, Inc.

and further, authorized staff to enter into contract negotiations for Engineering Services for the Southern Regional Water Supply Facility, Request for Proposals Y5-812-PH.

COUNTY MAYOR'S REPORT DISCUSSION AGENDA

1. Update on Growth Management legislation, all districts.

Staff presented a report on this item. Florida State Representative Randy Johnson contributed to the report via a video statement. Florida State Senator Dan

Webster addressed the Board and contributed to the report. Board discussion ensued. No action was taken.

COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Update on the Transportation Regional Incentive Program (TRIP) legislation, all districts.

George Gilhooley, State of Florida Department of Transportation District 5 Secretary, addressed the Board and presented a report on this item. Staff presented a report on TRIP projects in Orange County. Board discussion ensued. No action was taken.

2. Concurrency Management and Pay-As-You-Go System, all districts.

Patrick Christiansen, chairman of the Concurrency Advisory Group, addressed the Board and presented a report on this item; staff contributed to the discussion. Board discussion ensued. No action was taken.

Upon a motion by Commissioner Segal, seconded by Commissioner Sindler, and carried with County Mayor Crotty and Commissioners Sindler, Fernandez, Segal and Hartage voting AYE by voice vote; Commissioner Jacobs voting NO by voice vote; Commissioner Stewart was absent; the Board authorized maintaining the status-quo concerning the County's Pay-As-You-Go System; further, authorized the Concurrency Advisory Group (CAG) to continue its deliberations and make periodic status reports to the Board; further, authorized adding 2 new members to the CAG; and further, directed staff to work with Commissioner Jacobs and submit candidates to the Board for confirmation.

The County Mayor adjourned the morning session.

MEETING RECONVENED

There being a quorum, the Board of County Commissioners reconvened in Commission Chambers on the First Floor, Orange County Administration Center. The following were present:

- County Mayor Richard T. Crotty
- Commissioners Bob Sindler, and Mildred Fernandez

- County Administrator Ajit Lalchandani
- Deputy Clerk Rosilyn Stapleton

Commissioners Teresa Jacobs, Bill Segal, and Homer Hartage joined the meeting where indicated. Commissioner Linda Stewart was absent.

EMPLOYEE SERVICE AWARDS

Presentation of employee service awards to the following: William R. Thomas (20), Parks and Recreation, Community and Environmental Services; Herschel A. Pipkins (20), Gregory James Klima (20), William Ralph Steinbach (20), Kevin Michael Turner (20), In-Custody Security, Corrections; Glen D. Richardson (30), Ronnie A. Schnell (30), Jeffrey L. Wilde (25), Cynthia Dawn Minguy (20), Edward H. Smith (20), Operations, Candy L. Nadeau (25), Communications, Fire Rescue; Luis E. Cordoves (20), Building, Growth Management; Virginia W. Herring (25), Margaret A. Hamilton (25), Head Start, Health and Family Services; David R. Spencer (30), Water Reclamation, James E. Hill (35), Water, Utilities.

Commissioners Jacobs and Segal joined the meeting.

JULY 22, 2005, PLANNING AND ZONING COMMISSION RECOMMENDATIONS

Upon a motion by Commissioner Fernandez, seconded by Commissioner Segal, and carried with all present members voting AYE by voice vote; Commissioners Stewart and Hartage were absent; the Board accepted the recommendations of the Orange County Planning and Zoning Commission under date of July 22, 2005, with the exception of Cases Z-04-105 and Z-05-013; subject to the usual right of appeal by any aggrieved party; and further, authorized scheduling a public hearing for Case Z-04-105 in the name of Thomas Daly for Somerset Chase Planned Development (PD) (fka Econ Trail Townhomes PD) and Case Z-05-013 in the name of Chris Abbott for Beck Property PD on September 20, 2005.

PETITION TO VACATE PUBLIC HEARING-APPLICANT: BRUCE WEMPLE; NO. 05-14, PORTION OF RIGHT-OF-WAY; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Bruce M. Wemple, B. M. Wemple Pools, Inc., Petition to Vacate 05-14, to vacate a portion of a right-of-way known as Dartmouth Street lying north of East Colonial Drive and east of County Road 13, on property located at 18757 East Colonial

Drive; Parcel ID 22-22-32-0724-20-030; District 5; Section 27, Township 22, Range 32; Orange County, Florida (the legal property description is on file).

