

MEETING OPENED

There being a quorum, the County Mayor called the meeting of the Orange County Board of County Commissioners to order at 9:15 a.m. in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, September 13, 2005. The following were present:

- County Mayor Richard T. Crotty
- Commissioners Teresa Jacobs, Mildred Fernandez, Linda Stewart, Bill Segal, and Homer Hartage
- County Administrator Ajit Lalchandani
- County Attorney Tom Drage
- Chief Deputy Comptroller as Clerk Jim Moye
- Deputy Clerk Rosilyn Stapleton

Commissioner Bob Sindler was absent.

The Board paused for the invocation by Thich Giac Tam, Long Van Temple, followed by the Pledge of Allegiance to the Flag. The County Mayor presented a certificate of appreciation to Monk Tam.

NONAGENDA

County Mayor Crotty announced the passing of former Commissioner Mary I. Johnson's husband. The County Mayor stated the Employee Service Awards will be rescheduled and the public hearings will begin at 3 p.m. to accommodate those attending the funeral.

Reading of a resolution for presentation by the County Mayor to former Commissioner Johnson's family in memory of Robert Davis Johnson.

PRESENTATIONS

Presentation of the Second Annual National Arts Program Awards by Arts and Cultural Affairs Office Administrator Terry Olson.

Presentation of Art in the Chambers by Arts and Cultural Affairs Office Administrator Terry Olson of works by artist, Steve Vaughn.

Presentation of the Environmental Leadership Award from the Florida Local Environmental Resource Agencies, Inc., by Environmental Protection Department Manager Lori Cunniff to County Mayor Crotty.

COUNTY CONSENT AGENDA

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

- Deferred Administrative Services Department Items 3, 9, 11, 12, and 13 for a separate vote (see pages 437 and 438 for subsequent approval)
- Deferred Administrative Services Department Item 25 for consideration with the public hearing concerning Petition to Vacate 05-08 (see page 443 for subsequent approval)

and further, approved the balance of the County Consent Agenda items as follows:

## County Comptroller

1. Approval of the minutes of the August 9, 2005, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
2. Authorization to make monthly draws to the Supervisor of Elections for fiscal year 2005-2006 as follows: October 2005, the amount of \$1,951,938.06 (represents 25 percent of 2005-2006 budget); November 2005 through August 2006, equal amounts of \$532,346.74; and September 2006, \$532,346.54 (Administrative/Fiscal Division).
3. Authorization to make monthly draws to the Sheriff as follows: October 2005, \$16,867,690; November and December 2005, equal amounts of \$12,375,665; January 2006, \$25,901,328; February through April 2006, equal amounts of \$12,375,665; for May 2006 the amount of \$13,525,665; June and July 2006, equal amounts of \$12,375,665; and August 2006, \$12,375,662 (Administrative/Fiscal Division).
4. 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:
  - August 26, 2005, to September 1, 2005; total of \$34,037,879.09
  - September 2, 2005, to September 8, 2005; total of \$9,396,448.55

(Finance and Accounting Department).

## County Administrator

1. Approval of Budget Amendments 05-58, 05-61, 05-62, 05-63, 05-64, 05-65, 05-66, 05-67, and 05-68 (Office of Management and Budget).

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

2. Approval of Budget Transfers 05-1657 and 05-1736 (Office of Management and Budget).

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

3. Approval of CIP Amendments 05C-9183, 05C-9184, 05C-9185, and 05C-9166 (Office of Management and Budget).

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

4. Approval of the Regular Employee Pay Plan and Policy for fiscal years 2005/2006 and 2006/2007; approval of market pay adjustments for those incumbents in classifications that have been reassigned to higher pay grades based on market with adjustments processed effective October 23, 2005; approval of the County Mayor/Board of County Commissioners Staff and Administrative Pay Plans for fiscal years 2005/2006 and 2006/2007; and approval of the policy for the County Mayor/Board of County Commissioners pay plan that defines the three options County Commissioners are provided for staffing their offices (Human Resources Division).

5. Approval of the Membership and Mission Review Board's recommendations for the following advisory board appointments/reappointments:

- a. Animal Services Advisory Board: Appointment of Heather Morcroft to succeed Mickey R. E. Barkett in the attorney category with a term expiring December 31, 2006.

- b. Animal Services Classification Committee: Appointment of Donna Lendvay to succeed Sarah M. Castor as requested by the SPCA of Central Florida in the SPCA of Central Florida representative category; the appointment of Dana B. Yockey to succeed Scott F. Friedman in the at large representative category; and the appointment of Dr. Kristine A. Sands to

succeed Dr. Stacy Renee Randall in the veterinarian category with terms expiring December 31, 2006.

