

MEETING OPENED

There being a quorum, the County Mayor called the meeting of the Orange County Board of County Commissioners to order at 9 a.m. in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, September 20, 2005. The following were present:

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

The Board paused for the invocation by Deacon James L. Windham, Conway First Baptist Church, followed by the Pledge of Allegiance to the Flag. The County Mayor presented a certificate of appreciation to Deacon Windham.

PRESENTATIONS

Presentation of proclamation designating the month of September as "National Alcohol and Drug Addiction Recovery Month" to the Office for a Drug Free Community Director Carol Burkett.

Presentation of proclamation designating September 28, 2005, as "America on the Move Day" and the week of September 26 through September 30, 2005, as "Active Aging Week" to Geri Evans, interim executive director of Florida on the Move.

NONAGENDA

Commissioner Stewart announced the success of "Operation Undies" contributions to the relief effort for Hurricane Katrina. She stated that Florida Hospital will have a truck in the County Administration Center parking lot on September 22, 2005, to collect additional items.

COUNTY CONSENT AGENDA

Upon a motion by Commissioner Fernandez, seconded by Commissioner Jacobs, and carried with all members present and voting AYE by voice vote, the Board:

- Deleted Administrative Services Department Item 12
- Deleted Community and Environmental Services Department Item 1

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

County Mayor's Report

1. Confirmation of the appointment of Donna Loyko as Manager, Health Services, Health and Family Services Department.

County Comptroller

1. Approval of the minutes of the August 23, 2005, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
2. Authorization for execution by the County of the Agreement for the Orlando Central Park MSTU. The purpose of the agreement is for reimbursable common area maintenance and retention pond maintenance (Administrative/Fiscal Division).
3. Approval of the Disposition of Tangible Personal Property:
 - a. Cannibalize an asset for its useable parts.
 - b. Scrap assets.
 - c. Dispose of an asset that was sold to a surplus vendor.
 - d. Trade in an asset for a \$35,000 allowance towards the purchase of new equipment.
 - e. Dispose of assets that were abandoned when the Tax Collector's Office vacated the building.
 - f. Dispose of an asset that was totaled out for its \$1,090.25 salvage value by our Third Party Administrator.
 - g. Dispose of an asset that was destroyed by fire.
 - h. Transfer assets to the Ocoee Fire Department per an approved Interlocal Agreement.

(Property Accounting Department)

4. Approval of the payment in the amount of \$2,726,008.12 for the first quarter billing for Orange County Property Appraiser's Service-Fiscal Year 2006 (Administrative/Fiscal Division).
5. Approval of the Disposition of Comptroller Records in accordance with record retention schedules (GS 1-L and GS 11) as approved by the State of Florida,

Bureau of Archives and Records Management. Section 28.31, Florida Statutes, requires Board approval to dispose of records maintained for the BCC. Records of importance are microfilmed prior to destruction of the paper version (Administrative/Fiscal Division).

6. Authorization to advance \$1,672,527.72 to the Orange County Tax Collector. This advance is necessary to maintain the financial operation of the office during the month of October 2005 (Administrative/Fiscal Division).
7. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, for the following period: September 9, 2005, to September 15, 2005; total of \$20,274,364.96 (Finance and Accounting Department).

County Administrator

1. Approval for the Orange County Sheriff's Office to spend \$49,153 from the Law Enforcement Trust Fund for the Sheriff's Fleet Management Equipment (Office of Management and Budget).
2. Approval of Budget Amendment 05-69 (Office of Management and Budget).

(Budget Amendment is on file in the Comptroller Finance and Accounting Department.)
3. Approval of CIP Amendment 05C-9187 (Office of Management and Budget).

(CIP Amendment is on file in the Comptroller Finance and Accounting Department.)
4. Approval of payment of intergovernmental claims of August 4, August 11, August 18, and August 25, 2005, totaling \$864,956.49 (Risk Management Division).
5. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official County record (Agenda Development Office).
6. Approval to defer the FY 05 budgeted transfer of 50 percent of the I-Drive CRA Tax increment from the CRA Trust Fund to the General Fund pending the outcome of the I-Drive board discussion item to be scheduled in the next several months.

County Attorney

1. Approval and execution of the Settlement Agreement between Hunt Construction Group, Inc.; The Clark Construction Group, Inc.; and Construct Two Construction Managers, Inc., a Joint Venture (HCC); Helman Hurley Charvat Peacock/Architects, Inc. (HHCP); and Orange County, Florida; in the Southeast Fire Protection, LLC, v. Hunt Construction Group, Inc., and Construct Two Construction Managers, Inc., v. Orange County, Florida, Case No. 04-CA-4347; arising out of the installation of the fire sprinkler system for the Orange County Convention Center Phase V Expansion Project; and approval and execution of the reciprocal releases between Southeast Fire Protection, HHC, HHCP, and Orange County which are attachments to the Settlement Agreement.