Staff reviewed the request and the recommendation for approval of the petition to vacate as submitted.

No one appeared regarding the request.

The County Mayor closed the public hearing and opened the matter for Board discussion.

Upon a motion by Commissioner Segal, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioners Stewart and Hartage were absent; the Board adopted a resolution granting Petition to Vacate 05-14 vacating a portion of a right-of-way known as Dartmouth Street on the above-described property.

PETITION TO VACATE PUBLIC HEARING-APPLICANT: IRA HATCH; NO. 05-15, SEVERAL UNNAMED RIGHTS-OF-WAY; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Ira C. Hatch, Convention Center Hospitality Group, LC, Petition to Vacate 05-15, to vacate several unnamed rights-of-way, along with several ingress/egress easements lying south of the Central Florida Greenway and east of S.R. 535, the parcels are unaddressed; Parcel IDs 35-24-28-0000-00-008 and 35-24-28-0000-00-022; District 1; Section 35, Township 24, Range 28; Orange County, Florida (the legal property description is on file).

Staff reviewed the request and the recommendation for approval of the petition to vacate as submitted.

The County Mayor noted that the applicant was present and in concurrence with the recommendation.

No one appeared regarding the request.

The County Mayor closed the public hearing and opened the matter for Board discussion.

Upon a motion by Commissioner Jacobs, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioners Stewart and

Hartage were absent; the Board adopted a resolution granting Petition to Vacate 05-15 vacating several unnamed rights-of-way, along with several ingress/egress easements on the above-described property.

PETITION TO VACATE PUBLIC HEARING-APPLICANT: HAROLD MILLER FOR JAMES W. HICKMAN IRREVOCABLE TRUST; NO. 05-17, PORTIONS OF UNNAMED RIGHT-OF-WAY; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Harold Miller for James W. Hickman Revocable Trust, Petition to Vacate 05-17, to vacate portions of an unnamed right-of-way, lying north of International Drive and west of Lake Willis Drive, on property located at 7601 Vineland Avenue; Parcel ID 14-24-28-0000-00-006; District 1; Section 14, Township 24, Range 28; Orange County, Florida (the legal property description is on file).

Staff reviewed the request and the recommendation for approval of the petition to vacate as submitted.

The County Mayor noted that the applicant was present and in concurrence with the recommendation.

No one appeared regarding the request.

The County Mayor closed the public hearing and opened the matter for Board discussion.

Upon a motion by Commissioner Jacobs, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioners Stewart and Hartage were absent; the Board adopted a resolution granting Petition to Vacate 05-17 vacating several unnamed rights-of-way, along with several ingress/egress easements on the above-described property.

Commissioner Hartage joined the meeting.

NOTE: THE FOLLOWING 2 PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE 297 FOR APPEARANCES AND ACTION TAKEN.

MSTU/BU PUBLIC HEARING-SOUTH AURORA DRIVE AND THOR AVENUE-WEKIWA MANOR SECTIONS 1 AND 2, ESTABLISH FOR 1-TIME-ONLY SPEED HUMPS INSTALLATION; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request to establish an MSBU for 1-time-only speed humps installation for South Aurora Drive and Thor Avenue-Wekiwa Manor Sections 1 and 2 (the legal property description is on file).

Staff reported that this request from the Traffic Engineering Division and the area property owners has a 1-time cost of \$30 per lot for speed hump installation.

and

MSTU/BU PUBLIC HEARING-RIO PINAR LAKES BLVD., LAS PALMAS CIRCLE, AND VIENTO STREET-RIO PINAR LAKES UNIT 1 AND RIO PINAR LAKES UNIT 1 REPLAT; ESTABLISH FOR 1-TIME-ONLY SPEED HUMPS INSTALLATION; DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request to establish an MSBU for 1-time-only speed humps installation for Rio Pinar Lakes Boulevard, Las Palmas Circle, and Viento Street-Rio Pinar Lakes Unit 1 and Rio Pinar Lakes Unit 1 Replat (the legal property description is on file).

