

MEETING OPENED

There being a quorum, the County Mayor called the meeting of the Orange County Board of County Commissioners to order at 9:12 a.m. in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, October 4, 2005. The following were present:

- County Mayor Richard T. Crotty
- Commissioners 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

Commissioner Teresa Jacobs joined the meeting where indicated.

The County Mayor acknowledged that today is the beginning of Rosh Hashanah. The Board paused for the invocation by Father Vernon Quigley, St. Michael's Episcopal Church (retired), followed by the Pledge of Allegiance to the Flag. The County Mayor presented a certificate of appreciation to Pastor Quigley.

PRESENTATIONS

Presentation of proclamation designating the month of October as "Hispanic Heritage Month" to Carmen Acevedo, president of the Hispanic Heritage Committee.

Presentation of resolution recognizing Covenant House Florida for 20 years of providing assistance to homeless and runaway children to James Gress, executive director of Covenant House Florida.

COUNTY CONSENT AGENDA

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with all present members voting AYE by voice vote; Commissioner Jacobs was absent; the Board deferred Community and Environmental Services Department Item 1 for discussion (see page 495 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 July 20, July 21, August 30, September 8, and September 12, 2005, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
2. Authorization to make monthly payments to the Comptroller from the General Fund, Fire Rescue, Parks and Recreation, and Public Service Tax funds for fees, beginning October 2005 through September 2006 (Administrative/Fiscal Division).
3. Authorization to make quarterly payments to the Comptroller from the Building/Planning/Zoning, Convention Center/Tourist Development Tax, Water Utilities Division, Solid Waste Division, and Public Works Department funds, for fees, beginning October 2005 through September 2006 (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:
 - September 16, 2005, to September 22, 2005; total of \$22,820,147.55
 - September 23, 2005, to September 29, 2005; total of \$82,756,986.02

(Finance and Accounting Department).

County Administrator

1. Approval of the fiscal year 2006 funding agreement between Lynx and Orange County for Public Transportation Services (Office of Management and Budget).
2. Approval of the Certification Regarding Matching Funds as required by the Florida Department of State/Division of Elections for the receipt of voter education funds in the amount of \$154,866.24, and approval to make a one-time payment of \$23,229.94 as matching funds prior to October 30, 2005 (Office of Management and Budget).
3. Approval of Budget Transfer 06-0001 (Office of Management and Budget).

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

- 4. Approval of Budget Amendments 05-70 and 05-71 (Office of Management and Budget).

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

- 5. Approval of CIP Amendment 06C-9001 (Office of Management and Budget).

(CIP amendment is on file in the Comptroller Finance and Accounting Department.)

County Attorney

- 1. Execution of the Conrad-Lorna dedication for the Conrad-Lorna plat and execution of the affidavit/consent of owners.

Administrative Services Department

- 1. Approval to award Invitation for Bids Y5-1032-GH, Emergency Medical Supplies, to the seven low responsive and responsible bidders, in the estimated annual contract award amounts, listed below:

Bidders	<u>Estimated Bid Amounts</u>
Bound Tree Medical, LLC	\$157,649.20
Matrx Medical, Inc.	425,124.58
Medtronic Emergency Response Systems	632,910.25
Moore Medical, LLC	113,549.17
Progressive Medical International	374,994.15
QuadMed, Inc.	423,464.26
Tri Anim Health Services, Inc.	474,153.49

([Fire Rescue Department] Purchasing and Contracts Division).

- 2. Approval to award Invitation for Bids Y5-1045-HF, Right-of-Way Mowing in the Bithlo Area, Section III, to the low responsive and responsible bidder, Cato Environmental Services, Inc. The estimated contract award amount is \$134,522.50 for a 1-year term ([Roads and Drainage Division] Purchasing and Contracts Division).
- 3. Approval to award Invitation for Bids Y5-1093-GJ, Footwear for Orange County Corrections Employees-Term Contract, to the low responsive and responsible

bidder, DesignLab, Inc. The estimated contract award amount is \$154,367.55 for a 3-year term ([Corrections Department] Purchasing and Contracts Division).