- c. Children and Family Services Board: Appointment of Breezi K. Stanislaus to succeed Kathy Pratt Johnson in the at large representative category with a term expiring December 31, 2006.
- d. Citizens' Review Panel for Human Services: Appointment of George E. Wilson in the at large member-in-training category with a term expiring December 31, 2006.
- e. Community Development Advisory Board: Appointment of Johnny Rivers to succeed Sherry Priester-Paramore in the County Mayor's representative category as requested by County Mayor Crotty with a term expiring June 30, 2007.
- f. Development Advisory Board: Appointment of Marlo S. Dickens to succeed Sergio Ramos in the development-related discipline category with a term expiring June 30, 2007.
- g. Educational Facilities Authority: Reappointment of Kevin J. Filer in the at large representative category with a term expiring January 1, 2010, and the appointment of Dr. Carmen L. Lamboy to succeed Geraldine Thompson in the institution for higher education representative category with a term expiring January 1, 2009.
- h. Fire and Life Safety Code Board of Adjustments and Appeals: Appointment of Jack Faulkner West to succeed David Robert Blossom in the fire and casualty insurance executive category with a term expiring December 31, 2005.
- i. Neighborhood Grants Advisory Board: Reappointment of Mark C. Rambo in the District 2 representative category; the reappointment of Simonetta Carrell-Knapp in the District 4 representative category; and the reappointment of Walter Johnson, Jr., in the District 6 representative category with terms expiring June 30, 2007.
- j. Parks and Recreation Advisory Board: Appointment of Laura L. Pooser to succeed James F. Johnston in the Orange County Historical Society representative category as requested by the Orange County Historical Society with a term expiring June 30, 2007.

- k. Urban Design Commission: Appointment of John Michael McGowan to succeed Javier Enrique Omana in the at large representative category with a term expiring December 31, 2007.

(Agenda Development Office)

6. Approval of the Membership and Mission Review Board's recommendation for extending the existence of the Animal Services Advisory Board, Animal Services Classification Committee, Environmental Protection Commission, Orange County Research and Development Authority, and Urban Design Commission with a new sunset date of 2009 (Agenda Development Office).
7. Approval of the Membership and Mission Review Board's recommendation for extending the existence of the Community Development Advisory Board, Development Advisory Board, Industrial Development Authority, and Nuisance Abatement Board with a new sunset date of 2010 (Agenda Development Office).
8. Confirmation of Commissioner Segal's appointment of Claramargaret H. Groover to the Citizen Review Board with a term expiring December 31, 2006 (Agenda Development Office).

#### County Sheriff

1. Approval of Florida Department of Law Enforcement (FDLE) Justice Assistance Grants (JAG) Edward Byrne Memorial funds in the amount of \$611,841. The grant period is from October 1, 2005, through September 30, 2006, and does not require matching funds (Grants).

#### Administrative Services Department

1. Approval to award Invitation for Bids Y5-1070-PD, Lot B, 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).
2. Approval to award Invitation for Bids Y5-1096-PD, EMS Pharmaceuticals, to the sole responsive and responsible bidder, Sun Belt Medical/Emergi-Source. The estimated contract award amount is \$367,448.30 for a 1-year term ([Fire Rescue Department] Purchasing and Contracts Division).
3. Approval to award Invitation for Bids Y5-1089-J2, Term Contract for Sidewalk and Road Base Repairs, to the low responsive and responsible bidder, Stage Door II,

Inc. The estimated contract award amount is \$2,223,200 for a 1-year term ([Roads and Drainage Division] Purchasing and Contracts Division).

(As stated in the above motion, this item was deferred for a separate vote; see page 437 for subsequent approval.)

4. Approval to award Invitation for Bids Y5-1111-JS, Temporary Manual Labor-Public Works, to the 4 low responsive and responsible bidders, Pacesetter Personnel Service, Florida Employer Solutions, Inc., Professional Staffing-ABTS, Inc., dba Able Body Temporary Services; and Tri-State Employment Service, Inc. The estimated contract award amounts are \$570,210 for Pacesetter Personnel Service, \$599,625 for Florida Employer Solutions, Inc., \$611,925 for Professional Staffing, and \$622,500 for Tri-State Employment Service, Inc., for a 1-year term ([Roads and Drainage Division] Purchasing and Contracts Division).
5. Approval to award Invitation for Bids Y5-753-SB, Garden of Rest Cemetery Site Improvements, to the low responsive and responsible bidder, Conpilog International Company. The total contract award amount is \$213,500 ([Capital Projects Division] Purchasing and Contracts Division).
6. Approval to award Invitation for Bids Y5-757-SB, Construction of Cypress Grove Park Restroom/Vending Facility, to the sole responsive and responsible bidder, Sloan Builders, Inc. The total contract award amount is \$231,000 ([Capital Projects Division] Purchasing and Contracts Division).
7. Approval to award Invitation for Bids Y5-762-SB, Orange County Fire Station 20 Ground Water Remediation, to the low responsive and responsible bidder, Prime Construction, Inc. The total contract award amount is \$510,800 ([Risk Management Division] Purchasing and Contracts Division).
8. Approval to award Invitation for Bids Y5-771-JC, Orange County Convention Center Orange TV Studio, to the low responsive and responsible bidder, Johnson-Laux Construction Company, LLC. The total contract award amount is \$1,999,500 [Orange County Convention Center Capital Planning Division] Purchasing and Contracts Division).
9. Approval to award Invitation for Bids Y5-778-DB, Apopka-Vineland Road Section 2, Landscaping and Irrigation Improvements, to the low responsive and responsible bidder, Vila and Son Landscaping Corporation. The total contract award amount is \$799,532.98 ([Highway Construction Division] Purchasing and Contracts Division).

(As stated in the above motion, this item was deferred for a separate vote; see page 438 for subsequent approval.)

10. Approval to award Invitation for Bids Y5-781-EZ, Park Avenue Ditch Drainage Improvements, to the low responsive and responsible bidder, Conpilog International Company. The total contract award amount is \$340,452.60 ([Stormwater Management Division] Purchasing and Contracts Division).

