

MEETING OPENED

There being a quorum, the County Mayor called the meeting of the Orange County Board of County Commissioners to order at 9 a.m. in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, February 21, 2006. 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-Reverend Eliberto Bonilla, Bethel Christian Church

Pledge of Allegiance

Presentation of proclamation designating February 25 through March 3, 2006, as "Spay Week"

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:

- Deferred County Sheriff Item 1 for discussion (see page 292 for subsequent approval)
- Deferred Community and Environmental Services Department Item 1 for discussion (see page 294 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 January 24, 2006, 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 periods as follows:

- February 3, 2006, to February 9, 2006; total of \$21,082,304.26
- February 10, 2006, to February 16, 2006; total of \$26,187,499.56

(Finance and Accounting Department).

County Administrator

1. Approval of Budget Amendments 06-27, 06-28, and 06-29 (Office of Management and Budget).

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

2. Approval of Budget Transfers 06C-9072, 06C-9080, and 06C-0983 (Office of Management and Budget).

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

3. Approval of CIP Amendments 06C-9072 and 06C-9080 (Office of Management and Budget).

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

4. Approval of payment of intergovernmental claims January 5, January 12, January 19, and January 26, 2006; totaling \$916,795.89 (Risk Management Division).

5. Approval of the Florida Public Employees Council 79, American Federation of State, County, and Municipal Employees (AFSCME) Memorandum of Understanding to clarify the method of Shift Differential payment currently practiced (Human Resources Division).

6. Confirmation of Commissioner Stewart's reappointment of David G. Geller; reappointment of Neil Powell, Sr.; and appointment of Rebecca Pavlik to the Lake Jessamine Water Advisory Board; with terms expiring December 31, 2007 (Agenda Development Office).

7. Confirmation of Commissioner Stewart's reappointment of Richard P. Richbourg and Lionel J. Robbins to the Lake Holden Advisory Board with terms expiring December 31, 2007 (Agenda Development Office).

8. Confirmation of Commissioner Stewart's reappointment of Larry Meddock to the Lake Conway Water and Navigation Control District Advisory Board with a term expiring December 31, 2007 (Agenda Development Office).
9. 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 the mediated settlement agreement between Orange County and Rouse Road Developers, Inc., dated January 13, 2006.
2. Ratification of the Final Judgment entered by the court on February 6, 2006, and authorization to deposit a check in the amount of \$480,000 within 30 days of February 6, 2006, from account funding line 1003-072-2766-6110 to effectuate the Court's entry of Final Judgment and transfer title of the 12.10-acre fee simple parcel, plus a 50-foot perpetual access and drainage easement located at 461 North Thompson Road, Apopka, Florida, to Orange County.

County Sheriff

1. Approval and execution of the Florida Department of Law Enforcement (FDLE)-Law Enforcement Terrorism Prevention (LETP) Grants and State Homeland Security (SHS) Grants in the amount of \$2,074,172. These new FDLE Grants do not require matching funds. The following projects will be funded for the period of September 1, 2005, through June 30, 2006:
 - a. LETP #3-Continued Build Out of SWAT and Bomb Capabilities (OCSO) (\$202,195);
 - b. LETP #28-Regional Data Sharing FINDER (OCSO) (\$1,600,000);
 - c. LETP #37-Secure Communications Package (OCSO) (\$11,290);
 - d. SHS #1c-Enhancement of Local Domestic Security (OCSO) (\$125,000);
 - e. SHS #5-ODP Training for Regional Specialty Teams (OCSO) (\$47,687);
 - f. SHS #18-Mobile Joint Information Center Package (OCSO) (\$88,000);

and

Approval and execution of the U.S. Department of Justice (DOJ)/Community Oriented Policing Services (COPS) Office-Technology Grant in the amount of \$246,661. The new U.S. DOJ/COPS Office Grant does not require matching funds. The following project will be funded for the period of December 1, 2005,

through December 7, 2007: U.S. DOJ/COPS-Technology Grant (OCSO) (\$246,661) (Grants).

(As stated in the above motion, this item was deferred for discussion; see page 292 for subsequent approval.)

