

## MEETING OPENED

There being a quorum, the County Mayor called the meeting of the Orange County Board of County Commissioners to order at 9:10 a.m. in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, November 1, 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

Invocation-Rulon Munns, Orlando South Stake of the Church of Jesus Christ of Latter-day Saints

Pledge of Allegiance

Presentation of proclamation designating the week of October 29 through November 5, 2005, as National Family Week

## COUNTY CONSENT AGENDA

Upon a motion by Commissioner Fernandez, seconded by Commissioner Hartage, and carried with all members present and voting AYE by voice vote, the Board deferred Public Works Item 3 for a separate vote (see page 55 for subsequent approval); and further, approved the balance of the County Consent Agenda items as follows:

### County Mayor's Report

1. Confirmation of the County Mayor's appointments of Anne Kulikowski, Manager, Fiscal and Human Resources, Administrative Services Department; Patricia Bythwood, Manager, Fiscal and Human Resources, Community and Environmental Services Department; and Dean Stites, Manager, Fiscal and Administrative Support, Growth Management Department.
2. Approval of Resolution 2005-M-46 in support of a Medical School at the University of Central Florida (Addendum 1).

## County Comptroller

1. Approval of the minutes of the October 4, 2005, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
2. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, for the following period: October 21, 2005, to October 27, 2005; total of \$37,427,493.99 (Finance and Accounting Department).

## County Administrator

1. Approval to disburse CRA funds to Orange County's 13 Community Redevelopment Agencies totaling \$16,501,738 (Office of Management and Budget).
2. Approval for the Orange County Sheriff's Office to spend \$1,000 from the Law Enforcement Trust Fund to purchase equipment for the Hi-Tech Tutoring Center, Inc. (Office of Management and Budget).
3. Approval and execution of Service Funding Agreement between Orange County, Orange County Clerk of the Court, and Ninth Judicial Circuit Court in the amount of \$496,836 (Office of Management and Budget).

4. Approval of Budget Amendments 05-72 and 06-01 (Office of Management and Budget).

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

5. Approval of CIP Amendment 05C-9210 (Office of Management and Budget).

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

## Administrative Services Department

1. Approval to award Invitation for Bids Y6-100-JS, Laboratory Services, Groundwater Monitoring and Sampling-Pine Hills Landfills East and West, to the low responsive and responsible bidder, US Biosystems. The estimated contract award amount is \$346,052.40 for a 3-year period ([Public Works Engineering Division] Purchasing and Contracts Division).

2. Approval of Contract Y6-2082, Clinical Services at the Central Receiving Center, with Lakeside Alternatives, Inc., in the estimated contract award amount of \$1,501,355 for a 1-year period ([Health and Family Services Department] Purchasing and Contracts Division).
3. Approval to award Contract Y5-1072-JS, Standardization of Fire Apparatus, to Hall-Mark Fire Apparatus, Inc., in the estimated contract award amount of \$9,600,000 for a 3-year period ([Fire Rescue Department] Purchasing and Contracts Division).
4. Approval of Renewal of the Annual Maintenance Agreement for PeopleSoft Software, with Oracle USA, Inc. The total contract award amount is \$244,559.09 for a 1-year period ([Information Systems and Services Division] Purchasing and Contracts Division).
5. Approval of Contract Y3-815-DB, Final Engineering Design Services for Edgewater Drive (from Pine Hills Road to Clarcona-Ocoee Road), with Metric Engineering, Inc., in the total contract amount of \$1,744,091.12 ([Public Works Engineering Division] Purchasing and Contracts Division).
6. Approval and execution by the County Mayor of Pedestrian and Bike Path Easement and authorization to record instrument for Shingle Creek Pedestrian and Bike Path Easement, District 6 (Real Estate Management Division).
7. Approval and execution by the County Mayor of Lease Amendment and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed, between Avalon Island, LLC, and Orange County for office space in the Phoenix Building, Suite 200, located at 69 East Pine Street, Orlando, Florida, District 3 (Real Estate Management Division).
8. Approval and execution by the County Mayor of Temporary Limited Waiver of Land Use Covenants between Orange County and Universal City Property Management III, LLC, authorization to disburse warrant to pay recording fees and record instrument and approval and execution by the County Mayor of Lease Agreement and delegation of authority to the Real Estate Management Division to accept or reject renewal options between Orange County and Rosen Hotels and Resorts for office trailer space in the Orange County Convention Center (OCCC) Construction Trailer Complex located at 9888 Universal Boulevard, Suite 500, Orlando, Florida, District 6 (Real Estate Management Division).