11. Approval to award Invitation for Bids Y5-782-EZ, Gatlin Avenue Drainage and Water Improvements, to the low responsive and responsible bidder, Gibbs & Register, Inc. The total contract award amount is \$1,255,000 ([Stormwater Management Division] Purchasing and Contracts Division).

(As stated in the above motion, this item was deferred for a separate vote; see page 438 for subsequent approval.)

12. Ratification of Contract Y5-787, Park Manor Canal Piping-NRCS Restoration, with Gibbs & Register, Inc., in the total contract award amount of \$998,000 ([Roads and Drainage Division] Purchasing and Contracts Division).

(As stated in the above motion, this item was deferred for a separate vote; see page 438 for subsequent approval.)

13. Ratification of Contract Y5-791, Lake Olivia Water Quality Improvements, with Gibbs & Register, Inc., in the total contract award amount of \$542,700 ([Highway Construction Division] Purchasing and Contracts Division).

(As stated in the above motion, this item was deferred for a separate vote; see page 438 for subsequent approval.)

14. Approval of Task Authorization 39, Wastewater Collection System Rehabilitation and Replacement Program, Contract Y3-904, General Consultant and Capital Improvement Program Management Services, with PBS&J, in the amount of \$300,428.54 ([Utilities Engineering Division] Purchasing and Contracts Division).

15. Approval of Task Authorization 42, Integrated Water Resource Project Water Supply Monitoring Program 2006-2008, Contract Y2-903, Continuing Integrated Water Resources Project (IWRP), with Parsons, Brinckerhoff, Quade & Douglas, Inc., in the amount of \$606,964 ([Utilities Engineering Division] Purchasing and Contracts Division).

16. Approval of Amendment 1, Contract Y5-130, Biosolids Management for South Water Reclamation Facility, with T. Wayne Hill Trucking, Inc., in the amount of \$184,140 for a total contract amount of \$875,340 ([Water Reclamation Division] Purchasing and Contracts Division).

17. Approval to award Contract Y5-807, Former Orange County Sheriff's Shooting Range Soil Remediation, to the technically qualified, low responsive and responsible proposer, Metals Treatment Technologies MT2, LLC, in the total contract award amount of \$627,912.50 ([Risk Management Division] Purchasing and Contracts Division).
18. Approval to award Contract Y5-607, Pharmacy Management System, to GE Healthcare Information Technologies, in an amount not-to-exceed \$436,210 ([Health Services Division-Corrections] Purchasing and Contracts Division).
19. Approval and execution by the County Mayor of First Amendment of Lease between Busch Properties of Florida, Inc., and Orange County for office space for Sheriff's Sector V Sub-Station located at 6825 Westwood Boulevard, Suite B, Orlando, Florida, District 1 (Real Estate Management Division).
20. Approval and execution by the County Mayor of Resolution and authorization to initiate condemnation proceedings for Lake Underhill Road and Goldenrod Road Intersection Improvements, District 3 (Real Estate Management Division).
21. Approval and execution by the County Mayor of Resolution and authorization to initiate condemnation proceedings for Rouse Road (Lake Underhill Road to Corporate Boulevard), Districts 3 and 5 (Real Estate Management Division).
22. Approval and execution by the County Mayor of Resolution and authorization to initiate condemnation proceedings for Taylor Creek Road Bridge, District 5 (Real Estate Management Division).
23. Approval of Temporary Construction Easement and authorization to disburse warrant to pay all recording fees and record instrument for Hiawassee Pump Station No. 3038, District 1 (Real Estate Management Division).
24. Approval and execution by the County Mayor of Release of Temporary Easement for North Tanner Road (Lake Pickett Road to McCulloch Road), District 5 (Real Estate Management Division).
25. Approval of Special Warranty Deeds, Non-Exclusive Drainage and Access Easement, and Utility Easement, and authorization to disburse warrant to pay closing costs and perform all actions necessary and incidental to closing for Powers Drive Intersection at Clarcona-Ocoee Road (Bayamon Lane and Quarter Horse Drainage) and Petition to Vacate 05-08 (Bayamon Lane Utility Easements), District 2 (Real Estate Management Division).

(As stated in the above motion, this item was deferred for consideration with the public hearing concerning Petition to Vacate 05-08 (see page 443 for subsequent approval.)

26. Approval of Contract for Sale and Purchase, Warranty Deed and authorization to disburse warrant to pay purchase price and closing costs and perform all actions necessary and incidental to closing for Green PLACE, District 2 (Real Estate Management Division).

#### Community and Environmental Services Department

1. Acceptance of the decision of the Environmental Protection Commission on the granting of a boat dock permit for Philip and Janet Kelsey, District 1 (Environmental Protection Division).
2. Approval of the Crime Prevention Grant Awards (Attachment A) as recommended by the Neighborhood Grants Advisory Board in the total amount of \$58,316.27, all districts (Neighborhood Services Division).
3. Approval of the project agreement between Orange County and Florida Department of Environmental Protection for a reimbursable grant in an amount not to exceed \$200,000 for phase 2 improvements at West Beach Park, District 1 (Parks and Recreation Division).
4. Approval to advertise Resolutions 2005-CED-211 through 2005-CED-221 for Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning, as follows:

LC 05-367; LC 05-396; LC 05-398; LC 05-399; LC 05-405; LC 05-222;  
LC 05-334; LC 05-350; LC 05-360 LC 05-361; LC 05-424;

Districts 4 and 5 (Code Enforcement Division).