Staff reported that this request from the Traffic Engineering Division and the property owners has a 1-time-only cost of \$26 per lot for speed hump installation.

No one appeared regarding the requests.

The County Mayor closed the public hearings and opened the matters for Board discussion.

Upon a motion by Commissioner Fernandez, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioner Stewart was absent; the Board adopted the following resolutions:

- Establishing South Aurora Drive and Thor Avenue-Wekiwa Manor Sections 1 and 2 MSBU, 1-time-only cost of \$30 per lot for speed humps installation.

- Establishing Rio Pinar Lakes Boulevard, Las Palmas Circle, and Viento Street-Rio Pinar Lakes Unit 1 and Rio Pinar Lakes Unit 1 Replat MSBU, 1-time-only cost of \$26 per lot for speed humps installation.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-DEERWOOD LANDINGS
PLANNED DEVELOPMENT-DEERWOOD LANDINGS COMMERCIAL WAL-MART
SUPERCENTER #3863 PSP, DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Deerwood Landings Planned Development-Deerwood Landings Commercial Wal-Mart Supercenter #3863 Preliminary Subdivision Plan (PSP), submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations. This plan proposes the development of a 22.25-acre site for 2 lots on property generally located north of Curry Ford Road, west of Econlockhatchee Trail; Parcel ID 06-23-31-0000-00-014; District 3; Section 06, Township 23, Range 31; Orange County, Florida (the legal property description is on file).

A court reporter Victoria Millonig of Victoria Ann Millonig & Associates was present.

Staff reviewed the request and the Development Review Committee's recommendation of approval subject to conditions and the results of a community meeting. Staff requested that the public hearing be continued to hold another community meeting to address changes made to the PSP subsequent to the first community meeting.

The following persons addressed the Board:

- Hal Kantor, for the applicant
- Korey Gerviz, area resident

The County Mayor closed the public hearing and opened the matter for Board discussion.

Upon a motion by Commissioner Fernandez, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioner Stewart was absent; the Board continued the public hearing to consider the Deerwood Landings Planned Development-Deerwood Landings Commercial Wal-Mart Supercenter #3863 Preliminary Subdivision Plan on the above-described property until September 20, 2005, at 3:30 p.m.

THE FOLLOWING 2 PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE 299 FOR APPEARANCES AND ACTION TAKEN.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: ERIC WARREN, STILLWATER CROSSINGS/CENTER BRIDGE PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND LUP; DISTRICT 1-CONTINUED FROM JUNE 7, 2005

By consensus, the Board reopened the public hearing to consider a substantial change request by Eric Warren; Miller Sellen, Inc.; Stillwater Crossings/Center Bridge Planned Development; to amend the Land Use Plan to increase the height in the Village Center from 40 feet to 55 feet and allow the buildings along the main Village Center roadway to have residential on the ground floor (in lieu of code required commercial uses on the ground floor) where such buildings are located across from a park, civic, or residential uses; continued from the June 7, 2005, Board meeting (the legal property description is on file).

Staff reviewed the change request and the Development Review Committee's determination of substantial change. Staff stated the DRC recommended approval of the request.

and

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-STILLWATER CROSSINGS/CENTER BRIDGE IN BRIDGEWATER PLANNED DEVELOPMENT-SUMMERPORT-PARCEL CB-8 VILLAGE CENTER PSP, DISTRICT 1-CONTINUED FROM JUNE 7, 2005

By consensus, the Board reopened the public hearing to consider the Stillwater Crossings/Center Bridge in Bridgewater Planned Development-Summerport-Parcel CB-8 Village Center Preliminary Subdivision Plan, continued from the June 7, 2005, Board meeting.

Staff reviewed the request and the Development Review Committee's recommendation of approval subject to conditions.

The following person addressed the Board regarding the request:

- Jeffrey McNeal, for the applicant

The County Mayor closed the public hearings and opened the matters for Board discussion.