4. Approval to award Invitation for Bids Y5-1098-JS, 25 percent Liquid Caustic Soda, to the low responsive and responsible bidder, Basic Chemical Solutions, LLC. The estimated contract award amount is \$191,700 for a 1-year term ([Water Division] Purchasing and Contracts Division).
5. Approval to award Invitation for Bids Y5-1115-JS, Ready Mix Concrete, to the low responsive and responsible bidder, Bedrock Industries, Inc. The estimated contract award amount is \$217,900 for a 1-year term ([Water Reclamation Division] Purchasing and Contracts Division).
6. Approval to award Invitation for Bids Y5-1122-HF, Janitorial Supplies for Corrections, to the low responsive and responsible bidder, Peninsular Paper Company. The estimated contract award amount is \$168,267.26 ([Corrections Department] Purchasing and Contracts Division).
7. Approval to award Invitation for Bids Y5-773-SB, Renovation of Fire Station 20, to the sole responsive and responsible bidder, Mulligan Constructors, LLC. The total contract award amount is \$736,000 ([Capital Projects Division] Purchasing and Contracts Division).
8. Approval to award Invitation for Bids Y5-761-DB, Turkey Lake Road, Lake Marsha Drive and Lake Cane Drive Intersection Improvements, to the low responsive and responsible bidder, Conpilog International Company. The total/estimated contract award amount is \$353,243.33 ([Highway Construction Division] Purchasing and Contracts Division).
9. Approval to award Invitation for Bids Y5-774-SB, Construct Fire Station 27, to the low responsive and responsible bidder, R. D. Michaels, Inc. The total contract award amount is \$1,626,000 ([Capital Projects Division] Purchasing and Contracts Division).
10. Approval of Contract Y6-2070, Sober Housing/Level 4 Residential, with The Center for Drug Free Living in the estimated contract award amount of \$381,000 for a 1-year term ([Health and Family Services Department] Purchasing and Contracts Division).
11. Approval of Contract Y6-2071, Annual Baker Act Match Agreement, with Lakeside Alternatives, Inc., in the estimated contract award amount of \$2,092,058.58 for a

- 1-year term ([Health and Family Services Department] Purchasing and Contracts Division).
12. Approval of Contract Y6-2080, Drug/Opioid Treatment Services with The Center for Drug Free Living to provide treatment services for heroin addicts, in the estimated contract award amount of \$200,000 for a 1-year term ([Health and Family Services Department] Purchasing and Contracts Division).
 13. Approval of Contract Y6-600-NW, Risk Management Information System Services, with Risk Sciences Group, in the total contract award amount of \$142,341 for a 1-year term ([Risk Management Division] Purchasing and Contracts Division).
 14. Approval of Amendment 2, Contract Y5-116-LC, Adult and Juvenile Drug Court Program, with The Center for Drug Free Living in the amount of \$100,000 for a new contract amount of \$717,760 ([Ninth Judicial Circuit] Purchasing and Contracts Division).
 15. Approval of the selection of David A. Higley, P.A. and Savage-Gaston & Hargrove, P.A., as Special Legal Counsel for Foreclosures, under Request for Proposals Y5-1065-HF. The amount of the two negotiated contracts should not exceed \$120,000 ([Code Enforcement Division] Purchasing and Contracts Division).
 16. Approval of Amendment 3, Contract Y0-1009, Corrections Facilities Food Services with Trinity Services Group, Inc., in the amount of \$3,876,957 for a 1-year extension from January 15, 2006, to January 14, 2007 ([Corrections Department] Purchasing and Contracts Division).
 17. Approval and execution by the County Mayor of Agreement to Consider Vacating, Closing, and Conveying Portion of C.R. 13 in Exchange for Conveyance of Frontage on Lake Pickett Road and C.R. 419 and Escrow Agreement for Lake Pickett Road (Chuluota Road to Lake Pickett Road) and C.R. 13 (Recreational Trail), District 5 (Real Estate Management Division).
 18. Approval and execution by the County Mayor of Resolution 2005-M-41 and County Deed and authorization to record instrument for Magnolia Woods Retention Pond, District 1 (Real Estate Management Division).
 19. Approval and execution by the County Mayor of Resolution and authorization to initiate condemnation proceedings for Wetherbee Road (S.R. 441 to Boggy Creek Road), District 4 (Real Estate Management Division).

- 20. Approval and execution by the County Mayor of Notice to Exercise Rights of Reservation and authorization to disburse warrant to pay recording fees and record instrument for Rock Springs Road (Ponkan Road to Kelly Park Road), District 2 (Real Estate Management Division).
- 21. Approval of Drainage and Utility Easement and authorization to record instrument for Petition to Vacate 02-25 (Eleventh Avenue), District 4 (Real Estate Management Division).
- 22. Approval of Temporary Non-Exclusive Access Easement and authorization to record instrument for UCPM/Convention Center Lift Station Access Easement, District 6 (Real Estate Management Division).
- 23. Approval of Warranty Deed and authorization to record instrument for Good Homes Road Office Park (RIFCC), District 1 (Real Estate Management Division).

Community and Environmental Services Department

- 1. Approval of an additional \$11,285 to be awarded to the Hunter's Creek Community Master Association as part of the 2005 Hurricane Repair Refund/Grant Program to assist with repairs in the neighborhood from the 2004 hurricanes, District 1 (Neighborhood Services Division).

(As stated in the above motion, this item was deferred for discussion; see page 495 for subsequent approval.)

