

MEETING OPENED

There being a quorum, the County Mayor called the meeting of the Orange County Board of County Commissioners to order at 9:05 a.m. in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, March 28, 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 Ralston B. Nembhart, St. John the Baptist Episcopal Church
Pledge of Allegiance

Presentation of proclamation designating the week of April 2 through April 7, 2006, as "Public Health Week" to Health Department Director Dr. Kevin Sherin

Presentation of proclamation designating the week of April 2 through April 8, 2006, as "National Library Week" to Mary Anne Hodel, director of the Orange County Library

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:

- Corrected Administrative Services Department Item 4 on agenda memorandum, page 42, to reflect the account number as 1026-065-1978-6110
- Deferred Administrative Services Item 9 for discussion with the public hearing for Petition to Vacate 05-31 (see page 373 for subsequent approval)

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

County Comptroller

1. Approval of the Disposition of Tangible Personal Property
 - a. Cannibalize assets for their useable parts.
 - b. Scrap assets.
 - c. Trade in assets for an allowance towards the purchase of new equipment.

(Property Accounting)

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: March 17, 2006, to March 23, 2006; total of \$17,361,430.42 (Finance and Accounting Department).

County Administrator

1. Approval of Budget Transfer 06C-9096 (Office of Management and Budget).
(Budget transfer is on file in the Comptroller Finance and Accounting Department.)
2. Approval of CIP Amendment 06C-9096 (Office of Management and Budget).
(CIP amendment is on file in the Comptroller Finance and Accounting Department.)
3. Approval of Budget Amendment 06-37 (Office of Management and Budget).
(Budget amendment is on file in the Comptroller Finance and Accounting Department.)
4. 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 conditioned upon the execution of the Release and Indemnity Agreement by the trustees of the Donald Smyth, Sr., Trust; the trustee or trustees of the Donald Smyth, Jr., Trust; all of the beneficiaries of these two trusts; Smyth Lumber Company, Inc.; all of the shareholders of Smyth Lumber Company, Inc.; the firm of Fixel, Maguire & Willis; all of the lawyers of Fixel, Maguire & Willis; and any other person or party who might be a party to a threatened lawsuit against Orange County and any employee or agent of Orange County, including, but not limited to, James A. Moreland.

Administrative Services Department

1. Approval to award Invitation for Bids Y6-1012-JS, Motor Oils and Lubricants, to the sole responsive and responsible bidder, Palmdale Oil Company, Inc. The estimated contract award amount is \$242,949.36 for a 1-year period ([Fleet Management Division] Purchasing and Contracts Division).
2. Selection of Advanced Data Processing, Inc., under Request for Proposals Y6-199-HF, Medical Transportation Billing and Collections Services, in the not-to-exceed budget amount of \$896,256 for a 3-year term ([Fire Rescue Department] Purchasing and Contracts Division).
3. Approval to award Invitation for Bids Y6-1044-GJ, Statement Printing and Mailing Service for the Orange County Utilities Department, to the low responsive and responsible bidder, Arista Information Systems. The estimated contract award amount is \$173,284 for a 1-year term ([Customer Service Division] Purchasing and Contracts Division).
4. Approval to award Contract Y6-619-NW, Comprehensive Ecological Inventory of Orange County, for the Environmental Protection Division, with Florida Natural Areas Inventory, an agency of Florida State University. The total contract award amount is \$160,000 ([Environmental Protection Division] Purchasing and Contracts Division).

(As stated in the above motion, this item was corrected on agenda memorandum, page 42, to reflect the account number as 1026-065-1978-6110.)

5. Approval to Purchase the Renewals of All Lines of Commercial Insurance Program Coverage (listed below), under Contract Y4-1032-NW, Insurance Broker Services. The premiums are not-to-exceed \$11,000,000.

Excess Workers' Compensation	\$ 2,630,000
Excess Public Entity Liability	1,035,000
Commercial Property Program	6,677,900
Environmental Liability and Clean-Up	381,000
Commercial Crime	14,000
Windermere Boat Patrol-Work Comp	21,000
ReNEW Grant Program-Liability	11,000
Tenant User's Liability Program	5,100
Broker's Fee	<u>225,000</u>
Total	\$11,000,000

([Risk Management Division] Purchasing and Contracts Division)