Administrative Services Department

1. Approval to award Invitation for Bids Y5-645-GH, Microwave Radio System Communications Equipment Upgrade, to the low responsive and responsible bidder, Telmar Network Technology. The total contract award amount is \$335,216 ([Public Safety Communications Division] Purchasing and Contracts Division).
2. Approval to award Invitation for Bids Y5-656-HF, Tri-Axle Dump Truck, to the low responsive and responsible bidder, Maudlin International Truck Sales. The total contract award amount is \$101,675 ([Water Division] Purchasing and Contracts Division).
3. Approval to award Invitation for Bids Y5-1101-HF, Fire Hydrant Survey Audit/Maintenance, to the low responsive and responsible bidder, Metro Service Consultants, Inc. The estimated contract award amount is \$589,425 for a 1-year term ([Water Division] Purchasing and Contracts Division).
4. Approval to award Invitation for Bids Y5-742-EZ, Millinocket Lane Drainage Improvements, to the low responsive and responsible bidder, R.J.P. Enterprises, Inc. The total contract award amount is \$274,991 ([Stormwater Division] Purchasing and Contracts Division).
5. Approval of Amendment 3, Contract Y1-1070, Motorola Radios and Accessories, with Motorola, Inc., in the amount of \$750,000 for a new contract amount of \$1,250,000 ([Public Safety Communications Division] Purchasing and Contracts Division).

6. Approval of Amendment 2, Contracts Y1-176 A, B, and D, Residential Solid Waste and Recyclable Collection Services for Zones 1, 2, and 4 in the amount of \$277,462.01 for new estimated contract amounts of \$2,291,931.64 for Zone 1 with Onyx Waste Services of Florida, Inc.; \$3,131,936.98 for Zone 2 with Waste Management, Inc., of Florida; and \$2,872,761.39 for Zone 4 with Waste Management, Inc., of Florida ([Solid Waste Division] Purchasing and Contracts Division).
7. Selection of Barnes Ferland & Associates, Inc., to develop a two-phase plan under RFP Y5-817-EZ, Lake June Neighborhood Improvements and Redevelopment Design Plan. The contract award amount should not exceed the budgeted amount of \$250,000 ([Stormwater Management Division] Purchasing and Contracts Division).
8. Approval to award Invitation for Bids Y5-767-SB, Construct Goldenrod Maintenance Facility, to the low responsive and responsible bidder, Aagaard-McNary Construction, Inc. The total contract award amount is \$1,799,800 ([Capital Projects Division] Purchasing and Contracts Division).
9. Approval of Amendment 11, Contract Y3-1028F, Health and Support Services for Persons with HIV Spectrum Disease (Ryan White-Title I), to increase the contract in the amount of \$62,400 for a new contract amount of \$452,309.93 ([Health and Family Services Department] Purchasing and Contracts Division).
10. Approval of funding for the Orange County/City of Orlando Conserv II Joint Facilities annual budget with Woodard and Curran, Inc., in the estimated amount of \$2,713,714 ([Water Reclamation Division] Purchasing and Contracts Division).
11. 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).
12. Approval and execution by the County Mayor of Escrow Agreement and approval of Warranty Deed and Declaration of Restriction and authorization to perform all actions necessary and incidental to closing for Nehrling House and Gardens located at 2267 Hempel Avenue, Gotha, Florida, District 1 (Real Estate Management Division).

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

13. Approval and execution by the County Mayor of Distribution and Guying Easement and authorization to record instrument for McCormick Road and Damon Road (R-05-1371858), District 2 (Real Estate Management Division).

Community and Environmental Services Department

1. Approval of the Crime Prevention Grant Awards (Attachment A) as recommended by the Neighborhood Grants Advisory Board in the total amount of \$10,718, all districts (Neighborhood Services Division).

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

Convention Center

1. Approval and execution by the Orange County Mayor of the Fifth Amendment to the Orlando/Orange County Convention & Visitors Bureau, Inc., 1996 Tourism Promotion Agreement between Orange County and the Orlando/Orange County Convention & Visitors Bureau, Inc., for additional funding up to \$4,000,000 for Fiscal Year 2005-2006.

Growth Management Department

1. Approval of an Interlocal Agreement between Orange County and the City of Edgewood regarding building and construction activity within the City of Edgewood, District 4 (Building Division).

Health and Family Services Department

1. Approval of the renewal Alternative Transportation License for D'Faithful Transportation to provide wheelchair/stretchers services. The term of this certificate is from September 1, 2005, through September 1, 2007. There is no cost to the County (Emergency Medical Services Offices).
2. Approval of the renewal Alternative Transportation License for DORSAR Patient Transport to provide wheelchair/stretchers services. The term of this certificate is from September 1, 2005, through September 1, 2007. There is no cost to the County (Emergency Medical Services Offices).
3. Approval of the Interlocal Agreements between Orange County and Reedy Creek Emergency Services, Winter Park Fire Department, and Winter Garden Fire

Department for the transfer of equipment purchased and distributed to the agencies from the 2004-2005 EMS Grant Awards. There is no cost to the County (Emergency Medical Services Offices).