Health and Family Services Department

1. Approval of Amendment #7 between the State of Florida Department of Juvenile Justice and Orange County for the amended contract amount of \$669,264. The term of the amendment is from July 1, 2005, through June 30, 2006. Approval for the County Mayor, or his designee, to sign future amendments to contract with non-material and non-monetary changes (Youth and Family Services Division).

Office of Economic Trade and Tourism Development

1. Approval of Hewitt Associates, LLC, Qualified Target Industry (QTI) Tax Refund Resolution 2005-M-47.

Public Safety

1. Approval to accept the Assistance to Firefighters "Fire Act" Grant Agreement #EMW-2005-FG-11784 between Orange County and the Federal Emergency Management Agency in the amount of \$1,851,428 (Fire Rescue Department).

Public Works Department

1. Approval of a "Stop" sign installation on North Shore Golf Club Boulevard at Marsh Pointe Drive, District 4 (Traffic Engineering Division).
2. Approval to replace the existing "Yield" sign with a "Stop" sign on Meadowpark Avenue at Valleybrooke Lane, District 5 (Traffic Engineering Division).
3. Approval of a Pay-As-You-Go Agreement between Orange County and RAI Restaurant, Inc., for the Pay-As-You-Go Fee Payment for Taco Bell affecting the road segment on Colonial Drive from Lake Pickett Road to South Tanner Road, District 5 (Traffic Engineering Division).

(As stated in the above motion, this item was deferred for a separate vote; see page 55 for subsequent approval.)

Utilities Department

1. Approval of the Request for Partnership Funding for the 2006 Water Conservation Public Awareness Campaign, all districts (Utilities Water Division).
2. Approval and execution of the Local Government Agreement between the South Florida Water Management District and Orange County for grant funding in the

amount of \$1,313,000 for various Integrated Water Resources Program projects, Districts 1, 2, 4, and 6 (Utilities Engineering Division).

#### INFORMATIONAL ITEMS\*

##### County Comptroller

1. Receipt of the following items to file for the record:
  - a. Minutes for the September 12, 2005, meeting of County Mayor Crotty and Commissioners Fernandez and Hartage.
  - b. Orange County Public Schools Analysis of Impact Fee Trust Fund for the year ended June 30, 2005.
  - c. City of Orlando Ordinance annexing property generally located north of Hibiscus Road, east of Hibiscus Place, and west of Marigold Avenue.

(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 CONSENT AGENDA ITEM DEFERRED FOR DISCUSSION

##### Public Works

3. Approval of a Pay-As-You-Go Agreement between Orange County and RAI Restaurant, Inc., for the Pay-As-You-Go Fee Payment for Taco Bell affecting the road segment on Colonial Drive from Lake Pickett Road to South Tanner Road, District 5 (Traffic Engineering Division).

Commissioner Jacobs requested this item be deferred for a separate vote.

Upon a motion by Commissioner Fernandez, seconded by Commissioner Sindler, and carried with all present members voting; 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 the Pay-As-You-Go Agreement between Orange County and RAI Restaurant, Inc., for Taco Bell affecting the road segment on Colonial Drive from Lake Pickett Road to South Tanner Road.

UTILITIES DEPARTMENT DISCUSSION AGENDA

1. Approval of the Memorandum of Agreement between the St. Johns River Water Management District, South Florida Water Management District, Cocoa, Titusville, Orange County, OUC, Tohopekaliga Water Authority, and East Central Florida Services, Inc., for Development of a Preliminary Design Report-Environmental Information Document for the St. Johns River/Taylor Creek Reservoir Water Supply Project, all districts.

Staff presented a report and requested approval of this item. Kirby Green, executive director of the St. Johns River Water Management District, addressed the Board and contributed to the report. Board discussion ensued.

Upon a motion by Commissioner Sindler, seconded by Commissioner Segal, and carried with all members present and voting AYE by voice vote, the Board approved the Memorandum of Agreement between the St. Johns River Water Management District; South Florida Water Management District; City of Cocoa, City of Titusville, Orange County; Orlando Utilities Commission; Tohopekaliga Water Authority; and East Central Florida Services, Inc.; for development of a Preliminary Design Report-Environmental Information Document for the St. Johns River/Taylor Creek Reservoir Water Supply Project.

COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Model Concurrency Management Ordinance.

Pat Christiansen, chairman of the Concurrency Advisory Group, addressed the Board and presented a report. Board discussion ensued. Staff, the County Attorney, and Mr. Christiansen contributed to the discussion. No action was taken.

The County Mayor announced the following discussion items will be considered in the afternoon session: Community and Environmental Services Discussion Item 1 and County Comptroller Discussion Item 1.