Administrative Services Department

1. Approval to award Invitation for Bids Y6-151-HF, Right-of-Way Mowing in the Goldenrod Area, Section I, to the low responsive and responsible bidder, Central Florida Lawn, Inc. The estimated contract award amount is \$112,675 for a 1-year term ([Roads and Drainage Division] Purchasing and Contracts Division).
2. Approval to award Invitation for Bids Y6-710-SB, Apopka and Ocoee Service Centers Air Handler Unit Replacement, to the low responsive and responsible bidder, Johnson Controls, Inc. The total contract award amount is \$604,600 ([Capital Projects Division] Purchasing and Contracts Division).
3. Approval to award Invitation for Bids Y6-712-SB, Construct Downey Park Restroom Facility, to the low responsive and responsible bidder, MVB & Associates, Inc. The total contract award amount is \$224,451 ([Capital Projects Division] Purchasing and Contracts Division).
4. Approval to award Invitation for Bids Y6-173-JS, Liquid Carbon Dioxide, to the low responsive and responsible bidder, Air Liquide Industrial, U.S., L.P. The estimated contract award amount is \$617,750 for a 1-year term ([Water Division] Purchasing and Contracts Division).
5. Approval of Amendment 4, Contract Y5-163D, Janitorial Services for the Utilities Department, Lot 6, with Owens, Renz, and Lee in the amount of \$59,670 for a new contract amount of \$665,130.45 ([Facilities Management Division] Purchasing and Contracts Division).
6. Approval for Renewal of Maintenance for the EMC Enterprise Storage Area Network Software and Hardware, with EMC Corporation, in the contract award amount of \$331,581.16 for a 3-year period ([Information Systems and Services Division] Purchasing and Contracts Division).
7. Approval of Amendment 4, Contract Y4-2094, Substance Abuse Mental Health Services Administrator, with The Center for Drug Free Living, Inc., in the amount of \$112,081 for a new contract amount of \$350,611 ([Health and Family Services Department] Purchasing and Contracts Division).

8. Approval to award Invitation for Bids Y6-142-J2, Term Contract for Stormwater System Inspection, Cleaning and Repairs-II, to the sole responsive and responsible bidder, American Persian Engineering and Constructors, Inc. (APEC, Inc.) The total contract award amount is \$1,721,358.68 for a 1-year term ([Roads and Drainage Division] Purchasing and Contracts Division).
9. Selection of U.S. Filter Wastewater Group, Inc., to provide design-build services for the Eastern Water Reclamation Facility Filter Improvements under RFP Y5-818-PH, in a not-to-exceed contract award amount of \$950,000 ([Utilities Engineering Division] Purchasing and Contracts Division).
10. Approval of Amendment 11, Contract Y3-124D, Health and Support Services for Persons with HIV Spectrum Disease (Ryan White/Title I), with Kinsman Transportation, Inc., to increase funding in the amount of \$35,000 for a new contract amount of \$335,508.92 ([Health and Family Services Department] Purchasing and Contracts Division).
11. Approval of Amendment 1, Contract Y6-158, Health and Support Services for Persons with HIV Spectrum Disease (Ryan White/Title I), with the Orange County Health Department in the amount of \$100,000 for a total contract amount of \$928,484.78 ([Health and Family Services Department] Purchasing and Contracts Division).
12. Approval of Contract Y6-1026, Chronic Disease Management for the Ryan White/Title I Program, in the contract award amount of \$312,640 for a 1-year term ([Health and Family Services Department] Purchasing and Contracts Division).
13. Approval to award Invitation for Bids Y6-154-HF, Shuttle Bus Services for the Convention Center, to the low responsive and responsible bidders as follows:

<u>Bidder</u>	<u>Total Annual Estimated Bid</u>
E-Z Bus	\$570,000
American Coach Lines of Orlando	598,500
Mears Destination Services	628,600

([Orange County Convention Center] Purchasing and Contracts Division).

14. Approval of Amendment 4, Contract Y5-617, Upgrade of the Landfill Operation Weighing, Invoicing, and Ticketing Software, with Mettler-Toledo, Inc., in the not-to-exceed amount of \$148,000 for a new contract amount of \$340,134 ([Solid Waste Division] Purchasing and Contracts Division).

15. Approval and execution by the County Mayor of First Amendment to Industrial Lease-Extension and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed, between DCT Cypress Park, LP, and Orange County for warehouse space for Comptroller/Corrections/History Center Warehouse in Cypress Park East, Building IV, located at 1800 Cypress Lake Drive, Orlando, Florida, District 4 (Real Estate Management Division).
16. Approval and execution by the County Mayor of Utility Easement and authorization to record instrument for Juvenile Justice Center Expansion, District 4 (Real Estate Management Division).
17. Approval and execution by the County Mayor of Resolution 2006-M-10 and Subordination of County Drainage Interests and authorization to record instrument for S.R. 423 and S.R. 434, District 2 (Real Estate Management Division).
18. Approval and execution by the County Mayor of Subordination of County Utility and Drainage Interests and authorization to record instrument for S.R. 528, District 4 (Real Estate Management Division).
19. Approval and execution by the County Mayor of Resolutions 2006-M-11 through 2006-M-15 and Subordinations of County Drainage Interests and authorization to record instruments for S.R. 50, District 1 (Real Estate Management Division).
20. Approval of Drainage Easement and authorization to record instrument for Meadow Woods Drainage, District 4 (Real Estate Management Division).
21. Approval of Utility Easement and authorization to record instrument for Florida Drivers License Office @ Rimar, OCU File No. 35231, District 2 (Real Estate Management Division).

