

MEETING OPENED

There being a quorum, the County Mayor called the meeting of the Orange County Board of County Commissioners to order at 9:08 a.m. in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, December 20, 2005. The following were present:

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

Invocation-Rabbi Richard S. Chizever, Temple Israel

Pledge of Allegiance

Presentation-Great Oaks Village Christmas Caroling-Lee Chira, LCA Development, presented a check for \$10,000 to the Board for the benefit of the children at Great Oaks Village. Youth and Family Services Manager Lee Ann Lowery recognized Public Works Department Director Bill Baxter and Public Works staff for their donation of \$15,000 for the Village.

Nonagenda-Proclamation honoring Reverend Fred Maxwell, St. John's Missionary Baptist Church, who passed away December 13, 2005.

COUNTY CONSENT AGENDA

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board deleted Office of Economic Trade and Tourism Development Item 1; and further, approved the balance of the County Consent Agenda items as follows:

County Comptroller

1. Approval of the minutes of the November 15, 2005, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
2. Approval of the Disposition of Tangible Personal Property:
 - a. Scrap assets.

- b. Transfer an asset to the Greater Orlando Aviation Authority per an approved Interlocal Agreement.

(Property Accounting Department)

3. Approval of the payment for the Property Appraiser's second quarter billing, October 1, 2005, through September 30, 2006, in the amount of \$1,384,615.81 (Administrative/Fiscal Division).
4. Approval of the Amendment to the NACo Deferred Compensation Plan for Orange County, Florida, and the Trust Agreement with Frontier Trust Company (Administrative/Fiscal Division).
5. 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:
 - December 2, 2005, to December 8, 2005; total of \$39,343,933.27
 - December 9, 2005, to December 15, 2005; total of \$21,486,228.14

(Finance and Accounting Department).

County Administrator

1. Approval for the Orange County Sheriff's Office to spend \$32,426 from the Law Enforcement Trust Fund to provide eligible payments for D.A.R.E. t-shirts (Office of Management and Budget).
2. Approval of Budget Amendments 06-05, 06-06, 06-07, 06-08, and 06-09 (Office of Management and Budget).

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

3. Approval of payment of intergovernmental claims of October 6, October 13, October 20, and October 27, 2005; totaling \$1,058,475.71 (Risk Management Division).
4. Approval of payment of intergovernmental claims of November 3, November 10, and November 17, 2005; totaling \$1,108,724.39 (Risk Management Division).

5. Approval of settlement and payment of Claim 50112402, Tri-Properties of Orlando, Inc., dba Mobile Home Park, and P.C. Motors Inc., Case No. CIO-00-4545, and approval for the County Mayor to execute a Bilateral Release for Settlement of Claim 50112402; and approve a Mutual General Release Agreement among Salvatore Ciccarello and Brenda L. McGuane Ciccarello, Tri-Properties of Orlando, Inc.; Cruise Thru Discount Beverage, Inc.; and P.C. Motors, Inc. (Risk Management Division).
6. Approval of the final \$2 million additional funding payment to the Orlando/Orange County Convention and Visitors Bureau (Fiscal and Business Services Division).
7. Approval of the Orange County, Florida, Beneflex Plan Restatement with an effective date of December 18, 2005 (Human Resources Division).
8. Confirmation of the reappointment of Earnest DeLoach as the County Mayor's representative on the Citizen Review Board with a term expiring December 31, 2007 (Agenda Development Office).
9. Confirmation of Commissioner Jacobs' reappointment of Dale T. Harden and Roger C. Wunderlich to the Big Sand Lake Advisory Board with terms expiring December 31, 2007 (Agenda Development Office).
10. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official County record (Agenda Development Office).

County Attorney

1. Approval of waiver of conflict of interest by a member of the Board of Zoning Adjustment pursuant to Section 112.313(12), Florida Statutes.