4. Approval to revise Health and Family Services Department Consent Item 5 on the May 25, 2004, minutes as follows: Approval of the contract for provision of CINS/FINS Direct Services between the Florida Network of Youth and Family Services, Inc., and Orange County for the operation of the Orange County Youth Shelter and the Orange County Family Counseling Program. The estimated contract amount is \$1,089,052. The term of the contract is from September 1, 2004, through June 30, 2007. Approval for the County Mayor, or his designee, to sign future amendments to this contract with nonmaterial and nonmonetary changes (Youth and Family Services Division).
5. Approval of Amendment #1 and renewal of the Agreement between Orange County and Orlando Regional Healthcare Systems, Inc., for Child Protection Team Examination Reimbursements. The County shall reimburse the Arnold Palmer Hospital Child Protection Team, which is a part of the Orlando Regional Healthcare System, Inc., at the amended rate of \$150 per examination. The term of the renewal is October 1, 2005, through September 30, 2006 (Youth and Family Services Division).

(This agreement is on file in the Purchasing and Contracts Division.)

Public Works Department

1. Approval to install "No Parking" zone on the south side of Zell Drive beginning from the east right-of-way line of Ryland Court extending west 310 feet and beginning from the east right-of-way line of Ryland Court extending east 35 feet, District 4 (Traffic Engineering Division).
2. Approval to construct 4 speed humps on Goldenwood Drive upon receipt of funds from the Sheffield Forest Homeowners' Association in the amount of \$2,800, District 5 (Traffic Engineering Division).
3. Approval of the Road Impact Fee Agreement, Oasis Cove Reams Road, District 1 (Transportation Planning Division).

Utilities Department

1. Approval of Resolutions 2005-SW-02, 2005-SW-03, and 2005-SW-04 repealing

the automatic three percent (3%) increase for wastewater, reclaimed water, and revenue and maintenance fees for Fiscal Year 2006, all districts (Utilities Fiscal and Administrative Support).

INFORMATIONAL ITEMS*

County Comptroller

1. Receipt of the following items to file for the record:
 - a. Stoneybrook West Community Development District minutes of Board of Supervisors' meetings on March 31 and May 16, 2005 (Comptroller Clerk of the Board of County Commissioners).

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

COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Concurrency Advisory Group appointments.

The County Mayor announced nominations by Board members to expand the Concurrency Advisory Group by 2 members. He noted the voting order, determined by random selection by the County Comptroller, as follows:

- Scott Justice nominated by Commissioner Jacobs
- Marni Jean Spence nominated by Commissioner Segal
- Lui Damiani nominated by Commissioner Jacobs
- Melvin Rogers nominated by Commissioner Hartage
- Edith Vanessa Perez nominated by Commissioner Fernandez
- Peter Betterman nominated by Commissioner Stewart
- Lydia Ann Pisano nominated by Commissioner Stewart

By voting order, AYE votes were cast as follows until a majority was reached for two members:

- For Scott Justice: Commissioner Jacobs
- For Marni Jean Spence: County Mayor Crotty and Commissioners Sindler, Fernandez, Stewart, Segal, and Hartage
- For Lui Damiani: Commissioner Jacobs
- For Melvin Rogers: County Mayor Crotty and Commissioners Sindler, Fernandez, Stewart, Segal, and Hartage

Ms. Spence and Mr. Rogers received a majority; no further votes were cast.

THE FOLLOWING 2 ITEMS WERE CONSIDERED TOGETHER. SEE BELOW FOR ACTION.

ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA

1. Board direction concerning the Cooperative Extension Project (Capital Projects Division).

and
2. Approval to award Invitation for Bids Y5-725-SB, Construction of the Cooperative Extension Educational Center, to the sole responsive and responsible bidder, Sauer Incorporated, dba Sauer Southeast, in the contract award amount of \$5,724,930 ([Capital Projects Division] Purchasing and Contracts Division).

Staff presented a report and requested approval of these items; Board discussion ensued.

Upon a motion by Commissioner Stewart, seconded by Commissioner Fernandez, and carried with County Mayor Crotty and Commissioners Jacobs, Fernandez, Stewart, Segal, and Hartage voting AYE by voice vote; Commissioner Sindler voting NO by voice vote; the Board approved increasing the construction budget by \$1,350,000 to award construction of base bid and auditorium; and further, approved awarding Contract Y5-725-SB to Sauer Incorporated, dba Sauer Southeast, in the amount of \$5,724,930 to construct the Cooperative Extension Education Center.

Commissioner Jacobs left the meeting.

UTILITIES DEPARTMENT DISCUSSION AGENDA

1. Approval of the John Young Parkway Connector/Canadian Court Extension Utilities Design and Construction Agreement between Orange County and Universal City Property Management III, LLC, District 6 (Utilities Engineering Division).