Community and Environmental Services Department

1. Approval and execution of the Conservation Easement and State of Florida Mitigation Bank Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance for the Orange County Owned Portion of the TM/Econ Mitigation Bank between Orange County and the St. Johns River Water Management District and authorization to disburse check to pay title insurance, recording fees, payment of \$440,220 to named Trustee to create the Trust Fund, and authorization to record easement; Districts 3, 4, and 5 (Environmental Protection Division).

(As stated in the above motion, this item was deferred for discussion. See page 294 for subsequent approval.)

2. Approval of the Valencia Water Control District, City of Apopka, and City of Winter Park Interlocal Agreements for the Watershed Atlas Project and approval for the Manager of the Environmental Protection Division to approve future Watershed Atlas Interlocal Agreements that will be forthcoming, all districts (Environmental Protection Division).
3. Approval of the Interlocal Agreement between Orange County and the City of Winter Park for aquatic plant management in Lake Killarney, District 5 (Environmental Protection Division).
4. Approval to file by Resolutions 2006-CEDD-01 through 2006-CEDD-04, Satisfaction of Special Assessment Liens for unsafe structure abatement pursuant to County Ordinance 2000-04:

<u>District</u>	<u>Property</u>	<u>Resolution #</u>	<u>Owner</u>	<u>Cost</u>
1	275 Jean Street	014-CEDD-2005	Marvin Zander	\$4,208.22
2	3812 Walker Road	04-CEDD-2002	Louis Scala	7,680.67
2	1525 Clarcona Road	20-CEDD-2002	Rishie B. Proctor	2,507.66
3	4656 America Street	23-CEDD-2002	John W. Parker	1,859.10

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

Growth Management Department

1. Approval of an Agreement between Orange County and Pathways Drop In Center, Inc., regarding the use of Community Development Block Grant funding to renovate facilities used to deliver services, District 6 (Housing and Community Development Division).

Health and Family Services Department

1. Approval of the renewal application to license the Frontline Head Start Center between the State of Florida Department of Children and Families and Orange County. This application is only executed by Orange County (Head Start Division).
2. Approval of the First Amendment to the Winter Park Head Start Lease between Orange County and the City of Winter Park. Head Start funds will pay \$12,954

per year for the cost of utilities, janitorial services, and waste disposal. There is no cash payment for rent. The term of the agreement is from October 1, 2005, through September 30, 2007. There will be no cost to the County (Head Start Division).

3. Approval of the application to license the Reeves Terrace Head Start Center between the State of Florida Department of Children and Families and Orange County. This application is only executed by Orange County (Head Start Division).
4. Approval of the application to license the Southwood Head Start Center between the State of Florida Department of Children and Families and Orange County. This application is only executed by Orange County (Head Start Division).
5. Approval of the contract agreement between the Florida Department of Community Affairs and Orange County for the operation of the Low-Income Home Energy Assistance Program (LIHEAP); approval for the County Mayor or his designee to sign the contract when received from the Department of Community Affairs to ensure no lapse in contract funding; approval to increase the manning table by two grant funded positions; and approval for the County Mayor or his designee to approve any LIHEAP contract modification agreements for the term of the contract March 1, 2006, through March 31, 2007. There is no cost to the County (Youth and Family Services Division).

Public Works Department

1. Approval of the Agreement between Orange County and Lake Olivia, LLC, for Traffic Law Enforcement on Private Roads in the gated community of Lake Olivia Reserve, District 1 (Public Works Department).

Utilities Department

1. Approval of the Water Conserv II Cattle Grazing Lease Agreement between Orange County, the City of Orlando, and the Orange County School Board, all districts (Utilities Water Reclamation Division).

INFORMATIONAL ITEMS*

County Comptroller

1. Receipt of the following items to file for the record:

- a. West Orange Healthcare District Trustee Bond for T. Milton West
- b. Vista Lakes Community Development District public meeting schedule
- c. Orange County Library System Comprehensive Annual Financial Report for the fiscal year ended September 30, 2005
- d. City of Orlando Ordinance annexing property generally located at the northwest corner of Narcoossee Road and Boggy Creek Road at 14702 Narcoossee Road

(Comptroller Clerk of the Board of County Commissioners).

2. Audit of the Air Pollution Control Trust Fund for Fiscal Year 2004-2005 (Administrative/Fiscal Division).
3. Acknowledgement and filing of the Orange County, Florida, Annual Financial Reports for the Convention Center, Water Utilities System, and Solid Waste System for the years ended September 30, 2005, and 2004 (Administrative/Fiscal Division).

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

COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Appointment of three Board members to the 2006 Value Adjustment Board and designation of three of the remaining Board members as alternates (Agenda Development).