Upon a motion by Commissioner Jacobs, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioner Stewart was absent; the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by Eric Warren; Miller Sellen, Inc.; Stillwater Crossings/Center Bridge Planned Development (PD); to amend the Land Use Plan (LUP) to increase the height in the Village Center from 40 feet to 55 feet and allow the buildings along the main Village Center roadway to have residential on the ground floor (in lieu of code required commercial uses on the ground floor) where such buildings are located across from a park, civic, or residential uses; which constitutes a substantial change to the development on the previously-described property; subject to the following conditions:

1. Development shall conform to the LUP dated, "Received June 16, 2005," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent the applicable laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (BCC), or by action of the BCC.
2. The uses, densities, and intensities, and all of the conditions of approval of the PD/LUP have been negotiated and agreed to by both the applicant and the County.

The PD/LUP constitutes an agreement between the parties. The applicant and the applicant's successors in interest have the contract right to develop the PD with the uses, densities, and intensities approved by the County, subject to the restrictions and requirements in the conditions of approval, and neither the applicant nor the County shall have the right to rezone or downzone the property, or otherwise alter the uses, densities, and intensities, or to delete, waive, or amend any condition of approval except through an amendment to the PD/LUP that is negotiated by both parties.

3. A waiver from Orange County Code Section 38-1389(c)(3) shall be granted for height; to increase the height in the Village Center from 40 feet to 55 feet.
4. A waiver from Orange County Code Section 38-1389(b)(c) shall be granted for ground floor residential to allow the buildings along the main Village Center roadway to have residential on the ground floor.

5. All previous Conditions of Approval shall apply.
6. A waiver from Orange County Code Section 38-1389(c)(3)g shall be granted for setbacks as follows: 70 percent of primary building face no greater than 30 feet; 40 percent of primary building face no greater than 16 feet; no primary building face shall be set closer than 6 feet from edge of right-of-way; and no primary building face shall be greater than 40 feet from edge of right-of-way;

and further, approved the Stillwater Crossings/Center Bridge in Bridgewater Planned Development (PD)-Summerport-Parcel CB-8 Village Center Preliminary Subdivision Plan (PSP) on the previously-described property, subject to the following conditions:

1. Development shall conform to the Stillwater Crossings/Center Bridge Neighborhood PD; Orange County Board of County Commissioners' (BCC) approvals; Summerport/Parcel CB-8 Village Center PSP dated, "Received June 16, 2005"; and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.

PSP approval automatically expires on August 2, 2006, in accordance with the Orange County Subdivision Regulations as amended.

2. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this development is consistent with the approved master stormwater management and utility plans for the PD.
3. Prior to platting, an MSTU shall be established for recreational trail maintenance for trails which range in width from over 5 feet to less than 14 feet in width.
4. Unless a Conservation Area Impact Permit is approved by the BCC prior to construction plan approval, no conservation area encroachments are permitted.
5. Prior to earthwork or construction, the developer shall provide a copy of the completed Florida National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to

the Orange County Environmental Protection Division, Attention: NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.

6. Outdoor storage and display shall be prohibited.
7. Billboards and pole signs shall be prohibited.
8. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to platting. However, nothing in this condition and nothing in the decision to approve this PSP shall be construed to mean that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING AND APPEAL-
APPELLANT/APPLICANT: ALLAN KEEN, EUNICE AVENUE PLANNED DEVELOPMENT;
CASE Z-04-119, MAY 19, 2005; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Allan Keen, Eunice Avenue Planned Development, to rezone from R-1A (Single-family-7,500 square-foot lots) to Planned Development (PD), on property generally located at the northwest corner of Shader Road and Eunice Avenue, 1,840 feet west of North John Young Parkway; multiple parcels located in District 2; Section 09, Township 22, Range 29; Orange County, Florida (the legal property description is on file).

Commissioner Hartage declared a conflict of interest and left the meeting (Memorandum of Voting Conflict is on file in the Office of the Comptroller Clerk of the Board of County Commissioners).

Two court reporters were present, Victoria Ann Millonig of Victoria Ann Millonig & Associates, and Richard Castillo of Esquire Deposition Services.

Staff outlined the request and identified the location of the subject property, the surrounding zoning classifications and the future land use map designations in the area.