#### Growth Management Department

1. Approval of Resolution 2005-M-35 regarding the Orange County Hurricane Housing Assistance Plan for State Fiscal Years 2005-2006, 2006-2007, and 2007-2008; approval of an Agreement between Orange County and the City of Orlando regarding the Hurricane Housing Recovery Program to proportionally share a state allocation of \$5,857,978 during the 3 year planning period; and approval of a Certification to Florida Housing Finance Corporation for the Hurricane Housing Recovery Housing Assistance Plan, all districts (Housing and Community Development Division).

2. Approval of an Orlando Urban Area Metropolitan Planning Organization FY 2005-2006 Funding Agreement between Orange County and METROPLAN Orlando to authorize payment in the amount of \$579,064.50 in equal installments of \$289,532.25 on a semiannual basis on October 1, 2005, and April 1, 2006, all districts (Planning Division).

#### Health and Family Services Department

1. Approval to accept revised Hurricane Disaster Relief Grant funding from Florida Association for Community Action (FACA), Inc., from Federal Grant #90XS0020/01 in the amount of \$85,400 for Orange County and Osceola County to provide emergency assistance to clients affected by the hurricanes. This decreases the Orange County approved budget from \$164,250 to \$85,400. There is no cost to the County (Community Action Division).
2. Approval of certification of compliance with Head Start Program Performance Standards response letter to the Administration of Children and Families. There will be no cost to the County (Head Start Division).

#### Office of Economic, Trade, and Tourism Development

1. Approval to process payment of a \$100,000 economic development grant to the University of Central Florida Technology Incubator Orange County Venture Lab, and execution by the County Mayor of a Letter of Agreement setting forth the terms and conditions of payment.

#### Public Safety

1. Approval of the Interlocal Agreements between Orange County and the School Board of Orange County and Orange County and the Central Florida Regional Transportation Authority dba LYNX regarding use of Orange County's Intergovernmental Radio System.
2. Approval to increase Orange County's proportional share of the costs for Fire Station #37 in the amount of \$11,182.82 from the original estimate of \$1,350,000 to \$1,361,182.82 (Fire Rescue Department).

#### Public Works Department

1. Approval of the Agreement between Orange County and Toll Orlando Limited Partnership for Traffic Law Enforcement on Private Roads in the gated community of Chatham Place at Arbor Meadows, District 4 (Public Works Department).

2. Approval of Resolution 2005-M-36 regarding Withholding of Certificates of Occupancy until satisfaction of State of Florida Department of Transportation Access Permit Requirements, all districts (Development Engineering Division).
3. Approval to issue Excavation Permit #01-E5-628, District 5 (Development Engineering Division).
4. Approval of the First Amendment to Road Impact Fee Agreement-The Quadrangle-Rouse Road, District 5 (Road Impact Fee Credit Committee).
5. Approval of the Interlocal Agreement between Orange County and the St. Johns River Water Management District for the Drain Well Maintenance Project (Central Florida Aquifer Recharge Enhancement Project) and granting signature authority to the Department Director to sign future amendments, all districts (Stormwater Management Division).
6. Ratification of the execution by the manager of Purchasing and Contracts of Amendment #2 to the original agreement between Orange County and the Natural Resources Conservation Service for the installation of water shed protection measures to relieve hazards and damages created by Hurricane Frances, all districts (Stormwater Management Division).
7. Approval to install Multi-Way "Stop" Signs at the intersections of Murdock Boulevard and Flowers Avenue and Murdock Boulevard and Mary Lou Drive, District 3 (Traffic Engineering Division).
8. Approval of the allocation of the University of Central Florida Campus Development Agreement funds for the Alafaya Trail median opening, Rouse Road, Woodbury Road (north and south), and East-West Road improvements, District 5 (Transportation Planning Division).
9. Approval of the Locally Funded Agreement and Memorandum of Agreement between the State of Florida Department of Transportation and Orange County regarding the replacement of standard strain pole traffic signals with mast arm traffic signals at 10 intersections on West S.R. 50 between Good Homes Road and Pine Hills Road, Districts 1 and 6 (Transportation Planning Division).
10. Approval of the License Agreement between the State of Florida Department of Transportation and Orange County regarding the Construction of Drainage Improvements at East S.R. 50 and Econlockhatchee Trail, District 3 (Transportation Planning Division).

11. Approval of the Locally Funded Agreement between the State of Florida Department of Transportation and Orange County regarding a joint use pond and the Memorandum of Agreement for the joint use pond escrow account, District 3 (Transportation Planning Division).
12. Approval of the Locally Funded Agreement between the State of Florida Department of Transportation and Orange County regarding Dean Road side street improvements and the Memorandum of Agreement for the side street improvement escrow account, District 3 (Transportation Planning Division).
13. Approval of the Locally Funded Agreement between the State of Florida Department of Transportation and Orange County regarding the lift station relocation and reconstruction on Econlockhatchee Trail and the Memorandum of Agreement for the lift station relocation escrow account, District 3 (Transportation Planning Division).
14. Approval of the Locally Funded Agreement between the State of Florida Department of Transportation and Orange County regarding Econlockhatchee Trail side street improvements and the Memorandum of Agreement for the side street improvement escrow account, District 3 (Transportation Planning Division).
15. Approval of the Locally Funded Agreement and Memorandum of Agreement between the State of Florida Department of Transportation and Orange County regarding the replacement of standard strain pole traffic signals with mast arm traffic signals on East S.R. 50 at Constantine Drive, Econlockhatchee Trail, and Dean Road, District 3 (Transportation Planning Division).
16. Approval of the Locally Funded Agreement and Memorandum of Agreement between the State of Florida Department of Transportation and Orange County regarding the replacement of standard strain pole traffic signals with mast arm traffic signals on East S.R. 50 at Forsyth Road, Goldenrod Road, and Chickasaw Trail, District 3 (Transportation Planning Division).
17. Approval of Locally Funded Agreement and Memorandum of Agreement between the State of Florida Department of Transportation and Orange County regarding the replacement of standard strain pole traffic signals with mast arm traffic signals at 10 intersections on East S.R. 50 between Murdock Boulevard and Avalon Park Boulevard, Districts 3, 4, and 5 (Transportation Planning Division).
18. Approval of the Memorandum of Agreement by and between the State of Florida Department of Transportation and Orange County, a Political Subdivision of the State regarding side street improvements to East S.R. 50, Districts 3, 4, and 5 (Transportation Planning Division).