Administrative Services Department

1. Approval to award Invitation for Bids Y6-115-LC, Ethernet Communications Services, to the low responsive and responsible bidder, Time Warner Telecom of Florida, L.P. The total contract award amount is \$703,670 for a 3-year period ([Information Systems and Services Division] Purchasing and Contracts Division).
2. Approval to award Invitation for Bids Y6-137-LC, Temporary Pharmacists Services, to the 2 low responsive and responsible bidders, Cardinal Health 102, Inc., and Health Care Consultants Pharmacy Staffing. The estimated contract

award amounts are \$246,537.50 and \$248,575 ([Medical Clinic Health Services Division] Purchasing and Contracts Division).

3. Approval to award Invitation for Bids Y5-796-SB, Construct Azalea Park Neighborhood Park, to the low responsive and responsible bidder, Mulligan Constructors, LLC. The total contract award amount is \$1,498,000 ([Capital Projects Division] Purchasing and Contracts Division).
4. Approval to award Invitation for Bids Y5-797-DB, Block Wall Improvement-Frisco Bay, Old Winter Garden Road (from Apopka-Vineland Road to Hiawasse Road), to the low responsive and responsible bidder, Prime Construction Company. The total contract award amount is \$159,125.10 ([Highway Construction Division] Purchasing and Contracts Division).
5. Ratification of Amendment 2, Contract Y5-1081, Landscape Management for Orange County Roads and Drainage Division, with Commercial Landscape and Irrigation, Inc., for an additional \$52,500 for a total contract amount of \$1,061,006.70 ([Roads and Drainage Division] Purchasing and Contracts Division).
6. Approval of Amendment 1, Intervention and Prevention Services, Contract Y6-4001, Neighborhood Center for Families, Boys and Girls Clubs of Central Florida, in the amount of \$61,390 for a new total contract amount of \$927,923.39 ([Citizens' Commission for Children Division] Purchasing and Contracts Division).
7. Approval of Amendment 1, Intervention and Prevention Services, Contract Y6-4019, Neighborhood Center for Families, Young Men's Christian Association (YMCA), in the amount of \$58,980 for a total contract amount of \$1,223,827 ([Citizens' Commission for Children Division] Purchasing and Contracts Division).
8. Selection of Wharton-Smith, Inc.; to provide Construction Manager at Risk Services for Fire Stations 35, 77, 81, and 86; Request for Proposals Y6-800-SB; and authorization to execute final contract not to exceed the budget amount of \$8,850,000 ([Capital Projects Division] Purchasing and Contracts Division).
9. Approval and execution by the County Mayor of Space/Use Agreement and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed, between The Greater Orlando Aviation Authority and Orange County for interior boat storage space for Orange County Sheriff's Marine Division located at 3900 East Concord Street, Orlando, Florida, District 3 (Real Estate Management Division).

- 10. Approval and execution by the County Mayor of Resolution 2005-M-58 and County Deed and authorization to record instrument for Anderson Street Water retention Area (OOCEA/S.R. 408 Widening Project 253A Parcel 253A-700), District 4 (Real Estate Management Division).
- 11. Approval of Utility Easement and authorization to disburse warrant to pay all recording fees and record instrument for Administrative Petition to Vacate 05-01 (Dominion Avenue), District 3 (Real Estate Management Division).
- 12. Approval of Utility Easement and Subordination of Encumbrances to Property Rights and authorization to record instruments for Central Church of the Nazarene Phase 1, District 3 (Real Estate Management Division).
- 13. Approval of Drainage Easement and authorization to record instrument for Holden Avenue Property, District 4 (Real Estate Management Division).
- 14. Approval of Utility Easement and Subordination of Encumbrances to Property Rights and authorization to record instruments for JMT (Talansky) Warehouse OCU #21244, District 2 (Real Estate Management Division).
- 15. Approval of Drainage and Access Easement and Subordination of Encumbrances to Property Rights and authorization to record instruments for Young Pine Property, District 4 (Real Estate Management Division).