- 2. Approval of the FY 2005-06 Safe Neighborhood Funding Distribution as follows:

Pine Hills, Districts 2 and 6	\$10,000
Pinecastle/Skylake, District 4	10,000
South Apopka, District 2	10,000
Tildenville, District 1	10,000
Northwest Winter Park, District 5	5,000
Bellamy Park/Eatonville, Districts 2 and 5	5,000
Lee Road, Districts 2 and 5	30,000
Azalea Park, District 3	80,000
Orlo Vista, Districts 1 and 6	15,000

(Neighborhood Services Division).

- 3. Approval of Restrictive Covenant Agreement between Orange County and the Florida Department of Environmental Protection relating to the Dr. Phillips

Community Park site (formerly Dr. Phillips Trap and Skeet Club) and authorization for the Environmental Protection Division Manager to execute the Agreement, District 1 (Environmental Protection Division).

4. Approval to advertise Resolutions 2005-CED-222 through 2005-CED-230 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 03-466; LC 05-191; LC 05-406; LC 05-358; LC 05-418; LC 05-303;
LC 05-344; LC 05-363; LC 05-433.

Convention Center

1. Approval of the 2005-2006 Fiscal Year Funding Agreement between the International Drive Master Transit and Improvement District and Orange County for funding for the District for 2005-2006.

Growth Management Department

1. Approval of an Amendment to a Multi-Family Affordable Housing Developer's Agreement between Orange County and College Park Towers II, Inc., providing for Discount of Impact Fees, District 2 (Housing and Community Development Division).
2. Approval of the amended 2005-2006 One Year Action Plan, grant applications, and certifications, all districts (Housing and Community Development Division).
3. Approval of a Special Exception Fee Waiver in the amount of \$912 to place a mobile home on property located at 5775 Terrell Road, Tangerine, Florida, District 2 (Zoning Division).

Office of Economic, Trade, and Tourism Development

1. Approval of Science Application International Corporation Qualified Target Industry (QTI) Tax Refund Resolution 2005-M-42.

Public Safety

1. Approval of the Emergency Management Preparedness and Assistance (EMPA) Based Grant Agreement #06BG-04-06-58-01-102 between Orange County and the Department of Community Affairs for Fiscal Year 2005-2006 (Office of Emergency Management).

2. Approval of the Federally Funded Sub-Grant Agreement between the Florida Department of Community Affairs and Orange County to Award Funds in the amount of \$200,000 to retrofit the Fairways Mobile Home Park's (FMHP) Community Center (Office of Emergency Management).
3. Approval of the Federally Funded Sub-Grant Agreement between the Florida Department of Community Affairs and Orange County for the State Homeland Security Grant Programs (SHSGP) in the amount of \$107,172 for Fiscal Year 2005-2006 (Office of Emergency Management).
4. Approval of the Modification #1 to Agreement #05-DS-2N-06-58-01-038 for the State Homeland Security Grant Programs (SHSGP) in the amount of \$488,536 for Fiscal Year 2004-2005 (Fire Rescue Department).

Public Works Department

1. Authorization to record the plat of Metro Centre @ Hiawassee Road, District 6 (Development Engineering Division).
2. Authorization to record the plat of Villages at Universal Boulevard Unit 1, District 6 (Development Engineering Division).
3. Approval of the Highway Illumination Services Agreement between the Florida Department of Transportation and Orange County for the lighting of Silver Star Road from Hiawassee Road to Dardenelle Drive, Districts 2 and 6 (Public Works Engineering Division).
4. Approval of "Stop" sign installations on Hideaway Cove Court at Rockport Street, District 1 (Traffic Engineering Division).
5. Approval to establish a Four-Way Stop Control at the intersection of Tanner/Old Lockwood Road and McCulloch Road, District 5 (Traffic Engineering Division).
6. Approval to construct speed humps on West Celeste Street, East Celeste Street, and Clara Ward Avenue, District 2 (Traffic Engineering Division).
7. Approval to lower speed limit on Gatlin Avenue between Conway Road and Dixie Belle Drive, District 4 (Traffic Engineering Division).

INFORMATIONAL ITEMS*

County Comptroller

1. Receipt of the following items to file for the record:
 - a. Minutes for the August 31, 2005, meeting of County Mayor Crotty and Commissioner Stewart.
 - b. Florida Public Service Commission notice of customer meetings re: Docket 050001-E1, petition for approval of application of temporary fuel clause additive charge to mitigate effects of new fuel contracts effective January 1, 2008, by Florida Public Utilities Company.
 - c. Florida Public Service Commission notice of hearing and prehearing re: Docket 040029-EG, petition for approval of numeric conservation goals by Florida Power & Light Company; and Docket 040660-EG, petition for approval of modifications to BuildSmart program by Florida Power & Light Company.
 - d. Orange Soil and Water Conservation District public meetings schedule for fiscal year 2005.
 - e. City of Apopka Ordinance 1766 annexing property located south of Kelly Park Road and west of Foliage Way, at 2014 West Kelly Park Road.