The following persons addressed the Board regarding the request:

- Allan Keen, the applicant

- Hal Kantor, for the applicant
- Shelly Mintel, area resident
- Heather Nilbert, area resident
- Joseph Small, area resident
- Carol Saviak
- David Bauer, area resident
- Alan Askill, area resident
- Bob Wallace, area employer
- Kathy Turner for Sandy Teague, area resident
- George Collins, area resident
- Rod Nibert, area resident
- Marcia Mobley, area resident
- Richard Adamczyk, area resident
- Martha Bryant Hall, area resident
- Trevor Hall, Jr.
- Ed Hampden, area resident
- Merrell Bailey
- Charles Fowler, area resident
- John Roper, area resident
- Sarah Reiner, area resident

The County Mayor accepted the following exhibit from Mr. Kantor:

- Clerk's Composite Exhibit 1, backup to the presentation.

The County Mayor accepted the following exhibit from Ms. Turner for Ms. Teague:

- Clerk's Composite Exhibit 2, 71 affidavits.

After discussion, staff reviewed possible conditions as follows:

- Leases for less than 1 year are prohibited.
- Traffic calming for the Bay Lake Subdivision shall be determined at the Preliminary Subdivision Plan stage.

The County Mayor closed the public hearing and opened the matter for Board discussion.

A motion by Commissioner Sindler to uphold the decision of the Orange County Planning and Zoning Commission and deny the request by Allan Keen to rezone from R-1A

***Page revised July 31, 2006, per minutes of July 18, 2006.**

(Single-family 7,500 square-foot lots) to Planned Development on the above-described property died for the lack of a second.

Upon a motion by Commissioner Segal, seconded by Commissioner Fernandez, and carried with County Mayor Crotty and Commissioners Jacobs, Fernandez, and Segal voting AYE by voice vote; Commissioner Sindler voting NO by voice vote; Commissioners Stewart and Hartage were absent; the Board made a finding of consistency with the Comprehensive Policy Plan and overruled the decision of the Orange County Planning and Zoning Commission and approved the request by Allan Keen to rezone from R-1A (Single-family 7,500 square-foot lots) to Planned Development on the above-described property subject to the following conditions*:

1. Development shall conform to the Eunice Avenue PD/LUP dated "received March 29, 2005," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent the applicable laws, ordinances, and regulations are expressly waived or modified by these conditions or by action approved by the Board of County Commissioners (BCC), or by action of the BCC.
2. The uses, densities, and intensities, and all of the conditions of approval of the PD/LUP have been negotiated and agreed to by both the applicant and the County. The PD/LUP constitutes an agreement between the parties. The applicant and the applicant's successors in interest have the contract right to develop the PD with the uses, densities, and intensities approved by the County, subject to the restrictions and requirements in the conditions of approval, and neither the applicant nor the County shall have the right to rezone or downzone the property, or otherwise alter the uses, densities, and intensities, or to delete, waive, or amend any condition of approval except through an amendment to the PD/LUP that is negotiated by both parties.
3. Developer shall comply with all provisions of the Public Education Agreement (PEA) entered into with the Orange County School Board as of December 14, 2004 (executed on February 9, 2005).

Page added July 31, 2006.

Upon the County's receipt of written notice from Orange County Public Schools (OCPS) that the developer is in default or breach of the PEA, the County shall immediately cease issuing building permits for any residential units in excess of the 4 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County shall again begin issuing building permits upon OCPS' written notice to the County that the developer is no longer in breach or default of the PEA. The developer and its successor or assign under the PEA, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

Developer, or its successor or assign under the PEA agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's property rights.

Orange County shall be held harmless by the developer and its assigns under the PEA in any dispute between the developer and OCPS over any interpretation or provision of the PEA.

4. The applicant proposed to have 65 by 90-foot lots. Each lot contains 3 fee-simple units. Each unit shall be a minimum of 20 by 30 feet. One property owner shall own 3 garages with easements to each of the other 2 owners. To protect future property owners, this project shall be developed as a condominium plat.
5. The waiver from Chapter 38-1258(a) is granted to allow 2-story multi-family structure within 100 feet of single-family zoned property (75 feet) as these units will be developed as condominiums with fee-simple ownership of each unit.
6. Short-term leases for less than 1 year are prohibited.
7. Traffic calming for the Bay Lake Subdivision shall be determined at the Preliminary Subdivision Plan stage.