## County Comptroller

1. Receipt of the following items to file for the record:
  - a. Minutes for the August 12, 2005, meeting of County Mayor Crotty and Commissioner Stewart.
  - b. Minutes for the August 15, 2005, meeting of Commissioners Jacobs and Segal.
  - c. Florida Public Service Commission notice of hearing re: Docket 050078-EI, Petition for rate increase by Progress Energy Florida, Inc.

(Comptroller Clerk of the Board of County Commissioners)

2. Acknowledgement and filing of the audit of Orlando Utilities Commission's (OUC) Billing of Orange County Wastewater Customers (County Audit).

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

COUNTY CONSENT AGENDA ITEMS DEFERRED FOR SEPARATE VOTE

Administrative Services Department Items 3, 11, 12, and 13

3. Approval to award Invitation for Bids Y5-1089-J2, Term Contract for Sidewalk and Road Base Repairs, to the low responsive and responsible bidder, Stage Door II, Inc. The estimated contract award amount is \$2,223,200 for a 1-year term ([Roads and Drainage Division] Purchasing and Contracts Division).
11. Approval to award Invitation for Bids Y5-782-EZ, Gatlin Avenue Drainage and Water Improvements, to the low responsive and responsible bidder, Gibbs & Register, Inc. The total contract award amount is \$1,255,000 ([Stormwater Management Division] Purchasing and Contracts Division).
12. Ratification of Contract Y5-787, Park Manor Canal Piping-NRCS Restoration, with Gibbs & Register, Inc., in the total contract award amount of \$998,000 ([Roads and Drainage Division] Purchasing and Contracts Division).

and

13. Ratification of Contract Y5-791, Lake Olivia Water Quality Improvements, with Gibbs & Register, Inc., in the total contract award amount of \$542,700 ([Highway Construction Division] Purchasing and Contracts Division).

Commissioner Hartage deferred these items for a separate vote.

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with County Mayor Crotty and Commissioners Jacobs, Fernandez, Stewart, and Segal, and voting AYE by voice vote; Commissioner Hartage voting NO by voice vote; Commissioner Sindler was absent; the Board approved the following:

- Invitation for Bids Y5-1089-J2, Term Contract for Sidewalk and Road Base Repairs, to the low responsive and responsible bidder, Stage Door II, Inc. The estimated contract award amount is \$2,223,200 for a 1-year term;
- Invitation for Bids Y5-782-EZ, Gatlin Avenue Drainage and Water Improvements, to the low responsive and responsible bidder, Gibbs & Register, Inc. The total contract award amount is \$1,255,000;
- Ratification of Contract Y5-787, Park Manor Canal Piping-NRCS Restoration, with Gibbs & Register, Inc., in the total contract award amount of \$998,000;
- Ratification of Contract Y5-791, Lake Olivia Water Quality Improvements, with Gibbs & Register, Inc., in the total contract award amount of \$542,700.

COUNTY CONSENT AGENDA ITEM DEFERRED FOR SEPARATE VOTE

Administrative Services Department Item 9

9. Approval to award Invitation for Bids Y5-778-DB, Apopka-Vineland Road Section 2, Landscaping and Irrigation Improvements, to the low responsive and responsible bidder, Vila and Son Landscaping Corporation. The total contract award amount is \$799,532.98 ([Highway Construction Division] Purchasing and Contracts Division).

Commissioner Jacobs announced the appearance of a conflict of interest and abstained from voting on this item. (Memorandum of Voting Conflict is on file in the Office of the Comptroller Clerk of the Board of County Commissioners.)

Board discussion ensued. County Attorney Drage contributed to the discussion.

Upon a motion by County Mayor Crotty, seconded by Commissioner Fernandez, and carried with County Mayor Crotty and Commissioners Fernandez, Stewart, Segal, and Hartage voting AYE by voice vote; Commissioner Jacobs abstaining; Commissioner Sindler was absent; the Board approved awarding Invitation for Bids Y5-778-DB, Apopka-Vineland Road Section 2, Landscaping and Irrigation

Improvements, to the low responsive and responsible bidder, Vila and Son Landscaping Corporation. The total contract award amount is \$799,532.98.

COUNTY CONSENT AGENDA ITEM DEFERRED FOR SEPARATE VOTE

Administrative Services Department Item 25

25. Approval of Special Warranty Deeds, Non-Exclusive Drainage and Access Easement, and Utility Easement; and authorization to disburse warrant to pay closing costs and perform all actions necessary and incidental to closing for Powers Drive Intersection at Clarcona-Ocoee Road (Bayamon Lane and Quarter Horse Drainage) and Petition to Vacate 05-08 (Bayamon Lane Utility Easements), District 2 (Real Estate Management Division).