Community and Environmental Services Department

- 1. Approval of the Funding Agreement between Orange County and Oakland Nature Preserve, Inc., District 1 (Environmental Protection Division).
- 2. Approval to file claim of Satisfaction of Special Assessment Lien by Resolution 2005-CEDD-016 for unsafe structure abatement pursuant to County Ordinance 2000-04, District 6

<u>Dist</u>	<u>Property</u>	<u>Resolution #</u>	<u>Owner</u>	<u>Cost</u>
6	1627 Grand Street	045-CEDD-2003	Jonathan Payne Roslean Jones and Zakee Jones	\$ 3,140.09

(Code Enforcement Division).

3. Approval to advertise Resolutions 2005-CED-300 through 2005-CED-317 for Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning, as follows:

LC 05-550; LC 05-615; LC 05-602; LC 05-603; LC 05-606; LC 05-614;
LC 05-580; LC 05-592; LC 05-594; LC 05-609; LC 05-610; LC 05-611;
LC 05-509; LC 05-510; LC 05-584; LC 05-585; LC 05-586; LC 05-612;

Districts 1, 2, 3, 4, and 6 (Code Enforcement Division).

Health and Family Services Department

1. Approval of Resolution 2005-M-57 pertaining to Emergency Medical Services Advisory Council amending, replacing, and superseding all prior resolutions. There is no cost to the County (Emergency Medical Services Office).
2. Approval of the contract for Voluntary Pre-kindergarten between the Early Learning Coalition of Orange County and Orange County, Florida. There is no match required by the County (Head Start Division).
3. Approval to accept the Health Resources and Services Administration Grant Award for Ryan White Title I funding in the amount of \$7,963,150 for the period of March 1, 2006, through February 28, 2007. Approval for the County Mayor or his designee to approve any increases or decreases in the award amount. Approval for the County Mayor or his designee to approve any increases in federal Ryan White Title I funding during the period March 1, 2006, through February 28, 2007 (Ryan White Office).
4. Approval of Amendment 1 to the contract for provision of CINS/FINS Direct Services between the Florida Network of Youth and Family Services, Inc., and Orange County for the operation of the Orange County Youth Shelter and the Orange County Family Counseling Program. Amendment 1 changes the annual contract amount from \$1,089,052 to \$1,095,186 for the terms July 1, 2005, through June 30, 2006, and July 1, 2006, through June 30, 2007. This amendment shall become effective upon full execution. Approval for the County Mayor or his designee to sign future amendments to this contract with nonmaterial and nonmonetary changes (Youth and Family Services Division).

Office of Economic Trade and Tourism Development

1. Approval of Bank of New York America Qualified Target Industry (QTI) Tax Refund Resolution.

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

Public Safety

1. Approval of the Mutual Aid Agreement for fire protection and rescue services between Orange County and the City of Winter Garden (Fire Rescue Department).
2. Approval of the Agreement between Orange County and the State of Florida Department of Financial Services for training and local purchase and maintenance of equipment and the Memorandum of Understanding (Fire Rescue Department).

Public Works Department

1. Approval of the Agreement between Orange County and Pulte Home Corporation for traffic law enforcement on private roads in the gated community of Point Cypress, District 1 (Public Works Department).
2. Approval of the Agreement between Orange County and Sweetwater Community Developers, Inc., for traffic law enforcement on private roads in the gated community of Wekiva Springs Estates, District 2 (Public Works Department).
3. Approval of the Joint Project Agreement between Orange County and the Orlando Utilities Commission for the drainage improvements located on Gatlin Avenue, District 4 (Stormwater Management Division).
4. Approval to lower the speed limit on Apopka Vineland Road between First Street and Buena Vista Woods Boulevard to 45 miles per hour, District 1 (Traffic Engineering Division).
5. Authorization to record the plat of Victoria Pines, District 4 (Development Engineering Division).

Utilities Department

1. Approval of Termination of Wastewater Service Agreement among Orange County, Piezo Technology, Inc., and Susan Pulsifer, District 2 (Utilities Administration).
2. Approval of the Interlocal Agreements between Orange County and the (Town) City of Windermere; Keller Outdoor Services, Inc.; Metro Waste Services; Midnite

Haulers, Inc.; Pece of Mind Disposal, Inc.; Russo and Sons, Inc.; Sunshine Recycling, Inc.; Waste Pro of Florida, Inc.; and Weeks and Weeks, Inc.; for long-term tonnage commitments, all districts (Utilities Solid Waste Division).