Upon a motion by Commissioner Segal, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board appointed County Mayor Richard Crotty, Commissioner Mildred Fernandez, and Commissioner Bill Segal to the 2006 Value Adjustment Board.

2. Orange TV/Vision TV Update (Communications Division).

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

COMMUNITY AND ENVIRONMENTAL SERVICES DEPARTMENT DISCUSSION AGENDA

1. Discussion regarding the future of the Air Quality Management Program, authorization to increase the manning table to include three additional state-funded personnel, and authorization for the Environmental Protection Division Manager to approve the amended Specific Operating Agreement between Orange County and the Florida Department of Environmental Protection once the Ordinance modifications have been adopted, all districts (Environmental Protection 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 members present and voting AYE by voice vote, the Board authorized seeking permitting responsibility from the State of Florida Department of Environmental Protection; further, approved increasing the manning table to include three additional state-funded personnel for the Air Quality Management Program; and further, authorized the Environmental Protection Division Manager to sign the amended Specific Operating Agreement between Orange County and the Florida Department of Environmental Protection once the ordinance modifications have been adopted.

HEALTH AND FAMILY SERVICES DEPARTMENT DISCUSSION AGENDA

1. Update on the Emergency Medical Services Office (Emergency Medical Services).

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

COUNTY CONSENT AGENDA ITEMS DEFERRED FOR DISCUSSION

County Sheriff

1. Approval and execution of the Florida Department of Law Enforcement (FDLE)- Law Enforcement Terrorism Prevention (LETP) Grants and State Homeland Security (SHS) Grants in the amount of \$2,074,172. These new FDLE Grants do not require matching funds. The following projects will be funded for the period of September 1, 2005, through June 30, 2006:

- a. LETP #3-Continued Build Out of SWAT and Bomb Capabilities (OCSO) (\$202,195);
- b. LETP #28-Regional Data Sharing FINDER (OCSO) (\$1,600,000);
- c. LETP #37-Secure Communications Package (OCSO) (\$11,290);
- d. SHS #1c-Enhancement of Local Domestic Security (OCSO) (\$125,000);
- e. SHS #5-ODP Training for Regional Specialty Teams (OCSO) (\$47,687);
- f. SHS #18-Mobile Joint Information Center Package (OCSO) (\$88,000);

and

Approval and execution of the U.S. Department of Justice (DOJ)/Community Oriented Policing Services (COPS) Office-Technology Grant in the amount of \$246,661. The new U.S. DOJ/COPS Office Grant does not require matching funds. The following project will be funded for the period of December 1, 2005, through December 7, 2007: U.S. DOJ/COPS-Technology Grant (OCSO) (\$246,661), (Grants).

Commissioner Hartage requested this item be deferred to discuss the effective dates of the grants. Sheriff Deputy Chief Phil Williams and Sheriff Division Chief Ricky Ricks presented a report on this item. Board discussion ensued.

Upon a motion by Commissioner Sindler, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board approved execution of the Florida Department of Law Enforcement (FDLE)-Law Enforcement Terrorism Prevention (LETP) Grants and State Homeland Security (SHS) Grants in the amount of \$2,074,172 for the following projects for the period of September 1, 2005, through June 30, 2006:

- a. LETP #3-Continued Build Out of SWAT and Bomb Capabilities (OCSO) (\$202,195);
- b. LETP #28-Regional Data Sharing FINDER (OCSO) (\$1,600,000);
- c. LETP #37-Secure Communications Package (OCSO) (\$11,290);
- d. SHS #1c-Enhancement of Local Domestic Security (OCSO) (\$125,000);
- e. SHS #5-ODP Training for Regional Specialty Teams (OCSO) (\$47,687);
- f. SHS #18-Mobile Joint Information Center Package (OCSO) (\$88,000);

and further, approved execution of the U.S. Department of Justice (DOJ)/Community Oriented Policing Services (COPS) Office-Technology Grant in the amount of \$246,661 for the following project for the period of December 1, 2005, through December 7, 2007: U.S. DOJ/COPS-Technology Grant (OCSO).

Community and Environmental Services Department

1. Approval and execution of the Conservation Easement and State of Florida Mitigation Bank Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance for the Orange County Owned Portion of the TM/Econ Mitigation Bank between Orange County and the St. Johns River Water Management District and authorization to disburse check to pay title insurance, recording fees, payment of \$440,220 to named Trustee to create the Trust Fund, and authorization to record easement, Districts 3, 4, and 5 (Environmental Protection Division).

Commissioner Sindler requested this item be deferred to discuss issues related to mitigation banks. Discussion ensued.

Upon a motion by Commissioner Sindler, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board approved execution of the Conservation Easement and State of Florida Mitigation Bank Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance for the Orange County Owned Portion of the TM/Econ Mitigation Bank between Orange County and the St. Johns River Water Management District; further, authorized disbursing a check to pay title insurance and recording fees; further, authorized payment of \$440,220 to named Trustee to create the Trust Fund; and further, authorized recording the easement.