6. Approval to award Invitation for Bids Y5-1103-LC, Ultra Low Flow Toilet Replacement Program, to the low responsive and responsible bidder, Niagara Conservation Corporation. The estimated contract award amount is \$252,000 for a 1-year term ([Water Division] Purchasing and Contracts Division).
7. Approval to award Invitation for Bids Y6-1031-GJ, Leasing of 5 Modular Classrooms for the Parks and Recreation Division's Summer Programs-Term Contract, to the sole responsive and responsible bidder, Vista Constructors, Inc. The estimated contract award amount is \$154,700 for a 1-year term ([Parks and Recreation Division] Purchasing and Contracts Division).
8. Approval to award Contract Y6-808-PH, Engineering Services for Utility Improvements on Clarcona-Ocoee Road from Hiawassee Road to Apopka-Ocoee Road, to Inwood Consulting Engineers, Inc., in the contract award amount of \$128,212.12 ([Utilities Engineering Division] Purchasing and Contracts Division).
9. Approval and execution by the County Mayor of Notice of Reservation and authorization to disburse check to pay recording fees and record instrument for Petition to Vacate 05-31 (Northwest Wastewater Service Expansion/McQueen Road), District 2 (Real Estate Management Division).

(As stated in the above motion, this item was deferred for consideration with the public hearing for Petition to Vacate 05-31. See page 373 for subsequent approval.)

10. Approval and execution by the County Mayor of Resolution and authorization to initiate condemnation proceedings for Rouse Road (Lake Underhill Road to Corporate Boulevard), Districts 3 and 5 (Real Estate Management Division).
11. Approval of the federally funded Sub-Grant Agreement between the Florida Department of Community Affairs and Orange County to award funds in the amount of \$157,981 with a required match of \$50,968 to retrofit existing bay doors with hurricane-rated doors at 21 fire stations (Facilities Management Division).

Community and Environmental Services Department

1. Approval to advertise Resolutions 2006-CED-068 through 2006-CED-091 for Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning, as follows:

LC06-073; LC06-075; LC06-077; LC06-079; LC06-082; LC06-083;
LC06-100; LC06-101; LC06-095; LC06-108; LC06-109; LC06-110;
LC06-090; LC06-091; LC06-094; LC06-042; LC06-105 LC06-066;
LC06-097; LC06-098; LC06-099; LC06-102; LC06-114; LC06-116

Districts 1, 2, 3, 4, 5, and 6 (Code Enforcement Division).

Growth Management Department

1. Approval of the Weatherization Assistance Program Agreement between Orange County and the Florida Department of Community Affairs to conduct minor home repairs designed to lower utility costs for low-income households, all districts (Housing and Community Development Division).

Health and Family Services Department

1. Approval of the renewal application to license the John H. Bridges 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 renewal application to license the Denton Johnson 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).
3. Approval of the renewal application to license the Rio Grande 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).

Public Works Department

1. Approval to replace the existing "Yield" sign with a "Stop" sign on Paloma Drive at Flora Vista Drive, District 1 (Traffic Engineering Division).

2. Approval to replace the existing "Yield" sign with a "Stop" sign on Eldorado Place at Silver Ridge Drive, District 2 (Traffic Engineering Division).
3. Approval to construct 5 speed humps on Crooked Lake Trail upon receipt of \$1,750 from the Hiawassee Hills Homeowners' Association, District 2 (Traffic Engineering Division).
4. Approval to construct 4 speed humps on Union Park Drive, District 3 (Traffic Engineering Division).

Utilities Department

1. Approval of the Agreement between the South Florida Water Management District and Orange County for the Water Conservation Toilet Replacement Program Grant in the amount of \$36,500, all districts (Utilities Water Division).

INFORMATIONAL ITEMS*

County Comptroller

1. Receipt of the following items to file for the record:
 - a. Minutes for the February 9, 2006, meeting of Commissioners Fernandez and Segal.
 - b. City of Winter Garden Ordinance 06-03 annexing property generally described as 0.68 acres located at the southwest corner of Ninth Street and Story Road.

(Comptroller Clerk of the Board of County Commissioners)

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

PUBLIC WORKS DEPARTMENT DISCUSSION AGENDA

1. Asphalt price increases and roadway resurfacing impact, all districts.

Staff presented a report on this item. Board discussion ensued. County Comptroller Haynie contributed to the discussion. No action was taken.

ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA

1. Approval to award Invitation for Bids Y6-716-J2, Hiawassee Road Pavement Milling and Resurfacing from Conroy-Windermere Road to S.R. 50, to the low responsive and responsible bidder, The Middlesex Corporation. The total contract award amount is \$3,145,825.20 ([Roads and Drainage Division] Purchasing and Contracts Division).