Commissioner Jacobs left the meeting.

HEALTH AND FAMILY SERVICES DEPARTMENT DISCUSSION AGENDA

1. Approval to accept the \$582,240 grant from Community Health Improvement Council and add two positions to the manning table to staff the Pharmacy Co-Op, all districts (Health Services 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 all present members voting AYE by voice vote; Commissioner Jacobs was absent; the Board approved accepting the \$582,240 grant from the Community Health Improvement Council to fund 1 part-time pharmacist, 1 full-time pharmacy tech, and medications.

The County Mayor adjourned the morning session.

#### MEETING RECONVENED

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

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

Commissioner Teresa Jacobs joined the meeting where indicated.

Presentation of Employee Service Awards to: William M. Hicks (30), Capital Projects, Administrative Services; David R. Linck (25), Parks and Recreation, Community and Environmental Services; Jimmy Echols Jr. (25), Inmate Programming, Douglas O. Thomas (20), Rickey Lee Dumas (20), Rella McNeil Moore (20), In-Custody Support, Paul D. Pattyson (20), In-Custody Security, Corrections; Eric W. Pruitt (25), Operations, William A. Duxbury (30), Logistics, Fire Rescue; Lisa M. O'Neil (20), Mapping/GIS, Growth Management; Betsy D. Penalosa (30), Cooperative Extension, Health and Family Services; Earline T. Carwise (25), Engineering, and Carmen V. Ross (20), Customer Service, Darryl A. Lattimore (20), Water, Utilities.

Presentation of Environmental Protection Agency (EPA) Region 4 2005 Safe Drinking Water Act Excellence Award for the Large Ground Water Public Water Supply Facility-Eastern Regional.

This item was deleted from the agenda.

Commissioner Jacobs joined the meeting.

#### COUNTY COMPTROLLER DISCUSSION AGENDA

##### 1. Audit of the Orange County Highway Construction Division.

The County Comptroller presented a report on this item; Board discussion ensued. No action was taken.

#### OCTOBER 20, 2005, PLANNING AND ZONING COMMISSION RECOMMENDATIONS

Staff announced Case RZ-05-09-116, Arthur C. Fiscofer; and Case RZ-05-09-117, Mark L. Allen; were withdrawn.

Upon a motion by Commissioner Fernandez, seconded by Commissioner Segal, and carried with all members present and voting AYE by voice vote, the Board accepted the recommendations of the Orange County Planning and Zoning Commission under date of October 20, 2005, with the exception of Cases Z-05-014, RZ-05-04-043, RZ-05-04-056, RZ-05-07-082, RZ-05-09-112, RZ-05-09-113, and RZ-05-19-115; subject to the usual right of appeal by any aggrieved party; and further, authorized scheduling public hearings on December 6, 2005, as follows:

- Case Z-05-014, Miranda Fitzgerald, Parkside Planned Development
- Case RZ-05-04-043, Hubert Early, Olde Town Center Planned Development
- Case RZ-05-04-056, Bob Harrell, Lake Sparling Planned Development
- Case RZ-05-07-082, Vinod Kalidas, KA & DM Development Planned Development
- Case RZ-05-09-112, Mohammed K. Hosein
- Case RZ-05-09-113, J. E. Zuber, Ashraf Zafaronloo
- Case RZ-05-19-115, Ismael Portalatin

#### PETITION TO VACATE PUBLIC HEARING-APPLICANT: ORANGE COUNTY PUBLIC WORKS DEPARTMENT; ADM NO. 05-01, PORTION OF RIGHT-OF-WAY; DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Orange County Public Works Department Administrative Petition to Vacate 05-01, to vacate a portion of a right-of-way known as Dominion Avenue, fka Robinson Street, lying north of East Colonial Drive and west of North Forsyth Road on property located at 1920 North Forsyth Road; Parcel ID 15-22-30-1284-05-010; District 3; Section 15, Township 22, Range 30; 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 Fernandez, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution granting Petition to Vacate 05-01 vacating a portion of a right-of-way known as Dominion Avenue, fka Robinson Street on the above-described property.

PETITION TO VACATE PUBLIC HEARING-APPLICANT: BILLY SPEARS; NO. 05-24, PORTION OF RIGHT-OF-WAY; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Billy Spears, Petition to Vacate 05-24, to vacate a portion of a right-of-way known as Fifth Avenue, on property located at 10498 and 10502 Moore Road; Parcel IDs 32-22-28-0000-00-017 and 33-22-28-3100-21-002; District 1; Sections 32 and 33, Township 22, Range 28; Orange County, Florida (the legal property description is on file).