The County Mayor adjourned the morning session.

MEETING RECONVENED

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

- County Mayor Richard T. Crotty
- Commissioners Teresa Jacobs, Bob Sindler, Mildred Fernandez, Linda Stewart, Bill Segal, and Homer Hartage

- Deputy County Attorney Joel Prinsell
- Deputy Clerk Rosilyn Stapleton

FEBRUARY 2, 2006, BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS

Upon a motion by Commissioner Stewart, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under date of February 2, 2006, with the exception of Items SE-06-02-002 and SE-06-02-015; subject to the usual right of appeal by any aggrieved party; and further, authorized scheduling public hearings for Items SE-06-02-002 in the name of Orlando Utilities Commission and Item SE-06-02-015 in the name of Maxine Hazlewood on April 11, 2006.

MSTU/BU PUBLIC HEARING-NOTICE OF INTENT RESOLUTION TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF NON-AD VALOREM ASSESSMENTS, ALL DISTRICTS

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

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA, DECLARING THE BOARD'S INTENT TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS AS AUTHORIZED BY SECTION 197.3632, FLORIDA STATUTES; AS THE METHOD OF PROVIDING STREETLIGHTING, RETENTION POND DRAINAGE SERVICES, SPEED HUMP INSTALLATION, UTILITY INFRASTRUCTURE IMPROVEMENTS AND ASSOCIATED FEES, WALL IMPROVEMENTS AND ASSOCIATED FEES, LOT CLEANING FEES AND/OR COMMON AREA MAINTENANCE; DECLARING THE NEED FOR SUCH NON-AD VALOREM ASSESSMENTS; AND DESCRIBING THE BOUNDARIES OF THE LAND THAT WILL BE SUBJECT TO SUCH NON-AD VALOREM ASSESSMENTS.

Staff reviewed the proposed resolution and outlined its provisions.

No one appeared regarding the proposed resolution.

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

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution declaring the Board's intent to use the uniform method of collecting non-ad valorem assessments.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: JIM HALL, MARRIOTT WORLD CENTER PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND LUP; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Jim Hall, Canin Associates, Inc.; Marriott World Center Planned Development (PD); to amend the Land Use Plan (LUP) to expand the ballroom structure by 258,000 square feet for a total of 418,000 square feet; pursuant to Orange County Code, Section 38-1207; on property generally located on the northwest corner of S.R. 535 and World Center Parkway; Parcel ID 33-24-28-0000-00-005; District 1; Section 33, Township 24, Range 28; Orange County, Florida (the legal property description is on file).

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

The following person addressed the Board: Jim Hall, 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 Sindler, and carried with all members present and voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by Jim Hall, Canin Associates, Inc., Marriott World Center Planned Development (PD), to amend the Land Use Plan (LUP) to expand the ballroom structure by 258,000 square feet for a total of 418,000 square 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 Marriot World Center PD Orange County Board of County Commissioners' (BCC) approvals; substantial change, dated "Received November 15, 2005"; and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent the applicable laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the 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.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: JOHN FLORIO, BELMERE PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND LUP; DISTRICT 1-CONTINUED FROM JANUARY 24, 2006

By consensus the Board reopened the public hearing to consider a request by John Florio, Donald McIntosh Associates, Inc.; Belmere Planned Development/Land Use Plan (PD/LUP); to amend the LUP to convert 180 Multi-family units and 130 Assisted-living units to 202 townhome units and to recommend approval of a waiver from 38-79(20) to allow townhome lot widths of 18 feet in lieu of 20 feet, continued from the January 24, 2006, Board meeting (the legal property description is on file).

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

The following person addressed the Board: John Florio, the applicant

Commissioner Jacobs requested that the following condition be added: "Tract H shall be limited to a maximum of 202 attached or detached Single-family residential units and 42,960 square feet (maximum of 5 acres) of commercial use. Notwithstanding the notes on the previously-approved LUP marked, 'Received by Orange County Zoning Division on July 13, 1999', after February 21, 2006, no additional residential units will be permitted to be transferred from any other parcels of this PD to Tract H."