Staff presented a report and requested approval of this item; Board discussion ensued.

Upon a motion by Commissioner Hartage, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioner Jacobs was absent; the Board approved the John Young Parkway Connector/Canadian Court Extension Utilities Design and Construction Agreement between Orange County and Universal City Property Management III, LLC.

Commissioner Jacobs rejoined the meeting.

GROWTH MANAGEMENT DEPARTMENT DISCUSSION AGENDA

1. Approval of a Multi-family Affordable Housing Developer's Agreement between Orange County and Alta Westgate, LLC, providing for Discount of Impact Fees and Wastewater Capital Charges, District 6 (Housing and Community Development Division).

Staff presented a report and requested approval of this item; Board discussion ensued.

Upon a motion by Commissioner Sindler, seconded by Commissioner Fernandez, and carried with County Mayor Crotty and Commissioners Jacobs, Sindler, Fernandez, Stewart, and Segal voting AYE by voice vote; Commissioner Hartage voting NO by voice vote; the Board approved a Multi-family Affordable Housing Developer's Agreement between Orange County and Alta Westgate, LLC, providing for Discount of Impact Fees and Wastewater Capital Charges.

COUNTY ADMINISTRATOR DISCUSSION AGENDA-CONTINUED

2. Annual Grants 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 Teresa Jacobs, Bob Sindler, Mildred Fernandez, Linda Stewart, Bill Segal, and Homer Hartage
- County Administrator Ajit Lalchandani
- Deputy County Attorney Joel Prinsell
- Deputy Clerk Rosilyn Stapleton

PRESENTATIONS

Staff presented the 2005 National Association of Counties (NACo) Awards and the 2005 National Association of County Information Officers (NACIO) Awards.

PETITION TO VACATE PUBLIC HEARING-APPLICANT: C. ANNA ANDERSON, NO. 05-23, RIGHT-OF-WAY; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by C. Anna Anderson, Petition to Vacate 05-23, to vacate a right-of-way known as South Armitage Avenue, lying south of Orange Blossom Trail and west of Sheeler Avenue, on property located at 710, 720, and 721 South Armitage Avenue; multiple parcels located in District 2; Sections 10 and 15, Township 21, 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.

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 Sindler, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution granting Petition to Vacate 05-23 vacating a right-of-way known as South Armitage Avenue, lying south of Orange Blossom Trail and west of Sheeler Avenue on the above-described property.

PETITION TO VACATE PUBLIC HEARING-APPLICANT: MINDY MCCORMACK; NO. 05-19, PORTIONS OF 2 UNNAMED RIGHTS-OF-WAY; DISTRICT 2-CONTINUED FROM AUGUST 9 AND SEPTEMBER 13, 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 and September 13, 2005, Board meetings (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 favor of the petition.

The following person addressed the Board:

- Bob Loomis, area resident

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 members present and voting AYE by voice vote, the Board adopted a resolution granting Petition to Vacate 05-19 vacating 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 the above-described property.

ORDINANCE PUBLIC HEARING-AMENDING ORANGE COUNTY CODE, ARTICLE IV, ALTERNATIVE TRANSPORTATION IMPACT FEE CALCULATION

Notice was given that the Board of County Commissioners would hold a public hearing to consider the following proposed ordinance:

AN ORDINANCE AMENDING THE ORANGE COUNTY ROAD IMPACT FEE ORDINANCE; PROVIDING FOR AMENDMENTS TO THE ORANGE COUNTY CODE, CHAPTER 23, IMPACT FEES, ARTICLE IV, ROAD IMPACT FEES; AMENDING THE ALTERNATIVE IMPACT FEE CALCULATION; AND PROVIDING AN EFFECTIVE DATE.

Staff reviewed the proposed ordinance and outlined its provisions.

The following person addressed the Board:

- Clancy Duncan, consultant for Orange County

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

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with County Mayor Crotty and Commissioners Sindler, Fernandez, Stewart, and Hartage voting AYE by voice vote; Commissioners Jacobs and Segal voting NO by voice

vote; the Board adopted Ordinance 2005-11 amending the Orange County Code, Chapter 23, Article IV, Road Impact Fees; subject to finding of sufficiency to assess economic impact and finding of consistency with the Comprehensive Policy Plan.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT: THOMAS DALY, SOMERSET CHASE PLANNED DEVELOPMENT (PD), FKA ECON TRAIL TOWNHOMES PD; CASE Z-04-105, JULY 22, 2005; DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Thomas Daly, for Somerset Chase Planned Development (PD), fka Econ Trail Townhomes PD, to rezone from R-CE (Country Estate District) (1968) to PD, on property generally located on the northwest corner of S.R. 408 and Econlockhatchee Trail; Parcel ID 30-22-31-0000-00-002; District 3; Section 30, Township 22, Range 31; Orange County, Florida (the legal property description is on file).

Staff stated that Commissioner Fernandez requested the public hearing be continued to hold a community meeting.