3. Approval and execution of the multi-party Cooperative Agreement among Orange County, South Florida Water Management District (SFWMD), and St. Johns River Water Management District (SJRWMD) to conduct a Regional Integrated Water Supply Evaluation of Central Florida, all districts (Utilities Administration).

INFORMATIONAL ITEMS*

County Comptroller

1. Receipt of the following items to file for the record:
 - a. Minutes of the November 9, 2005, meeting of County Commissioner Linda Stewart and City of Orlando Commissioner Patty Sheehan.
 - b. South Florida Water Management District, notice of meeting change, 2006 Florida Forever Work Plan, annual update.
 - c. City of Winter Garden Ordinance annexing property generally described as 36.79 acres located at 355 South Ninth Street.

(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 MAYOR'S REPORT DISCUSSION AGENDA

1. Election of Vice-mayor for the 2006 Calendar Year.

Commissioner Fernandez nominated Commissioner Sindler to serve as Vice-mayor for the 2006 calendar year.

Upon a motion by Commissioner Fernandez, seconded by Commissioner Hartage, with all members present and voting AYE by voice vote, the Board elected Commissioner Sindler as Vice-mayor.

COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Reappointment of Lyndell Mims and Jim Powers to the Code Enforcement Board with terms expiring December 31, 2008, or nomination and appointment of individual(s) to succeed them; and the appointment of an individual to succeed Joel Hammock on the Code Enforcement Board with a term expiring December 31, 2008 (Agenda Development Office).

Staff presented the recommendations; Board members made nominations for a term expiring December 31, 2008, as follows:

Commissioner Hartage - Lyndell Mims , reappointment
County Mayor Crotty - Jim Powers, reappointment
Commissioner Stewart - Max Hunt to succeed Joel Hammock

AYE votes cast by voice vote:

Lyndell Mims: County Mayor Crotty and Commissioners Jacobs, Sindler, Fernandez, Stewart, Segal, and Hartage

Jim Powers: County Mayor Crotty and Commissioners Jacobs, Sindler, Fernandez, Stewart, Segal, and Hartage

Max Hunt: County Mayor Crotty and Commissioners Jacobs, Sindler, Fernandez, Stewart, Segal, and Hartage

Ms. Mims, Mr. Powers, and Mr. Hunt received a majority; no further votes were cast.

2. Reappointment of Ronald Rogers and Evelyn Rivera to the Membership and Mission Review Board with terms expiring December 31, 2007; or nomination and appointment of individual(s) to succeed them (Agenda Development Office).

Staff presented the MMRB recommendations; Board members made nominations for a term expiring December 31, 2007, as follows:

Commissioner Segal - Ronald Rogers, reappointment
Commissioner Fernandez - Evelyn Rivera, reappointment

AYE votes cast by voice vote:

Ronald Rogers: County Mayor Crotty and Commissioners Jacobs, Sindler, Fernandez, Stewart, Segal, and Hartage

Evelyn Rivera: County Mayor Crotty and Commissioners Jacobs, Sindler, Fernandez, Stewart, Segal, and Hartage

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

3. Reappointment of Debra Pierre to the Planning and Zoning Commission with a term expiring December 31, 2007, or nomination and appointment of an individual to succeed her; and the appointment of an individual to succeed Max Hunt on the Planning and Zoning Commission with a term expiring December 31, 2007 (Agenda Development Office).

Staff presented the MMRB's recommendations; Board members made nominations for a term expiring December 31, 2007, as follows:

County Mayor Crotty - Debra Pierre, reappointment
Commissioner Stewart - Dr. Kristen Carter, to succeed Max Hunt
Commissioner Sindler - Phillip Hollis, to succeed Max Hunt

AYE votes cast by voice vote:

Debra Pierre: County Mayor Crotty and Commissioners Jacobs, Sindler, Fernandez, Stewart, Segal, and Hartage

Phillip Hollis: Commissioners Sindler, Fernandez, and Segal

Dr. Kristen Carter: County Mayor Crotty and Commissioners Jacobs, Stewart, and Hartage

Ms. Pierre and Dr. Carter received a majority; no further votes were cast.