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 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 John Florio, Donald McIntosh Associates, Inc.; Belmere Planned Development/Land Use Plan (PD/LUP); to amend the LUP to convert 180 Multi-family units and 130 Assisted-living units to 202 townhome units and to recommend approval of a waiver from 38-79(20) to allow townhome lot widths of 18 feet in lieu of 20 feet; which constitutes a substantial change to the development on the previously-described property; subject to the following conditions:

1. Development shall conform to the LUP, dated "Received December 12, 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. A waiver from 38-79(20) to allow townhome lot widths of 18 feet in lieu of 20 feet is granted consistent with Horizon West design standards.
4. All previous conditions of approval shall apply.
5. Tract H shall be limited to a maximum of 202 attached or detached Single-family residential units and 42,960 square feet (maximum of 5 acres) of commercial use. Notwithstanding the notes on the previously-approved LUP marked, "Received by Orange County Zoning Division on July 13, 1999," after February 21, 2006, no additional residential units will be permitted to be transferred from any other parcels of this PD to Tract H.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: MARK CRONE, ISLES OF LAKE BUTLER PRELIMINARY SUBDIVISION PLAN (PSP), FKA WINDERMERE 76 ACRE PSP; AMEND PLAN; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Mark Crone, Isles of Lake Butler Preliminary Subdivision Plan (PSP), fka Windermere 76 Acre Preliminary Subdivision, to amend the Isles of Lake Butler PSP to modify Lot 22 from a residential lot to a community park and to construct a perimeter wall at the rear of Lots 16 through 21, Lots 23 through 28, and the north side lot line of Lot 23; pursuant to Orange County Code, Section 34-27; on property generally located north of West Lake Butler Road, west of McKinnon Road; multiple parcels located in District 1; Section 11, Township 23, Range 27; Orange County, Florida (the legal property description is on file).

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

The following person addressed the Board: Mark Crone, the applicant.

Commissioner Jacobs requested that the following condition be added: Recreation area will not be lighted for evening activities.

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 members present and voting AYE by voice vote, the Board approved the request by Mark Crone, Isles of Lake Butler Preliminary Subdivision Plan (PSP), fka Windermere 76 Acre Preliminary Subdivision, to amend the Isles of Lake Butler PSP to modify Lot 22 from a residential lot to a community park and to construct a perimeter wall at the rear of Lots 16 through 21, Lots 23 through 28, and the north side lot line of Lot 23; which constitutes a substantial change to the development on the above-described property, subject to the following conditions:

1. Development shall conform to the Isles of Lake Butler; fka Windermere 76 Acre Preliminary Subdivision, dated "Received January 5, 2006," 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 Board of County Commissioners (BCC), or by action of the BCC.
2. All previous Conditions of Approval shall apply.
3. The recreation area shall not be lighted for evening activities.

Commissioner Jacobs left the meeting.

BOARD OF ZONING ADJUSTMENT APPEAL-APPELLANT: LORRAINE M. DURHAM-
APPLICANT: MARISOL SANTOS; ITEM VA-06-01-011, JANUARY 5, 2006; DISTRICT 3

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Lorraine M. Durham for Marisol Santos of the recommendation of the Board of Zoning Adjustment (BZA), dated January 5, 2006, on a request by Lorraine M. Durham for Marisol Santos for a variance in C-3 (wholesale commercial) zone to allow alcoholic beverage consumption (beer and wine) within 1,000 feet of a church and school as follows: 950 feet from Eastland Baptist Church; 639 feet from Eastland Christian School (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 BZA recommended denial of the request.

The following persons addressed the Board:

- Lorraine M. Durham, the appellant
- Doug Hitchcock, area resident
- Mason Dorsey, area resident

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 Jacobs was

absent; the Board upheld the decision of the Orange County Board of Zoning Adjustment and denied the request by Lorraine M. Durham for Marisol Santos for a variance in C-3 (wholesale commercial) zone to allow alcoholic beverage consumption (beer and wine) within 1,000 feet of a church and school as follows: 950 feet from Eastland Baptist Church; 639 feet from Eastland Christian School on the above-described property.

Commissioner Jacobs rejoined the meeting.

BOARD OF ZONING ADJUSTMENT APPEAL-APPELLANT/APPLICANT: JAMES R. JOHNSTON, OUTLOOK MEDIA; ITEM SE-05-09-012, SEPTEMBER 1, 2005; DISTRICT 2-CONTINUED FROM OCTOBER 11 AND DECEMBER 6, 2005

By consensus, the Board reopened the public hearing to sit as a Board of Appeal to consider an appeal by James R. Johnston, Outlook Media, of the recommendation of the Board of Zoning Adjustment, dated September 1, 2005, on a request by James R. Johnston, Outlook Media, for an appeal of the Zoning manager's determination that the applicant's billboard is within 1,000 feet of another billboard, continued from the October 11 and December 6, 2005, Board meetings (the legal property description is on file).

Staff stated that the applicant's legal counsel has requested a continuance.

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 Sindler, seconded by Commissioner Hartage, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider an appeal by James R. Johnston for Outlook Media, of the recommendation of the Board of Zoning Adjustment, dated September 1, 2005, on a request by James R. Johnston, Outlook Media, for an appeal of the Zoning manager's determination that the applicant's billboard is within 1,000 feet of another billboard until May 9, 2006, at 2:30 p.m.