Staff presented a report on 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 approved Invitation for Bids Y6-716-J2, Hiawassee Road Pavement Milling and Resurfacing from Conroy-Windermere Road to S.R. 50, to the low responsive and responsible bidder, The Middlesex Corporation, in the contract award amount of \$3,145,825.20.

2. Approval to award Invitation for Bids Y6-198-J2, Term Contract for Asphalt Resurfacing and Superpave, to the low responsive and responsible bidder, Orlando Paving Company (as Primary Contractor), in the contract award amount of \$9,713,275 and to the next low responsive and responsible bidder, The Middlesex Corporation (as Alternate Contractor), in the contract award amount of \$5,582,037.50 for two 1-year term contracts ([Roads and Drainage Division] Purchasing and Contracts Division).

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

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with County Mayor Crotty and Commissioners Jacobs, Sindler, Fernandez, Stewart, and Segal voting AYE by voice vote; Commissioner Hartage voting NO by voice vote; the Board approved Invitation for Bids Y6-198-J2, Term Contract for Asphalt Resurfacing and Superpave, to the low responsive and responsible bidder, Orlando Paving Company (as Primary Contractor), in the contract award amount of \$9,713,275 and to the next low responsive and responsible bidder, The Middlesex Corporation (as Alternate Contractor) in the contract award amount of \$5,582,037.50 for two 1-year term contracts.

2. Ratification of Contract Y6-721, Pavement Milling and Resurfacing of Bloomfield Drive, Conway Landings, Conway Oaks, Lake Waunatta, Buckingham, Valencia Hills, Winding Creek, Cypress Lakes, and South Pine Run, with Orlando Paving Company, in the contract award amount of \$1,085,868.45 ([Roads and Drainage Division] Purchasing and Contracts Division).

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

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with County Mayor Crotty and Commissioners Jacobs, Sindler, Fernandez, Stewart, and Segal voting AYE by voice vote; Commissioner Hartage voting NO by voice vote; the Board approved the Ratification of Contract Y6-721, Pavement Milling and Resurfacing of Bloomfield Drive, Conway Landings, Conway Oaks, Lake Waunatta, Buckingham, Valencia Hills, Winding Creek, Cypress Lakes, and South Pine Run, with Orlando Paving Company, in the contract award amount of \$1,085,868.45.

4. Approval of lease agreement with Orlando-Apopka Airport for the Sheriff's Satellite Aircraft Hangar.

County Administrator Lalchandani announced this item has been deleted.

COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Draft ordinance amending Concurrency Management System to incorporate proportionate fair share contributions, all districts.

Staff presented a report on this item. Board discussion ensued. County Administrator Lalchandani and County Comptroller Haynie contributed to the discussion. No action was taken.

COMMUNITY AND ENVIRONMENTAL SERVICES DEPARTMENT DISCUSSION AGENDA

1. Approval of the amended ReNEW Projects List, the revised criteria for the Safe Neighborhood Program's Safety and Crime Prevention Grants, and the new Targeted Law Enforcement Initiative, all districts (Neighborhood Services Division).

Staff presented a report and requested approval of this item. Board discussion ensued. County Administrator Lalchandani contributed to the discussion.

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 the revised guidelines and criteria for the Safe Neighborhood Program's Safety and Crime Prevention Grants, and the new Targeted Law Enforcement Initiative; further, approved the purchase of 2 security cameras; further, directed staff to report to Board periodically; and further, amended ReNEW Projects List as follows:

<u>Project Name</u>	<u>Budget</u>
Parks and Recreation	
Rose Place Park	\$ 100,000
Catalina Park	100,000
Blanchard Park	100,000
Turnbull Park	50,000
Warren Park	50,000
Wedgefield Park	100,000
Barnett Park	<u>100,000</u>
Subtotal	600,000
Paint the Town	30,000
Landscaping and Yard Maintenance	30,000
Washington Park/Lake Mann	25,000
Helping Hands	25,000
Willow Street	100,000
Housing Repairs for Senior and Disabled Citizens	<u>50,000</u>
Subtotal	235,000
Code Enforcement	
Code Compliance Assistance	<u>100,000</u>
Subtotal	100,000
Public Works	
Pine Hills Elementary Traffic Calming	75,000
Sidewalk Repairs	<u>500,000</u>
Subtotal	575,000
Home Heating Oil Tank Removal	100,000
Clean Lakes Initiative	70,000
Lake Improvement Initiatives	<u>355,000</u>
Subtotal	525,000