County Administrator Lalchandani announced this item would be considered with the public hearing concerning Petition to Vacate 05-08 (see page 443).

ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA

1. Selection of 4 firms and 1 alternate to provide Workers' Compensation Legal Counsel Services, Request for Proposals Y5-1064-LC (Risk Management Division)

Staff stated that Commissioner Jacobs attended the August 10, 2005, Procurement Review Committee meeting for the selection of 4 firms and 1 alternate to provide Workers' Compensation Legal Counsel Services from the following firms listed alphabetically:

- Broussard, Cullen, DeGailler & Eagan, P.A.
- Conroy, Simberg, Ganon, Krevans & Abel, P.A.
- Dean, Ringers, Morgan, and Lawton, P.A.
- Hurley, Rogner, Miller, Cox, Waranch & Westcott, P.A.
- Zimmerman, Kiser & Sutcliffe, P.A.

Upon a motion by Commissioner Jacobs, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board selected the following 4 firms:

- Broussard, Cullen, DeGailler & Eagan, P.A.
- Dean, Ringers, Morgan, and Lawton, P.A.
- Hurley, Rogner, Miller, Cox, Waranch & Westcott, P.A.
- Zimmerman, Kiser & Sutcliffe, P.A.

and 1 alternate:

- Conroy, Simberg, Ganon, Krevans & Abel, P.A.

and further, authorized staff to enter into contract negotiations for Workers' Compensation Legal Counsel Services, Contract Y5-1064-LC.

#### COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Update on fuel issues.

Staff presented a report on this item; Board discussion ensued. County Administrator Lalchandani contributed to the discussion. No action was taken.

2. Approval of a resolution authorizing the issuance of Orange County Industrial Development Authority Variable Rate Demand Revenue Bonds (Christian Prison Ministry, Inc., Project), in one or more series, in an aggregate principal amount not to exceed \$16,000,000.

County Mayor Crotty announced this item has been deleted.

#### GROWTH MANAGEMENT DEPARTMENT DISCUSSION AGENDA

1. Approval to process payment of \$105,000 to Myregion.org in installments of \$35,000 per year during 3 years for Phase II of a Regional Development Program, all districts.

Staff and Randolph Lyon, Jr., volunteer chair of Myregion.org presented a report and requested approval of this item. Board discussion ensued.

Upon a motion by Commissioner Jacobs, seconded by County Mayor Crotty, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board approved the payment of \$105,000 to Myregion.org in installments of \$35,000 per year for 3 years for Phase II of a Regional Development Program.

#### PUBLIC SAFETY DISCUSSION AGENDA

1. Consumer Fraud Update.

Staff presented a report on this item. Board discussion ensued. No action was taken.

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 Mildred Fernandez, Bill Segal, and Homer Hartage
- Deputy County Attorney Joel Prinsell
- Deputy Clerk Rosilyn Stapleton

Commissioners Teresa Jacobs and Linda Stewart joined the meeting where indicated. Commissioner Bob Sindler was absent.

SEPTEMBER 1, 2005, BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS

Upon a motion by Commissioner Fernandez, seconded by Commissioner Segal, and carried with all present members voting AYE by voice vote; Commissioners Jacobs, Sindler, and Stewart were absent; the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under date of September 1, 2005, with the exception of Item SE-05-08-008, subject to the usual right of appeal by any aggrieved party; and further, authorized scheduling a public hearing for Item SE-05-08-008 in the name of USA Soccer Social Club of America on October 25, 2005.

NOTE: THE FOLLOWING 2 PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE 442 FOR APPEARANCES AND ACTION TAKEN.

MSBU PUBLIC HEARING-ALVERON AVENUE AND TECH DRIVE-HARBOR EAST UNIT 1, SUN HAVEN, UNIVERSITY SHORES UNIT 1, AND UNIVERSITY SHORES UNIT 2; ESTABLISH FOR ONE-TIME-ONLY SPEED HUMPS INSTALLATION; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request to establish an MSBU for one-time-only speed hump installation for Alveron Avenue and Tech Drive-Harbor East Unit 1, Sun Haven, University Shores Unit 1, and University Shores Unit 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 one-time cost of \$55 per lot for speed hump installation.

and

MSBU PUBLIC HEARING-DEAUVILLE DRIVE-PINE HILLS SUB NO. 6, ESTABLISH FOR ONE-TIME-ONLY SPEED HUMPS INSTALLATION, DISTRICT 6

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request to establish an MSBU for one-time-only speed hump installation for Deauville Drive-Pine Hills Sub No. 6 (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 \$70 per lot for speed hump installation.

The following person addressed the Board:

- Marj Holt, the applicant, for Alveron Avenue

The County Mayor closed the public hearings and opened the matters 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 Jacobs, Sindler, and Stewart were absent; the Board adopted the following resolutions:

- Establishing Alveron Avenue and Tech Drive-Harbor East Unit 1, Sun Haven, University Shores Unit 1, and University Shores Unit 2 MSBU, one-time-only cost of \$55 per lot for speed hump installation.
- Establishing Deauville Drive-Pine Hills Sub No. 6 MSBU, one-time-only cost of \$70 per lot for speed hump installation.

Commissioner Stewart joined the meeting.