(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.

HEALTH AND FAMILY SERVICES DEPARTMENT DISCUSSION AGENDA

1. Head Start Division Annual Report.

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

Presentation of proclamation to Head Start Division Manager Dr. Cathleen Armstead designating the month of October as "Head Start Awareness Month."

Commissioner Jacobs joined the meeting.

COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Christian Prison Ministries Tax Equity and Fiscal Responsibility Act of 1986 (TEFRA) approval.

Staff presented a report and requested approval of this item. Board discussion ensued. Lori Brown, Vice-president and Chief Financial Officer, Christian Prison Ministries, contributed to the discussion.

Upon a motion by Commissioner Hartage, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board adopted Resolution 2005-B-06 regarding the Tax Equity and Fiscal Responsibility Act of 1986 for the limited purposes of the IRS regulations, which will allow the issuance of Orange County Industrial Development Authority Variable Rate Demand Revenue Bonds (Christian Prison Ministry, Inc., Project), in an aggregate principal amount not to exceed \$16,000,000, with the proceeds of the bond to be used by the applicant to expand the existing facility located at 2025 Mercy Drive.

PUBLIC WORKS DEPARTMENT DISCUSSION AGENDA

1. Approval of Pay As You Go Agreements for Mi Viejo Restaurant; Meadow Pointe Subdivision-aka Lake Irma Subdivision; Sunflower Trail; Greenway Office Park; University Boulevard and Dean Road PD; Goldenrod Commercenter; Stonebriar; and Crescent Professional Center.

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

Upon a motion by Commissioner Hartage, seconded by Commissioner Fernandez, and carried with County Mayor Crotty and Commissioners Sindler, Fernandez, Stewart, Segal, and Hartage voting AYE by voice vote; Commissioner Jacobs voting NO by voice vote; the Board approved Pay As You Go Agreements for the following:

- Mi Viejo Restaurant
- Meadow Pointe Subdivision aka Lake Irma Subdivision
- Sunflower Trail
- Greenway Office Park
- University Boulevard and Dean Road Planned Development
- Goldenrod Commercenter
- Stonebriar
- Crescent Professional Center

COUNTY CONSENT AGENDA ITEMS DEFERRED FOR DISCUSSION

Community and Environmental Services Department

1. Approval of an additional \$11,285 to be awarded to the Hunter's Creek Community Master Association as part of the 2005 Hurricane Repair Refund/Grant Program to assist with repairs in the neighborhood from the 2004 hurricanes, District 1 (Neighborhood Services Division).

Commissioner Sindler requested this item be deferred for more information. Board discussion ensued; staff contributed to the discussion.

Upon a motion by County Mayor Crotty, seconded by Commissioner Segal, 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 an additional \$11,285 to be awarded to the Hunter's Creek Community Master Association as part of the 2005 Hurricane Repair Refund/Grant Program to assist with repairs in the neighborhood from the 2004 hurricanes.

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, and Homer Hartage
- County Administrator Ajit Lalchandani
- Deputy County Attorney Joel Prinsell
- Deputy Clerk Rosilyn Stapleton

Commissioner Bill Segal was absent.

PRESENTATION

Recognition of Lieutenant Jerry Polk on the occasion of his retirement.

Presentation of Employee Service Awards to: Steve R. Lorman (20), Real Estate, Administrative Services; Betty E. Meeks (30), Human Resources, Convention Center; In-Custody Security, Greta A. Hayward (25), Martin Fonseca (20), Pamela Sue Schuh (20), In-Custody Support, Mark A. Zwolinski (20), Inmate Programming Support, Patricia Dukski Hilton (20), Department Office, Gary L. Porter (20), Professional Services, Corrections; David W. Waite (30), Jerry L. Polk (30), Bernard G. Burge (25), Stanley J. Kuczynski III (25), Robert L. Bushong (25), Robert J. Ashby (20), Operations, Dana B. McCrystal (25), Training and Information, Fire Rescue; Daphney Middleton (20), Building, Growth Management; Carl L. Landon (30), Earl D. Washington (30), Eric A. Peterson (25), Roads and Drainage, Guadalupe Berrios (20), Fiscal and Admin Support, Eileen C. Ireland (20), Development Engineering, Public Works; Robert F. Herrington (25), Water Reclamation, Utilities.

Commissioner Sindler left the meeting.

SEPTEMBER 15, 2005, PLANNING AND ZONING COMMISSION RECOMMENDATIONS

Upon a motion by Commissioner Stewart, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioners Sindler and Segal were absent; the Board accepted the recommendations of the Orange County Planning and Zoning Commission under date of September 15, 2005, with the exception of Case RZ-05-08-100, subject to the usual right of appeal by any aggrieved party; and further, authorized scheduling a public hearing for Case RZ-05-08-100 in the name of Edward D. Johnson on November 29, 2005.