Streetscape	\$ 200,000
Youth Community Conferences	10,000
Youth Gardening and Nutrition Program	<u>10,000</u>
Subtotal	220,000
ReNEW-Grants	
Neighborhood Enhancement Grants	360,000
Capital Project Grants	300,000
Planning Grants	100,000
Graffiti Removal	10,000
Community Design Assistance	40,000
Goldenrod Median Signs	5,000
Pine Hills Corridor Redevelopment Study	30,000
South Apopka Redevelopment Study	30,000
Community Cleanups	<u>50,000</u>
Subtotal	925,000
Administration-Animal Services	
Target Area Animal Assistance	<u>50,000</u>
Subtotal	50,000
ReNEW-Administration	
Administrative Costs	<u>270,000</u>
Subtotal	<u>270,000</u>
Total	<u>\$3,500,000</u>

NONAGENDA

County Mayor Crotty announced a reception for community partners in attendance for the "Water Conservation Month" proclamation, prior to the afternoon session.

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 Bill Segal

- Deputy County Attorney Joel Prinsell
- Deputy Clerk Rosilyn Stapleton

Commissioner Homer Hartage joined the meeting where indicated.

Presentation of proclamation designating the month of April as "Water Conservation Month" to Water Division Manager Jacqueline Torbert

MARCH 16, 2006, PLANNING AND ZONING COMMISSION RECOMMENDATIONS

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board accepted the recommendations of the Orange County Planning and Zoning Commission under date of March 16, 2006, with the exception of Cases RZ-05-09-105, RZ-06-02-024, RZ-06-02-023, RZ-06-02-026, RZ-06-02-030, and RZ-06-02-033; subject to the usual right of appeal by any aggrieved party; and further, authorized scheduling public hearings for the following:

- Case RZ-05-09-105, Jim Hall, World Resort Planned Development, on May 9, 2006
- Case RZ-06-02-024, Darcy Unroe, Christian Prisons Ministries, Inc., on May 23, 2006
- Case RZ-06-02-023, Amadeo Barragan, on May 23, 2006
- Case RZ-06-02-026, Fabian Hurtado, William Bolivar, on June 6, 2006
- Case RZ-06-02-030, Joel A. V. Moon, Jr., on June 6, 2006
- Case RZ-06-02-033, Kenneth H. Schultz, Central Florida Group Homes, Inc., on May 23, 2006

NOTE: THE FOLLOWING 2 ITEMS WERE CONSIDERED TOGETHER.

COUNTY CONSENT AGENDA ITEM DEFERRED FOR DISCUSSION

Administrative Services Department

9. Approval and execution by the County Mayor of Notice of Reservation and authorization to disburse check to pay recording fees and record instrument for Petition to Vacate 05-31 (Northwest Wastewater Service Expansion/McQueen Road), District 2 (Real Estate Management Division).

and

PETITION TO VACATE PUBLIC HEARING-APPLICANT: RICHARD D. WILSON, ORANGE COUNTY UTILITIES DEPARTMENT; NO. 05-31, PORTION OF RIGHT-OF-WAY; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Richard D. Wilson, Orange County Utilities Department, Petition to Vacate 05-31, to vacate a portion of a right-of-way known as McQueen Road, lying north of McCormick Road and west of Clarcona Road on property located at 217, 451, and 701 West McCormick Road; Parcel IDs 28-21-28-0000-00-010, 28-21-28-0000-00-013, and 28-21-28-0000-00-015; District 2; Section 28, Township 21, Range 28; Orange County, Florida (the legal property description is on file).

Staff reviewed the items and the recommendation for approval.

The following person addressed the Board: R.P. Mohnacky.

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

Upon a motion by Commissioner Sindler, seconded by Commissioner Stewart, and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board adopted a resolution granting Petition to Vacate 05-31 vacating a portion of a right-of-way known as McQueen Road, on the above-described property.

Upon a motion by Commissioner Sindler, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board approved execution by the County Mayor of Notice of Reservation; and further, authorized disbursing check to pay recording fees and record instrument for Petition to Vacate 05-31.

PETITION TO VACATE PUBLIC HEARING-APPLICANT: BARRY RENDER, VET PROPERTY, LC; NO. 05-18, PORTION OF RIGHT-OF-WAY; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Barry Render, Vet Property, L.C., Petition to Vacate 05-18, to vacate a portion of a right-of-way known as Howell Branch Road lying north of Howell Branch Road and east of Temple Drive, on property located at 1401 Howell Branch Road; Parcel ID 29-21-30-0000-00-031; District 5; Section 29, Township 21, 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.