4. West Orange Airport Authority.

Staff presented the MMRB's recommendation for appointment of 3 members to the West Orange Airport Authority, and/or seek legislative changes to modify the Authority; Board members made nominations for 3 vacancies with a 4-year term as follows:

County Mayor Crotty - Gladys Santiago
Commissioner Sindler - Pat Phillips and Guy Haggard

AYE votes cast by voice vote for Gladys Santiago: County Mayor Crotty and Commissioners Sindler, Fernandez, Stewart, Segal, and Hartage

NO vote cast by voice vote for Gladys Santiago: Commissioner Jacobs

AYE votes cast by voice vote for Pat Phillips: County Mayor Crotty and Commissioners Sindler, Fernandez, Stewart, Segal, and Hartage

NO vote cast by voice vote for Pat Phillips: Commissioner Jacobs

AYE votes cast by voice vote for Guy Haggard: County Mayor Crotty and Commissioners Sindler, Fernandez, Stewart, Segal, and Hartage

NO vote cast by voice vote for Guy Haggard: Commissioner Jacobs

Ms. Santiago, Mr. Phillips, and Mr. Haggard received a majority; no further votes were cast.

ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA

1. Approval and execution by the County Mayor of Resolution, Exchange Agreement, Escrow Agreement, and County Deed, approval of Special Warranty Deed and authorization to exchange property and perform all actions necessary and incidental to closings for Washington Street/Moss Park PD Parcel J Property Exchange, Districts 3 and 4 (Real Estate Management Division).

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

Upon a motion by Commissioner Stewart, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board adopted Resolution 2005-M-55; further, approved execution by the County Mayor of an Exchange Agreement, Escrow Agreement, and County Deed; and further, approved Special Warranty Deed and authorized the exchange of property perform all actions necessary and incidental to closings for Washington Street/Moss Park Planned Development Parcel J Property Exchange.

COUNTY COMPTROLLER DISCUSSION AGENDA1. Limited Review of the Traffic Engineering Division-Pay-As-You-Go Program.

County Comptroller Haynie presented a report. Board discussion ensued; County Comptroller Haynie, County Administrator Lalchandani, County Attorney Drage, and staff contributed to the discussion. No action was taken.

The County Mayor adjourned the morning session.

MEETING RECONVENED

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

- County Mayor Richard T. Crotty
- Commissioners Teresa Jacobs, Bob Sindler, Mildred Fernandez, Linda Stewart, and Homer Hartage
- Deputy County Attorney Joel Prinsell
- Minutes Supervisor Kathleen Johnson

Commissioner Segal joined the meeting where indicated.

DECEMBER 1, 2005, BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS

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 accepted the recommendations of the Orange County Board of Zoning Adjustment under date of December 1, 2005, with the exception of Item SE-05-12-019; subject to the usual right of appeal by any aggrieved party; and further, authorized scheduling a public hearing for Item SE-05-12-019 in the name of McCree Architects & Engineers, Inc., on January 24, 2006.

Commissioner Segal joined the meeting.

PETITION TO VACATE PUBLIC HEARING-APPLICANT: ROBERT LEVIN, CBS GROVE PARTNERSHIP; NO. 05-25, RIGHT-OF-WAY; DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to

consider a request by Robert P. Levin, CSB Grove Partnership, Petition to Vacate 05-25, to vacate a right-of-way known as Dean Ridge Road, on property located at 2928 Dean Ridge Road; Parcel ID 05-23-31-0000-00-026; District 3; Section 05, Township 23, Range 31; 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 following person addressed the Board: Scott Wilt, for the applicant.

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, the Board adopted a resolution granting Petition to Vacate 05-25 vacating a right-of-way known as Dean Ridge Road, on property located at 2928 Dean Ridge Road on the above-described property.