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

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

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

Upon a motion by Commissioner Jacobs, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution granting Petition to Vacate 05-24 vacating a portion of a right-of-way known as Fifth Avenue on the above-described property.

PETITION TO VACATE PUBLIC HEARING-APPLICANT: JO ANN WOOD, NO. 05-26, PORTION OF RIGHT-OF-WAY; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Jo Ann Wood, Petition to Vacate 05-26 to vacate a portion of a right-of-way known as Hickory Nut Drive, on property located at 9390 Lake Hickory Nut Drive lying south of the Old YMCA Road and west of Avalon Road; Parcel ID 06-24-27-

3548-00-220; District 1; Section 06, Township 24, Range 27; Orange County, Florida (the legal property description is on file).

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

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

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

Upon a motion by Commissioner Jacobs, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution granting Petition to Vacate 05-26 vacating a portion of a right-of-way known as Hickory Nut Drive on the above-described property.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: MITCH COLLINS, VISTA CENTRE-LOT 7 PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP), AMEND LUP, DISTRICT 1-CONTINUED FROM AUGUST 30, 2005

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Mitch Collins, Vista Centre-Lot 7 Planned Development/Land Use Plan (PD/LUP) to amend the LUP to increase the maximum height for the PD from 75 feet to 100 feet, pursuant to Orange County Code, Section 38-1207; continued from the August 30, 2005, Board meeting (the legal property description is on file).

Staff explained that the public hearing was continued to research vested rights. Staff reviewed the change request and the Development Review Committee's (DRC) determination of substantial change; and further, stated the DRC recommended approval of the request. Staff recommended approval of the request with the deletion of proposed Condition 4 as follows:

- The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to the issuance of a building permit. However, nothing in this decision and nothing in this condition to approve this land use plan amendment shall be construed to mean that the applicant will be able satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

Commissioner Jacobs requested the following condition added: "The reservation of a 20-foot transit easement within the 50-foot setback along Palm Parkway is a Condition of

Approval for development of this project along the Palm Parkway Corridor. When the Palm Parkway Corridor Transit Plan is completed, any unused portions of easements shall be abandoned and vacated. Until the easement is utilized or abandoned, the fee title holder shall be entitled to make use of such easement areas for temporary uses such as, but not limited to, noncode required parking, landscaping, and recreation areas. Such easement areas shall be considered as a part of the site area for development purposes."

The following person addressed the Board: Aaron Gorovitz, for the applicant.

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

Upon a motion by Commissioner Jacobs, seconded by Commissioner Segal, 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 Mitch Collins, Vista Centre-Lot 7 Planned Development/Land Use Plan (PD/ LUP), to amend the LUP to increase the maximum height for the PD from 75 feet to 100 feet; which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. Development shall conform to the LUP dated, "Received June 30, 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 reservation of a 20-foot transit easement within the 50-foot setback along Palm Parkway is a Condition of Approval for development of this project along the Palm Parkway Corridor. When the Palm Parkway Corridor Transit Plan is completed, any unused portions of easements shall be abandoned and vacated. Until the easement is utilized or abandoned, the fee title holder shall be entitled to make use of such easement areas for temporary uses such as, but not limited to, noncode required parking, landscaping, and recreation areas. Such easement areas shall be considered as a part of the site area for development purposes.

COMPREHENSIVE POLICY PLAN TRANSMITTAL PUBLIC HEARING-APPLICANT: DUKE WOODSON, INTERNATIONAL CORPORATE PARK DEVELOPMENT OF REGIONAL IMPACT, NOTIFICATION OF PROPOSED CHANGE; AMENDING ORANGE COUNTY CODE; DISTRICT

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The County Mayor recognized veterans in attendance in support of the public hearing.

Notice was given that the Board of County Commissioners would hold a public hearing regarding transmittal a proposed amendment to the Comprehensive Policy Plan (CPP), as it has been amended, as authorized by Chapter 163, Florida Statutes, for the matter set forth below:

1. Proposed amendment to the CPP Future Land Use Element Map, which would change the designation of land within the area identified on the map on file.
2. Proposed text amendments to the Goals, Objectives, and Policies of the Future Land Use Element Map.

(The Amendment Booklet and map are on file. The parcel of property that is subject to possible land use changes identified by the general location descriptions, acres, and tax parcel identification numbers is on file. Also, the currently adopted land uses and requested land use changes are on file.)

Staff stated that the Local Planning Agency (LPA) reviewed the CPP amendment at its public hearing on March 17, 2005; and further, noted the LPA recommended denial of transmittal. Staff reviewed its recommendation of transmittal.