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 Segal, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board adopted a resolution granting Petition to Vacate 05-18 vacating a portion of a right-of-way known as Howell Branch Road, on the above-described property.

NOTE: THE FOLLOWING 8 PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE 377 FOR APPEARANCES AND ACTION TAKEN.

MSTU/BU PUBLIC HEARING-LAKES OF WINDERMERE-LAKE REAMS TOWNHOMES (JACKSON PROPERTY) AND LAKES OF WINDERMERE-LAKE REAMS TOWNHOMES PHASE 2; AMEND FOR STREETLIGHTING; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request to amend an existing MSBU for streetlighting at Lakes of Windermere-Lake Reams Townhomes (Jackson Property) and Lakes of Windermere-Lake Reams Townhomes Phase 2; District 1; Section 01, Township 24, Range 27; Orange County, Florida (the legal property description is on file).

Staff reported that this request from the developer has an annual cost of \$60 per lot for streetlighting.

and

MSTU/BU PUBLIC HEARING-AVALON PARK AREA-MASTER ROADS, AMEND FOR STREETLIGHTING, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request to amend an existing MSBU for streetlighting at Avalon Park Area-Master Roads; District 4; Section 06, Township 23, Range 32; Orange County, Florida (the legal property description is on file).

Staff reported that this request from the developer has an annual cost of \$24 per lot for streetlighting.

and

MSTU/BU PUBLIC HEARING-AVALON PARK AREA SUBDIVISIONS, AMEND FOR STREETLIGHTING, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request to amend an existing MSBU for streetlighting at Avalon Park Area Subdivisions; District 4; Section 06, Township 23, Range 32; Orange County, Florida (the legal property description is on file).

Staff reported that this request from the developer has an annual cost of \$65 per lot for streetlighting.

and

MSTU/BU PUBLIC HEARING-CYPRESS LAKES PHASE 1, CYPRESS LAKES PARCELS E, F, AND G; CYPRESS LAKES PARCELS D AND L; AND CYPRESS LAKES PARCELS H AND I; AMEND FOR STREETLIGHTING; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request to amend an existing MSBU for streetlighting at Cypress Lakes Phase 1, Cypress Lakes Parcels E, F, And G; Cypress Lakes Parcels D and L; and Cypress Lakes Parcels H and I; District 5; Sections 16, 20, and 21, Township 22, Range 32; Orange County, Florida (the legal property description is on file).

Staff reported that this request from the developer has an annual cost of \$105 per lot for streetlighting.

and

MSTU/BU PUBLIC HEARING-GREATER COUNTRY ESTATES PHASES 1, 2, AND 3; AMEND FOR RETENTION POND(S) MAINTENANCE AND STREETLIGHTING; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request to amend an existing MSBU for streetlighting and maintenance of retention pond(s) at Greater Country Estates Phases 1, 2, and 3; District 2; Section 17, Township 20, Range 27; Orange County, Florida (the legal property description is on file).

Staff reported that this request from the developer has an annual cost of \$88 per lot for streetlighting and an annual cost of \$58.60 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING-WATERFORD TRAILS PHASE 1, WATERFORD TRAILS PHASE 1 REPLAT, AND WATERFORD TRAILS PHASE 2 EAST VILLAGE; AMEND FOR RETENTION POND(S) MAINTENANCE AND STREETLIGHTING; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request to amend an existing MSBU for streetlighting and maintenance of retention pond(s) at Waterford Trails Phase 1, Waterford Trails Phase 1 Replat, and Waterford Trails Phase 2 East Village; District 4; Sections 19, 24, and 30, Township 22, Range 31 and 32; Orange County, Florida (the legal property description is on file).

Staff reported that this request from the developer has an annual cost of \$112 per lot for streetlighting and an annual cost of \$58.60 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING-WINDROSE AT SOUTHMEADOW UNITS 1 AND 2; AMEND FOR RETENTION POND(S) MAINTENANCE AND STREETLIGHTING; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request to amend an existing MSBU for streetlighting and maintenance of retention pond(s) at Southmeadow Units 1 and 2; District 4; Sections 26 and 35, Township 24, Range 29; Orange County, Florida (the legal property description is on file).