The County Mayor noted the applicant present and concurs with the request.

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 members present and voting AYE by voice vote, the Board continued the public hearing to consider a request by Thomas Daly, for Somerset Chase Planned Development (PD), fka Econ Trail Townhomes PD, to rezone from R-CE (Country Estate District) (1968) to PD until October 25, 2005, at 2 p.m.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT: CHRIS ABBOTT, BECK PROPERTY; CASE Z-05-013, JULY 22, 2005; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Chris Abbott, for Beck Property Planned Development (PD), to rezone from R-CE (Country Estate District) (1990) to PD, on property generally located on the east side of Reams Road, south of Delmar Avenue, west of Lake Mabel Drive; Parcel IDs 31-23-28-0000-00-008/010 and 06-24-28-0000-00-001/002; District 1; Section 31, Township 23, Range 28; and Section 06, Township 24, Range 28; 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.

Staff recommended proposed Conditions 10-16 be added as follows:

10. Construction access shall be onto Reams Road only. The developer to ensure that Lake Mabel Drive is in as good a condition after construction of homes in the Beck PD as before said construction as determined by Orange County Public Works prior to issuance of a Certificate of Completion for the first and any subsequent phases of the subdivision(s) for the Beck PD.
11. There shall be no direct discharge of drainage into Lake Mabel.
12. Lots that border the east boundary of the adjacent north 20 acres (i.e., the Verner parcel and the surrounding acres, as well as nonlakefront lots), shall be screened by a wall or fence and said lots shall be no less than 85 feet in width.
13. Lots immediately adjacent to Lake Mabel Shores' lakefront lots shall be at least 100 feet in width, and shall be oriented so that their entrances face the Lake Mabel Shores' lakefront lots.
14. An Adequate Public Facilities (APF) circulator road shall be built within the Beck PD in substantial compliance with the Specific Area Plan (SAP) with bicycle/pedestrian access only linking Lake Mabel Shores Drive to the Beck PD in conformity with the goals and objectives of Horizon West.
15. There shall be no lake access, nor any be contemplated.
16. A purchase and sale agreement regarding the transfer of development rights shall be executed between the owner of the "sending" area and the developer of the "receiving" area (TDR Agreement). The TDR Agreement shall be submitted to the County at the time of submittal of the preliminary subdivision plan ("PSP") for the portion of the Beck PD that lies within the receiving area. The TDR Agreement shall not be inconsistent with applicable provisions of the Orange County Code relating to TDRs, including Section 30-725 through Section 30-728. At a minimum, the TDR Agreement shall identify the sending area and indicate the total number of TDRs to be acquired by the developer of the receiving area. Also, an easement preserving the sending area shall be drafted prior to submission of the PSP. Both the TDR Agreement and related easement shall be considered for acceptance by the Board at the same public hearing where the PSP is considered for approval. If the PSP is approved, the easement (the form and content of which has met with the Board's satisfaction), shall be recorded as a title or deed restriction affecting the sending area immediately after the TDRs have been sold by the owner of the sending area.

The following persons addressed the Board:

- Kendell Keith, for the applicant
- Roger Hill, for the applicant
- Joanne Quarles-Sikes, area resident
- Eric Sheen, area resident
- Michael Dutton, area resident
- Alison Yurko, for property owners
- Alan Haughey, area resident
- Travis Bennett, area resident
- Dwight Saathoff, for the developer

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

After discussion, staff recommended proposed Condition 10 to read as follows:

"Construction access shall be onto Reams Road only. The developer shall ensure that Lake Mabel Drive remains in as good a condition after construction of homes in the Beck PD as before such construction as determined by the Orange County Public Works director prior to issuance of a Certificate of Completion for the first and each subsequent phase of the subdivisions in the Beck PD."

After discussion, staff recommended proposed Condition 14 to read as follows:

"An Adequate Public Facilities (APF) circulator road shall be built within the Beck PD in substantial compliance with the Specific Area Plan (SAP) with only bicycle/pedestrian access linking Lake Mabel Drive to the Beck PD."

After discussion, staff recommended proposed Condition 15 to read as follows: "There shall be no lake access."

Upon a motion by Commissioner Jacobs, seconded by Commissioner Stewart, and carried with County Mayor Crotty and Commissioners Jacobs, Fernandez, Stewart, Segal, and Hartage voting AYE by voice vote; Commissioner Sindler voting NO by voice vote; the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by Chris Abbott, Beck Property Planned Development (PD), to rezone from R-CE (Country Estate District) (1990) to PD, on the above described property; subject to the following conditions:

1. Development shall conform to the Beck Land Use Plan (LUP), dated "Received

April 25, 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. Master water, wastewater, and reclaimed water plans including preliminary calculations shall be required to be submitted for review and approval prior to submission of construction plans.
4. The developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
5. An MSTU shall be established for maintenance of all trails greater than 5-foot wide and less than 14-foot wide.
6. At the time of approval of a plat for a single-family residential unit project, the developer shall have prepared and submitted for review a document containing Covenants, Conditions, and Restrictions (CC&Rs) for the property being platted. The CC&Rs, which shall be recorded simultaneous with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:
 - The same front facade for single-family residential units may not be repeated more than 5 times within 1 block length for both sides of any street and shall be separated by at least 2 units with different facades.
 - House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front facade of the main body of

the house shall not exceed 40 feet in length, except for wings or "Ls" which are setback from the facade. In no case shall more than 50 percent of the front facade of a house consist of an unobstructed block wall or garage door.