BOARD OF ZONING ADJUSTMENT APPEAL APPELLANT: MARCOS MARCHENA, FOR APPLICANT: MOHINI LAKRAJ, SHRI SHIV DHAM TEMPLE; ITEM SE-05-10-002, NOVEMBER 3, 2005; DISTRICT 3

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Marcos R. Marchena of the recommendation of the Board of Zoning Adjustment, dated October 6, 2005, on a request by Mohini Lakraj, Shri Shiv Dham Temple, for Special Exception in agricultural (A-2) zone for outdoor recreation area and over-flow parking and Variance for unpaved parking in lieu of paved. The property is generally located on the east side of O'Berry Hoover Road, north side of the East-West Expressway; Parcel ID 27-22-31-0000-00-003; District 3; Section 27, Township 22, Range 31; Orange County, Florida (the legal property description is on file).

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

Commissioner Fernandez and staff requested the following conditions be added:

"Development in accordance with the site plan, application, and support information submitted by the applicant and all other applicable regulations.

"No outdoor lighting in the recreation area.

"No outdoor lighting in the parking area.

"No outdoor amplification for activities.

"Parking limited to 49 additional parking spaces.

"A 50-foot tree buffer along the northern property line.

"A limit of 8 outdoor events per year."

The following persons addressed the Board:

- Marcos Marchena, for the applicant
- Mohini Lakraj, the applicant

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 overruled the decision of the Orange County Board of Zoning Adjustment and approved the request by Mohini Lakraj, Shri Shiv Dham Temple, for Special Exception in agricultural (A-2) zone for outdoor recreation area and over-flow parking and Variance for unpaved parking in lieu of paved on the above-described property, subject to the following conditions:

1. Development in accordance with the site plan, application, and support information submitted by the applicant and all other applicable regulations.
2. No outdoor lighting in the recreation area.
3. No outdoor lighting in the parking area.
4. No outdoor amplification for activities.
5. Parking limited to 49 additional parking spaces.
6. A 50-foot tree buffer along the northern property line.
7. A limit of 8 outdoor events per year.

Commissioner Hartage left the meeting.

NOTE: THE FOLLOWING 2 PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE 179 FOR APPEARANCES AND ACTION TAKEN.

ORDINANCE/COMPREHENSIVE POLICY PLAN PUBLIC HEARING-APPLICANT: DUKE WOODSON, ORANGE LAKE COUNTRY CLUB DEVELOPMENT OF REGIONAL IMPACT, NOTIFICATION OF PROPOSED CHANGE (NOPC), AMENDING ORANGE COUNTY CODE; DISTRICT 1

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

- Proposed amendments to the CPP Future Land Use Element Map, which would change the designation of lands within the areas identified on the map.
- Proposed amendment to Future Land Use Element Policy 1.1.2.1.A, which reflects the net developable acreage that is counted towards the County's Urban Service Area Acreage, consistent with Future Land Use Element Policy 1.2.6.1.F.

In addition to the CPP amendments, the public hearing will also require action on the following related matters:

- Proposed rezoning RZ-05-11-133
- Planned Development/Development of Regional Impact (PD/DRI) Land Use Plan Amendment
- Eighth Restated Amended and Restated PD/DRI Development Order

and an ordinance amending the CPP for the above referenced CPP amendments as follows:

AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING ORANGE COUNTY ORDINANCE NO. 2000-25, AS AMENDED, WHICH ESTABLISHED THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "2000-2020 COMPREHENSIVE POLICY PLAN," BY AMENDING THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT FOR PROPERTY IDENTIFIED AS THE "ORANGE LAKE COUNTRY CLUB DEVELOPMENT OF REGIONAL IMPACT," BY CHANGING THE FUTURE LAND USE MAP DESIGNATION FOR THE SUBJECT PROPERTY FROM HORIZON WEST VILLAGE TO COMMERCIAL-GROWTH CENTER/RESORT, AND BY EXPANDING THE URBAN SERVICE AREA; BY AMENDING FUTURE LAND USE ELEMENT POLICY 1.1.2.1.A TO REFLECT THE URBAN SERVICE AREA EXPANSION FOR THE ORANGE LAKE COUNTRY CLUB DRI; AND PROVIDING EFFECTIVE DATES.