Staff reported that this request from the developer has an annual cost of \$211 per lot for streetlighting and an annual cost of \$58.60 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING-AVALON PARK NORTHWEST VILLAGE PHASES 1, 2, 3, AND 4; ESTABLISH FOR RETENTION POND(S) MAINTENANCE; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSBU for maintenance of retention pond(s) at Avalon Park Northwest Village Phases 1, 2, 3, and 4; District 4; Section 06, Township 23, Range 32; Orange County, Florida (the legal property description is on file).

Staff reported that this request from the developer has an annual cost of \$ 58.60 per lot for maintenance of retention pond(s).

No one appeared regarding the requests.

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

Upon a motion by Commissioner Stewart, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board adopted the following resolutions:

- Amending Lakes of Windermere-Lake Reams Townhomes (Jackson Property) and Lakes of Windermere-Lake Reams Townhomes Phase 2 MSBU, annual cost of \$60 per lot for streetlighting
- Amending Avalon Park Area-Master Roads MSBU, annual cost of \$24 per lot for streetlighting
- Amending Avalon Park Area Subdivisions MSBU, annual cost of \$65 per lot for streetlighting
- Amending Cypress Lakes Phase 1, Cypress Lakes Parcels E, F, and G; Cypress Lakes Parcels D and L; and Cypress Lakes Parcels H and I MSBU; annual cost of \$105 per lot for streetlighting
- Amending Greater Country Estates Phases 1, 2, and 3 MSBU, annual cost of \$88 per lot for streetlighting and \$58.60 per lot for maintenance of retention pond(s)
- Amending Waterford Trails Phase 1, Waterford Trails Phase 1 Replat, and Waterford Trails Phase 2 East Village MSBU; annual cost of \$112 per lot for streetlighting and \$58.60 per lot for maintenance of retention pond(s)
- Amending Windrose at Southmeadow Units 1 and 2 MSBU; annual cost of \$211 per lot for streetlighting and \$58.60 per lot for maintenance of retention pond(s)
- Establishing Avalon Park Northwest Village Phases 1, 2, 3, and 4 MSBU; annual cost of \$58.60 per lot for maintenance of retention pond(s)

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-UNION PARK TOWNHOUSES
PSP, DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Union Park Townhouses Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located north of S.R. 50, west of Culver Road; District 3; Section 17, Township 22, Range 31; 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: Sam Sebaali, 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 Stewart, and

carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board continued the public hearing to consider the Union Park Townhouses Preliminary Subdivision Plan until May 9, 2006, at 2 p.m.

Commissioner Hartage joined the meeting.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-AEIN DOWNS PSP, DISTRICT 5-CONTINUED FROM FEBRUARY 7, 2006

By consensus, the Board reopened the public hearing to consider the Aein Downs Preliminary Subdivision Plan continued from the February 7, 2006, Board meeting.

Staff explained that the public hearing was continued to allow Commissioner Segal time to visit the site.

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

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 Segal, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board approved the Aein Downs Preliminary Subdivision Plan (PSP) on the previously-described property, subject to the following conditions:

1. Development shall conform to the Aein Downs PSP, dated "Received December 9, 2005," and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable 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.

PSP approval automatically expires on March 28, 2007, in accordance with the Orange County Subdivision Regulations as amended.

2. The stormwater management system shall be designed to retain the 100-year/24-hour storm event on site (with an emergency bleed down system), unless documentation with supporting calculations is submitted which demonstrates that

a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then the developer shall comply with all applicable state and local stormwater requirements and regulations.

3. Prior to earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.
4. A waiver from Section 34-152(c) of the Orange County Code is granted to allow access to an external roadway because Aein Road is classified as a local road with minimal trips.

BOARD OF ZONING ADJUSTMENT APPEAL-APPELLANT/APPLICANT: GREGORY M. WILSON, JOHNSON WRECKER SERVICES; ITEM ZM-06-01-001; FEBRUARY 2, 2006; ALL DISTRICTS

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Gregory M. Wilson of the recommendation of the Board of Zoning Adjustment, dated February 2, 2006, on a request by Gregory M. Wilson, Johnson Wrecker Services to overturn the Zoning manager's determination that a private company's wrecker vehicle is not a public service/emergency utility vehicle but rather a dual rear wheel vehicle prohibited in residential areas in Orange County, Florida.

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

The following persons addressed the Board:

- Darrell Johnson, for the applicant
- Debi Meli
- Branther Slaughter
- Charles Bibber
- Gregory M. Wilson, the applicant
- Phil Pittman, Orange County Sheriff's Office

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 upheld the decision of the Orange County Board of Zoning Adjustment to uphold the Zoning manager's determination that a private company's wrecker vehicle is not a public service/emergency utility vehicle but rather a dual rear wheel vehicle prohibited in residential areas; and further, denied the request by Gregory M. Wilson to overturn the Zoning manager's determination.