Commissioner Sindler rejoined the meeting.

ORDINANCE PUBLIC HEARING-AMENDING AND REPEALING ORANGE COUNTY CODE, IN PART, THE BUILDING AND CONSTRUCTION REGULATIONS

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, RELATING TO BUILDING AND CONSTRUCTION REGULATIONS; AMENDING IN PART AND REPEALING IN PART CHAPTER 9 ("BUILDING AND CONSTRUCTION REGULATIONS") OF THE ORANGE COUNTY CODE; ADOPTING THE 2004 FLORIDA BUILDING CODE; ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS THE ORANGE COUNTY RESIDENTIAL PROPERTY MAINTENANCE CODE AND THE NON-RESIDENTIAL PROPERTY MAINTENANCE CODE; REPEALING ARTICLE VII ("HOUSING CODE"); REPEALING ARTICLE VIII ("STANDARD UNSAFE BUILDING ABATEMENT CODE"); REVISING BUILDING CODES BOARD OF ADJUSTMENTS AND APPEALS MEMBERSHIP QUALIFICATIONS; REVISING GRIEVANCE APPLICATIONS; REVISING BUILDING CODES BOARD OF ADJUSTMENTS AND APPEALS NOTICE AND APPEAL PROCEDURES; REVISING THE NAME OF THE ORANGE COUNTY BUILDING DIVISION TO THE DIVISION OF BUILDING SAFETY; ADOPTING CERTAIN ADMINISTRATIVE AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

Staff reviewed the proposed ordinance and outlined its provisions.

No one appeared regarding the proposed ordinance.

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

Upon a motion by Commissioner Fernandez, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioner Segal was absent; the Board adopted Ordinance 2005-13, amending and repealing in part Chapter 9, Orange County Code Building and Construction Regulations.

JOINT PLANNING AGREEMENT PUBLIC HEARING-BETWEEN ORANGE COUNTY AND THE CITY OF OCOEE, 13TH AMENDMENT, DISTRICT 1-CONTINUED FROM AUGUST 30, 2005

By consensus, the Board reopened the public hearing to consider a proposed Joint Planning Area (JPA) Agreement, 13th Amendment, between Orange County and the City of Ocoee.

Staff explained that the City of Ocoee has requested to further continue the public hearing to allow time to resolve issues with the school board.

No one appeared regarding the request.

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

Upon a motion by Commissioner Jacobs, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioner Segal was absent; the Board continued the public hearing to consider a proposed Joint Planning Area Agreement, 13th Amendment, until November 29, 2005, at 2 p.m.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING-SAN LORENZO TOWNHOUSES PLANNED DEVELOPMENT-SAN LORENZO TOWNHOUSES PSP, DISTRICT 3-CONTINUED FROM AUGUST 23, 2005

By consensus, the Board reopened the public hearing to consider the San Lorenzo Townhouses Preliminary Subdivision Plan continued from the August 23, 2005, Board meeting.

Staff explained that the public hearing was continued because the property was not properly posted and to have a neighborhood meeting.

Staff recommended that a condition be added as follows:

"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 Board of County Commissioners 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."

The following person addressed the Board:

- Ken Leeming, for the developer

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 present members voting AYE by voice vote; Commissioner Segal was absent; the Board approved the San Lorenzo Townhouses Preliminary Subdivision Plan (PSP) on the above-described property, subject to the following conditions:

1. Development shall conform to the San Lorenzo Planned Development; Orange County Board of County Commissioners' (BCC) approvals; San Lorenzo Townhouses PSP, dated "Received June 14, 2005," and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.

PSP approval automatically expires on October 4, 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 drainage system has the capacity to accommodate this development.

3. Unless a Conservation Area Impact Permit is approved by the Orange County Board of County Commissioners prior to construction plan approval, no conservation area encroachments are permitted.
4. 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.
5. A waiver of Section 34-171 (1) of the Orange County Code is granted for internal right-of-way width due to geometrics of this parcel.
6. A waiver of Section 36-79 (20) of the Orange County Code is granted to allow interior lots to utilize 0 feet in lieu of 60 feet rear-to-rear setbacks.
7. Prior to platting, documentation shall be provided that all payments as required under the Capacity Enhancement Agreement have been made.
8. 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 Board of County Commissioners 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.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT:
DICK DAVIS, LAKE CARLTON ROAD PLANNED DEVELOPMENT; CASE RZ-05-04-044,
AUGUST 18, 2005; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Dick Davis, Lake Carlton Road Planned Development (PD), to rezone from R-CE (Country Estate District) (1973 and 1978) to PD, on property generally located on the west side of Dora Drive, north and south side of Grove Lane, and east side of Lake Carlton Drive; Parcel IDs 18-20-27-0000-00-004, 07-20-27-0000-00-013, 07-

20-27-0000-00-014, and 07-20-27-0000-00-058; District 2; Sections 7 and 18; 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. Staff stated that the maximum height is 35 feet in lieu of 40 feet.