PETITION TO VACATE PUBLIC HEARING-APPLICANT: MINDY MCCORMACK; NO. 05-19, PORTIONS OF 2 UNNAMED RIGHTS-OF-WAY; DISTRICT 2-CONTINUED FROM AUGUST 9, 2005

By consensus, the Board reopened the public hearing to consider a request by Mindy McCormack, Petition to Vacate 05-19, to vacate portions of 2 unnamed rights-of-way lying adjacent to a parcel that is south of Yother Road and east of S.R. 441, on property located at 4348 McDonald Gley Road; continued from the August 9, 2005, Board meeting (the legal property description is on file).

Staff announced Commissioner Sindler has requested a continuance.

No one appeared regarding the request.

Upon a motion by County Mayor Crotty, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote; Commissioners Jacobs and Sindler were absent; the Board continued the public hearing to consider a request by Mindy McCormack, Petition to Vacate 05-19, to vacate portions of 2 unnamed rights-of-way lying adjacent to a parcel that is south of Yother Road and east of S.R. 441, until September 20, 2005, at 2 p.m.

Commissioner Jacobs joined the meeting.

NOTE: THE FOLLOWING 2 ITEMS WERE CONSIDERED TOGETHER. SEE BELOW FOR APPEARANCES AND ACTION TAKEN.

PETITION TO VACATE PUBLIC HEARING-APPLICANT: PAUL CURTIS; NO. 05-08, RIGHT-OF-WAY; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Paul L. Curtis for Paul and Sally Curtis Family Limited Partnership and Powers Place, LLC, Petition to Vacate 05-08 to vacate a right-of-way known as Bayamon Lane, fka Clarcona-Ocoee Road, lying south of Clarcona-Ocoee Road and west of North Powers Drive. One parcel is unaddressed and the other is at 6306 Bayamon Lane; Parcel IDs 36-21-28-0000-00-100 and 01-22-28-0000-00-006; District 2; Sections 01 and 36, Townships 21 and 22, Range 28; Orange County, Florida (the legal property description is on file).

and

COUNTY CONSENT AGENDA ITEM DEFERRED FOR DISCUSSION

Administrative Services Department

25. Approval of Special Warranty Deeds, Non-Exclusive Drainage and Access Easement, and Utility Easement; and authorization to disburse warrant to pay closing costs and perform all actions necessary and incidental to closing for Powers Drive Intersection at Clarcona-Ocoee Road (Bayamon Lane and Quarter Horse Drainage) and Petition to Vacate 05-08 (Bayamon Lane Utility Easements), District 2 (Real Estate Management Division).

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

The following person addressed the Board:

- Steve Bozarth, for the applicant

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

Upon a motion by County Mayor Crotty, seconded by Commissioner Segal, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board adopted a resolution granting Petition to Vacate 05-08 vacating a right-of-way known as Bayamon Lane, fka Clarcona-Ocoee Road, lying south of Clarcona-Ocoee Road and west of North Powers Drive.

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board approved the Special Warranty Deeds, Non-Exclusive Drainage and Access Easement, and Utility Easement; and further, authorized disbursing warrant to pay closing costs and perform all actions necessary and incidental to closing for Powers Drive Intersection at Clarcona-Ocoee Road (Bayamon Lane and Quarter Horse Drainage) and Petition to Vacate 05-08 (Bayamon Lane Utility Easements).

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-VILLAS AT WEDGEFIELD  
PSP, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Villas at Wedgefield Preliminary Subdivision Plan, 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 1.46-acre site for 20 townhome dwelling units with a minimum living area of 1,000 square feet; on property generally located south of Maxim Parkway, west of S.R. 520; Parcel IDs 01-23-32-7599-41-010, 01-23-32-7599-41-020, 01-23-32-7599-41-030, 01-23-32-7599-41-040, 01-23-32-7599-41-050; District 5; Section 01, Township 23, Range 32; Orange County, Florida (the legal property description is on file).

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

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

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; Commissioner Sindler was absent; the Board approved the Villas at Wedgefield Preliminary Subdivision Plan (PSP) on the above-described property, subject to the following conditions:

1. Development shall conform to the Villas at Wedgefield PSP, dated "Received June 29, 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 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.

Preliminary Subdivision Plan approval automatically expires on October 13, 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 demonstrates that the existing stormwater management system has the capacity to accommodate this development.
3. 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.
4. The applicant is proposing to build on existing lots. Due to the lot width of the existing platted lots, a waiver from Section 38-79(20)(l) is granted to allow an 18-foot minimum lot width in lieu of 20 feet.
5. To improve aesthetics, a waiver from Section 38-79(20)(f) is granted to allow 4 units per building in lieu of 5 in 75 percent of all buildings.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: MOMTAZ BARQ, TURKEY LAKE PLAZA PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND LUP; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Momtaz Barq, Terra-Max Engineering, Inc.; Turkey Lake Plaza Planned Development/Land Use Plan (PD/LUP); to amend the LUP to increase the maximum building height from 55 feet to 100 feet, pursuant to Orange County Code, Section 38-1207; on property generally located on the west side of Turkey Lake Road, 1 1/4 miles south of Sand Lake Road; Parcel ID 02-24-28-0000-00-009; District 1;

Section 02, Township 24, Range 28; Orange County, Florida (the legal property description is on file).

Staff reviewed the change request and the Development Review Committee's (DRC) determination of substantial change; and further, stated the DRC recommended approval of the request.