Commissioner Sindler left the meeting.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT: KEN LEEMING, CABRERO CAR WASH PLANNED DEVELOPMENT; CASE Z-04-098, DECEMBER 15, 2005; DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Ken Leeming, Cabrero Car Wash Planned Development, to rezone

from Farmland Rural District (A-2) (1968) to Planned Development District (PD), on property generally located on the south side of Curry Ford Road, east of South Chickasaw Trail; Parcel ID 12-23-30-0000-00-045; District 3; Section 12, Township 23, Range 30; 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.

Commissioner Fernandez requested this item be continued to hold a community meeting.

The following persons addressed the Board:

- Ken Leeming, the applicant
- Michael Brady, area resident

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 Sindler was absent; the Board continued the public hearing to consider the request by Ken Leeming, Cabrero Car Wash Planned Development, to rezone from Farmland Rural District (A-2) (1968) to Planned Development District (PD) until March 28, 2006, at 3:30 p.m.

Commissioner Sindler rejoined the meeting.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT: ROBERT PAYMAYESH, INTERNATIONAL COMMERCE CENTER PLANNED DEVELOPMENT; CASE RZ-05-06-071, DECEMBER 15, 2005; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Robert Paymayesh, International Commerce Center Planned Development, to rezone from Citrus Rural District (A-1) (1957), Farmland Rural District (A-2) (1957), and Planned Development (PD) (1992), fka Camelot PD, to PD; on property generally located lying northwest of the Central Florida Greenway, northeast of S.R. 535 and south of World Center Drive; multiple parcels located in District 1; Section 34, Township 24, Range 28; and Section 35, Township 24, Range 28; Orange County, Florida (the legal property description is on file).

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

The following person addressed the Board: Paul Chipok, for the applicant.

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

Upon a motion by Commissioner Jacobs, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider the request by Robert Paymayesh, International Commerce Center Planned Development, to rezone from Citrus Rural District (A-1) (1957), Farmland Rural District (A-2) (1957), and Planned Development (PD) (1992), fka Camelot PD, to PD until May 2, 2006, at 3:30 p.m.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: DWIGHT SAATHOFF, GRANADA PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND LUP; DISTRICT 1-CONTINUED FROM JANUARY 24, 2006

By consensus, the Board reopened the public hearing to consider a substantial change request by Dwight Saathoff, Akerman Senterfitt, P.A.; Granada Planned Development/Land Use Plan (PD/LUP); to amend the LUP to change the permitted uses on the 4 Subject Parcels as follows: Parcels E and F: From Timeshare uses to Multi-family or Single-family Residential uses (timeshare still permitted on eastern side of the Parcels only); Parcels G and H: From Hotel/Motel to Retail Commercial-1 uses (with restrictions, such as no drive-thru restaurants, gas stations, amusement uses, convenience stores, check cashing, among others). The 4 Subject Parcels (E, F, G, and H) are currently vested for 24,260 daily vehicle trips, and the new uses will not exceed this number. In addition, waivers from Sections 38-1476 and 38-1234 are requested to allow a reduction in the required parking and open space commensurate with property to be provided by the applicant for proposed future transportation corridor and intersection improvements; continued from the January 24, 2006, Board meeting (the legal property description is on file).

Staff explained that the public hearing was continued to readvertise to a broader notification area. Staff reviewed the change request and the Development Review Committee's (DRC) determination of substantial change. Staff stated the DRC recommended approval of the request.

The following persons addressed the Board:

- Dwight Saathoff, the applicant
- Dennis Stienmetz, area resident
- Dennis Foltz, Orange County Public Schools
- Aaron Gorovitz, for area property owners
- Mark Hires, area resident

Commissioner Jacobs requested that Condition of Approval 6(i) be amended to read as follows: "(i) 25 years after the date of the deeds in the event that the transit system is not constructed and fully operational."

Commissioner Jacobs requested that the following condition be added: "The reservation of a 20-foot transit easement along Turkey Lake Road is a condition of approval for development of this project along the Turkey Lake Road Corridor. When the Turkey Lake Road Corridor Transit Plan is implemented, 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 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 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 Dwight Saathoff, Akerman Senterfitt, P.A.; Granada Planned Development/Land Use Plan (PD/LUP); to amend the LUP to change the permitted uses on the 4 Subject Parcels as follows: Parcels E and F: From Timeshare uses to Multi-family or Single-family Residential uses (timeshare still permitted on eastern side of the Parcels only); Parcels G and H: From Hotel/Motel to Retail Commercial-1 uses (with restrictions, such as no drive-thru restaurants, gas stations, amusement uses, convenience stores, check cashing, among others). The 4 Subject Parcels (E, F, G, and H) are currently vested for 24,260 daily vehicle trips, and the new uses will not exceed this number. In addition, waivers from Sections 38-1476 and 38-1234 are requested to allow a reduction in the required parking and open space commensurate with property to be provided by the applicant for proposed future transportation corridor and intersection improvements; which constitutes a substantial change to the development on the previously-described property; subject to the following conditions:

1. Development shall conform to the LUP, dated "Received November 28, 2005," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent the applicable laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (BCC), or by action of the BCC.