Commissioner Sindler requested the following changes be made:

- proposed Condition 5(d) after the words, "a 2-acre," add "upland parcel of land and a 5.24-acre of wetlands"
- proposed Condition 5(d) add the following sentence: "The exact location of the parcel shall be depicted on the preliminary subdivision plan."

The following person addressed the Board:

- Miranda Fitzgerald, for the applicant

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

Upon a motion by Commissioner Sindler, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioner Segal was absent; the Board approved the request by Dick Davis, Lake Carlton Road Planned Development (PD), to rezone from R-CE (Country Estate District) (1973 and 1978) to PD, on the above described property; subject to the following conditions:

1. Development shall conform to the Lake Carlton Road Land Use Plan (LUP), dated "Received June 14, 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. Approval of this project does not constitute approval of a community boat dock, ramp or lake access. (The note on the LUP referencing the boat dock shall be stricken.)
4. Access to Parcel 1 shall be addressed with preliminary subdivision plan approval. Depending on the size of lots approved, access may be direct to Dora Drive.
5. Conditions that have been agreed to by the owner/developer from input at the community meeting on June 29, 2005. In the cases where the following conditions differ from the LUP (dated August 4, 2005), the following conditions apply unless prohibited by policy, codes, or ordinances:
 - a. Each lot shall be a minimum of 1 acre (43,560 square feet) in area.
 - b. The minimum living area per dwelling unit shall be 2,400 square feet (under heat and air).
 - c. The lots that abut a public road shall access external to the project where applicable.
 - d. In lieu of providing recreational amenities on the Trimble Park PD and Lake Carlton PD, the owner/developer shall donate to Orange County a 2-acre upland parcel of land and a 5.24-acre wetland within the Trimble Park PD adjacent to the existing Trimble Park as set forth in a plan provided to the Parks Department (the property is located southern portion of the east property line of Trimble Park). The exact location of the parcel shall be depicted on the preliminary subdivision plan.
 - e. The internal roads may be designed and built as rural sections (this condition shall be reviewed at the time of the Preliminary Subdivision Plan.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT:
DICK DAVIS, TRIMBLE PARK ROAD PLANNED DEVELOPMENT; CASE RZ-05-04-045,
AUGUST 18, 2005; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Dick Davis, Trimble Park Road Planned Development (PD), to rezone from R-CE (Country Estate District) (1973) to PD, on property generally located

on the east side of Trimble Park Road, the west side of Dora Drive, and north of Earlwood Avenue; Parcel ID 07-20-27-0000-00-006; District 2; Section 7, 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. Staff stated that the maximum height is 35 feet in lieu of 40 feet.

Commissioner Sindler requested the following changes be made:

- proposed Condition 4(d) after the words, "a 2-acre," add "upland parcel of land and a 5.24-acre of wetlands"
- proposed Condition 4(d), add the following sentence: "The exact location of the parcel shall be depicted on the preliminary subdivision plan."

The following person addressed the Board:

- Miranda Fitzgerald, for the applicant

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

Upon a motion by Commissioner Sindler, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioner Segal was absent; the Board made a finding of consistency with the Comprehensive Policy Plan and approved the request by Dick Davis, Trimble Park Road Planned Development (PD), to rezone from R-CE (Country Estate District) (1973) to PD, on the above described property; subject to the following conditions:

1. Development shall conform to the Trimble Park Road Land Use Plan (LUP), dated "Received June 14, 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. Approval of this project does not constitute approval of a community boat dock, ramp or lake access. (The note on the LUP referencing the boat dock shall be stricken).
4. Conditions that have been agreed to by the owner/developer from input at the community meeting on June 29, 2005. In the cases where the following conditions differ from the LUP (dated August 4, 2005), the following conditions apply unless prohibited by policy, codes, or ordinances:
 - a. Each lot shall be a minimum of 1 acre (43,560 square feet) in area.
 - b. The minimum living area per dwelling unit shall be 2,400 square feet (under heat and air).
 - c. The lots that abut a public road shall access external to the project where applicable.
 - d. In lieu of providing recreational amenities on the Trimble Park PD and Lake Carlton PD, the owner/developer shall donate to Orange County a 2-acre upland parcel of land and a 5.24-acre wetland within the Trimble Park PD adjacent to the existing Trimble Park as set forth in a plan provided to the Parks Department (the property is located southern portion of the east property line of Trimble Park). The exact location of the parcel shall be depicted on the preliminary subdivision plan.
 - e. The internal roads may be designed and built as rural sections (this condition shall be reviewed at the time of the Preliminary Subdivision Plan).