- At least 50 percent of all single-family residential units shall have a front porch. A front porch shall be a minimum of 7 feet in depth and cover a minimum 10 feet in width or 1/3 of the front facade, whichever is greater.
 - Flat roofs shall be prohibited.
 - Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be located within 3 feet of the sidewalk to define the separation of public and private spaces. Such fences shall be no higher than 3 feet 6 inches and limited to decorative wrought iron or wood picket style.
 - The provision of the CC&Rs incorporating the above referenced requirements shall not be amended, removed, or superseded without the prior approval of the BCC, which approval may be withheld in the Board's sole discretion, and the CC&Rs shall contain a statement to that effect.
 - Furthermore, the CC&Rs shall provide that the homeowners' association and any person owning property in the development have the right to enforce these requirements in the event they are violated.
 - Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces Orange County ordinances and regulations.
7. Developer shall comply with all provisions of the Public Education Agreement entered into with the Orange County School Board as of February 8, 2005 (executed March 9, 2005).
- 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 84 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.
8. An Adequate Public Facilities Agreement is approved with the approval of this LUP. Orange County is in possession of the signed agreement and with approval of this PD/LUP it will be executed.
 9. A community meeting shall be scheduled and held prior to the Board of County Commissioners public hearing date. (Note: Complied with prior to this public hearing.)
 10. Construction access shall be onto Reams Road only. The developer shall ensure that Lake Mabel Drive remains in as good a condition after construction of homes in the Beck PD as before such construction as determined by the Orange County Public Works director prior to issuance of a Certificate of Completion for the first and each subsequent phase of the subdivisions in the Beck PD.
 11. There shall be no direct discharge of drainage into Lake Mabel.
 12. Lots that border the east boundary of the adjacent north 20 acres (i.e., the Verner parcel and the surrounding acres, as well as nonlakefront lots), shall be screened by a wall or fence and said lots shall be no less than 85 feet in width.
 13. Lots immediately adjacent to Lake Mabel Shores' lakefront lots shall be at least 100 feet in width, and shall be oriented so that their entrances face the Lake Mabel Shores' lakefront lots.
 14. An Adequate Public Facilities (APF) circulator road shall be built within the Beck PD in substantial compliance with the Specific Area Plan (SAP) with only bicycle/pedestrian access linking Lake Mabel Drive to the Beck PD.

15. There shall be no lake access.
16. Beck PD is granted 50 TDRs for a total of 239 units subject to the following: A purchase and sale agreement regarding the transfer of development rights shall be executed between the owner of the "sending" area and the developer of the "receiving" area (TDR Agreement). The TDR Agreement shall be submitted to the County at the time of submittal of the preliminary subdivision plan (PSP) for the portion of the Beck PD that lies within the receiving area. The TDR Agreement shall not be inconsistent with applicable provisions of the Orange County Code relating to TDRs, including Section 30-725 through Section 30-728. At a minimum, the TDR Agreement shall identify the sending area and indicate the total number of TDRs to be acquired by the developer of the receiving area. Also, an easement preserving the sending area shall be drafted prior to submission of the PSP. Both the TDR Agreement and related easement shall be considered for acceptance by the Board at the same public hearing where the PSP is considered for approval. If the PSP is approved, the easement (the form and content of which has met with the Board's satisfaction), shall be recorded as a title or deed restriction affecting the sending area immediately after the TDRs have been sold by the owner of the sending area;

as amended below.

Upon a motion by Commissioner Hartage, seconded by Commissioner Sindler; with County Mayor Crotty and Commissioners Sindler, Fernandez, Stewart, and Hartage voting AYE by voice vote; Commissioners Jacobs and Segal voting NO by voice vote; the Board amended the main motion to delete Condition 15, There shall be no lake access.

Commissioner Jacobs left the meeting.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: SHERYL DENAN, T-MOBILE; WEST ORANGE PLAZA PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND LUP; DISTRICT 6

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Sheryl Denan, T-Mobile, West Orange Plaza Planned Development/Land Use Plan (PD/LUP), to amend the LUP to establish a 140-foot monopole communication tower to be designed as a flagpole [setback variance from Section 38-1427(d)(2) of 249 feet would be required if the tower design (flagpole) is not considered appropriately camouflaged]; pursuant to Orange County Code, Section 38-1207; on property generally located on the southeast corner of S.R. 50 and Dorscher Road; Parcel ID 26-22-28-2139-08-001; District 6; Section 26, Township 22, 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.