Staff stated the applicant has requested a continuance of this public hearing so that it can be readvertised to allow architectural features and mechanical equipment to extend 15 feet above the 100-foot level currently advertised.

The following person addressed the Board:

- Paul Chipok, for the applicant

The County Mayor closed the public hearing and opened the matter 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 Sindler was absent; the Board continued the public hearing to consider a request by Momtaz Barq, Terra-Max Engineering, Inc.; Turkey Lake Plaza Planned Development/Land Use Plan (PD/LUP), to amend the LUP to increase the maximum building height from 55 feet to 100 feet until October 11, 2005, at 2 p.m.

NOTE: THE FOLLOWING 2 PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE 447 FOR APPEARANCES AND ACTION TAKEN.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: RICH UNGER, NEWBURY PARK PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND LUP; DISTRICT 1-CONTINUED FROM AUGUST 9, 2005

By consensus, the Board reopened the public hearing to consider a substantial change request by Rich Unger, Newbury Park Planned Development/Land Use Plan (PD/LUP), to amend the LUP to reduce the Estate Home rear yard setback from 25 feet to 20 feet; continued from the August 9, 2005, Board meeting (the legal property description is on file).

and

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: PARK SQUARE ENTERPRISES, INC.; NEWBURY PARK PLANNED DEVELOPMENT/PRELIMINARY SUBDIVISION PLAN; AMEND PLAN; DISTRICT 1-CONTINUED FROM AUGUST 9, 2005

By consensus, the Board reopened the public hearing to consider a substantial change request by Park Square Enterprises, Inc.; Newbury Park Planned Development-Newbury Park Preliminary Subdivision (PSP); to reduce the rear yard setback for the primary structures in the Estate Home district from 25 feet to 20 feet; continued from the August 9, 2005, Board meeting (the legal property description is on file).

Staff explained that the public hearings were continued to hold a community meeting because it is not a single variance but a neighborhood-wide variance. Staff reviewed the change requests and the Development Review Committee's determination of substantial change. Staff stated the DRC recommended approval of the requests.

Staff requested an additional condition be added as follows: "Section 38-1385.5(b)(8)(c) shall be waived to reduce the rear setback from 25 feet to 20 feet for interior lots."

The following person addressed the Board:

- Aaron Gorowitz, 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 Sindler was absent; the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by Rich Unger, Newbury Park Planned Development/Land Use Plan (PD/LUP), to amend the LUP to reduce the Estate Home rear yard setback from 25 feet to 20 feet; which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. Development shall conform to the LUP, dated "Received May 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 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. All previous conditions of approval shall apply.
4. Section 38-1385.5(b)(8)(c) shall be waived to reduce the rear setback from 25 feet to 20 feet for interior lots.

Upon a motion by Commissioner Jacobs, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by Park Square Enterprises, Inc.; Newbury Park Planned Development-Newbury Park Preliminary Subdivision (PSP); to reduce the rear yard setback for the primary structures in the Estate Home District from 25 feet to 20 feet; which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. Development shall conform to the Newbury Park Planned Development; Orange County Board of County Commissioners' (BCC) approvals; Newbury Park PSP, dated "Received May 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.
2. 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.

3. All previous conditions of approval shall apply.
4. Section 38-1385.5(b)(8)(c) shall be waived to reduce the rear setback from 25 feet to 20 feet for interior lots.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT:  
STANLEY PIETKIEWICZ, TERRA BONA PLANNED DEVELOPMENT/LAND USE PLAN;  
CASE RZ-05-04-046, AUGUST 18, 2005; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Stanley Pietkiewicz, Titan Development Group; Terra Bona Planned Development/Land Use Plan (PD/LUP); to rezone from R-CE (Single-family 1-acre lots) to PD (Planned Development), on property generally located on the southwest corner of Holly Street and Round Lake Road; Parcel IDs 22-20-27-8635-00-010, 22-20-27-8635-00-020, 22-20-27-8635-00-030, 22-20-27-8635-00-040, and 22-20-27-8635-00-050; District 2; Section 22, Township 20, Range 27; 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.

The following persons addressed the Board:

- Kendall Keith, for the applicant
- Deborah Duda, principal of Zellwood Elementary School
- Dennis Foulz, for Orange County Public Schools
- Marvin Barrett, area resident

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

Upon a motion by County Mayor Crotty, seconded by Commissioner Segal, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by Stanley Pietkiewicz, Titan Development Group; Terra Bona (PD/LUP); to rezone from R-CE (Single-family 1-acre lots) to PD (Planned Development), on the above described property; subject to the following conditions:

1. Development shall conform to the Terra Bona LUP, 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 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, 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 and approved by both parties.
3. Developer shall comply with all provisions of the Public Education Agreement entered into with the Orange County School Board as of May 10, 2005 (executed on May 17, 2005), and is on file with the Orange County Planning Division.
  - Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Public Education Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 22 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Public Education Agreement. The developer and its successor or assign under the Public Education Agreement, 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 Public Education Agreement, 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 Public Education Agreement in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Public Education Agreement.
4. This development shall connect to central water. The need to connect to wastewater and reclaimed water shall be determined with Preliminary Subdivision Plan approval.

MEETING ADJOURNED

There being no further business, the County Mayor adjourned the meeting at 3:43 p.m.

ATTEST:

Martha O. Haynie  
County Comptroller as Clerk

\_\_\_\_\_  
County Mayor

\_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Minutes Coordinator

THIS PAGE INTENTIONALLY LEFT BLANK