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-
APPLICANT: RICHARD HENDERSON, CARLIE PLACE PLANNED DEVELOPMENT; CASE
RZ-05-04-058, AUGUST 18, 2005; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Richardson Henderson, Carlie Place Planned Development (PD), to rezone from A-2 (Farmland Rural District) (1957) to PD, on property generally located on the west side of Cleburne Road, south of Buck Road; multiple parcels located in

District 5; Section 08, Township 22, Range 31; 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 person addressed the Board:

- Sherri Fragomeni, for the applicant

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

Upon a motion by County Mayor Crotty, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote; Commissioner Segal was absent; the Board made a finding of consistency with the Comprehensive Policy Plan and approved the request by Richardson Henderson, Carlie Place Planned Development (PD), to rezone from A-2 (Farmland Rural District) (1957) to PD, on the above described property; subject to the following conditions:

1. Development shall conform to the Carlie Place on Cleburne Road Land Use Plan (LUP), dated "Received June 29, 2005," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent the applicable laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (BCC), or by action of the BCC.
2. The uses, densities, and intensities, and all of the conditions of approval of the PD/LUP have been negotiated and agreed to by both the applicant and the County. The PD/LUP constitutes an agreement between the parties. The applicant and the applicant's successors in interest have the contract right to develop the PD with the uses, densities, and intensities approved by the County, subject to the restrictions and requirements in the conditions of approval, and neither the applicant nor the County shall have the right to rezone or downzone the property, or otherwise alter the uses, densities, and intensities, or to delete, waive, or amend any condition of approval except through an amendment to the PD/LUP that is negotiated by both parties.
3. The developer shall obtain water and wastewater services from Orange County Utilities.

4. Developer shall comply with all provisions of the Public Education Agreement entered into with the Orange County School Board as of July 27, 2004 (executed on February 24, 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 6 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.
5. Development of this project shall be restricted to single-family residential.
6. The minimum living area shall be 1,500 square feet under heat and air.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT: RALPH SINGLETON, COLONIAL SUNFLOWER PLANNED DEVELOPMENT (PD), AKA WATERFORD TRAILS PD; CASE Z-04-130, AUGUST 18, 2005; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider request by Ralph Singleton, Colonial Sunflower Planned Development (PD) (aka Waterford Trails PD), to rezone from A-2 Farmland (Farmland Rural District) (1957) to PD and amending the Land Use Plan, on property generally located on the west side of Sunflower Trail, south of Colonial Drive; Parcel IDs 30-22-32-0000-00-002, 30-22-32-0000-00-003, 30-22-32-0000-00-005, 30-22-32-0000-00-020, and 30-22-32-0000-00-023; District 4; Section 30, Township 22, Range 32; 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 person addressed the Board:

- Bill Fogle, for the applicant

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 Segal was absent; the Board made a finding of consistency with the Comprehensive Policy Plan and approved the request by Ralph Singleton, Colonial Sunflower Planned Development (PD) (aka Waterford Trails PD), to rezone from A-2 Farmland (Farmland Rural District) (1957) to PD and amending the Land Use Plan (LUP), on the above described property; subject to the following conditions:

1. Development shall conform to the Colonial Sunflower PD; Orange County Board of County Commissioners approval; LUP Amendment to add 27 acres for Waterford Trails Phase 3, dated "Received June 24, 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. The developer shall obtain water and wastewater services from Orange County Utilities.

4. Master stormwater, water, reclaimed water, and wastewater, including preliminary calculations, to include this property shall be modified and approved prior to approval of the construction plans.
5. The master stormwater management plan shall be modified to include this additional property.
6. Developer shall comply with all provisions of the Public Education Agreement entered into with the Orange County School Board as of September 23, 2003 (executed October 16, 2003), 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 2 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.
7. The following modifications to the existing Colonial Sunflower PD shall also be granted:
 - a. Convert 40 mobile home units within the Colonial Sunflower PD West Village to 40 units of multi-family.

- b. Reduce approved commercial square footage from 196,000 square feet to 164,445 square feet.
- c. Change institutional zoning (Parcel 3 and 4) to commercial zoning without increasing overall commercial building square footage.

Commissioner Fernandez left the meeting.

CONSERVATION AREA IMPACT PUBLIC HEARING-APPLICANT: STONEBRIAR, LLC;
CLASS I WETLANDS PERMIT; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Stonebriar, LLC, for a Conservation Area Impact Permit for a Class I Wetlands, pursuant to Orange County Code Chapter 15, Article X, on property generally located east of Tanner Road approximately 1 mile north of Lake Pickett Road; Parcel IDs 01-22-31-0000-00-005, 12-22-31-0000-00-024, and 12-22-31-0000-00-079; District 5; Sections 01 and 12, Township 22, Range 31; Orange County, Florida (the legal property description is on file).

Staff outlined the request; identified the subject property and noted the recommendation is for approval of the request.