The following person addressed the Board:

- Sheryl Denan, the applicant

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

Upon a motion by Commissioner Hartage, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioner Jacobs was absent; the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by Sheryl Denan, T-Mobile, West Orange Plaza Planned Development/Land Use Plan (PD/LUP); to amend the LUP to establish a 140-foot monopole communication tower to be designed as a flagpole [setback variance from Section 38-1427(d)(2) of 249 feet would be required if the tower design (flagpole) is not considered appropriately camouflaged]; 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 July 28, 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. All previous conditions of approval shall apply.

4. The communication tower shall comply with the Communication Tower Ordinance.
5. The substantial change request involves establishing a 140-foot monopole communication tower within the West Orange Plaza (aka Dorscher Plaza) PD. A setback variance of 249 feet is required if the tower design (flagpole) is not considered appropriately camouflaged.

BUDGET AMENDMENT PUBLIC HEARING-AMENDING FISCAL YEAR 2004-05 BUDGET FOR THE SCHOOL IMPACT FEES FUND

Notice was given that the Board of County Commissioners would hold a public hearing to consider a budget amendment for the School Impact Fees Fund in order to accommodate revenue from increased budget fees.

Staff presented a report on this item and requested approval.

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 Stewart, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioner Jacobs was absent; the Board approved amending fiscal year 2004-2005 budget for the School Impact Fees Fund.

Commissioner Hartage left the meeting,

ORDINANCE PUBLIC HEARING-AMENDING ORANGE COUNTY CODE, FIRE PREVENTION AND PROTECTION ORDINANCE, REVISIONS TO PORTIONS OF ARTICLES 1 AND 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the following proposed ordinance:

AN ORDINANCE OF ORANGE COUNTY, FLORIDA, RELATED TO FIRE PREVENTION AND PROTECTION; AMENDING ORANGE COUNTY CODE, CHAPTER 18, ARTICLE I, SECTION 18-1, "FIRE INVESTIGATIONS"; AMENDING SECTION 18-2, "ENFORCEMENT OF STATE FIRE SAFETY LAW"; AMENDING SECTION 18-3, "FALSE ALARMS"; AMENDING ARTICLE II, "FIRE PREVENTION CODE"; AMENDING SECTION 18-32, "FLORIDA FIRE PREVENTION CODE"; CHANGING TITLE AND AMENDING SECTION 18-33, "SUPPLEMENTAL REGULATIONS; TECHNICAL STANDARDS ADOPTED BY THE FIRE OFFICIAL"; AMENDING SECTION 18-34, "BOARD OF ADJUSTMENTS AND APPEALS"; AND PROVIDING AN EFFECTIVE DATE.

Staff reviewed the proposed ordinance and outlined its provisions.

No one appeared regarding the ordinance.

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 Jacobs and Hartage were absent; the Board adopted Ordinance 2005-12 amending Orange County Code, Fire Prevention and Protection Ordinance, revisions to portions of Articles 1 and 2.

Commissioners Jacobs and Hartage rejoined the meeting.

BOARD OF ZONING ADJUSTMENT APPEAL-APPELLANTS/APPLICANTS: ROBERT AND LESLIE GILLIS; VA 05-07-024, JULY 7, 2005; DISTRICT 2-CONTINUED FROM AUGUST 23, 2005

By consensus, the Board reopened the public hearing to sit as a Board of Appeal to consider an appeal by Robert and Leslie Gillis of the recommendation of the Board of Zoning Adjustment, dated July 7, 2005, on a request by Robert and Leslie Gillis for variances in A-1 (agricultural) zone to allow detached accessory building to remain (currently in code violation) as follows: 1,350 square feet in size in lieu of 1,000 square feet and 21 feet in height in lieu of 15 feet, continued from the August 23, 2005, Board meeting.

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

The following persons addressed the Board:

- Robert Gillis, the appellant/applicant
- Dennis Radau, area resident
- Leslie Gillis, the appellant/applicant

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

A motion by Commissioner Sindler, seconded by County Mayor Crotty, with County Mayor Crotty and Commissioners Jacobs and Sindler voting AYE by voice vote; Commissioners Fernandez, Stewart, Segal, and Hartage voting NO by voice vote; to overrule the decision of the Orange County Board of Zoning Adjustment and approve the request by Robert and Leslie Gillis for variances in A-1 (agricultural) zone to allow detached accessory building to remain at 17 feet in height, obtain a permit from the County, start work within 120 days, and complete the work within 240 days failed.