2. The uses, densities, and intensities, and all of the conditions of approval of the PD/LUP have been negotiated and agreed to by both the applicant and the County.

The PD/LUP constitutes an agreement between the parties. The applicant and the applicant's successors in interest have the contract right to develop the PD with the uses, densities, and intensities approved by the County, subject to the restrictions and requirements in the conditions of approval, and neither the applicant nor the County shall have the right to rezone or downzone the property, or otherwise alter the uses, densities, and intensities, or to delete, waive, or amend any condition of approval except through an amendment to the PD/LUP that is negotiated by both parties.

3. The developer shall donate to the County the 10-foot strip identified as Parcel 1. Parcel 1 shall be used by the County for construction of a right-turn lane in connection with intersection improvements that may be made in the future by or on behalf of the County. The deed of conveyance for Parcel 1 shall convey fee-simple title subject to a pedestrian and vehicular easement for ingress/egress to Parcel 1 reserved to the developer.
4. Parcel H shall be restricted to C-1 uses and shall prohibit gas stations, drive-thru restaurants, convenience stores, amusements, tattoo/labor pools/pawn shops, guns and check cashing, adult entertainment, heliports, boarding houses and homeless shelters, mini storage, and outside storage or display.
5. Parcel G shall be restricted to C-1 uses and shall prohibit residential, gas stations, drive-thru restaurants, convenience stores, amusements, tattoo/labor pools/pawn shops, guns and check cashing, adult entertainment, heliports, boarding houses and homeless shelters, mini storage, and outside storage or display.
6. The developer shall donate to the County the 20-foot strip identified as Parcel 2 and the 20-foot strip identified as Parcel 3. Parcel 2 shall be used by the County as right-of-way in connection with a future transit system that will connect International Drive to the south with restaurants and other retail establishments located to the north on Sand Lake Road. Parcel 3 shall be used by the County as a bypass lane in connection with the future transit system. The deeds of conveyance for Parcels 2 and 3 shall convey exclusive easements for the transit system subordinate to a vehicular and pedestrian easement for ingress/egress reserved to the developer. The deeds of conveyance for Parcels 2 and 3 shall also contain a reverter clause that shall provide for the easement interests to automatically revert back to the developer upon the earlier to occur of: (i) 25 years after the date of the deeds in the event that the transit system is not

constructed and fully operational, or (ii) a vote by the BCC indicating that the County has abandoned plans for constructing a transit system on Turkey Lake Road adjacent to Parcel G.

7. The developer shall receive credit for 25 parking spaces in exchange for its agreement to convey Parcel 1 to the County. The developer shall receive credit for 25 parking spaces and 4/10th acre open space credit in exchange for its agreement to convey Parcels 2 and 3. The developer's reversion rights concerning Parcels 2 and 3 shall not affect the credits.
8. All previous conditions of approval shall apply.
9. The developer has a signed Capacity Enhancement Agreement with Orange County Public Schools (OCPS), execution dated April 8, 2003, and is on file with the Orange County Planning Division.

Upon the County's receipt of written notice from OCPS that the developer is in default or breach of the Public Education Agreement (PEA), the County shall immediately cease issuing building permits for any residential units. The County shall again begin issuing building permits upon OCPS' written notice to the County that the developer is no longer in breach or default of the PEA. The developer and its successor or assign under the PEA, 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 PEA, 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 PEA, in any dispute between the developer and OCPS over any interpretation or provision of the PEA.

10. The reservation of a 20-foot transit easement along Turkey Lake Road is a condition of approval for development of this project along the Turkey Lake Road Corridor. When the Turkey Lake Road Corridor Transit Plan is implemented, 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.

GROWTH MANAGEMENT DEPARTMENT DISCUSSION AGENDA

1. Approval of the Preliminary Boundary and Initiation of the Specific Area Plan for Village "F" with acknowledgement that such approval does not in any way bind the Board of County Commissioners to approve future comprehensive plan amendments for Horizon West proposed Village "F," District 1 (Planning Division).

Staff presented a report on this item. Board discussion ensued.

Upon a motion by Commissioner Jacobs, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board approved the Preliminary Boundary and Initiation of the Specific Area Plan for Village "F" with the acknowledgement that such approval does not in any way bind the Board of County Commissioners to approve future comprehensive plan amendments for Horizon West proposed Village "F."

MEETING ADJOURNED

There being no further business, the County Mayor adjourned the meeting at 4:10 p.m.

ATTEST:

Martha O. Haynie
County Comptroller as Clerk

County Mayor

Deputy Clerk

Minutes Coordinator

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