The following person addressed the Board:

- Anna Long, for the applicant

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

Upon a motion by Commissioner Stewart, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote; Commissioners Fernandez and Segal were absent; the Board approved the request by Stonebriar, LLC, for a Conservation Area Impact Permit for Class I Wetlands Buffer, and Consent Agreement on the above-described property; subject to the following conditions:

General Conditions:

1. The permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawing, plans, and other documents attached hereto or on file with the Environmental Protection Division (EPD). The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If the EPD determines at any time that activities are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked.

2. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the EPD, a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
3. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
4. The permittee must require the contractor to maintain a copy of this permit, complete with all approved drawing, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee must require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit must be available upon request by County staff.
5. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee must comply with the most stringent conditions.
6. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
7. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
8. The EPD must have final construction plan approval to ensure that no modification has been made during the construction plan process.
9. The permittee shall immediately notify the EPD in writing of any previously submitted information that is later discovered to be inaccurate.

10. The permittee shall notify the EPD, in writing, within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located, during the permit period. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale.
11. The EPD staff, with proper identification, shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit at any reasonable time.
12. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
13. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit may be required to be paid by the permittee
14. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida and initiated only in Orange County.
15. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best management practices, as specified in the Florida Stormwater, Erosion and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
16. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection under 62-4.242(2) FAC.
17. All excess lumber, scrap wood, trash, garbage, etc., shall be removed from the preservation areas and/or surface water(s) immediately.
18. Any unpermitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact within 30 days of completion of the project and shall be done to the satisfaction of the EPD.

19. For 1 acre or more of disturbed land, a National Pollutant Discharge Elimination System Notice of Intent to use a Construction General Permit (CGP) for stormwater discharges shall be completed and sent to the EPD and copied to the EPD National Pollutant Discharge Elimination System Administrator prior to start of construction.
20. This permit will expire 5 years from issuance date.

Specific Conditions:

21. Conservation Areas must be clearly marked with signage that identifies the wetland and upland buffer. These signs must be installed every 50 feet on any open space and on every other individual lot line. The signage must conform to the EPD standard language. The signs must be installed prior to issuance of the Plat.
22. The wetland impacts must be done in accordance with Sheet 1 of 1 as dated as received by the EPD on August 24, 2005.
23. The mitigation must be implemented in accordance with Sheet 1 of 1 submitted by GTC Engineering Corporation titled "Conservation Area Impact Exhibit" and Sheets 1-4 submitted by Morgan Environmental Consulting, Inc., titled "Buffer Restoration Plan," dated as received by the EPD on August 24, 2005. The preservation area must total at least 22.31 acres of wetlands and 2.69 acres of upland buffer.
24. The wetland and upland buffers shall be monitored in accordance with Sheets 1-4 submitted by Morgan Environmental Consulting, Inc., titled "Buffer Restoration Plan," dated as received by the EPD on August 24, 2005. The areas shall be monitored on a biannual basis with monitoring reports submitted no later than 1 month after the on site evaluation has occurred.
25. The applicant shall provide written notification to property owners that no alteration or encroachment of the Platted Conservation Areas shall occur unless approved by Orange County and other appropriate state or federal agencies. These restrictions shall be recorded as covenants and restrictions on the subdivision plat and shall be part of the documents provided to purchasers of lots within the subdivision. A copy of the notification that is to be provided to purchasers shall be submitted to the EPD at the time of platting.

Commissioner Fernandez joined the meeting.

COMPREHENSIVE POLICY PLAN TRANSMITTAL PUBLIC HEARING-WEKIVA STUDY AREA, TEXT AMENDMENTS-CONTINUED FROM AUGUST 30, 2005

By consensus, the Board reopened the public hearing to consider transmittal of proposed text amendments to the Comprehensive Policy Plan ("CPP"), as authorized by Chapter 163, Florida Statutes, and mandated by Chapter 369, Part III, Florida Statutes, Wekiva Parkway and Protection Act.

Staff stated this public hearing was continued to allow time for review of the amendments. Staff reviewed the request and noted the Local Planning Agency and staff recommended transmittal of the text amendments regarding the Wekiva Study Area.

The following persons addressed the Board:

- Keith Shue, Nature Conservancy
- R. P. Mohnacky

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

Upon a motion by County Mayor Crotty, seconded by Commissioner Fernandez, and carried with County Mayor Crotty and Commissioners Jacobs, Fernandez, and Stewart, voting AYE by voice vote; Commissioners Sindler and Hartage voting NO by voice vote; Commissioner Segal was absent; the Board approved transmitting the Wekiva Study Area Future Land Use Text Amendments to the State of Florida Department of Community Affairs, with the understanding that the Board will remain flexible to any changes in the future.

MEETING ADJOURNED

There being no further business, the County Mayor adjourned the meeting at 4:35 p.m.

ATTEST:

Martha O. Haynie
County Comptroller as Clerk

County Mayor

Deputy Clerk

Minutes Coordinator