NONAGENDA

The County Mayor acknowledged in attendance former County Commissioner Mary Johnson and Vince Stevens with MetroPlan.

BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING-APPLICANT: MCCREE ARCHITECTS AND ENGINEERS, INC.; ITEM SE-05-12-019, DECEMBER 1, 2005; DISTRICT 4-CONTINUED FROM JANUARY 24, 2006

By consensus, the Board reopened the public hearing to consider a request by McCree Architects and Engineers, Inc., for a Special Exception in A-2 (agricultural) zone to allow a veterinary clinic with boarding facilities, including indoor runs; continued from January 24, 2006, Board meeting (the legal property description is on file).

Staff explained that the public hearing was continued to address issues. Staff outlined the request and identified the location of the subject property, the surrounding zoning classifications, the future land use map designations in the area, and the Board of Zoning Adjustment's recommendation of approval subject to conditions.

Staff requested the public hearing be continued to give the applicant time to return with a completed agreement.

No one appeared regarding the request.

The County Mayor closed the public hearing and opened the matter for Board discussion (see page 382 for subsequent discussion).

Upon a motion by Commissioner Stewart, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider a request by McCree Architects and Engineers, Inc., for a Special Exception in Agricultural (A-2) zone for a veterinary clinic with boarding facilities, including indoor runs, until May 9, 2006, at 2 p.m.

ROADWAY CONCEPTUAL ANALYSIS (RCA) PUBLIC HEARING-BOGGY CREEK ROAD RCA FROM OSCEOLA COUNTY LINE TO S.R. 417 (GREENEWAY), DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a Roadway Conceptual Analysis (RCA) Study for Boggy Creek Road RCA from Osceola County Line to S.R. 417 (Greeneway), Orange County, Florida (the legal property description is on file).

Staff presented the RCA Study and requested Board approval to proceed with final design, right-of-way acquisition, and construction.

No one appeared regarding the request.

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

Upon a motion by Commissioner Stewart, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Policy Plan and approved the findings of the Roadway Conceptual Analysis (RCA) Study for the Boggy Creek Road RCA from Osceola County Line to S.R. 417 (Greeneway); and further, authorized staff to proceed with final design, right-of-way acquisition, and construction.

NONAGENDA (see page 381)

For the record, Commissioner Sindler requested legal confirmation that his business relationship with the Veterinary Emergency Clinic did not pose a conflict of interest with a public hearing for McCree Architects and Engineers, Inc., for a Special Exception in A-2 (agricultural) zone to allow a veterinary clinic with boarding facilities, including indoor runs. Deputy County Attorney Prinsell confirmed that it did not constitute a conflict of interest.

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-CONTINUED FROM FEBRUARY 21, 2006

By consensus, the Board reopened the 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 (PD) District; continued from February 21, 2006, Board meeting (the legal property description is on file).

Staff explained that the public hearing was continued to hold a community meeting. Staff outlined the request and identified the location of the subject property, the surrounding

zoning classifications, the future land use map designations in the area, and the Development Review Committee's recommendation of approval subject to conditions.

Commissioner Fernandez requested the public hearing be continued for more information and a community meeting.

The following persons addressed the Board:

- Ken Leeming, the applicant
- Joni Emling, 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 Segal, and carried with all members present and voting AYE by voice vote, the Board continued the 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 (PD) District until May 9, 2006, at 3:30 p.m.

ORDINANCE PUBLIC HEARING-ENACTING ORANGE COUNTY CODE, ESTABLISHING A MORATORIUM ON ISSUANCE OF BUILDING PERMITS FOR CONSTRUCTION OF "BIG BOX COMMERCIAL STRUCTURES"

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

AN ORDINANCE ESTABLISHING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR THE CONSTRUCTION OF "BIG BOX COMMERCIAL STRUCTURES" WITHIN THE UNINCORPORATED AREA OF ORANGE COUNTY; DEFINING THE TERM "BIG BOX COMMERCIAL STRUCTURE"; ESTABLISHING A MORATORIUM PERIOD; PROVIDING FOR A TASK FORCE TO REVIEW AND STUDY THE ISSUES RELATED TO BIG BOX COMMERCIAL STRUCTURES DURING THE MORATORIUM PERIOD; AND PROVIDING AN EFFECTIVE DATE.