The following persons addressed the Board:

- Duke Woodson, the applicant
- Charlie Sloan, Economic Development Commission

- Joe Wallace, Orange County Research and Development Authority
- Michael Snyder, Orlando-Orange County Expressway Authority
- Richard Morrison, Florida Hospital
- Marjorie Holt, Sierra Club
- Neil Euliano, representing local veterans' organizations

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

Upon a motion by Commissioner Stewart, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board approved Future Land Use Map Amendment 2005-D-4-1, Duke Woodson, International Corporate Park Development of Regional Impact, for transmittal to State of Florida Department of Community Affairs.

ORDINANCE PUBLIC HEARING-AMENDING ORANGE COUNTY CODE, CHAPTER 32, PERTAINING TO SOLID WASTE MANAGEMENT

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

AN ORDINANCE IN ORANGE COUNTY, FLORIDA, PERTAINING TO SOLID WASTE MANAGEMENT FACILITIES AND ANCILLARY OPERATIONS, INCLUDING RECYCLING FACILITIES; AMENDING ARTICLE V OF CHAPTER 32 OF THE ORANGE COUNTY CODE; AMENDING SECTION 21-213, DEFINITIONS; AMENDING SECTION 32-214, PERMIT PROCEDURES; AMENDING SECTION 32-215 RELATING TO PERMIT APPLICATION REQUIREMENTS; AMENDING SECTION 32-216 RELATING TO TECHNICAL REQUIREMENTS; AMENDING SECTION 32-217 RELATING TO ENFORCEMENT, PENALTIES, AND PERMIT REVOCATION; AND PROVIDING AN EFFECTIVE DATE.

Staff announced this item is being postponed to be considered at a later date.

CONSERVATION AREA IMPACT PUBLIC HEARING-APPLICANT: PROGRESS ENERGY FLORIDA, NORTH ECONLOCKHATCHEE TRAIL, CLASS I WETLANDS PERMIT, DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Progress Energy Florida for a Conservation Area Impact Permit for a Class I Wetlands, pursuant to Orange County Code Chapter 15, Article X, on property located on North Econlockhatchee Trail, south of Colonial Drive, north of Valencia College Lane, just east of Rosewalk Court, in the Union Park area; Parcel ID 19-22-31-0000-00-030; District 3; Section 19, Township 22 South, Range 31 East; Orange County, Florida (the legal property description is on file).

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

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

The following person addressed the Board: Marjorie Holt, local Sierra Club.

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 members present and voting AYE by voice vote, the Board approved the request by Progress Energy for a Conservation Area Impact Permit for Class I Wetlands, 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 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 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. 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.

6. 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.
7. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
8. The Environmental Protection Agency 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 EPD in writing of any previously submitted information that is later discovered to be inaccurate.
10. The permittee shall notify 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. Environmental Protection Division 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. 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. All excess lumber, scrap wood, trash, garbage, etc., shall be removed from the preservation areas and/or surface water(s) immediately.
17. 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 EPD.
18. For 1 acre or more of disturbed land, a National Pollutant Discharge Elimination System (NPDES) Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to EPD NPDES Administrator prior to start of construction.
19. This permit will expire 5 years from issuance date.

Specific Conditions:

20. Remaining Wetland Areas must be clearly marked with signage that identifies the wetland. These signs must be installed every 50 feet facing upland. The signage must conform to the detail shown on the enclosed signage attachment. The signs must be installed prior to issuance of the Certificate of Completion.
21. The wetland impacts must be done in accordance with Figure 13 as dated as received by EPD on September 16, 2005.
22. This permit requires the recording of a conservation easement and/or platting. Prior to the start of the permitted activity the permittee shall record a conservation

easement on the remaining onsite wetlands outside of the existing power line easement, which shall include restrictions on the real property pursuant to the requirements of attached "Conservation Easement Addendum."

- 23. Approval of this permit by the Board of County Commissioners means that approval to record the above referenced conservation easement is also granted as long as the applicable legal requirements are met, including having the language of the easement approved by the Orange County Attorney's Office prior to recording.

COMMUNITY AND ENVIRONMENTAL SERVICES DISCUSSION AGENDA

- 1. Safe Neighborhood Program and Crime Prevention Fund Update, all districts (Neighborhood Services Division).

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

MEETING ADJOURNED

There being no further business, the County Mayor adjourned the meeting at 4:40 p.m.

ATTEST:

Martha O. Haynie  
County Comptroller as Clerk

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County Mayor

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Deputy Clerk

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Minutes Supervisor

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