Upon a motion by Commissioner Hartage, seconded by Commissioner Stewart, and carried with Commissioners Fernandez, Stewart, Segal, and Hartage voting AYE by voice vote; County Mayor Crotty and Commissioners Jacobs and Sindler voting NO by voice vote; the Board upheld the decision of the Orange County Board of Zoning Adjustment and denied the request by Robert and Leslie Gillis for variances in A-1 (agricultural) zone to allow detached accessory building to remain (currently in code violation) as follows: 1,350 square feet in size in lieu of 1,000 square feet and 21 feet in height in lieu of 15 feet on the above-described property; and further, granted Robert and Leslie Gillis 1 year to bring the property into compliance with Orange County Code.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: JODI RUTMAN, GRANADA 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 Jodi Rutman, Unicorp National Developments, Inc., Granada Planned Development/Land Use Plan (PD/LUP); to amend the LUP to convert 305 multi-family units into 144 townhomes and 140,000 square feet of retail commercial uses; pursuant to Orange County Code, Section 38-1207; on property generally located north side of Sand Lake Road, west of Della Drive and east of Sand Point Boulevard; Parcel ID 27-23-28-0000-00-001; District 1; Section 27, Township 23, 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.

The following persons addressed the Board:

- Chuck Whittall, for the applicant
- Bethany Prendergast, for Sand Point Townhomes

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 members present and voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by Jodi Rutman, Unicorp National Developments, Inc., Granada Planned Development/Land Use Plan (PD/LUP); to amend the LUP to convert 305 multi-family units into 144 townhomes and 140,000 square feet of retail commercial uses; which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. Development shall conform to the Granada PD; Orange County Board of County Commissioners' (BCC) approvals; LUP Amendment for Northeast Parcel C (Dellagio), dated "Received August 3, 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 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. Pole signs and billboards shall be prohibited. Ground and facia signs shall comply with Chapter 31-5.
4. Major water and wastewater and reclaimed water plans including preliminary calculations shall be required to be submitted for review and approval prior to submission of construction plans.
5. Outdoor storage and display shall be prohibited.
6. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or his or her authorized agent) to the BCC at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development.

For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or his or her authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.

7. A waiver of 38-79(20) is granted to allow townhouse performance standards consistent with Horizon West to allow a mixture of front-loaded and alley-accessed units.
8. A waiver of 38-1272(3) is granted to allow a commercial street setback of 10 feet in lieu of 40 feet to allow parking in the rear and to promote pedestrian access.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-DEERWOOD LANDINGS
PLANNED DEVELOPMENT-DEERWOOD LANDINGS COMMERCIAL WAL-MART
SUPERCENTER #3863 PSP, DISTRICT 3-CONTINUED FROM AUGUST 2, 2005

By consensus, the Board reopened the public hearing to consider the Deerwood Landings Planned Development-Deerwood Landings Commercial Wal-Mart Supercenter #3863 Preliminary Subdivision Plan (PSP), continued from the August 2, 2005, Board meeting.

Staff announced that the applicant has requested the public hearing be continued to review other options for this site.

A court reporter, Victoria Millonig, Victoria Millonig & Associates was present.

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

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider the Deerwood Landings Planned Development (PD)-Deerwood Landings Commercial Wal-Mart Supercenter #3863 Preliminary Subdivision Plan (PSP) until December 6, 2005, at 3:30 p.m.

MEETING ADJOURNED AND RECONVENED

There being no further business, the County Mayor adjourned the meeting of the Board of County Commissioners at 6:10 p.m.

The Board of County Commissioners reconvened as the Orange County Library District Governing Board. There being a quorum, the County Mayor called the meeting to order at 6:15 p.m. The following were present:

- County Mayor Richard Crotty
- Commissioners Teresa Jacobs, Bob Sindler, Mildred Fernandez, Linda Stewart, Bill Segal, and Homer Hartage
- County Administrator Ajit Lalchandani
- Deputy County Attorney Joel Prinsell
- Deputy Clerk Rosilyn Stapleton

Orlando City Commissioner Patti Sheehan was absent.

2ND LIBRARY BUDGET PUBLIC HEARING

The County Administrator stated that the purpose of the public hearing is to consider and adopt the final library millage and budget for fiscal year 2005-2006. He noted that the Library Board of Trustees sets the Library District's operating policies and announced its meeting schedule.

Library staff announced the final millage rates.

The following persons addressed the Board regarding the final millage rates:

- Theodore Lewis, local resident
- John Dobbs, principal of Lake Weston Elementary School

Upon a motion by Commissioner Segal, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioner Sheehan was absent; the Orange County Library District Governing Board adopted final Millage Resolution 2005-M-37 for the Orange County Library District for fiscal year 2005-2006.

Library staff announced the proposed fiscal year 2005-2006 Orange County Library District budget.

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 Sheehan was absent; the Orange County Library District Governing Board adopted final Budget Resolution 2005-M-38 for the Orange County Library District for fiscal year 2005-2006.

The County Administrator announced there will be a worksession with the Library District Governing Board on December 6, 2005.

MEETING ADJOURNED

There being no further business, the County Mayor adjourned the meeting at 6:30 p.m.

ATTEST:

Martha O. Haynie
County Comptroller as Clerk

County Mayor

Deputy Clerk

Senior Minutes Coordinator

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