Commissioner Hartage rejoined the meeting.

Page added July 31, 2006.

PLANNING AND ZONING COMMISSION APPEAL-APPELLANT/APPLICANT: IVONNE LOPEZ, AUTO TENDERS, CASE RZ-05-04-052, MAY 19, 2005; DISTRICT 3

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Ivonne Lopez of the recommendation of the Planning and Zoning Commission, on a request by Ivonne Lopez, Auto Tenders, to rezone from C-1 (Retail Commercial District) (2003) to C-2 (General Commercial District). The property is generally located on the northwest corner of North Dean Road and Proctor Avenue, north of Colonial Drive; Parcel IDs 18-22-31-8744-02-040, 18-22-31-8744-02-010, 18-22-31-8744-02-020, 18-22-31-8744-02-030, 18-22-31-8744-02-050; District 3; Section 18, Township 22, Range 31; Orange County, Florida (the legal property description is on file).

Staff outlined the request; identified the subject property and the surrounding zoning classifications; and further, noted that the Planning and Zoning Commission recommended denial of the request.

The following persons addressed the Board:

- Ivonne Lopez, the applicant
- Marco Pignone, area resident
- Carmen Fuller, for the applicant

- Barbara Tyson, area resident

Staff recommended that conditions be added as follows

- Restricted to C-1 uses and auto repair only.
- Development shall be consistent with the renderings presented at the public hearing.
- No outdoor speakers.
- Restrictions consistent with Orange County Code.

The County Mayor closed the public hearing and opened the matter for Board discussion.

Upon a motion by Commissioner Fernandez, seconded by Commissioner Segal, and carried with all present members voting AYE by voice vote; Commissioner Stewart was absent; the Board made a finding of consistency with the Comprehensive Policy Plan and overruled the decision of the Orange County Planning and Zoning Commission and approved the request by Ivonne Lopez to rezone from C-1 (Retail Commercial District) (2003) to C-2 (General Commercial District) on the above-described, property subject to the following conditions:

1. Restricted to C-1 uses and auto repair only.
2. Development shall be consistent with the renderings presented at the public hearing.
3. No outdoor speakers.
4. Restrictions consistent with Orange County Code.

BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING-APPLICANT: SPRINTCOM, INC.; ITEM SE-05-06-005, JUNE 2, 2005; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by SprintCom, Inc., for a special exception in C-3 (Wholesale Commercial District) zone for 140-foot-tall single-use and camouflaged communications tower (flag pole). If the Board of County Commissioners determines the camouflaged tower is not compatible with the nature and character of the area, then the following variance to the tower to residential separation requirement is needed: Less than 700 feet from residential properties on property generally located at the Northgate Plaza Shopping Center, which is at the northwest corner of Lee Road and Edgewater Drive; Parcel ID

03-22-29-5844-00-450; District 2; Section 03, Township 22, Range 29; Orange County, Florida (the legal property description is on file).

Staff outlined the request and identified the location of the subject property, the surrounding zoning classifications and the future land use map designations in the area. Further, staff noted that the applicant has requested a continuance to hold a meeting with Commissioner Sindler.

The following person addressed the Board regarding the request:

- Richard Chira, for the applicant

The County Mayor closed the public hearing and opened the matter for Board discussion.

Upon a motion by Commissioner Sindler, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioner Stewart was absent; the Board continued the public hearing to consider the request by SprintCom, Inc., for a special exception in C-3 (Wholesale Commercial District) zone for 140-foot-tall single use and camouflaged communications tower (flag pole), on the above described property until August 30, 2005, at 2:30 p.m.

MEETING ADJOURNED

There being no further business, the County Mayor adjourned the meeting at 5:10 p.m. p.m.

ATTEST:

Martha O. Haynie
County Comptroller as Clerk

County Mayor

Deputy Clerk

Senior Minutes Coordinator