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

Staff reviewed the proposed ordinance and outlined its provisions; and further, outlined recommended changes to the proposed ordinance as follows:

- Revise the task force composition as follows: Chairperson-District 4 Commissioner, 3 homeowners' association representatives, 2 big box industry representatives, 1 professional urban planner, 1 professional traffic engineer, and 1 professional architect.

- Insert at line 48, page 2, "Notwithstanding anything to the contrary in the Orange County Code, any concurrency, encumbrance, capacity reservation, or other development related certificate or letter with an expiration date that was issued for the benefit of a big box commercial structure that is subject to this moratorium shall be tolled for the duration of the moratorium."

The following persons addressed the Board:

- Sharlene Martin
- Hal Kantor
- Carol Saviak
- Christopher Draco
- Greg Mellowe
- Laura Johns
- Valerie Friedman
- Chuck Whittall
- Susannah Lindberg Randolph
- Jo Hunt

The County Mayor accepted the following exhibit: Clerk's Exhibit 1, letter from Ms. Saviak.

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

Upon a motion by Commissioner Stewart, seconded by Commissioner Hartage, and carried with County Mayor Crotty and Commissioners Jacobs, Fernandez, Stewart, Segal, and Hartage voting AYE by voice vote; Commissioner Sindler voting NO by voice vote; the Board adopted Ordinance 2006-05 enacting Orange County Code, establishing a moratorium on issuance of building permits for construction of "big box commercial structures," as amended; and further, to include revision as outlined by staff as follows:

- Insert at the end of line 48, "Notwithstanding anything to the contrary in the Orange County Code, any concurrency, encumbrance, capacity reservation, or other development related certificate or letter with an expiration date that was issued for the benefit of a big box commercial structure that is subject to this moratorium shall be tolled for the duration of the moratorium."

and further, revised as follows:

- Lines 34 and 38, change 100,000, to 75,000

- Line 23 to read as follows: "central features and spaces, hours of operation, neighborhood protection, shopping cart control, environmental issues, stormwater drainage, and parking"
- Lines 24-27 to read as follows: "The task force shall be comprised of the Honorable Commissioner Linda Stewart, District 4, who shall be its Chairperson, 3 citizens, 2 representatives from the affected industry, 1 professional urban planner, 1 professional traffic engineer, 1 professional architect, 1 representative from County Watch or League of Women Voters, and 1 collective bargaining person."

(Note: The following motions amend the main motion.)

Upon a motion by County Mayor Crotty, seconded by Commissioner Fernandez, and carried with County Mayor Crotty and Commissioners Jacobs, Fernandez, Stewart, Segal, and Hartage voting AYE by voice vote; Commissioner Sindler voting NO by voice vote; the Board amended the main motion to revise language as follows:

- Lines 24-27 to read as follows: "Three of the task force members including its chairperson shall be appointed by the County Mayor. Each of the County Commissioners shall nominate a task force member."

and further, the proposed representatives to be selected, if possible, from the following areas:

- homeowners' association
- affected industry
- professional urban planner, traffic engineer, civil engineer, and professional architect
- County Watch or League of Women Voters
- union representation

Upon a motion by Commissioner Jacobs, seconded by Commissioner Sindler, and carried with County Mayor Crotty and Commissioners Jacobs, Sindler, Fernandez, Stewart, and Hartage voting AYE by voice vote; Commissioner Segal voting NO by voice vote; the Board amended the main motion to add the following language to the end of line 23: ", and obstacles to facility reuse and their potential code enforcement issues."

Upon a motion by Commissioner Jacobs, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board amended the main motion to add the following language at the end of line 48: "However, if a building permit that was issued prior to Thursday, March 9, 2006, is lawfully revoked pursuant to

the processes that exist under the Florida Building Code, no replacement building permit may be issued during the moratorium period."

A motion by Commissioner Jacobs, seconded by Commissioner Sindler, with Commissioners Jacobs and Sindler voting AYE by voice vote; County Mayor Crotty and Commissioners Fernandez, Stewart, Segal, and Hartage voting NO by voice vote; to amend the main motion to change the date on line 45 from April 2, 2007, to October 1, 2006, failed.

A motion by Commissioner Sindler to amend the main motion to deny the adoption of the ordinance and continue with the task force, as amended, died for lack of a second.

MEETING ADJOURNED

There being no further business, the County Mayor adjourned the meeting at 6:15 p.m.

ATTEST:

Martha O. Haynie
County Comptroller as Clerk

County Mayor

Deputy Clerk

Minutes Coordinator