and

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT:
BRIAN LOWER, ORANGE LAKE COUNTRY CLUB; CASE RZ-05-11-133, NOVEMBER 17,
2005; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Brian Lower, Orange Lake Country Club Planned Development (PD), to change the zoning from A-1 (Citrus Rural District) (1957) to Orange Lake Country Club PD; on property generally located on the west side of Hartzog Road and north of Hartzog Road; Parcel ID 28-24-27-0000-00-007/011/016; District 1; Section 28, Township 24, Range 27; Orange County, Florida (the legal property description is on file).

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

The following person addressed the Board: Duke Woodson, applicant.

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

Upon a motion by Commissioner Jacobs, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board adopted Ordinance 2005-17; further, adopted Future Land Use Map Amendment 2005-D-1-1, Duke Woodson, Orange Lake Country Club Development of Regional Impact (DRI), Notification of Proposed Change (NOPC); and further, approved the following:

- Planned Development (PD)/DRI Land Use Plan (LUP) Amendment

further, made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by Brian Lower, Orange Lake Country Club Planned Development (PD), to change the zoning from A-1 (Citrus Rural District) (1957) to Orange Lake Country Club PD; and further, approved the Eighth Restated and Amended Development Order for Orange Lake Country Club DRI on the above described property; subject to the following conditions:

1. Development shall conform to the Orange Lake Country Club PD; Orange County Board of County Commissioners' (BCC) approvals; Land Use Plan (LUP) Amendment and NOPC, dated "Received September 6, 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. Billboards and pole signs shall be prohibited.
4. Outdoor storage and display shall be prohibited.
5. This project shall comply with Lighting Ordinance 2003-08.
6. The developer shall obtain water and wastewater services from Orange County Utilities.
7. Master water and wastewater plans, including preliminary calculations, shall be approved prior to approval of the construction plans.
8. Conservation areas determined to be Class I wetlands may only incur impacts where there is no other feasible or practical alternative or where development may be shown to represent an overriding public benefit as determined before the BCC.
9. This development shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the owner/applicant (or his or her authorized agent) to the BCC at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have responsibly 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.

Commissioner Hartage rejoined the meeting.

ORDINANCE PUBLIC HEARING-AMENDING ORANGE COUNTY CODE, CHAPTER 37, PERTAINING TO WATER AND WASTEWATER

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

AN ORDINANCE AMENDING CHAPTER 37 ENTITLED "WATER AND WASTEWATER"; SPECIFICALLY AMENDING SECTION 37-279 BY ADDING NEW SUBSECTIONS (e) and (f) TO ESTABLISH AN APPEAL PROCESS TO CONSIDER ADJUSTMENT TO WATER CAPITAL CHARGES; SPECIFICALLY AMENDING SECTION 37-305 BY ADDING NEW SUBSECTIONS (e) and (f) TO ESTABLISH AN APPEAL PROCESS TO CONSIDER ADJUSTMENT TO WASTEWATER CAPITAL CHARGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Staff presented a resolution for Board consideration regarding adoption of fees for applicants seeking to qualify for reduced water and wastewater capital charges and providing for periodic monitoring fees.

Staff reviewed the proposed ordinance and resolution and outlined their provisions.

No one appeared regarding the proposed ordinance and resolution.

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

Upon a motion by Commissioner Segal, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board adopted Ordinance 2005-18 amending Orange County Code, Chapter 37, pertaining to water and wastewater; and further, adopted Resolution 2005-M-56 regarding fees for applicants seeking to qualify for reduced water and wastewater capital charges and providing for periodic monitoring fees.

MEETING ADJOURNED

There being no further business, the County Mayor adjourned the meeting at 3:40 p.m.

ATTEST:

Martha O. Haynie
County Comptroller as Clerk

County Mayor

Deputy Clerk

Minutes Coordinator

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